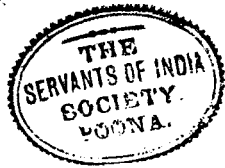


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TORTURE (MADRAS).

RETURN to an Order of the Honourable The House of Commons,
dated 23 July 1855;—for,

COPY "of REPORT of the COMMISSION for the Investigation of Alleged
CASES of TORTURE at Madras."

Z21,5(Z).M54c

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(Mr. Vernon Smith.)

Ordered, by The House of Commons, to be Printed,
24 July 1855.

REPORT.
Body of testimony
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Body of testimony before us.

REPORT of the COMMISSIONERS for the Investigation of Alleged Cases of TORTURE in the Madras Presidency.—Submitted to the Right Honourable the Governor in Council of Fort St. George, on the 16th April 1855.

IN pursuance of the instructions of Government conveyed to us, in a letter from the Chief Secretary, under date the 9th September 1854, and which be found in Appendix, we have now the honour to submit to Government report of our proceedings, with the opinions at which we have arrived.

was, Old authorities.

2. It is to be observed that our attention was in the first instance directed and be confined to cases of alleged "use of instruments of torture by the subordinate servants of the State, for the purpose of realising the Government revenue."

Shore, general

3. The Government subsequently, on the 19th September, issued a Notifical fact, respecting the alleged use of torture in extracting confessions in police cases and as it was uncertain whether our inquiries were to be extended to the topic, and as we entertained some doubts as to our course and powers on the letter above referred to, we addressed Government on the 22d of September, requesting further instructions. In reply, we received Extract of Minute of Consultation in the Public Department, No. 1027, under date, 3d October 1854.

civil

4. From a perusal of this, it will be seen that the scope of our inquiries, or very much enlarged. In para. 6, we are told to "investigate all cases which might be brought before us, either of torture inflicted by instruments of any kind, or of punishment of any kind illegally administered." In para. 10, we are informed that the result of all inquiries instituted in the provinces was submitted to us; and para. 10 contains the following: "The instructions of Government were at first confined to the Revenue Department, because the imputation of the use of torture solely referred to the collection of the revenue; but the Governor in Council is desirous of taking this opportunity of ascertaining the extent to which similar practices are resorted to in matters, in which they have long been admitted to prevail, and the Commission will therefore be requested to extend their investigation to the Police Department, and, in fact, go fully into the whole subject in all its bearings."

In criminal cases.

5. We had at first determined to conduct our business at the General office, on account of its convenient central situation; but as this was obviously open to some objections, which applied with far greater force at the moment our inquiry was extended to police cases, we obtained the sanction of the Polytechnic Institution, where we have since continued to hold our meetings in a public manner, open to every one, although we did not deem it expedient to permit reporters to take notes for publication.

Court of Directors, 11th April 1856, as to torture in criminal cases.

6. It appeared to us advisable that the existence of a Commission in the Presidency, its object and powers, should be made as generally known as possible to the people, and we therefore drew up a Notification, which, by the sanction of Government, was translated by the Government translators into various languages used in this Presidency; 150 copies in English, 1,000 in Tamil, 10,000 in Telugoo, 10,000 in Canarese, 5,000 in Malyalum, and the former in Hindoostanee were struck off; and a sufficient number was despatched to the Collectors and Judges of all districts, accompanied by copies that might be affixed in all cutcherries and offices, and the same to be distributed through all towns and villages, and be made known by the beat of drum according to native custom.

7. We have every reason to believe that those instructions have been

REPORT OF COMMISSION FOR INVESTIGATING

ollowed, and that the people at large are acquainted with the existenc
 object of the Commission may be fairly looked upon as a fact, although
 ted cases have come before us in which the village authorities have sup
 sed the Notification, which only became known to the inhabitants by th
 Para. 1. dent of one of them visiting the zillah town. Further, the Notificatio
 2. eared in the advertising columns of all the Presidency newspapers for on
 3. 5.ath, in English and in all native languages, with the exception of Malayum
 4. 6. which no types were procurable in these presses. A sufficient number o
 5. 7. yalum copies, printed at the Government press, was, however, forwarded t
 6. 8. district where that tongue prevails.
 7. 9.
 10. We determined, as the Notification informed the people, not to receiv
 11. cases which should not reach us before the 1st of February 1855. Th
 12. It has been, that, exclusive of sundry complaints which reached us afte
 13. ime named had expired, we registered the names of 519 complainants
 14. 16. personally travelled down from various distances, some as much as 30
 15. 400 miles, to state their alleged grievances verbally, and received 1,44
 16. 17. rs from individuals preferring that mode of communicating their com
 17. 18. A
 18. We deem it right to state that, notwithstanding the care with which w
 19. e prepared our Notification in order that it might explain specifically th
 20. e complaints to which our inquiry was confined, no slight misapprehen
 21. s appears to have prevailed among the poor and ignorant ryots; many c
 22. e seem to have imagined that our tribunal was one which could give redres
 23. s all as institute inquiry, and that we were competent to listen to all cases o
 24. fship, and without reference to the class by whom the ill usage was allege
 25. e been inflicted.
 26. F
 27. Thus we have received many complaints from village and other officers
 28. rying that they have been unjustly dismissed from their offices; appeal
 29. S convicted prisoners, alleging that they have been condemned on false o
 30. nificent evidence; requests from ryots to be granted remissions, or restora
 31. to lands taken from them by competent authorities; many charges o
 32. fty and oppression brought forward against zamindars; causes of privat
 33. e between individuals not in Government employ; common assaults, an
 34. e of a similar character, which it would be tedious to specify, in all o
 35. owe of course informed the parties that we could not interfere. In lik
 36. e too, we have abstained from entertaining any complaints forwarded t
 37. e territories under the Government of native princes, such as Travancore
 38. e
 39. But the tangible result of those cases which were legitimate subjects o
 40. nevertheless leaves a large mass of relevant testimony with which w
 41. ad to deal; the numerical result of our inquiries we shall hereafte
 42. es in a tabular form.
 43. E
 44. ject will be doubtless observed that one portion of the evidence before u
 45. oath or solemn affirmation, while another is not. We ourselves pointe
 46. Appl government, in our letter of the 22d September 1854, our inability t
 47. Num
 48. mter an oath, in consequence of which, after taking the opinions of th
 49. Sixth-general and the Government Pleader, Government applied to the
 50. Sub-j
 51. e Council of India for, and obtained an Act, No. XXXII. of 1854
 52. Dis
 53. of the Commission that power, among others, for facilitating its pro
 54. Sams. But Government was of opinion that we should not suspend ou
 55. Inad
 56. e pending the passing of that Act; and we deem it due to ourselv
 57. e that in pointing out this inability, it was rather in deference to wha
 58. Returr
 59. ived to be the bent of opinion in England, than from any scruple
 60. Ditt
 61. ourselves entertained against receiving testimony from natives no
 62. Reman
 63. ction of an oath. Our united experience, of native character induc
 64. n our judgment on the credibility of their statements upon differen
 65. For Ind
 66. s disposed to tell an untruth, an oath will turn him from his purpose
 67. For Spec
 68. he other hand, if he comes prepared to speak the truth, an oath wil
 69. e that effect upon him which we believe to be its principal benefit in
 70. Append
 71. educated English witnesses, any greater accuracy or caution in giving
 72. of his story.

13. With these observations we proceed to detail, so far as is necessary, the body of testimony upon which we have formed our opinion, and this will be conveniently classified under six heads. First, the recorded opinion of old authorities; secondly, the reports of authorities of the present day; thirdly, the testimony of eye-witnesses; fourthly, the body of evidence taken before ourselves; fifthly, the admissions of native revenue and other officers as to their own practice; sixthly, the calendars of cases of abuse of authority tried during the last seven years. Such would seem to be the natural order of our investigation. Having ascertained whether the practice existed formerly, the next step undoubtedly is, to see if it exists now; then, opinion and belief are corroborated by positive evidence of the senses; we next deal with the statements of the sufferers, who are the accusers; then, with the admissions of the parties accused, which are appropriately wound up by the record of cases actually tried by the criminal courts of the land.

REPORT.

Body of testimony before us.

First Head.

14. The first question which naturally proposed itself to our minds was, whether the allegation of the practice of torture was a totally novel one, and advanced for the first time, or whether a search into the older authorities would not disclose a knowledge on their parts of its existence. We will not trouble Government with the statements of the various writers, such as Mills, Shore, the Calcutta Review, Dr. Chevers, and others, because they are only of general application; but it appears to us, that knowing, as we do, the historical fact, that under the Governments immediately preceding our own, torture was a recognised method of obtaining both revenue and confessions, if we find the older authorities making, down to a comparatively recent date, such admissions, and issuing such orders as are totally inconsistent with the idea that a change of Government effected any radical change in the habits of the native lower officials, the question for our solution becomes limited to a very narrow compass; and we have to consider whether there has arisen anything in the civil administration of the last few years, which has exercised a special influence, or had any immediate preventive operation upon the continuance of the practice, or any particular tendency towards its extinguishment. In point of fact, our investigation starts from a recent definite point, if we find that the premises warrant our conclusion, that at any rate up to a late period torture has been common both in police and revenue matters, and so admitted to be; and unless some such agency as we have alluded to be discovered to be at work, it will not excite surprise to learn that no very marked improvement has occurred.

Old authorities.

15. With respect to the eliciting of confessions in criminal cases, the practice seems to be so invariably admitted as an actually existing evil, and even by the very order of Government calling for an inquiry as to its extent,* that it would be a mere work of supererogation in us to pursue that branch further, were we not aware that this report is for the satisfaction of other authorities besides the local Government of Madras: it is this knowledge that induces us to refer back to the declarations of the authorities as to torture in criminal cases. The Honourable Court of Directors, in their Judicial Despatch, 11th April 1826, write as follows:

In criminal cases.

"The urgent necessity which exists for providing some efficient protection to the people against the public officers may be seen from many of the reports of the judges of circuit and of the Foujdaree Udawlut. From one of the former we have extracted the following statement: 'Most of the acquittals were of persons

Court of Directors, 11th April 1826, as to torture in criminal cases.

* "So deep rooted, however, has the evil been found, and so powerful the force of habit, arising from the unrestrained license exercised in such acts of cruelty and oppression under the former rulers of this country, that it has not been practicable, notwithstanding the vigorous measures adopted, wholly to eradicate it, from the almost innate propensity of the generality of native officers in power to resort to such practices on the one hand, and the submission of the people on the other; and accordingly the abuse still prevails in the Police Department, though undoubtedly not to the same extent as formerly."—Extract Minutes of Consultation, 19th September 1854, Appendix (A.), No. 2.

persons against whom there was no direct or circumstantial evidence, or any other than their alleged confessions before the police officers, and those either not attested according to law, or, I regret to say, obtained by means the most unjustifiable. One prisoner still bore on his person marks of great violence he had received from the peeshcar of Kulleah; another has died since his committal, who, there was every reason to suppose, had met with similar ill-treatment, and both had been kept in confinement for a period of nearly three months before being forwarded to the criminal judge.' 'Of the two prisoners in the two cases of highway robbery accompanied with violence, one had died, and the other was acquitted in consequence of his confessional declaration having been extorted by violence, and in the absence of any collateral evidence whatever in support of the allegations contained in that document.' 'In three of the cases of theft containing 10 prisoners, the only evidence forthcoming was also their alleged confessions before the police officer, but which had been so irregularly taken as to be undeserving of the smallest weight against the prisoners, who were released accordingly. One of these confessional declarations contained two examinations; in the first of which the prisoner denied the charge, in the second he appears to have acknowledged his guilt; but the former only bore the signature of the attesting witnesses, one of whom had died, and the other, in his evidence before the Court, declared he was not present during either of those examinations.' On these cases the remarks of the Foujdaree Udawlut were as follows:

"The endeavours of the Court of Foujdaree Udawlut have long been fruitlessly directed to the enforcement of the provision contained in section 27 Regulation 11 of 1816, which requires that prisoners shall be forwarded by the heads of district police to the criminal judge within 48 hours, if possible. The practice which the Court regrets to find still universally prevalent, of detaining persons in custody for weeks and even months before their transmission to the criminal court, offers opportunity which might not otherwise be found of resorting to the atrocious abuses of authority here referred to; and the Court of Foujdaree Udawlut do not see any probability of an amelioration of the conduct of the police officers in these respects, unless the exertions of the magistrates are more strenuously directed to the enforcement of the provisions of the law, and abuses of authority when discovered are invariably visited with adequate punishment. In the case in which the third judge more particularly refers to, in para. 10, the Court of Foujdaree Udawlut are of opinion that the peeshcar and his abettors should have been brought to trial before the Court of Circuit under the provisions of Regulation III of 1819."

"In another circuit report, the judge, after remarking on the execution of a police officer for murdering a man, in endeavouring to extort from him a confession of robbery, says, 'At the late sessions, in cases of confessions alleged to have been given before the police officers, there was scarcely one in which the prisoners did not declare that they had been beaten and compelled to confess, and in several cases there appeared too much reason to believe that compulsion had actually been used for the purpose alluded to.' From the proceedings of the Foujdaree Udawlut on many cases brought to their notice by the judges of circuit, it is apparent that abuses like these are very general. Their remarks on one of the reports are as follows: 'It is manifest, as was observed by the third judge on his reference to the case alluded to in this part of the report, that the inadequate supply of food may be made the means of extorting confession; and cases have been brought before the Court in which there is too much reason to believe that such had been the fact. The Court would willingly hope that the instances of such flagrant abuse of power on the part of native officers are very rare; but they deem it proper to call the attention of the magistrates generally to the importance of taking the most effectual measures for ascertaining that prisoners who, by the periodical reports laid before the Court of Foujdaree Udawlut, are shown to be universally detained in the custody of these officers for weeks, and even months previously to their transmission to the criminal judge, are adequately supplied with food; and in order to this, it is manifestly necessary that the falsification of dates of apprehension should by the most vigorous measures be suppressed, since when the term of a prisoner's detention is incorrectly reported, correct returns of the allowance for his subsistence must be out of the question.'

"It

It is also stated by the Foujdaree Udawlut, that the imposition of false dates of apprehension and examination upon the criminal courts by the native heads of police has become a general practice, and that the attention of the magistrates has in vain been directed by circular orders, and orders on particular cases, to the necessity of using every means in their power for its suppression. On another occasion, the Foujdaree Udawlut advert to the leniency of the magistrates towards native police officers, in cases of misconduct, even when frequently repeated by the same officer, and they add 'its effects are universally perceptible.' In a circuit report before quoted the frequency of abuses by native officers of police, and some of peculiar atrocity, are noticed as follows: 'The case of severe ill-treatment (No. 10) was fully brought home to the prisoners. They were both men of property and consideration, and one of them was the potail of that part of the country. They were both sentenced to two years' imprisonment and hard labour, and to pay a fine of 200 rupees each, and on failure thereof to two years' imprisonment. The case was as follows: the prosecutor, Dassoo, was attending a fair at the Sooral Davastan, when he was taken up by the tahsildar's orders, on suspicion of being implicated in four robberies recently committed in the Baikoor talook, but protesting his innocence, he was made over to the potail, with orders to take him and endeavour to make him confess. Dassoo was accordingly taken to the potail's place of abode, and there detained eight days, during which every species of torture familiar to the natives of Canara was resorted to; but Dassoo persisted in his innocence, and at length was sent back to the tahsildar, who after detaining him a period of 20 days, forwarded him to the criminal judge.' The following extract from the report of the zillah surgeon will give a correct idea of what this unfortunate man's condition was on his arrival at the zillah station, and of the irreparable injury he had sustained in his person. He says, Dassoo was admitted into the hospital on the 16th of May 1822, with two very deep, foul, and extensive ulcers on his wrists and hands, and a great many smaller ones extending from the wrists to near the shoulders in a spiral direction, attended with high inflammatory symptoms; he had also a good deal of fever about him, caused by the acute pains he suffered from the state of the ulcers, and also complained of severe pain in his lower extremities from bruises which he had received. On inquiry into how the ulcers were caused, he stated that his wrists were placed between two pieces of wood, which were repeatedly squeezed together with great force, and that a rough rope, charged with powdered chillies and mustard seed, and moistened with a solution of salt, was very tightly bound round his arms, and which were kept on until his arms had swollen to about four times their natural size, and that after the ropes were taken off, the ulcers broke out in the state I then saw them. He remained under my charge from the above date throughout the month of June and until the 5th of July, during which period he suffered at times the most exoraciating pain, and I was fearful at one time that amputation of the right forearm would have been necessary, from the deep-seated sloughing and great prostration of strength that took place; he however fortunately escaped the operation, and was discharged from the hospital in a crippled state, without any prospect of ever recovering the full use of his hands. The first judge has in his report of his last circuit, noticed six cases of torturing, and using violence to extort confessions, and expressed his opinion that it was a crime of too common occurrence in Canara, even on the part of the officers of Government, though extremely difficult to procure evidence for their conviction. The present case furnished a striking example of the justice of these observations, and in my paragraph 10, I have mentioned that I had been obliged to punish five police officers for prevarication in their evidence regarding some confessions they had attested, as a proof of the difficulty in getting at the truth where police officers abuse their authority. One of these peons in the course of his examination stated, that though he had put his signature to the paper, in point of fact, he was not present at the time the prisoner gave his deposition, nor did he know when it was taken, and that the peishcar had threatened to dismiss him if he refused, to sign it, and go and give his evidence before the Court of Circuit. I am concerned to report also that the employment of police peons as attesting witnesses were not the only instances I had occasion to observe of the little regard paid by the head police officers to the orders passed from time to time for their guidance by the Court of Foujdaree Udawlut. In the course of this report, I

REPORT.

have mentioned several instances of oppressions and irregularities on the part of the police officers, and especially the disregard shown by them to orders issued for their guidance by the Court of Foujdaree Udawlut; there is not a session that the attention of the magistrates, both in Canara and Malabar, is not called to abuses of authority on the part of their servants, and it is not uncommon that the same police officer is the subject of the Court's animadversions. All which I see no other mode of accounting for, than in the leniency with which such aberrations of public duty are noticed by their immediate superiors."

Sir Thomas Munro.

Sir Thomas Munro, in his Minute of 30th January 1827, para. 14, writes as follows:—"It is no doubt too certain that many irregularities are used in obtaining confessions, and that in some instances, atrocious acts are committed; but when we consider the great number of prisoners apprehended, and the habits of the people themselves, always accustomed to compulsion where there is suspicion, how difficult it is to eradicate such habits, and how small the proportion of cases in which violence has been used is to the whole mass, the number of these acts is hardly greater than was to be expected, and is every day diminishing."

Foujdaree Udawlut Circular Orders from 1806 to 1852.

16. Between the year 1806 and the present date, the Foujdaree Udawlut has promulgated no fewer than 10 circular orders from time to time, the last so recently as 1852, on the subject of the practice of extorting confessions. The most important of these will be found in Appendix, to which we crave reference for an acquaintance with their highly important contents.

Appendix (B.)

As to torture in revenue affairs. Revenue Board's Minute, 5th January 1818.

17. With reference to revenue affairs, we find the Revenue Board, in their Minute of 5th January 1818, para. 276, writing as follows: "It was not, as has been heretofore supposed and recorded, that the forms established by these laws were incompatible with the details of the ryotwar system, for any little incongruity in this respect could easily have been reconciled; but it was that the fundamental principles of the new code were entirely at variance with those of the existing revenue administration. The new regulations required revenue to be subordinate to justice, whilst the ryotwar system has rendered justice entirely subordinate to revenue. The new laws, by their general principles, and not by any specific enactment, took from the native revenue officers the power to 'punish and confine,' which they have exercised to coerce the ryot to cultivate, and annually to take from him all that he was able to pay; the tahsildar was stripped of the ketticole or hand torture, the stone placed on the head under a burning sun, the stocks, and other of his former insignia of office, by the display and occasional use of which he had been enabled to saddle the ryots with the rent of such lands as he deemed proper. The lictor, deprived of his fasces, was no longer terrible to the people."

Board of Revenue, 27th Nov. 1820. Madras Revenue selection, vol. 3, p. 556.

18. These observations referred to Lord Cornwallis' Regulations introduced into this Presidency in the year 1802; but so little was the practice really affected, that in 1820, on the 27th November, the Board again minutes expressly on "the protection of the ryots."

In para. 6, they say, "The Board are assured, not only from the reports from officers deputed to inquire into complaints in the provinces, but from other unquestionable sources of information, that the great body of the ryots is not in that state of ease and security in which the justice and policy of the British Government mean to place them. In general, the ryots submit to oppression, and pay what is demanded from them by a person in power, rather than have recourse to the tedious, expensive, and uncertain process of a lawsuit. These cases in which they are sufferers are so numerous, various, intricate, and technical; they and their witnesses are so far from the seats of the Courts of Judicature; delays are so ruinous to them; they are so poor, so averse to forms, new institutions, and intricate mode of procedure; they are so timid, and so simple a race, that it is necessary for the Government to endeavour to protect them by a summary and efficacious judicial process."

In para. 24, they write, "The result of recent inquiries, particularly in Coimbatore, Rajahmundry, and Salem, shows that cases of exactions and embezzlement ought to be tried on the spot, immediately, by a summary process before a competent authority, and that the amount of the exaction and embezzlement ought to be recovered immediately as far as may be practicable, and repaid to the

the injured parties. The regular courts cannot decide on such cases to the satisfaction and security of the people, or of the Government, as the inquiry involves an examination of intricate revenue accounts which the servants of the court cannot be supposed to be acquainted with. Too many persons are concerned as witnesses or suffer in such cases. Their residence is at such a distance from the seats of the courts, and the lapse of time before the Court can examine them is so great, that much inconvenience is generally felt in attempting to substantiate such cases in the courts in the ordinary way. Many of the parties or witnesses die before the Court can examine them; some of the most important are bought off, or induced to soften or retract their evidence or accusations. It appears that at least 600 witnesses would be necessary to establish the matters to be proved in the suits instituted by Causey Chetty against the Government in the Trichinopoly Court."

In the judicial letter of the Court of Directors of the 11th April 1826, above, Court of Directors, 11th April 1826. extracted from, we meet with the following account of torture used for the purpose of extracting Government Revenue:

"Extreme cruelties have been practised on prisoners in Malabar, as detailed in the following extract from a report from one of the Circuit Judges: 'The various acts of oppression and abuses of power similar to, and indeed in many instances equal in atrocity to the acts charged against the parbutty and kolkars of the Wuttun Hobity which have come to light during the late circuit, as well in the course of the trials (one of which is the prosecution of the parbutty and kolkars of the Turroovungoor Hobity in Koormnad talook, for the murder of the nephew of a revenue defaulter), as in the magistrate's and assistant magistrate's calendars of persons punished and discharged by them," show the prevalence of this practice to such an extent as to call for the interference of the Court of Circuit, since there is hardly a case wherein the sufferers who have had courage, or been in circumstances to enable them to complain against their oppressors, have met with redress of their grievances, and the accused have not been sent back to their situation they have so grossly abused, and thereby encouraged to renew their excesses by the facility they experience in escaping justice. The charges set forth in these complaints are the seizing and carrying bound the inhabitants from their homes to the parbutty, sheristadar, or other revenue officers, either at their houses or cutcherries, and there confining them in stocks without food, tying by means of ropes, or by the fibres of cocoanut trees or the Adoomba vine, their neck and feet together, and in this posture laying stones upon their backs, flogging, kicking, and beating them with their fists, making them stand in the water or mud, exposed to the heat or inclemency of the weather, making them stand upon one leg, and in that position placing upon their heads a large log of wood; also breaking open their houses and carrying off and selling their property, and even slaves, without due proclamation being made thereof; and all these acts of torture and personal violence to exact payment of alleged revenue arrears, and in some instances of presents of money under the head of koori kallyanum and chit fanam, and alleged debts from one individual to another, without authority from any local tribunal. In most of these complaints the judge on circuit has, after much labour, read through the magistrate's or his assistant's proceedings, and has been truly concerned to find that all, with hardly an exception, have been dismissed as not proved or groundless, although the evidence in most has been such as to leave not a doubt that considerable personal violence had been done by the parbutties and other kolkars to the complainants, and in most cases to an extent to require that the accused should have been sent to the criminal judge for him to try or commit for trial before the Court of Circuit, according as the facts deposed before him might seem to render necessary."

On the 19th October 1837, the Revenue Board published the following Circular Order:—

Revenue Board's
Circular Order,
19 October 1837.

Extract Minutes of Consultation, Tenth in Consultation, 19th October 1837.
Judicial Department, No. 965.

"11. The Governor in Council concurs with the Foujdaree Udawlut in approving of the order of the acting second judge, relative to the case of torture quoted by him in para. 51 of his report, and resolves that a copy of

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that para. be transmitted to the Board of Revenue with directions to issue a Circular Order, enjoining all collectors and magistrates invariably to bring to trial before the higher courts all persons under their orders who may be charged, on sufficient grounds, with the exercise of any cruelty or violence in the performance of their revenue or police duties.

“Extract from a Report from the Acting Second Judge late on Circuit in the Centre Division, dated 25th July 1837.

“51. I have annexed to this report abstracts of the petty calendars delivered to me by the criminal judges and magistrates, and shall here quote one order which I issued to the magistrate of the Southern Division Arcot, regarding a crime which I fear prevails in many districts under the Madras Presidency.

“In case No. 16 of the furnished calendar, the Court are of opinion that the prisoners were most inadequately punished for the crime of applying an instrument of torture called a kittie to the hand of the complainant for the purpose of extorting money.

“By this instrument the fingers are gradually bent backward towards the back of the hand, until the wretched sufferer being no longer able to endure the excruciating pain, yields to the demands of his tormentors.

“The Court are of opinion that the prisoners should have been committed for trial before the Court of Circuit, and visited with exemplary punishment, instead of being fined only.

“The sentence was passed by the assistant magistrate, but confirmed by the acting magistrate, and as a period of nearly a year has elapsed since the prisoners were released, the Court do not now consider it necessary to direct their being re-apprehended and committed for trial.

“The same remark applies to cases Nos. 23 and 56, in which the sentences were too lenient.

“The Court have reason to believe, from private information, and the number of persons charged with the offence (who have been released), that the crime of extorting payment of arrears of rent due, or alleged to be due, by the subordinate revenue officers, in several districts, by the application of the kittie, is of very common occurrence, and they therefore consider it to be their duty to call the particular attention of the magistrate to that circumstance, and to request he will make every exertion in his power for the suppression of so cruel and inhuman a practice.”

Second Head.

Modern authorities.

19. Having thus cleared our way and ascertained the existence of torture at any rate down to a comparatively recent date, it would have been incumbent upon us to put ourselves in communication with the authorities of the interior, who had been instructed to give us such assistance as we might require, for the purpose of ascertaining their opinions of the present existing state of things, had not the Government forwarded to us the reports of such authorities already furnished to it, in answer to much the same questions as we should otherwise have felt it our duty to circulate throughout the provinces. We have carefully digested the whole of this important portion of our materials. Some of the communications appeared to us not of a nature to admit of curtailment, and they will be found entire in the Appendix. We have endeavoured to give a thoroughly impartial abstract of the rest, whatever may be the shade of the writer's persuasions; and we cannot too pointedly recommend to perusal a body of opinion remarkable for its candour, and throwing much light upon this important question.

Appendix (C.)

Minute criticism unnecessary.

20. It would be an invidious task for us, especially for one of our body, to sit in judgment upon the civil administration of this Presidency; but we feel ourselves absolved from the necessity of entering into any minute criticism of the matter contained in the Appendix under review, or from seeking to reconcile or account for the conflicting opinions of those who have made their several reports to Government. At the one extreme we find it asserted that the whole allegation

allegation (so far as it affects the writer's district) "is a pure fiction;" at the other, astonishment expressed, that the prevalence of torture should ever have been called in question; midway, many charges of exaggeration; but the great weight of authority is far too preponderating in the affirmative scale to require at our hands any nice adjustment of the balance. While we give all parties full credit for the good faith with which they have stated their experience, it will be obvious that the positive testimony of those who support the affirmative from what they have seen and heard, is far more powerful than the mere negative statements of those who say they are ignorant of the practice, unless indeed the writer has occupied such a position as would preclude the possibility of torture taking place without its coming to his knowledge; and there are many circumstances in the peculiar condition of this country which may well account for the prevalence of even a systematic and general practice of personal violence, used for the purpose of extortion among the native population, without the general run of Europeans being aware of it. Those who doubt this will find a remarkable instance of the possibility, in the curious account given in the Madras Revenue Selections (vol. 2, p. 691) of the state of the whole province of Canara in 1813. But we need not go back to former times for an example; the letter of Mr. Minchin, the acting sub-collector of Nellore, is of itself a proof that personal violence may be the rule, and not the exception in a district, without the European authorities having a suspicion of its existence. This general remark may be sufficient to account for the existence of torture being by some few gentlemen altogether ignored; and the certainty that no native would knowingly venture to have recourse to any such practice in the presence of a European, sets at rest any surprise at the very few cases in which any of our countrymen have personally witnessed the operation. Indeed, unless, as in the case of Captain Nelson, the parties are come upon by surprise, there is but little probability of their being caught in the act. There is a remarkable conflict of opinion between the officers of the Commissariat Department, half of whom repudiate the idea of torture altogether, the others as steadily maintain the reality of its existence; but it is to be remembered that although their duties are such as would bring them into contact with natives, they are generally stationed in large cantonments, which are precisely the places where acts of personal violence are least likely to be either attempted or tolerated. Few of the civil engineers, few of the missionaries, can testify from personal knowledge to the existence of torture; and what is a more important matter of consideration, few of the medical men attached to zillah stations have any experience of the practice. When it is remembered that they have charge of the gaols, that it is their duty personally to inspect the prisoners, and that by being at the head of public dispensaries they must necessarily become acquainted with great numbers of the poor, suffering from bodily ailments, it cannot but excite surprise to find almost every one of them declaring that neither do their records show, nor does their own experience furnish them with cases of complaints of personal violence. All the other mass of affirmative testimony forbids one inference, namely, that therefore it does not exist; but certainly the effect of the medical testimony is a cogent argument in favour of the secrecy and comparative lightness of the violence ordinarily inflicted. It is impossible consistently with the testimony to believe that the more atrocious kinds of torture are of ordinary occurrence. Cases in which death, or wounds, or injury to limbs, such as are to be found in the calendars, and mentioned in some of the reports, must be looked upon as highly exceptional; ordinarily the violence is of a petty kind, although causing acute momentary pain, and even many of the severe kinds invented by native ingenuity leave no mark behind them. Delay is no doubt often purposely interposed between the infliction of ill usage, and the delivery of the accused to that custody which is subject to European supervision; and thus marks, when made, become obliterated. Our attention having been attracted by the singular absence of almost all medical testimony, we felt it our duty to make inquiries of the Medical Board. From them we learnt that ever since September 1850, all medical men have been instructed personally to examine every prisoner on his committal to gaol; and we do not doubt that this order is punctually carried out. We applied for further information on this head to Mr. Porteous, at present in charge of the Madras gaol; his reply will be found in the Appendix. Again, it may be thought singular that but few of the merchants or Europeans engaged

Mr. Wallhouse,
App. (C.), No. 19-

2.
Mr. Sloan, App.
(C.), No. 11.-5.

App. (C.), No. 11.-
2.

Appendix (D.)

App. (C.), No. 19
4-

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in agriculture, have detailed instances of torture as coming under their own experience, but as the missionaries appear to stand somewhat aloof from meddling in a matter which might only embroil them with the native authorities without producing any good (see Rev. L. Verdier), so the merchants and others are so much interested in keeping well with the tahsildars and native authorities, that they perhaps feel inclined to exercise as prudent a reserve as is consistent with truth. Thus we find Mr. Simpson, of Chingleput, writing as follows :

App. (C.), No. 21.-
13-

App. (C.), No. 11.-
4-

"I do not think it at all probable that such acts would often be committed, under the eyes of a European, whether in or out of the service, and that information which may come to his knowledge, must generally depend upon hearsay evidence, which it might be difficult to substantiate. I have further to observe, that the giving of such information would place me, and others similarly situated, in an invidious position in respect to the ryots and authorities of villages where I have business transactions, and might, moreover, subject me to great personal inconvenience and ultimate loss."

Letters specially
noticed.

21. The whole of this mass of testimony emanates from parties intimately acquainted with the country, its administration, the people, and their character. It cannot but afford a deep and clear insight into the actual position of matters, and there will be found many sagacious remarks, accounting for what seems at present an unavoidable evil; discussing its causes, and pointing out its remedies. The letters of Mr. Bourdillon, the Honourable Mr. Walter Elliot, Mr. Minchin, Mr. Taylor, Mr. T. Lushington, Mr. Cherry, Lieutenant Grove, Mr. V. N. Maltby, Mr. Goodwyn, Mr. Saalfelt, Mr. Fischer, Rev. H. Kaundinya, Mr. Simpson, Rev. J. W. Coyle, are eminently remarkable, but the whole Appendix must be studied in order to gain a full perception of its effects and bearing upon the question.

References given.

22. We would content ourselves with pointing out some of the more remarkable observations of the different writers, as they affect particular portions of the whole subject; thus on the topic of the kinds of torture in use, we would refer to the following statements :

W. Knox, Esq., App. (C.), No. 1.-1.; J. Ratliff, Esq., App. (C.), No. 7.-1.; Lieutenant Boileau, App. (C.), No. 7.-5.; Rev. E. Webb, App. (C.), No. 9.-4.; Dr. Marret, App. (C.), No. 14.-3.; W. Kohloff, Esq., App. (C.), No. 16.-11.; T. Clarke, Esq., App. (C.), No. 20.-2.; Rev. L. G. Coyle, App. (C.), No. 20.-8.

The weight attached by the Police to confessions.—A. Robertson, Esq., App. (C.), No. 11.-1.; A. Hathway, Esq., App. (C.), No. 8.-4.; M. Murray, Esq., App. (C.), No. 8.-1.; W. Molle, Esq., App. (C.), No. 10.-4.; F. Anderson, Esq., App. (C.), No. 10.-7.; A. S. Mathison, Esq., App. (C.), No. 13.-3.; Captain A. M. Campbell, App. (C.), No. 24.-12.

The character of the Police.—V. M'Kenzie, Esq., App. (C.), No. 11.-6.; M. Murray, Esq., App. (C.), No. 8.-1.; A. Hathway, Esq., App. (C.), No. 8.-4.; Mr. Saalfelt, App. (C.), No. 8.-6.

Extortion for illicit private purposes.—M. Murray, Esq., App. (C.), No. 8.-1.; F. N. Maltby, Esq. (Regiments), App. (C.), No. 10.-1.; R. M. Binning, Esq., App. (C.), No. 13.-2.; Right Rev. A. Canoz, App. (C.), No. 20.-7.; Rev. L. Verdier, App. (C.), No. 21.-13.

Complaints generally exaggerated.—J. M'Kenzie, Esq., App. (C.), No. 11.-6.; Hon. Walter Elliot, Esq., App. (C.), No. 6; W. Elliot, Esq., App. (C.), No. 8.-3.; G. S. Forbes, Esq., App. (C.), No. 15.-2.

Difficulties in the way of redress.—J. Minchin, Esq., App. (C.), No. 7.-2.; Mr. W. Sloan, App. (C.), No. 11.-4.; J. Miller, Esq., App. (C.), No. 1.-6.; Mr. Saalfelt, App. (C.), No. 8.-6.; J. D. Bourdillon, Esq., App. (C.), No. 13.-1.; M. Murray, Esq., App. (C.), No. 8.-1.; R. M. Binning, Esq., App. (C.), No. 13.-2.; R. D. Parker, Esq., App. (C.), No. 20.-1.; T. Clarke, Esq., App. (C.), No. 20.-2.; Rev. M. Coyle, App. (C.), No. 20.-8.; Rev. G. Barenbruck, App. (C.), No. 21.-2.

State of the Pre-
sidency. Town of
Fort St. George.

23. These references we trust may aid as a guide to ready authority for the above propositions. We have only now to remark on the collectorate of Madras, from which it will be observed that there are no complaints either in
revenue

revenue or police matters, and with respect to the state of which there is but one report, that of the Collector. But the law is too quick and too strong within the jurisdiction of the Supreme Court, and the people too independent, to permit any such practices in the revenue department; again, in Madras the native revenue servants and police are perfectly distinct bodies, under separate heads and management, the former under the Collector having no police power whatever, as in the provinces, the latter being entirely under the control of the chief magistrate, who is also superintendent of police. A sheristadar says that in Madras the case is entirely different from what it is in the interior, "the revenue officers here are in fear of the police authorities." That they must act as an important check is clear, nor would they permit a native revenue collector to assault any one in their view, even if the party ill-treated did not himself complain; but a still greater preventive is the character of the people themselves, not one of whom would submit to any ill-usage without resenting it on the spot, summoning the party to the police office, or what is still more likely, suing him in the Supreme or Petty Court for damages. We have no evidence before us of torture used by the police to extort confessions; we know that for some years past the Supreme Court has exercised a wholesome degree of restraint upon the Madras police, and that the depositions forwarded to the Crown-office are comparatively but seldom accompanied by any confession of the prisoner.

App. (G.), No. 3.

Third Head.

24. Powerful as is the testimony falling under the last-mentioned head, it will be observed that it mainly consists of opinion and belief rather than of fact; and it has been our next object to ascertain how far the correctness of this belief can be borne out by the evidence of such as may have personally witnessed acts of violence, they not being of the class either of the accusers or the accused. This leads us to the third head, under which we have the testimony of Captain Nelson, of the 2d Native Veteran Battalion, residing at Ongole, in the district of Nellore. The whole of this gentleman's statement and report will be found in Appendix (D.), and we particularly invite attention to it in its integrity. It appears that Captain Nelson was engaged in inquiring into a case of "coercion" alleged by one Gooroo Saib to have been practised upon him by a village curnum. Two of the witnesses not appearing, Captain Nelson proceeds as follows: "Uller Kistaroo and Sheik Ismael not appearing, I thought it would be useful if I cantered down to the cutwal's choultry before my intention could be divined, thinking that if this stone was a fact, it would probably be found among the furniture of the choultry.

Eye-witnesses :
Captain Nelson.

"On arriving at the choultry, I found 40 or 50 persons in the street, in front of the building, one of whom was just being released from the process described of the neck being fastened to the leg." I took no notice of this, considering that probably the short examination I had held at my quarters had got wind, and that one man was showing to another how the process was inflicted. Seeing no stone in the choultry, I asked the man, Gooroo Saib, who at my request had accompanied me, in a bantering manner, where was the stone used in torture? He merely pointed across the narrow street. 'There it is, sir,' he said, 'and those four men are now being punished; they were only untied as you rode up.' The kurnoms, who understood a little Hindoostanee, immediately stood up; they were writing in a corner of the veranda, and to my great astonishment acknowledged the fact, and declared before the crowd collected that the punishment inflicted was by order of Circar, and that they had written orders for what they did. I merely said such an order was not a Government order, and rode home faster than I came, ordering, however, the stone to be brought to my quarters; Gooroo Saib carried it thither on his head."

The Rev. C. F. Muzzy, missionary of Madura, has seen a case which he has reported to the Collector. He has also seen an instrument of torture in the hands of revenue peons. Upon this point he speaks as follows:—

Rev. C. F. Muzzy

"In three instances, I have seen in the hands of a Mettoo peon, or head man of a village, an instrument of torture which it was acknowledged had been used to compel the ryots to pay their taxes. This instrument was composed of four or five thongs of leather, three or four feet long, and used as a scourge or whip.

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"The first time I saw this instrument was on the 4th of December 1844 in the village of Nuttom, in the Maloor talook. The Mettoo peon, who had it, said that its use was to compel the ryots to pay their taxes, and acknowledged that he had used it for that purpose, and said he could not collect the revenue without it."

"Another instance was in the village of Malumputty, near Maloor, on the 30th June 1853, when I saw this instrument in the hands of a man whom the people called Nartammacaron, who, to my inquiries, said he was obliged to use it upon the people, or he could not collect the revenue. And the people standing near bore witness that he had used it upon them many times.

"Again, on the 12th August of the present year, my attention was directed to this instrument in the hands of a peon stationed in a village about 2½ miles west of Maloor. He was at the time leaving Maloor for his own place, and the people who were with us in the road were complaining that he had by his lash extorted money for himself. The peon did not deny that he had flogged the people, but said he had taken only what was due to Government."

Rev. H. A. Kaundinya.

The Rev. H. A. Kaundinya, missionary of Mangalore, details instances in police cases from his personal knowledge. "I lived formerly in the neighbourhood of a police office, and saw daily that prisoners were beaten, flogged, and ill-treated. I know also for certain that, for the purpose of extorting confessions from women, a disgusting application of red pepper is sometimes employed."

Rev. L. Verdier.

The Rev. L. Verdier, of Tinnevely, heard flogging going on; he writes as follows:—

"Flogging is used in many places; once I have myself heard it from inside my house at Callivoolum, in the talook of Vullejore, and it was so severe I could hardly take my dinner on account of the sensation it caused me. It is about five years since the fact I relate now took place."

Rev. J. Regel.

The Rev. J. Regel, missionary in Tanjore, states that he saw a kistee produced in 1850 or 1851, but that it was not used in consequence of his remonstrances.

Reddy Row.

Reddy Row, a landed proprietor and retired public servant, called on by the sub-collector of Tanjore for his opinion, says, that he has both heard and seen many instances in which several tahsildars and other officers in that district made use of torture generally towards the landholders who made delay, or refused to pay the kist, "an act which is known to almost all living in every part of this province."

Mr. A. M. Simpson.

Mr. A. M. Simpson, a merchant of Tripasoor, states as follows:—

"I will mention one instance which came under my own personal observation, it is the only one which I have witnessed during a residence of upwards of 17 years in India; but as it occurred so long back as the year 1845, it would be very difficult, if not impossible, to substantiate it now by what might be considered to be satisfactory evidence. I mention it, however, to justify my belief that the practice does exist. It occurred in the coach-yard attached to the cutcherry of the tahsildar of Burdwall (in the Cuddapah district), in the presence of the tahsildar and curnums of the village; I there saw at least a dozen ryots, who were in arrears of kist, undergoing the ordeal. They were all ranged in the court-yard, under a meridian sun, in the hottest period of the year (if I recollect rightly in the month of May). They all had heavy stones placed either on their heads or on their backs between the shoulders. Their bodies were bent double, and several of them were kept in that position standing on one leg, the other being raised from the ground by means of a string going round the neck and round the big toe. I was in the cutcherry probably for two hours, certainly more than one, and none of them were released from this painful position during that time."

Mr. Simeons.

Mr. Simeons, agent of Messrs. Hart & Simpson, residing in the subdivision of Cuddapah, writes as follows:—

"I beg to acknowledge your letter of the 26th instant, and to inform you that no cases of torture, practised by the native revenue subordinates to extort revenue from ryots, came under my personal notice; but I have heard of it being

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being used from many of the natives, and Mrs. Simeons was an eye-witness to it once in her walk through the village of Kulsapaud, when a poor man's turban or sheet was passed over his neck and fastened under his knees, which put him in a bending posture, and a heavy stone placed on his back; but in my intercourse with the natives for a period of nearly 10 years in these parts, I never heard any one mention that such practices were tolerated by European officers of Government."

Lieutenant H. L. Grove, First Assistant Civil Engineer of the Godavery division, states as follows:— Lieut. H. L. Grove.

"In the early part of 1850, I commanded the detachment at Negapatam, where the tahsildar held his cutcherry in the compound adjoining mine. Night after night I used to hear a great uproar and sound of blows in the direction of the cutcherry, and at last was induced one night to go and see what was the matter. I found the tahsildar holding his cutcherry in the verandah, surrounded by a number of peons and other people. A native was being flogged, and after receiving several blows he took his money from his cloth, which I was told was his kist. I do not now remember whether he received any other punishment besides the flogging, but they showed me one or two thumbscrews, and I was given to understand that they were occasionally used. The nocturnal flogging went on for many weeks.

"One day in 1853, I met a native near Kelairoo, in the Rotaram Chendrapooram talook, who told me that he had just returned from the amildar, who had beaten him on the back of his neck to make him pay his kist. I forgot what reason he gave for not paying it, but he showed me his neck, which was swollen and had a whitish appearance. In Rajahmundry.

"My writer, D. Perahmanundum, says he saw the same thing going on at the house of the summootar of Chettoor, in the Ramachendrapooram talook, not many months ago." D. Perahmanundum.

Mr. W. Willey, the assistant overseer, Godavery division, writes as follows:— Mr. W. Willey.

"About the month of May 1853, I saw at Kankaranporoo a man in a sitting posture with a stone in each of his hands, the palms upwards in line with his shoulder; I inquired the reason the man was punished thus. The sunmeddar of Kankaranporoo informed me he would not pay the revenue. A short time after the sunmeddar was suspended, being unable to collect the revenue of his district.

Mr. Fischer, the mootadar or proprietor of Salem, writes as follows: Mr. Fischer.

"Of the habitual use of violent and illegal means of more or less severity by the native revenue servants of Government, in the collection of revenue in every district of this Presidency, with which I have become acquainted, I am constrained to make of my own knowledge positive affirmation. But I am not prepared to depose to specific acts, and which can be substantiated, of violence or torture; for this simple and I submit sufficient reason, that I have not been accustomed to take notes thereof, though accident has often made me a witness of such doings."

Lieutenant Tireman of the Commissariat, writes that he heard and saw a native undergoing torture, but when in the Road Department he was thrown much among natives whom he frequently questioned, and one and all spoke of it as a matter of course. Lieut. Tireman.

25. Such a body of evidence from credible, and nearly all European, eye-witnesses, is to our minds conclusive. It has been adduced, it will be observed, from all parts of the Madras territories. Effect of this testimony.

Fourth Head.

26. The fourth head comprises the whole of the evidence which has been elicited in consequence of complaints made before our Commission; and this we think it necessary to preface by a few introductory observations. We are of course aware that many if not most of the depositions taken by us are open to the objection that they are *ex parte*, and we must not be surprised to hear that exception taken and forcibly dwelt upon; but we think that a little reflection will show that we could not have pursued any other course than that which we

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adopted, that although further investigation might have been desirable, it was not positively necessary for the attainment of the object placed before us, and that if upon the whole of the evidence we were satisfied of the existence of personal violence, we were not compelled to go farther or search deeper. Indeed we believe that we have pursued the course adopted by Parliamentary and other Commissions in England, where the existence of an abuse is the question in issue.

Our course of proceeding explained.

27. It is very true that our Commission was appointed for the "investigation of all such complaints as might be preferred before us;" but it is to be borne in mind that we were never constituted into a criminal tribunal to punish or award redress. Our instructions were to satisfy our own minds, and report our opinion upon the existence or non-existence of the alleged practice of torture, and we conceive that discretion was necessarily left to us as to the measure of investigation which we might deem necessary to enter into before satisfying our own judgment. It was essential to make our report within a reasonable time; and it is clear that had we tried each case brought before us, we could not have concluded the task under at least two years. Again, we had no power, we conceive, to call the accused parties before us, or rather to put them upon their defence. They might reasonably have refused to criminate themselves, or demurred to our jurisdiction to try them. Be that as it may, we felt that from the course which affairs have taken, it would be most improper for us to have sought to "try" each charge. Had a few isolated cases only presented themselves, the case might have been different, but as it is, with 1,959 complainants from all parts of the country, we thought that it would be in itself a cruel oppression, had we compelled the numerous witnesses, named by the parties complaining, to leave their homes, and travel long distances to Madras, there to wait their turn of examination for an indefinite period. It would at the same time have proved a great impediment, if it did not completely put a stop to the civil administration of the country, had we sought to withdraw all the tahsildars and other public officers complained against from the sphere of their duties; and under the pressure of these considerations, we determined that we should not be justified in endeavouring to bring up all the accused for trial. We therefore treated the complainants as parties appearing before us to make information on oath, we tested their credibility by their manner and deportment, and the probability of their story, which we corroborated, whenever opportunity offered, by reference to extraneous circumstances; such, for instance, as inspecting or calling for petitions alleged to have been presented to the various provincial authorities, showing that the tale was not one of recent invention, obtaining production of records where any partial investigation had previously taken place, and the like, leaving it to the Government, should it deem it necessary or expedient, to order criminal or other proceedings to be taken hereafter in any cases of more than ordinary severity. We have further referred many cases, which appeared to us to admit of easy investigation on the spot, to the various local authorities; and making every allowance for the tendency of natives to exaggerate, even when their story is founded on fact; being painfully conscious of their untruthfulness, knowing by experience how litigious and revengeful they are, we still think that most of their depositions, as a whole, bear marks of veracity, and that their stories are in the main true.

Strong argument in favour of truth of complaints.

28. Indeed there is one argument in favour of this mass of testimony which to our minds is conclusive as to its general character; it has been heretofore successfully used to prove a far more solemn proposition, and as an evidential test it appears to us to admit of no dispute. It is this: in consequence of a certain notification, disseminated almost simultaneously over the whole Presidency, without any previous warning or notice, 1,959 complaints were preferred within the space of three months by parties, the great majority of whom could have had no means of acting in concert, poor and ignorant and powerless, dwelling at great distances from, and totally unknown to each other, and using even various languages; yet these complainants, one and all, speak to similar facts, detail similar practices, ascribe similar causes for their treatment. If this be a concocted plan it is the most singular conspiracy in the world's history; but indeed the above conditions preclude the possibility of any other conclusion than that the acts of violence complained of are commonly practised.

29. We

29. We do not think that the number of cases which have reached us from any particular district can be assumed to afford a safe criterion for inferring the greater or less prevalence of the practice in that particular locality. Had our Commission moved about from collectorate to collectorate, pausing in each until all the inhabitants had enjoyed full opportunity of bringing forward their grievances, their numbers might have undoubtedly been regarded as such a test ; but stationary as we have been, it is but natural that a greater number of complaints should be sent us from the districts in our neighbourhood than from those more remote.

Number of cases from a particular district no criterion of the amount of violence in that district.

30. With these remarks we proceed to notice the evidence falling under the fourth head, and propose to consider separately the complaints of those who personally appeared before us, in the first instance ; secondly, the letters of such as addressed us in writing.

Fourth head remarked on.

31. As we have before remarked, the number of personal applicants amounted to 496, exclusive of 26 who appeared after the 1st February, and were listened to on account of special circumstances. The whole of these parties were personally examined by us : 280 were dismissed, as their complaints were either evidently groundless or frivolous, or related to matters and persons beyond the pale of our inquiry. The remaining 242 complaints were reduced to writing, and although we forward herewith the whole of such documents for the information and satisfaction of Government, it does not appear to us necessary to burden our Report or Appendix with more than a liberal selection of those complaints which present points of interest. We enter eight depositions taken at random from the mass, as they may be regarded as a fair sample of the nature of very many of the complaints which came before us. The particular practices vary in each case, but the sum is the same ; and it is obviously unnecessary for us to swell these pages with examinations which are but a mere repetition of those which we now give.

Specimen of complaints.

The STATEMENT of *Rungiah Chetty*, an Inhabitant of the Talook of Conjeevaram, in the Zillah of Chingleput, taken before *E. F. Elliot*, *H. Stokes*, and *J. B. Norton*, Esqrs., Commissioners for the Investigation of alleged Cases of Torture, this 2d day of December 1854.

Rungiah Chetty, Chingleput.

I am a weaver, I have got 10 looms, and the assessment on them is 40 rupees. In the month of Audi (July) last the Brahmin Zilladar came to my house to demand the motarpha tax on the looms, amounting to 40 rupees, for last Fusly. I said I would pay on the following day, but he pulled me into the street and struck me with a cane ; he then spat at my face and took me to the bazar, where he made me stand along with about 50 other weavers in a row, and detained me the whole day. On giving security that I would pay on the following day, I was released. About 20 days ago the same Brahmin Zilladar came to my house again, and gave me notice that I should pay the whole tax at once this year, and not by instalments as last year ; he used threats, upon which I came to complain to this committee. We are treated in this way every year, and occasionally we are made to cross our fingers, when the peons seize the tips and squeeze them together, which gives great pain. Some of the men were kept in a stooping posture, by the peons holding down by the hair lock, whilst others are placed astride on their backs. Occasionally the peons twist their ears, and make them walk backwards and forwards. In the absence of the male branch of the family, they take the female to the cutcherry.

(signed) by *Rungiah Chetty*.

Read and explained by the interpreter, this 2d day of December 1854,

Before me,

(signed) *E. F. Elliot*,

Commissioner for the Investigation of alleged Cases of Torture.

The STATEMENT of *Naugun Chalooovun*, an Inhabitant of the Village of Edungalroty, in the Talook of Munnarcoody, in the Zillah of Combaconum, taken on solemn Affirmation before *H. Stokes*, Esq., one of the Commissioners for the Investigation of alleged Cases of Torture, this 7th day of February 1855.

I cultivate lands, paying to Government rupees 17. 1. kist. Last year our crops were entirely destroyed by the gale ; the Collector made remissions to

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most people. In the month of July the kurnom Sunderanada Moodelly and the Tynath peon asked me to pay as usual perquisite at the rate of 10 annas for every valee of land. There are 130 valees in my village, and this bribe will be collected in all. I refused to pay as it was a bad season, and said that the Collector even had given remission, but they commenced treating me with the same severity as if I had owed a balance to Government. They placed me in the sun, applied kittie to my hands, and tied my head down to my feet and kept me so for four Indian hours. I paid the money and was released. I complained in the talook cutcherry, but no notice was taken; because the kurnom has to pay money to those above him, they will not inquire into his exaction. The above is known to many of the villagers; if they were to be sent for they would prove it. Raumon Chalooovun and Mootun Chalooovun saw when I was tied and let go.

(signed) by *Naugon Chalooovun.*

Solemnly affirmed at Madras, the contents having been explained by the interpreter, this 7th day of February 1855,

Before me,

(signed) *H. Stokes,**

Commissioner for the Investigation of alleged Cases of Torture.

Soobooroya Pillay,
Combaconum.

The STATEMENT of *Soobooroya Pillay*, an Inhabitant of the Village Manamady, in the Talook of Terootherapoondy, in the Zillah of Combaconum, taken on solemn Affirmation before *H. Stokes, Esq.*, one of the Commissioners for the Investigation of alleged Cases of Torture, this 6th day of February 1855.

I cultivate land paying annually 240 rupees to Government. In last December I owed a balance of 15 rupees. The peishcar Appana Row and curnom Moottoosawmy Pillay wanted me to pay them some bribe, for this reason they insisted on my paying the balance. As the crops has been very poor, I wanted to be let off; they had me placed in the sun, my head tied down in a stooping posture; had me beaten with a whip, and stones put in and pinched my thighs. I sold my ploughing bullocks and paid the money; I did not complain, as it is not usual for such complaint to be listened into. The witnesses are Curejy Padachy the village taliar, and Aroonachella Pillay of Covil puttoor.

(signed) by *Soobooroya Pillay.*

Solemnly affirmed at Madras, the contents having been explained by the interpreter, this 6th day of February 1855,

Before me,

(signed) *H. Stokes,*

Commissioner for the Investigation of alleged Cases of Torture.

Kistna Pillay,
Tanjore.

The STATEMENT of *Kistna Pillay*, an Inhabitant of the Village of Taliarman-ganom, in the Talook of Vadanariam, in the Zillah of Tanjore, taken on solemn Affirmation before *J. B. Norton, Esq.*, one of the Commissioners for the Investigation of alleged Cases of Torture, this 6th day of February 1855.

I am a merassidar and pay 6 pagodas kist to Government. In the month of Pungoonce (April) 1854, I owed a balance of 5 rupees. The kurnom Moottoosawmy Pillay and the puttamonegar Naugappa Danen demanded the payment of the balance, but as I had already paid it, I refused. They gave me in charge of peons, who by their orders put me in anundal by my cloth, beat me on my thighs, and put the kittie on my fingers. I promised to pay, and I was let go. I sold the bullock and paid. I did not complain to the Collector; what

is

* We soon found that if we continued, as we commenced, to sit collectively for the examination of each witness, our labours must extend over a very protracted period; and we therefore determined to take each a witness simultaneously.

is the use of a poor man like me complaining? I heard of your notice and came up.

(signed) by *Kistna Pillay*.

Solemnly affirmed at Madras, the contents having been explained by the interpreter, this 6th day of February 1855.

Before me,

(signed) *J. B. Norton*,

Commissioner for the Investigation of alleged Cases of Torture.

The STATEMENT of *Parasoorama Gramy*, an Inhabitant of the Village of Mookkyoor, in the Talook of Carooguni, in the Zillah of Chingleput, taken on solemn Affirmation before *H. Stokes, Esq.*, one of the Commissioners for the Investigation of alleged Cases of Torture, this 7th day of February 1855.

In the year 1852, the mootadar Mootriyoor applied to the magistrate to compel me to pay the rent due to the mootadar. The magistrate sent an order to the tahsildar, who had me beaten, subjected me to anundal in the talook cutcherry at Caroongoolee for three days in succession, and so I was detained for 45 days. Afterwards my garden and land was made over to the mootadar, although there was no balance due by me. I made a complaint to the Session Court which was dismissed.

(signed) by *Parasoorama Gramy*.

Solemnly affirmed at Madras, the contents having been explained by the interpreter, this 7th day of February 1855,

Before me,

(signed) *H. Stokes*,

Commissioner for the Investigation of alleged Cases of Torture.

The STATEMENT of *Thumbee Moodely*, an Inhabitant of the Village of Alwalom, in the Talook of Teroottherapoondy, in the Zillah of Combaconum, taken on solemn Affirmation before *E. F. Elliot, Esq.*, one of the Commissioners for the Investigation of alleged Cases of Torture, this 9th day of February 1855.

I am about 18 years of age; my father, Aroonachella Moodely, died three or four years ago. I live with my mother. We have two valies of land. I have an elder brother who left us some months ago, and we do not know where he is gone to. In May last there was a balance of 15 rupees due on account of the kist. I was taken to the tahsildar Vejandra Royer, and I asked him to allow some time, as I had not the money ready; but he ordered the peon Run-gasawmy Naik to apply the kittle to my right hand, and I got one dozen stripes with a whip. This was all done in the presence of the tahsildar. My mother sold one of the ploughing bullocks and paid.

Marked by,

Thumbee Moodely.

Solemnly affirmed at Madras, the contents having been explained by the interpreter, this 9th day of February 1855,

Before me,

(signed) *E. F. Elliot*,

Commissioner for the Investigation of alleged Cases of Torture.

The STATEMENT of *Vyapoory Gounden*, an Inhabitant of the Village of Pilloor, in the Talook of Paramathi, in the Zillah of , taken on solemn Affirmation before *H. Stokes, Esq.*, one of the Commissioners for the Investigation of alleged Cases of Torture, this 8th day of February 1855.

I am a cultivator, and pay about 60 rupees to Government. The kurnom of our village, Colundian, who is in the office about 20 years, is continually oppressing us, and extorting money. If we give him about 10 rupees each, we may get on very well, if not he will persecute us. About two months ago, I had regularly paid my rent; he asked me for 10 rupees as a present; I remonstrated, and said that the season was very bad, and I could not afford

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to pay. Whereupon he ordered two of his collecting peons to seize me by the ears and lift me up. I begun to cry. Many of the villagers saw it. They then gave me 10 stripes with leathern thongs called comechewar, and kept me in the chavady for two days in great restraint. Still I had nothing to pay, and told him so. At last he let me go, and said my field would be sold, and that I will not get it next season. I went and complained of this to the tahsildar, who had me thrust away. I did not complain to the gentlemen, for who will hear?

Marked by,
Vyapoory Goundon.

Solemnly affirmed at Madras, the contents having been explained by the interpreter, this 8th day of February 1855,

Before me,
(signed) *H. Stokes,*
Commissioner for the Investigation of alleged Cases of Torture.

The STATEMENT of *Caulathee Moodely*, an Inhabitant of the Village of Pooleevalum, in the Talook of Arcot, in the Zillah of Chittoor, taken on solemn Affirmation before *J. B. Norton*, Esq., one of the Commissioners for the Investigation of alleged Cases of Torture, this 6th day of February 1855.

I am a cultivator, I pay about 40 pagodas kist. In 1853 a man named Veerasawmy Moodely cultivated a piece of land of which puttah is in my name, but which he and I cultivate year and year about. He owed a balance of five or six rupees. The tahsildar Teroomali Row sent for me and ordered me to pay it. I said I paid my own and could not. He gave me in charge of peons, who beat me, and shoved me by the neck. I promised to pay, and they let me go. I paid the money. I did not complain. It must be by the Collector's orders that the tahsildar perpetrates such cruelties. I heard of your notice, and came to complain.

(signed) by *Caulathee Moodely.*

Solemnly affirmed at Madras, the contents having been explained by the interpreter, this 6th day of February 1855,

Before me,
(signed) *J. B. Norton,*
Commissioner for the Investigation of alleged Cases of Torture.

Selected cases in
Appendix (E.)

32. In Appendix (E.) will be found 50 cases, on some of which we will now offer a few remarks.

(E.) No. 4, is a case of extreme torture used to extort a confession in a police case.

(E.) No. 5, is of a similar character, except that the tortures were scarcely of so violent a character. This case, having been the subject of judicial investigation, admitted of its being tested. We therefore applied to the various authorities who had been concerned in the case, for such information as they were able to afford us. That the party had been tortured there can be no room to doubt; although the joint magistrate of Chingleput, on the whole, does not think that there is sufficient before him whereon to convict the cutwal of the Mount police, by whom the torture was alleged to have been committed; he deems it necessary to caution the Mount magistrate against any opportunity being afforded for the reception of such testimony. Mr. Ratton, in charge of the Chingleput gaol, examined the persons of two male and one female prisoner, and found marks on the arms of the former nearly encircling the uppermost part of the arms as if caused by a tight rope; while the latter suffering "from two severe burns, one on the inside of each of her thighs, high up, close to her private parts." We entertain no doubt of the truth of the prisoners' statements.

(E.) Nos. 7 and 44, present a case in which personal violence is applied to extract a second payment of a revenue demand already settled.

(E.) Nos. 8 and 10, exhibit its application for extorting a customary but illegal fee.

(E.) No. 14,

(E.) No. 14, shows police authority applied for purpose of extortion.

(E.) No. 16, is a gross case to the same effect.

(E.) No. 22, is a gross case of abuse of police authority.

(E.) No. 24, is one of the worst cases which has come before us. This having been made the subject of judicial inquiry, we were able to corroborate it. We found that the magistrate had investigated the complaint and committed the accused to the subordinate criminal court, where the subordinate judge had thrown out the case. We therefore called for the records both from the magistrate and subordinate judge. The evidence taken before the latter has not yet reached us, so that it is impossible for us to say whether in our opinion that officer was warranted in his finding.

It would be an invidious task, perhaps improper for us to do so. It may be that as the principal defendant was a wealthy man, advantage may have been taken of the interim to bribe or intimidate the complainant's witnesses, and hence may have arisen discrepancies and defects, such as may possibly bear out the subordinate judge's finding, which we append below. But that the woman's story is true, and that she was actually tortured by the parties whom she accuses, we cannot entertain a doubt. The depositions taken before the magistrate, before the witnesses could have been tampered with, bring the charge distinctly home; and the magistrate in forwarding the depositions addresses us as follows:

"There cannot be a shadow of a doubt that the torture as alleged took place, and it is to me a matter of regret that the parties implicated should not have met with the punishment they so richly merited."

(E.) Nos. 31, 39, 45, show personal violence made use of to force cultivation.

(E.) No. 32, is a case of revenue authority used for extortion.

(E.) Nos. 33 and 34, violence used on account of personal grudge.

(E.) No. 40, is a gross case of torture to elicit confession.

(E.) No. 41, presents an alternative offered to the sufferer of confession or payment of money.

(E.) No. 46, presents a curious instance of the way in which a robbery can be turned to account by the police.

(E.) No. 47, shows how supplies of food are obtained from the ryots under a sort of "purveyance."

(E.) No. 49, is inserted, not on account of any particular violence, but on account of the corroboration which it affords to several parts of A. Nulla Mootoo Pillay's statement, to be hereafter noticed.

(E.) No. 50, is a case of imprisonment and false charge preferred by police authority in consequence of a refusal to submit to extortion. As a curious proof of pertinacity, we may mention that when this complainant was originally examined, he appeared so confused when requested to produce the urzee which he said he had written to the assistant magistrate, that he was told his case would not be proceeded with further unless that was forthcoming. The man walked down to his village, and returned with the paper bearing the endorsement of the assistant magistrate. He must thus have travelled over 1,000 miles to state his case before the Commission.

33. We come now to the other branch of evidence elicited directly by our Commission, the letters which have reached us from various quarters of the country. With these we have been somewhat at a loss how to deal in this report. The process of translating the vast mass of written communications has been so tedious, that it is at the present moment not complete; and our inquiry into the truth of the allegations contained in the letters is very far from finished. We found so many of the letters, when translated, referred to grievances not within the scope of our inquiry, that we determined to abridge useless labour by employing readers to give us their contents, so that we have been able to dispose of a great many without the tedious process of translation, by simply informing the complainants that their grievances were not such as we were empowered to inquire into; many were of the same comparatively trivial character as those of which we have already given specimens in the body of our report. These we contented ourselves with recording; others admitted

Letters of complaint addressed to our Commission; our course regarding them.

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of verification by reference to inquiries already held before competent authorities by calling for the record: such as we thought allowed of the parties being sent for without hardship we have dealt with by requesting the complainants to come down to Madras, and others which might be more conveniently investigated on the spot, we have referred to the various Collectors, with a request that they will furnish us with the result. Our inquiries, therefore, are not brought to a close: when they are so, we shall forward the whole of the documents for the satisfaction of Government, and if it is thought necessary, we shall be happy to furnish a supplemental report; but on the whole we have thought it expedient not to delay our present report until these cases are all investigated, partly because we believe the Right Honourable the Governor in Council is desirous of obtaining it at an early date, but chiefly because, whatever may be the result of our further examinations and references, we feel that it cannot alter or shake the convictions and conclusions at which we have arrived on the general questions submitted to us. Whether, therefore, to be altogether silent, or to publish a large selection from these letters before they are corroborated, has been with us a subject of doubt and difficulty. It might be truly urged, that we should not publish statements affecting the character of individuals, unless founded upon somewhat better authority than the mere letters of the complainants, while on the other, the total absence of all notice of such letters might lead to a very false view of the amount of complaints that have come before us; and on the whole, we have deemed it our best course to give a selection from the great body of letters, taking such as have been corroborated, and also some of those of a more general character, because they support the representations of Nulla Mootoo Pillay and others; and in doing this, we have not confined ourselves to those petitions which come precisely within the scope of the present inquiry, where we thought that the valuable information they contain on the state of the interior of this Presidency might with advantage be prominently brought under the notice of Government.

Appendix (F.)

(F.) No. 1. The first case to which we would call attention is that of Soobroya Chetty, a shroff of Arnee, in the zillah of Chittoor.

His complaint speaks for itself. We sent for the records of the case, and find that the complaint is borne out in his representations. The false charge preferred against him was dismissed by the subordinate criminal judge, and the lump of gold restored to him as his own property. Three only out of five persons now complained against were brought to trial, the two principal in station and importance never having been yet made amenable to justice. The evidence leaves no doubt upon our minds as to the extortion of the sum of 100 rupees, though the judge who tried the case was not satisfied on that head. The species of torture now complained of, is of a more severe character than formerly deposed to. This may possibly be exaggeration, or it may arise from the matter being more minutely gone into, probably the former; but we would draw attention to what we conceive the utter inadequacy of punishment awarded upon conviction, as this appears to us to be an evil requiring a remedy which may be as prompt as it is necessary.

(F.) Nos. 2 and 8, give instances of the way in which police power can be worked to the detriment of the subject.

(F.) Nos. 3, 4, 5, 7, 14 and 15, furnish instances of various frauds in respect to contracts for public works, the fashion in which compulsory labour is enforced, the people cheated of their wages, Government defrauded of its fair revenue.

(F.) No. 9, expresses an opinion on the impolicy of transferring magisterial power in 1816 from the judge to the collector. It also exhibits the manner in which parties are forced to enter into agreements to cultivate, or become securities for other cultivators.

(F.) No. 11, gives a pregnant instance of the evils falling upon a large town and district from the want of any European magistrate.

(F.) Nos. 6, 12, 13, 14, 24 and 25, are strong instances of those petty exactions to which the ryots are subject, in the extortion of compulsory payments, which may be all classed under the term "mamool," or customary, as well

well as the levying of provisions and the like, under pretence of the presence of a collector or regimental camp. REPORT.

(F.) Nos. 16—23, of which some are “statements” taken before us, afford an insight into the difficulties which beset the aggrieved in trying to obtain any redress; and at the same time show what the people themselves think upon this subject.

(F.) No. 26, very forcibly illustrates the same point of view. Here we see the Collector forced to commit the inquiry to his assistant from want of time, that assistant allowing the matter to lie over for nearly a year, till he should have an opportunity of visiting the spot, and then urging the delay as a reason against any further inquiry.

34. On our sending this petition to the Collector of Masulipatam for explanation, we obtained the following facts : Case of Luxmon Row, a tahsildar of Masulipatam.

The petition was presented by one Jugga Soobiah to the Collector of Masulipatam in November 1853. The Collector, after a partial investigation, transferred the remainder of the task to his special assistant on the 21st December of that year. Some witnesses were examined by him on the 23d and 24th, and he then postponed or adjourned further inquiry till he could go to Ellore, which he hoped shortly to do. Other business however deterred him, and on the 7th August 1854, we find him writing to the Collector, that he had been hitherto unable to carry on the investigation, and pointing out that though an examination at the time might or might not have shown that the tahsildar had given just cause for complaint, there is but little chance of getting at the truth now, and that there are such “evident exaggerations or falsehoods in these petitions, that I certainly should not recommend their being taken up.”

Lutchmana Row, the tahsildar, having in the interim been employed as tahsildar in a different talook, the special assistant asserts this also as a reason for not investigating the complaint; he says,

“Lutchmana Row has lately I believe been employed in matters of trust and importance. Taking up and re-opening old charges would probably produce a great amount of falsehood, but little truth. I therefore recommend that these charges be thrown out; that both complainants and complained against be informed of the fact, and the latter be given fully to understand that he has again a fair start, but that should his conduct be hereafter complained of and found faulty he will be rigorously dealt with.”

35. (F.) 27 is the petition of one Akkinany Appanah, upon whose complaint the above-named Lutchmana Row was tried and convicted. Upon sending to the Collector he replies as follows : Akkinany Appanah's case.

“Being engaged in another talook, and seeing no probability of my being able to visit the Ellore talook speedily, I directed the head assistant collector, Mr. Holloway, to take up the complaint of Akkinany Appanah, and also that of W. Pudmanaboodoo, and any others which might be brought forward against the same individual. Mr. Holloway committed Luxomon Row and a peon for trial in the former case, and dismissed the latter charge. The Session Court considered the evidence sufficient for the conviction of both parties, and sentenced the tahsildar to six months' imprisonment with hard labour in irons, and a further fine of 200 rupees, commutable to six months' further imprisonment if not paid; and the peon to six months' imprisonment and 25 rupees fine. The record of the investigation was forwarded to the court, and no papers are in my possession.”

And again,

“I understand that in the case in which Luxomon Row has been convicted, Akkinany Appanah is declared to have been sent through the bazar with the cheerata on his hands, to the house of this same Junga Soobiah to obtain money for the discharge of his liabilities, and that the instrument of torture was left there by accident.”

36. (F.) No. 28, is one of several of a similar character which we have received from Canara. They are curious documents, and are important inasmuch as, while they profess to be a summary of all the “oppressions” Complainants from Canara.

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under which the petitioners conceive they labour in that district, no specific mention is made of any personal violence, a fact which strongly corroborates the rest of the evidence which has reached us from Canara.

(F.) No. 29, is illustrative of the hardships entailed by a system of forced labour for public works.

(F.) No. 30, furnishes an instance of compelling ryots to give their cattle without pay for the use of troops on the march.

Fifth Head.

Native Officers. 37. Under the fifth head, we have before us the following materials: first, the admissions of a retired tahsildar, whose veracity Mr. Bourdillon states may be relied on, and whose testimony was elicited by that gentleman in answer to a written set of questions. The whole of this important document will be found in Appendix, and in order to avoid unnecessarily swelling our report, we must crave a reference to the Appendix, recommending this testimony to the most serious study and attention.

The retired tahsildar of North Arcot. App. (G.), No. 1.

Government Sheristadar. Secondly. The testimony of a sheristadar at present in the Government employ (whose name it is not advisable to mention), under a promise of indemnity, upon nearly the same questions as those framed by Mr. Bourdillon. The head sheristadar of another Collector has also forwarded an important communication. Comment on these two documents is needless; they appear to us to admit of no reply.

App. (G.), No. 2.
App. (G.), No. 3.

Mr. Ratliff's revenue servants. Thirdly. Mr. Ratliff, Acting Collector of Nellore, sent for his sheristadar and several servants, and questioned them as to the existence of torture, promising indemnity for the past.

"The result," says he, "showed the actual employment of various modes of what may be comparatively termed 'petty' torture to be a 'fact,' although one and all averred, that not only had it become much less general in practice, but much milder in form that it was even 10 years back, and very much more so than previous to that time."

Tahsildar of Vizianagarum. Fourthly. Mr. Crozier, civil and session judge of Nellore, states that the tahsildar of Vizianagarum admits his own practice; he writes as follows:

"I have to notice an instance wherein a tahsildar and head of police attached to the Vizianagarum zemindary, then under my official charge, in an urzee to my address, the exact time and date of which has escaped my memory, referred to his own practice, of using torture in the collection of revenue."

The tahsildar of Ganjam. Fifthly. In a case tried before Mr. Prendergast, agent of Ganjam, a tahsildar and peons were convicted of torturing two ryots by applying squeezers to their ears and fingers to extract kist from them.

Criminal case, No. 25 of 1854, in the Agent's Court at Ganjam. Mr. Prendergast writes as follows: "The peons who were convicted acknowledged their guilt, it was clearly proved by eye-witnesses, and the carkone himself pleaded, after I had passed sentence, that it was the custom of the country to extract money from the ryots by torture."

App. (C.), No. 10.- Sixthly. In Canara, Mr. Maltby, the Collector, states as follows:

1. "That some degree of violence is occasionally resorted to in the villages towards refractory ryots is admitted by several of the tahsildars. They say that in many instances the crops are cut, and appropriated by the indigent ryots; they have been forestalled; the ryot uses them to satisfy an importunate creditor, or for his immediate subsistence, and the Government claim is neglected. When the potail comes to collect the revenue, he is said in some cases to use threats and violence, such as detention in the choultry, standing out in the sun, stooping down with a stone on their back, &c., to make them pay; others say that such practices are now unknown. All agree in this, that they are now most rare cases; that the practice has diminished and almost ceased; that such things are never done in the cutcherries, but only by some heads of villages; that the people are thoroughly aware of their illegality, but that when practised, they are often submitted to under a feeling that they are undergoing a punishment which they have brought on themselves."

38. Seventhly.

38. Seventhly. We have a curious and important communication forwarded to us by A. Nullah Mootoo Pillay, a native Christian, quit-rent amildar of the Madras collectorate, which, together with a second communication, addressed to us in consequence of a request that he would furnish us with any instances under his own personal observation, will be found in the Appendix.

A. Nullah Mootoo Pillay.

App. (G.), Nos. 4 and 5.

This person has but lately been in Government employ, and we do not wish to obtain for his information any fictitious value created by an impression that he is detailing the experiences of his past official life; but we deem his statement deserving of the most attentive consideration, partly because from his opportunities of seeing and hearing, during his long career as a catechist in various districts, what his fellow countrymen do and think, he has had ample means of ascertaining the truth; partly because from our personal examination of the man, we see no reason to doubt his veracity; partly because there is scarcely a statement of his, if any, which is not amply borne out by some one or other portion of the independent testimony which has come before us; and we believe that the revelations of this deponent may be taken as a fair and truthful representation of the actual state of many parts of this Presidency. We should have wished to embody the whole of these two documents in our Report itself; their excessive length precludes that course, but we should desire that the whole be referred to in the Appendix, and studied by Government before proceeding further, as they throw much light upon what follows. It will be seen that the writer does not confine himself solely to the practice of torture, but enters into a detail of other malpractices connected with the whole network of revenue and police native agency, and which may in itself serve in a great measure to account both for the prevalence of the use of violence, as well as the difficulty of bringing it home to the parties accused, and so suppressing it.

App. (G.), Nos. 4 and 5.

39. In the opinion of this witness, oppression is used by the Government native servants over their fellow-subjects rather for realising their own illicit demands, than for the actual collection of the Government revenue. He attributes this in a great measure to the insufficient pay of the native servants; he gives the details of a system of bribery and extortion prevailing from the highest to the lowest; he reveals the existence of a powerful organised league among them for mutual support, and to defeat all chance of their victims obtaining any redress against constantly recurring cheating, intimidation, exaction, fraud, and violence.

Remarks on Nullah Mootoo Pillay's testimony.

40. Into the existence of such an alliance or conspiracy we did not feel ourselves at liberty further to extend our inquiries, because it lies somewhat wide of the exact object of our commission; but while we would remark that almost all the allegations of this witness are borne out by the evidence adduced in this Report, partly by the testimony of those who have deposed before us, partly by the statements of the Government authorities, partly by the calendars, partly by the experiences of the older authorities, and his truthfulness so established, we must express our belief that the practice of personal violence can never be completely eradicated until this league be broken up and its power destroyed.

Existence of a conspiracy not subject of our inquiry.

41. That the existence of such a league is no new fact we think is apparent from a reference to the report of Sir Thomas Munro, under date the 10th April 1806, who in para. 55 writes as follows:—

No new charge. Sir Thomas Munro: 10th April 1806.

“As there is a general combination down to the lowest village servant against the Collector, it is not easy for him to learn what is going on; and when he has made the discovery, he perhaps only removes one set of servants to employ another equally corrupt, and hence, in order to prevent their falling into similar practices, he is forced to act rather as a spy over them than as the superintendent of the province committed to his charge. Of about a hundred principal division and district servants who had acted under me during the last seven years, there have not been more than five or six against whom peculation to a greater or small extent has not been proved.”

And again, in 1802, he writes as follows:—

“The amildar's speculations arise either from the public revenue or from a private assessment. The amildar usually wishes that rents should be low, because the lower they are the higher he can make his private assessment, and the less probability

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probability there is of its being soon discovered; because the potail and the ryots, partaking in the benefit, are averse to informing against him. While he confines himself to his private assessment, he may carry on his public collections without leaving any balance outstanding; but whenever he appropriates any part of them to his own uses, he raises a proportionate balance against the district, and the cause of it will very soon be discovered, unless the division servants are concerned with him, and the Collector is himself very indolent. If he is pressed for payment, and attempts to raise the money by an extra assessment, the transaction will certainly be brought to light by some of the inhabitants, either by complaining, or by talking so much of it, that it becomes known every where, and is carried to the Collector's cutcherry by some person who wishes to recommend himself for employment. The amildar, sensible of the danger of an extra assessment, seldom ventures upon it, but usually prefers the safer mode of fabricating stories of loss of crops and other accidents, and of the inability of the inhabitants to discharge the balances; when such excuses are received, it ought to be invariably concluded, unless the facts are very fully established, that there is something wrong in his conduct, and his removal from office ought to follow without delay. His successor will find no difficulty in ascertaining the real state of balances; for on pressing the villages by which they are reported to be due, the inhabitants, if they have already paid them, will, in order to save themselves, inform against the late amildar.

“The potails and curmons, when they know that the amildar diverts a part of the public revenue to his own emolument, always follow his example, and thereby augment the outstanding balance. They frequently go further, and levy additional sums from the more substantial cultivators, because they are conscious that the amildar, being himself guilty of malversation, will not dare to bring them to punishment. These last impositions, though they do not affect the balance of the current year, will most likely increase that of the next, or, what is the same thing, diminish the settlement. The potails and curmons can hardly ever make away with any of the public money without the knowledge of the amildar. If in any case they do, it is a proof that he is very careless or very ignorant, and that he is unfit for his situation. Their influence, particularly when they have obtained by their exertions a favourable assessment for their village, is usually sufficient to make the cultivators conceal the demand for a small private assessment, which is always on such occasions made upon them, provided that, together with the public one, it does not exceed what their rent ought to have been, but when they attempt to make an extra assessment to supply any deficiency of the public revenue which they may have embezzled, the cultivators never pay it without opposition, and they will always complain of it to the amildar, unless they suppose that he is a party himself and will not hear them.”

Applicable to the present day.

42. We are constrained from the information before us to adopt the disheartening conclusion that the above graphic description is equally applicable to most districts at the present day.

Numbers of native officials of the same family in a district.

43. The only other part in connexion with this portion of the subject to which we wish to call attention, is the fact, recently officially brought to light, of the great number of one family who fill the important revenue and judicial offices in a district, thereby concentrating power, and obtaining extraordinary facilities for the successful maintenance of such an alliance as we report. In Bellary, this family connexion prevails to a very great extent. By a return furnished us by Government, we find that the naib sheristadar of Nellore has no fewer than 56 of his relations in judicial and revenue offices in that district, and the employment of a particular caste, Mahratta and other Brahmins, to the almost total exclusion of the rest of the community, must have a similar tendency. From returns furnished us by Government, we find that out of 388 Government native servants in Bellary, above the rank of peons, no fewer than 235 are Brahmins, chiefly Mahratta; and by another official return, we find that in the three most important revenue offices, those of sheristadar, naib sheristadar, and tahsildar, whose total number in this Presidency is 305, 154 were filled by Mahratta Brahmins, 83 by other Brahmins, 50 by other Hindoos, 5 by native Christians, 13 by Mussulmen, none by East Indians.

Sixth Head.

44. The sixth and last topic of evidence is to be found in the calendars (furnished us by Government) of charges of abuse of authority, whether in revenue or police affairs, which had been actually investigated by the courts and magistracy during the last seven years. These records appear to us of such importance that we have entered them entire in our Appendix, to which we must solicit the most attentive perusal. We would here content ourselves with offering a few remarks which their study has suggested to our own minds. In the first place, we by no means think that they can be accepted as data for forming any average of the extent of tortures practised throughout the country, though they furnish us the most sure criterion for estimating the general nature and character of, and the means and instruments used in such practices. We believe that the ryots, comparatively speaking, very seldom complain of personal violence exercised upon them in the collection of the revenue. This alone necessarily excludes from view one great body of cases; and although it is an order of the Foujdaree Udawlut that whenever a prisoner on his trial complains of having been subjected to torture by the police, the matter is to be forwarded to the magistrate for investigation, it seldom happens that there is any evidence capable of being investigated. Though marks on the person are not unfrequently appealed to by the prisoners in corroboration of their story, it must depend very much upon the opinion which the particular judge entertains of the purity of the police, whether or no he is disposed to pay much attention to such statements. That complaints are not unfrequently brought forward without just cause, and that the greatest caution is requisite in receiving them, is very true; the knowledge that such charges had only to be made in order to be investigated, would immediately give rise to a similar statement in every case; while some judges therefore may naturally feel little disposed to refer such cases to the magistrate, except in particular instances in which they themselves see cause to entertain grave suspicions, others are inclined generally to discredit all assertions of ill-treatment, coming from the mouth of parties on their trial. "By such violence," writes the magistrate of Chingleput, "disclosures and discoveries of stolen property are often made. The stories of ill-treatment by the convicted thief are disbelieved." That this does often happen we easily believe. The impression produced against the prisoner by the discovery of stolen property consequent upon his own statement, and the conviction of his guilt, create a natural prejudice, but it is manifest that the truth of his confession and the means by which it has been elicited are two totally distinct matters. For our own parts we do not believe that human nature is different in India from what it is elsewhere, or that it is the first impulse of a guilty party immediately upon apprehension to volunteer a full confession of his crime, though under certain conditions such an occurrence may occasionally take place.

Calendars.

App. (H.)

Calendar no criterion of the actual number of persons submitted to personal violence.

45. Upon this point the words of Mr. Irvine, the sub-judge of Rajahmundry, are so appropriate that we will quote his report:—

Subordinate Judge of Rajahmundry.

"In very many of the cases sent up by the police the prisoners have confessed. If it appeared that the confessing men were beginners in crime, or that the proof against them was from the first very strong, it might be believed that natural alarm at their situation, in the one case, and the evident uselessness of denial in the other, had induced confession; neither of these conditions seems required in the police. A man long suspected in his neighbourhood on account of notorious bad character, or even previous convictions, when apprehended solely on suspicion, not only often confesses without any apparent reason, before any evidence has been produced against him, but also gives information that must inevitably lead to conviction."

For these reasons we think it would be dangerous to attempt any average of the number of cases of torture from the numerical aspect of the calendars.

46. The second consideration which forcibly strikes us, is the difficulty of feeling any conviction, from the result of the trials themselves, that truth has been arrived at. Thus in the calendar of magistrates' cases from North Arcot, out of 29 cases only five are proved, while of 93 accused only seven are convicted. The great majority of these cases are "dismissed as not proved," which may more resemble the "not proven" of a Scotch court than the "not guilty"

Dismissal of cases no satisfactory proof of their falsity.

Instances from calendar.

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guilty" of an English jury; and independently of other matters which throw the greatest obstacle in the path of a prosecutor, such, for instance, as the power of his official native opponent, the facility with which witnesses are tampered with by means of bribes or intimidation, we fear that far too great importance is often attached to trifling discrepancies, which must exist more or less in almost every case, but which no case in India can be free from, and these are of themselves held to be fatal to the establishment of the complaint.

Samples.

47. A pregnant instance of this is afforded in the remarks of the Court of Foujdaree Udawlut in their proceedings of the 29th May 1850, to which our attention was pointed by the letter of Mr. Irvine, the subordinate judge of Rajahmundry, and which we accordingly called for. In commenting on a case then under review before them they say, "The joint magistrate justly remarks that the smallest trifling discrepancies in the evidence are held to invalidate truth, but when the witnesses agree in any particular point, their agreement is also held to be the surest proof of their falsehood."

App. (F.), No. 15.

The magistrate of South Arcot had sent up a calendar of abuse of authority of six cases tried by the magistracy during the past seven years. Out of these five were dismissed. The Government directed the evidence to be submitted to the judge for his report, which will be found in Appendix. The result is that in the opinion of the judge there was ample to convict the accused in the second and fourth cases; that the fifth was not a case connected with the revenue; that the sixth showed, if not actual torture, at least "treatment with indignity;" and in the third the punishment is "altogether inadequate" to the offence. In the second case only is the magistrate's dismissal unconditionally upheld.

App. (E.), No. 5.

The case recorded in Appendix (E.), No. 5, can leave no reasonable doubt but that the torture was used as the complainants stated to the Chingleput authorities; the medical evidence of Dr. Ratton, who examined their persons, is of great importance, and the whole circumstances of the case, recent as the ill-treatment had been, seem to us to allow no other alternative than either that the police authorities committed the acts laid to their charge, or that the prisoners inflicted the injuries upon their own persons. Yet the evidence is not satisfactory to the mind of the magistrate, and the charge was dismissed; but his subsequent remarks show that his mind was wavering between two opinions.

Inadequacy of punishment in cases of conviction.

App. (H.), No. 14.

48. The third point which has struck us, is the extraordinary lightness of the punishment generally awarded in those instances in which the charge has been held to be proved. It appears to us to be totally inadequate to repress or even check the alleged practices complained of. A fine of a few rupees, commutable for a few days' imprisonment, seems to be the ordinary sentence. In case 9, of 1849, of the calendar of Coimbatore, where the charge was ill-treatment and extortion of 50 rupees, the case is proved, and a fine of 50 rupees awarded, apparently the exact equivalent of the extortion, the ill-treatment being altogether unpunished. In case 83, of 1848, of the same calendar, where the charge was similar, the sentence is simply a fine of 10 rupees. In case 1, of 1851, of the same calendar, where two rupees are extorted through falsely charging a woman with wounding her own daughter, the punishment is a fine of seven rupees. In the case of Soobroya Chetty, a merchant of Arnee, as gross a one as can well be imagined, we find that neither the cutwal nor the village moonsiff were tried at all; and that the duffadar and two peons were sentenced to trifling stoppages of pay, one of them being removed from one talook to another. A perusal of the calendars cannot fail to bring home this lamentable truth to the mind of any unbiassed reader; and we cannot but express our opinion, that the inadequacy of the punishment usually awarded, must have operated to deter parties from bringing forward complaints on the one hand, if it has not encouraged the native officials to persevere in their old practices on the other. "Two cases only are on record," says Mr. Daniel, the Agent of Government in Kurnool, a newly ceded country, inhabited by a turbulent people; "Two cases only are on record, in one of which an amildar convicted of resorting to violence in collection of revenue, was sentenced to seven years' imprisonment with hard labour in irons." In the other, a trifling case, the party was fined. He continues, "I have no hesitation in saying, that neither ryots nor any other class of

of persons entertain any idea that acts of violence in the collection of revenue are tacitly tolerated by Government or its European officers, and that if their minds had not previously been disabused on this point by the notice given to the subject at different times by the European population, the punishment awarded to one of the amildars above referred to, and which was known from one end of the province to the other, would have removed the remaining doubt." In the truth of this, we cordially agree. We think that the matter has heretofore been treated as one altogether of too little importance; and we entertain no doubt but that permanent expulsion from the service of Government ought to follow every case, upon conviction, whatever other measures of punishment might be awarded.

49. It is to be regretted that these calendars have not been drawn up on some one uniform plan, nor are they a complete set. Thus we have from one district, Nellore, five returns, two from the magistrates, none from the criminal courts. From Cuddapah, we have one from the subordinate criminal court; and but one from the magistrate; from Bellary, the same. We have none whatever from Masulipatam, Vizagapatam, or Chingleput; none from the courts of Guntoor. It would have been desirable that the calendars should have been sent up not only of cases tried by the magistrate and joint magistrate, but from all criminal courts and subordinate criminal courts in each district; neither is there any uniformity in the returns themselves. Some are statements gathered from the report, others, though in calendar form, are drawn up on different principles. Thus from Salem we have four separate calendars, one showing the number of persons punished, a second, those acquitted on charges of abuse of authority in police cases; two others, exhibiting similar results in revenue cases. The calendar from Bellary is a mere nominal roll, which shows neither the nature of the cases, nor the evidence.* The calendar from Mangalore consists of extracts of the proceedings; the calendar from Malabar only gives the result of the inquiry, without stating the nature of the complaint. This want of uniformity and completeness detracts from the value of these returns, in a statistical point of view, but such as they are, we have inserted the results in the Table in the Appendix.

Calendars wanting in uniformity.

50. We have not thought it desirable to delay the Report until we should have ourselves obtained calendars from all the authorities, filled up according to a prescribed form, because, as we have already stated, we do not think that these returns could afford data for drawing any average estimate of the general amount of personal violence, or its degree of prevalence in any particular district; still we recommend the whole to attentive perusal, as a most important portion of the proof on which we have rested our judgment; and it cannot but be that the study of the calendars will throw much light on the question in many of its bearings; the kind of charge ordinarily brought forward; the difficulty of substantiation; the inadequacy of the punishment. We are, however, able somewhat to supply the defective state of these returns by the following Table, which we have drawn up from returns furnished us by the Foujdaree Udawlut, to whom we applied for a statement of the number of cases of abuse of authority tried before the Sessions Courts during the last five years. It will be seen how very few cases connected with the revenue have been committed by the magistracy; and in cases of abuse of police authority, even when the fact appears upon the trial of a prisoner who should be able to prove his alleged ill-treatment, the Court has no power to deal summarily with the policeman, but must report him to the magistrate,† who inquires into the case, and dismisses it, or punishes, or commits the accused to trial before the Court, according to his views of the evidence. These remarks, coupled with what has gone before, may serve to explain the paucity of cases of this description before the Sessions Court.

Returns furnished by Foujdaree.

STATEMENT

* We have called for, and been since furnished with, a calendar, which will be found in Appendix (H.)

† See Circular Order of Foujdaree Udawlut, 6th April 1820.

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STATEMENT showing the Number of Cases and Persons Tried before the Sessions Courts, on Charges of Abuse of Authority in Police and Revenue Matters, during the last Five Years.

DISTRICTS.	Revenue.	Police.	Number of Prisoners.	Convicted.
Vizagapatam	—	—	—	—
Rajahmundry	—	—	—	—
Masulipatam	13	—	—	—
Guntoor	—	—	—	—
Nellore	2	2	—	—
Cuddapah	—	6	30	9
Bellary	—	3	23	4
Canara, Honore, Mangalore	5	—	14	3
Kurnool	—	5	11	4
Chingleput	—	1	4	—
North Arcot	—	—	—	—
Salem	—	—	—	—
South Arcot	—	—	—	—
Tanjore	—	—	—	—
Trichinopoly	—	—	—	—
Malabar, Calicut, Tellicherry	—	—	—	—
Coimbatore	—	—	—	—
Madura	—	—	—	—
Tinnevely	—	—	—	—

51. In connexion with this part of the subject, we proceed to give the result of an inquiry, which we requested the Foujdaree Udawlut to institute for us, as to the number of prisoners who retracted, on their trial, confessions made by them before the police, during the last two years.

STATEMENT showing the Number of Prisoners who have Retracted before the Sessions Court their Confessions made before the Police, during the last Two Years.

NAMES OF DISTRICTS.	Number of Cases.	Number of Prisoners.	Number retracting Confessions made before Police.	Released.
Ganjam, Chicacole	11	24	24	4
Vizagapatam	16	—	42	Result not known.
Rajahmundry	22	—	102	67
Masulipatam	45	—	77	30
Guntoor	11	—	32	21
Nellore	34	—	71	13
Cuddapah	84	211	118	192
Bellary	121	433	416	304
Canara, Honore, Mangalore	19	—	46	17
Kurnool	14	—	30	17
Chingleput	7	23	23	6
North Arcot	59	186	167	15
Salem	18	—	42	8
South Arcot	36	158	83	32
Tanjore	24	112	112	26
Trichinopoly	14	—	24	5
Malabar, Calicut, Tellicherry	80	222	181	64
Coimbatore	12	50	50	41
Madura	18	—	34	15
Tinnevely	10	—	22	13

52. Out of 1,696 persons who confessed before the police, but retracted before the Sessions Courts, no fewer than 890 were released by the Court, a pregnant

pregnant proof of the little value of such confessions; and it is surely a fair, if not a necessary inference, that parties whose trial proves them not guilty, would not confess their guilt before the police voluntarily.

53. Such is the whole of the evidence which has come before us; it consists, as will be perceived, of a great mass of opinion, and belief, as well of old authorities, as of those most competent to speak to the matter at the present day; these we have classified under our first and second heads, in the latter of which, notwithstanding various shades of difference, the weight of testimony very sensibly preponderates in favour of the existence of personal violence. This mass of opinion we find corroborated by the evidence of parties in no way interested or implicated in the discussion, who declare that they have themselves been eye-witnesses of the practices alleged to exist: this is arranged under our third head. The order of inquiry next deals with the depositions on oath, and letters of complaint of parties who have appealed to our Commission, asserting that they have themselves been sufferers from personal violence inflicted on them by the native servants of Government: such is the evidence under the fourth head. We then proceed to the statements of the class accused of these practices; the admissions of individuals from among the Government native servants themselves, our fifth head: and lastly, the records of cases of abuse of authority tried by the magistracy during the last seven years; from a consideration of the whole of which we have been necessitated to come to the only conclusion which we believe any impartial minds could arrive at, namely, that personal violence practised by the native revenue and police officials generally prevails throughout this Presidency, both in the collection of revenue and in police cases; but we are bound at the same time to state our opinion that the practice has of late years been steadily decreasing both in severity and extent.

Our opinions.

54. What may be the proper name whereby to designate that personal violence; whether it is fitly to be denominated "torture" or not, may give rise to difference of opinion, except perhaps in the judgments of those who suffer it; but we have placed before Government the whole facts and materials on which we have founded our decision, and it is open to every one to form his own conclusions, and characterise it by the term which he may deem most appropriate.*

What the proper designation of violence used.

That many of the practices which beyond all question exist, must necessarily cause acute, if temporary or even momentary agony, is beyond dispute; and that in no few recorded instances (as appears by the calendars) even death has followed upon their infliction, is only too undeniable. We are not disposed to quarrel about terms. To those to whom the word "torture" necessarily and immediately conveys, as one of the reports to Government expresses it, ideas of the inquisition, thumbscrews, rack, and wheel, such a term would probably appear inapplicable, as expressive of the degree of violence which our inquiries have brought to light: on the other hand, if the word be used in the ordinary acceptation assigned to it by Dr. Johnson, "pain by which guilt is punished or confession" (and we would add money) "extorted," then we think that it may with perfect propriety be applied to designate the practices prevalent in Madras.

App. (H.)

55. In making the above sweeping declaration of our belief in the general existence of torture for revenue purposes, we think it right to remark that it appears to be more prevalent in some districts than others, and to draw a marked distinction in favour of two provinces in particular, Canara and Malabar.

Exception in favour of Canara and Malabar as to revenue.

56. With respect to both of these we think that the general concurrence of all authorities who have reported, whether in the employ of Government or exercising independent professions of life, that this practice is comparatively unknown

Authorities entitled to credence.

* Mr. Minchin, the Acting Collector of Nellore, thus characterises the ordeal: "With low caste and poorer debtors, the system is that which has been fully described by Captain Nelson; and, considering the heat of the Indian sun, the manner in which the blood must flow to the head in such a posture as that enforced, and the weight of the stone which is then often placed upon the sufferer's back, I have no hesitation in calling such a practice torture, and that not of the least painful description."

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unknown in those localities at the present day, is entitled to full credence; this is strengthened by a reference to the state of the respective calendars forwarded thence; and to some extent, though in a less degree, by the almost total absence of complaints addressed to our Commission by the inhabitants of those districts.

But this exception to be expected.

57. But this fact appears to us strongly to fortify the probability of the reports, allegations, facts, opinion, and belief thronging in from other quarters of this Presidency; because we recognise in the state of these two districts the presence of those conditions, wanting in other portions of our territories, which are precisely of a character to be inconsistent with the tolerance of torture by the native population itself

The condition of these districts and the character of the people calculated to preclude torture. App. (C.), No. 10.-3.

58. Both in Canara and Malabar, we learn that the land tax is generally light; that the people are flourishing, the assessment easily and even cheerfully paid, the struggle more often being who shall be allowed than who shall be made to pay the Government dues; land has acquired a saleable value; and allotments of waste are eagerly contended for; who can be surprised then, at hearing one and all the European dwellers in those favoured spots declare that there torture for revenue purposes is comparatively unknown? Our own disappointment would have been excited by receiving any other intelligence, since we trust that we do not err in recognising in an application of those means which have made Canara and Malabar what they are to the other provinces of this Presidency, some of the most powerful means whereby to banish torture from the whole length and breadth of the land. At the same time we cannot overlook the fact that in Tanjore, which to a great extent shares in all the above conditions of prosperity, complaints of torture appear to be more prevalent than in many less favoured districts.

Opinion of the civil and session judge of Salem considered.

App. (C.), No. 14.-3.
App. (C.), No. 14.-3.

59. It has not escaped our notice that Mr. Goodwyn, the civil and session judge of Salem, in his report to Government, expresses a very strong opinion upon the prevalence of torture in the province of Malabar. On our calling for the information alluded to in para. 12 of that report, Mr. Goodwyn furnished us with a detailed statement which will be found in Appendix. From this it appears that all the instances which he brings forward were in police and not in revenue cases; and that a particular crime, gang robbery, was making great head at the time of which he writes (1849), in the suppression of which he seems to think more than ordinary violence was used to extort confessions. But it is clear that this testimony does not cut down the unanimous information of those residing at the present moment in Malabar, that the practice is comparatively little known for the exaction of revenue.

Torture as frequent for the exaction of illicit demands of native revenue officers as for Government revenue. Crozier, App. (C.), No. 7.-3.
Murray, App. (C.), No. 8.-1.
Binning, App. (C.), No. 13.-2.
Maltby, App. (C.), No. 10.-1.
Canoz, App. (C.), No. 20.-7.
L. Verdier, App. (C.), No. 21.-13.

60. This seems to us the proper place to express our conviction, forced upon us during the progress of this inquiry, that ill-treatment is as much, perhaps more commonly resorted to by the native officials for the extortion of their own illicit demands, as the extraction of the dregs of the revenue. Such is the opinion of many; among others of A. Nullamootoo Pillay; and though we are not prepared to accede to his views to their entire extent, that torture is not used for any other purpose than the enforcement of private illegal gains, it certainly appears to us that there is much truth in his statement. Many cases before us exhibit the practice of oppression applied for the gratification of private passions, whether of avarice or revenge; the calendars in Appendix (H.) exhibit repeated instances of the same character, and the evil lies even deeper than the level of the public revenue; though the renewal of demands for old balances and outstandings on account of Government is usually made the pretence and cloak under which such acts of oppression are concealed. Many a witness has declared to us that the people would be satisfied if the demands of the revenue officers were restricted to the just Government dues; we entertain no doubt but that the extortion of what are erroneously termed "bribes" is universal, and that where payment cannot be obtained by fair means, foul will be resorted to. Then is brought into play all that perfect but silent machinery which combines the forces of revenue demands and police authority; the most ingenious artifices which the subtlety of the native mind can invent are had recourse to; and it seems highly probable to us that it is a common practice with the native officers to give their own illicit demands precedence; when pecuniary means being more plentiful or easily procurable, the process of extraction is more readily complied with, under hopes and promises

of

of future services, perhaps that of assisting in cheating Government among others, expressly with a view to keep the revenue demands as a corps de reserve to fall back upon, the practice of oppression and violence to extract that being not so apparent an injustice in the eyes of the people, as the application of the same measures for mere private personal purposes.*

61. The descriptions of violence commonly in vogue for revenue and private extortion purposes which have been spoken to in the course of this inquiry are as follows: keeping a man in the sun; preventing his going to meals, or other calls of nature; confinement; preventing cattle from going to pasture by shutting them up in the house; quartering a peon on the defaulter, who is obliged to pay him daily wages; the use of the kittee anundal; squeezing the crossed fingers with the hands; pinches on the thighs; slaps; blows with fist or whip; running up and down; twisting the ears; making a man sit on the soles of his feet with brickbats behind his knees; putting a low-caste man on the back; striking two defaulters' heads against each other, or tying them together by their back hair; placing in the stocks; tying the hair of the head to a donkey's or buffalo's tail; placing a necklace of bones, or other degrading or disgusting materials, round the neck, and occasionally, though very rarely, more severe discipline still.

Description of torture prevailing in revenue matters.

See W. Knox, App. (C.), No. 1.-1.
Ratliff, App. (C.), No. 7.-1.
Bolieu, App. (C.), No. 7.-5.
Webb, App. (C.), No. 9.-4.
Marret, App. (C.), No. 14.-4.
Kohloff, App. (C.), No. 16.-11.
Clark, App. (C.), No. 20.-2.
Coyle, App. (C.), No. 20.-9.
Cherry, App. (C.), No. 16.-2.
App. (G.), Nos. 1, 2, 3.

62. Some stress seems to have been laid upon the existence of "instruments" of torture, and many of the gentlemen who have sent in reports to Government state their belief that the kittee has become obsolete in their districts.

Stress laid on instruments immaterial.

That the "anundal" (in Telugu "gingeri"), or tying a man down in a bent position by means of his own cloth, or a rope of coir or straw passed over his neck and under his toes, is generally common at the present day, is beyond dispute; and we see no reason to doubt that the kittee (in Telugu "cheerata") is also in frequent use. It is a very simple machine, consisting merely of two sticks tied together at one end, between which the fingers are placed as in a lemon squeezer; but in our judgment it is of very little importance whether this particular form of compression be the one in ordinary use or not, for an equal amount of bodily pain must be produced by that which has superseded the kittee, if anywhere it has gone out of vogue, the compelling a man to interlace his fingers, the ends being squeezed by the hands of peons, who occasionally introduce the use of sand to gain a firmer gripe; or making a man place his hand flat upon the ground, and then pressing downward, at either end, a stick placed horizontally over the back of the sufferer's fingers. Independently of the general testimony to its use deposed to before us by the complainants whom we have personally examined, we find its use believed in by Mr. G. Forbes, App. (C.), No. 15.-2, and admitted by the sheristadar, App. (G.), No. 3, who says, "Kittees are sometimes kept in both talooks and villages; if they are not forthcoming in places where they are required for use, the village carpenter is immediately ordered to procure the required number of kittees, which order is implicitly obeyed;" and in the case of Akkinary Appana, we find a tahsildar tried and sentenced to six months' hard labour in irons, and a fine of 200 rupees, for having applied this instrument, known in Telugu districts by the name of cheerata, to the fingers of the complainant so lately as the middle of the last year.

Hall, App. (C.), No. 15.-1.

Kittee described.

App. (F.), No. 27.

63. It is quite certain that the practice of torture prevails in a much more aggravated degree in police cases than for realising the revenue. The modes resorted to in the former appear to be more acute and cruel, though we doubt if anything like an equal number of persons is annually subjected to violence, on criminal charges, as for default of payment of revenue.

Torture in police cases.

64. Comparatively

* Mr. Forbes, Collector of Tanjore (Appendix (C.), No. 16.-1), writes as follows: "The people of India draw a wide distinction between oppressive acts practised with a personal motive, and those which, however erroneously, they connect with a public duty; they will make complaint upon complaint, and appeal upon appeal for the redress of a private wrong, when they will at the same time tacitly submit to a greater injury received in a public act; the motive of the one they see to be personal, and attach no personal motive to the other."

Comparatively few complaints have reached us.

64. Comparatively few complaints have reached our Commission from parties alleging that they have been submitted to torture in order to elicit confessions. Most of those that have come before us have been addressed to us by the friends and relations of persons now undergoing sentence of imprisonment. With such cases as have been already dealt with by a court of competent jurisdiction, we did not feel ourselves at liberty to meddle; and there are reasons enough at hand to account for the paucity of complaints in this branch of our inquiry.

Reasons for this.

65. It is highly probable that by far the greater number of persons alleging that confessions have been extorted from them are at present on the roads. The truth of their confession is one thing, evidently quite independent of the means by which it has been elicited. For instance, property may be restored or discovered in consequence of a confession which can leave no doubt of its truth, notwithstanding that confession may have been wrung out of the accused or suspected by bodily anguish; and there is abundance of testimony before us, given by those intimately acquainted with the habits of the people, to induce our belief that torture is ordinarily applied only when there are very good grounds for believing that the really guilty party is the sufferer.

Police authority abused for private purposes.

* App. (E.), No. 24.
† App. (F.), No. 1.

‡ See F. Anderson, App. (C.), No. 10.-7.
C. V. Chamier, App. (C.), No. 10.-8.

H. Forbes, App. (C.), No. 16.-1.
F. S. Child, App. (C.), No. 21.-2.
J. W. Cherry, App. (C.), No. 14.-2.

Habits of the people.

See Mackenzie, App. (C.), No. 2.
Cotton, App. (C.), No. 4.-2.

See Sloan, App. (C.), No. 2.

Practice on the decrease.

66. It is true that police authority is occasionally abused, and parties tortured out of revenge, as in Balambal's * case, or avarice, as in Sooboroya Chetty's † case, but these we take to be exceptions to and not instances of the general practice. We did not look therefore to find many complaints preferred to us in this department, but there is abundance ‡ before us of other testimony on which to rest our judgment. Indeed it seems to be the universal opinion among the natives themselves, that in criminal cases the practice is not only necessary but right. It excites no abhorrence, no astonishment, no repugnance, in their minds. "*Optimum habemus testem confidentem reum,*" a maxim not unknown to our own law, seems to have been received by the people at large with implicit credence, no suspicion being excited of the dangerous fallacy which lurks beneath the doctrine. We have instances of torture being freely practised in every relation of domestic life. Servants are thus treated by their masters and fellow servants; children by their parents and schoolmasters, for the most trifling offences; the very plays of the populace (and the point of a rude people's drama is its satire) excite the laughter of many a rural audience by the exhibition of revenue squeezed out of a defaulter coin by coin, through the appliance of familiar "provocatives," under the superintendence of a caricatured tahsildar; it seems a "time-honoured" institution, and we cannot be astonished if the practice is still widely prevalent among the ignorant uneducated class of native public servants.

At the same time we see reason to believe that the practice is not of its original prevalency. The stringent orders passed by the Foudjaree Udawlut from time to time cannot but have produced their effect; and the little value, indeed the utter worthlessness attaching to an uncorroborated confession in the courts of justice, must also operate as a powerful check to its universal adoption. There is not a native public servant, from the highest to the lowest, who does not well know that these practices are held in abhorrence by his European superiors, a fact which may account for the disinclination of the higher police authorities to be personally present at the perpetration of those acts whereby their subordinates extract confession, or to receive them into their charge until they are "ready to confess."

Description of torture used in police cases.

67. Among the principal tortures in vogue in police cases we find the following: twisting a rope tightly round the entire arm or leg so as to impede circulation; lifting up by the moustache; suspending by the arms while tied behind the back; searing with hot irons; placing scratching insects, such as the carpenter beetle, on the navel, scrotum, and other sensitive parts; dipping in wells and rivers, till the party is half suffocated; squeezing the testicles; beating with sticks; prevention of sleep; nipping the flesh with pincers; putting pepper or red chillies in the eyes, or introducing them into the private parts of men and women; these cruelties occasionally persevered in until death sooner or later ensues.

68. It may seem extraordinary that the parties subjected to such practices should not more frequently bear on their persons the marks of ill-usage when they appear before the European magistracy. But it seems to us that this is very easily accounted for. It is obvious that much cruelty may be practised, such as that by means of scratching insects, dipping in wells, starvation, prevention of sleep, and the like, without any mark being left on the person; and in the great majority of cases the marks would wear away in the course of a few days. The criminal procedure is so slow that marks even of severe torture would be obliterated, or very indistinct at the time of the trial, before the sessions or subordinate court; and although the law (Reg. XI. of 1816, s. 17, cl. 4), provides that the police shall forward prisoners and witnesses with the proceedings to the criminal judge of the zillah within 48 hours of apprehension, no rule is more constantly broken. Repeated circular orders have been issued by the Foujdaree Court to enforce obedience to the law; but it is beyond question that prisoners are still frequently kept in the custody of the police for very considerable periods of time; many days, and sometimes weeks. A case occurred before ourselves, in which a party apprehended on suspicion of theft was only liberated, upon our bringing the circumstances to the notice of the magistrate, after a confinement of 16 days. Many instances will be found in the complaints made before us of parties having been kept under restraint and confinement for lengthened periods of time. The older authorities, hereinbefore quoted, speak very strongly on the subject; indeed this practice seems inveterate, if not incorrigible in the native police as at present constituted; it is in itself illegal; it can seldom or never be necessary for legitimate purposes; it affords the readiest opportunity both for the appliance of personal violence, and the defeat of its detection; and we would refer to our Appendix for the remarks which have from time to time been levelled at the police for their disobedience and breaches of the law.

Marks on persons not frequent; reasons assigned for this.

Such violence of a kind to leave no distinctive mark.

Delay by police in forwarding accused.

Regulation XI. of 1816, sec. 17, cl. 4.

App. (I.)

69. In the course of this investigation, there is one thing which has impressed us even more painfully than the conviction that torture exists; it is the difficulty of obtaining redress which confronts the injured parties.

Difficulty of the parties aggrieved in obtaining redress.

70. In stating this melancholy fact, we are very far from seeking to cast any unfounded imputation upon either the Government or its European officers. We think that the service is entitled to the fullest credit for its disclaimer of all countenance of the cruel practices which prevail in the revenue as well as in the police department. We see no reason to doubt, that the native officials, from the highest to the lowest, are well aware of the disposition of their European superiors, and although very many of the parties who have appeared before us, in reply to our inquiry why they have not made an earlier complaint, have asked, what is the use of appealing to the Collector; we have seen nothing to impress us with the belief that the people at large entertain an idea that their mal-treatment is countenanced or tolerated by the European officers of Government. On the contrary, all they seem to desire is, that the Europeans in their respective districts should themselves take up and investigate complaints brought before them; the distances which the natives will often travel at great personal loss and inconvenience to make complaints even of a very petty nature to the Collector or sub-collector, is of itself a proof of the confidence which they place generally in those officers. The abstinence of the native officials from such practices in or near stations where Europeans, be they civilians, surgeons, commissariat, or other officers reside, and the prevalence of torture increasing in proportion as the talook appears less exposed to European scrutiny, are strong arguments in favour of a consciousness on the part of the native officials, that they cannot with impunity resort to illegal and personal violence, when it admits of easy and speedy substantiation before the European authorities of the district; and the whole cry of the people which has come up before us, is to save them from the cruelties of their fellow natives, not from the effects of unkindness or indifference on the part of the European officers of Government.

No imputation of connivance against European officers.

Proofs of confidence of natives in integrity of European officers.

71. What then, it may be asked, are the reasons on which we found our opinion, that while the natives have confidence in their European superiors, they do not promptly seek redress at their hands in every instance of abuse of authority? They are as follows: In the first place the infliction of such

Apparent contradiction explained.

descriptions

Reasons operating in native minds to prevent making complaints.

See Minchin, App. (C.), No. 7.-2.
Sloan, App. (C.), No. 3.-4.
Miller, App. (C.), No. 1.-6.
Saalfelt, App. (C.), No. 8.-1.
Bourdillon, App. (C.), No. 13.-1.
Murray, App. (C.), No. 8.-2.
R. M. Binning, App. (C.),
No. 13.-2.
R. D. Parker, App. (C.), No. 20.-1.
T. Clarke, App. (C.), No. 20.-2.
Coyle, App. (C.), No. 20.-2.
Barenbruck, App. (C.), No. 21.-2.

descriptions of ill-treatment in the collection of the revenue as we have above specified, have in the course of centuries come to be looked upon as "mamool," customary, a thing of course, to be submitted to as an every day unavoidable necessity. It is generally practised probably only on the lower order of ryots, whose circumstances least permit of their making any complaints on the one

hand, whilst their ignorance and timidity render them more submissive on the other; such is the native character, that very often those able and ready to pay their dues will not do so unless some degree of force be resorted to. "I brought 14 rupees from my house," says a ryot, in a deposition referred to by Mr. Lushington,* "but only paid six. I brought the said money to pay, but as no violence was used towards me, I did not do so. Had I been compelled, I would have paid them."† And in all these cases it is probable that a sense of the justness of the claim operates on their minds against seeking redress for ill-treatment, which, but for their own stubbornness, they might have avoided. The violence ordinarily used is not of such a character as to leave those marks upon the person which might be appealed to in incontestable corroboration of the truth of the sufferer's story, and we cannot abstain from reiterating our opinion, that the great proportion of the acquittals, and the lightness of the punishments consequent upon such cases as appear to have been substantiated to the satisfaction of the magistracy, may have had a serious effect in deterring the ryots from bringing forward more numerous complaints.

Statements in Court of Directors' Letter, 11th April 1826.

The Court of Directors' Judicial Letter of the 11th April 1826, puts this in so striking a light that we are induced to repeat the passages which immediately bear upon this point. We there see one of the circuit judges expressing himself in his report as follows:—"The magistrate's and assistant magistrate's calendars of persons punished and discharged by them show the prevalence of this practice to such an extent as to call for the interference of the Court of Circuit, since there is hardly a case wherein the sufferers who have had courage or been in circumstances to enable them to complain against their oppressors, have met with redress of their grievances, and the accused have not been sent back to the situations they have so grossly abused; and thereby encouraged to renew their excesses by the facility they experience in escaping justice." And again:—

"In most of those complaints, the judge on circuit has, after much labour, read through the magistrate's or his assistant's proceedings, and has been truly concerned to find that all, with hardly an exception, have been dismissed as not proved or groundless; although the evidence in most has been such as to leave not a doubt that considerable personal violence had been done by the parbutties and their kolkars to the complainants, and in most cases to an extent to require that the accused should have been sent to the criminal judge, for him to try or to commit for trial, before the Court of Circuit, according as the facts deposed before him might seem to render necessary."

The distances which those who wish to make complaints personally to the Collector have to travel; the fear that their applications by letter, if permitted to reach head-quarters unadulterated by misinterpretation, will be returned with the ordinary endorsement of a reference to the tahsildars; the expense and loss of time which a visit and more or less prolonged attendance upon the Collector's office entail; the utter hopelessness, after all is said and done, of the European authorities personally investigating the case, generally speaking; the persuasion that a reference of the petition to the tahsildar is likely to end in a nullity; the immense power wielded by the native servants in the districts, and those in the Collector's office, who work together in concert, to render all complaints to the superior

* App. (C.), No. 4.-2.

† Mr. Forbes, Collector of Tanjore (App. (C.), No. 16.-1.), writes as follows: "The ryot will often appear at the cutcherry with his full liabilities in his possession, tied up in small sums about his person, to be doled out, rupee by rupee, according to the urgency of the demand, and will sometimes return to his village having left a balance undischarged, not because he could not pay it, but simply because he was not forced to do so."—See also Mackenzie, App. (C.), No. 2.

superior European officials nugatory;* the probability that if any trial takes place before the tahsildar, the complainant's witnesses will either be bribed and bought off or intimidated, or if they appear, that their statements will not be believed, or will be garbled, and an unfavourable report upon them returned to the Collector; above all, perhaps, the conviction that he who seeks redress at the hands of the European is thenceforth a marked man amongst the native officials; that his whole future peace and safety are jeopardised by this attempt, and that every means of annoyance and of oppression, even to false accusations of felony, will be brought into play against him, until his own ruin and that of his family are sooner or later consummated; some, or all, of these circumstances unite in every case, in more or less forcible combination, to render redress not only difficult, but in many instances almost impossible; at the same time it is to be remarked that the authority of the tahsildar must be supported by his European superiors against the numerous false charges which are unsparingly preferred by the intriguing ryots.†

See Hon. W. Elliot, App. (C.), No. 6.

72. It may here possibly suggest itself to those unacquainted with the duties of the European officials in the provinces, that they are obnoxious to blame for not personally investigating all the complaints which find their way before them; and that were they so to do, a great check would necessarily be offered to the repetition of similar causes of complaint. But they who would thus argue know but little of the nature and extent of the duties which any European officer in a district has to discharge; and are ignorant of, or forget, both the immense size of our collectorates, and the small number of Europeans employed for the ordinary administration of the affairs of each province.

Other duties of revenue officers tend to throw the investigation of complaints into the hands of the tahsildar.

Mr. Lushington, App. (C.), No. 4.-1.
Knox, App. (C.), No. 1.-1.
W. Elliot, App. (C.), No. 6.
G. N. Taylor, App. (C.), No. 3.-1.

73. To quote the language of Mr. Bourdillon's report, describing the district of North Arcot, which may be taken as a fair average representation of the whole of the provinces:

App. (C.), No. 13.-1.
Size of Collectorates.

"The district is a little less extensive than the whole of Wales, and is a fourth more populous; Wales contains 7,400 square miles, and this district 7,000. Wales has 1,184,000 inhabitants, and this district 1,486,000."

Now for the whole of this territory and population, there are practically but four committing magistrates, and the accompanying table will give a view of the magisterial European force in each district.

NAMES.	Extent in Square Miles.	Population.	Number of European Revenue Officers.
Ganjam	5,400	926,930	4
Vizagapatam	7,650	1,254,272	4
Rajahmundry	6,050	1,012,036	4
Masulipatam	5,000	520,816	4
Guntoor	4,900	570,085	4
Nellore	7,930	935,690	5
Cuddapah	12,970	1,451,921	4
Bellary	13,056	1,229,599	6
Canara	7,720	1,056,333	6
Kurnool	3,243	273,190	2
Chingleput	3,020	583,462	5
North Arcot	6,800	1,485,873	6
Salem	8,200	1,195,377	5
South Arcot	7,610	1,006,005	6
Tanjore	3,900	1,676,086	4
Trichinopoly	3,000	709,196	4
Malabar	6,060	1,614,909	5
Coimbatore	3,280	1,153,862	6
Madura	10,700	1,756,791	6
Tinnevely	5,700	1,269,216	7
Madras	27	720,000	1

74. The

* On this point the sheristadar (App. (G.), No. 3), says: "I do not think that the ryots believe these acts are permitted by the Government or the Collectors; but the general knowledge that the talook servants and the hazzoor establishment are combined together, and the Collector does nothing without the advice of the ministerial officer, and the general fear of offending the tahsildar to whom the next kist is to be paid, principally keep the parties from coming forward."

† The difficulty under which the tahsildars labour is pointed out by more than one of the civilians who had addressed Government. We select the following passage from the letter of Mr. Hall,

Necessary tendency of this.

74. The result of this state of things necessarily tends to refer inquiry to the tahsildar, who by himself, or his subordinates, is often a party implicated in the complaints preferred; nor do we see how any amelioration can be justly anticipated, so long as matters are permitted to remain in their present condition.

Suggestions of measures of a remedial character offered.

75. Such are the convictions and opinions at which we have arrived, from a consideration of the whole of the materials before us; and having expressed our sentiments upon the immediate question submitted to us, that of the existence or non-existence of torture in this Presidency for the police and revenue purposes, we might reasonably conclude our labours here; but as the last instructions of Government have requested us to go into the question "in all its bearings," we feel that we should not be justified in abstaining from expressing those reflections which have forced themselves upon our minds, in connexion with this subject, during the course of our inquiry; although in doing so we are desirous that our statements should be viewed in the light of a respectful suggestion to Government of topics which may well form the subject of their deliberations, rather than as an expression of any decided conviction of our own upon a very wide question, open to much debate, likely to give rise to difference of opinion, and requiring research into facts, which we have comparatively but little means of making, certainly not to such an extent as would decidedly satisfy our own minds, that the measures to which we point attention are generally expedient, or if so, that they afford the appropriate alleviation of the evil which is found to exist.

State of the law.

76. We could not but have our attention pointedly drawn to the state of the law, under which such a condition of circumstance as that which the present investigation brings to light could continue to exist; and on this point it will be sufficient for us to state, that it appears to us both circuitous in its procedure, and deficient in its provisions for the prevention and punishment of personal violence illegally administered by an abuse of authority. We have collected the main provisions of the law on this subject, and we deem that we have sufficiently discharged our duty in drawing the attention of Government to its state as it stands, leaving such amendment or alteration as may be thought expedient to the better consideration of the Right honourable the Governor in Council.

Reg. XI. of 1816, sec. 30.

By Regulation XI. of 1816, sec. 30, "any officer of police or other person maltreating a prisoner or witness for the purpose of obtaining information or confession, shall be subject to punishment by the magistrate according to the nature of the case; and should the offence be of an aggravated nature, the party offending shall be forwarded to the criminal judge to be punished by him, or committed for trial before the Court of Circuit."

Reg. III. of 1819.

By Regulation III. of 1819, native officers of police guilty of abuse of authority are rendered liable to civil suits. It is further provided that:

"Whenever a charge of this nature may be preferred before a magistrate, and be proved by sufficient evidence to his satisfaction, he is hereby empowered to punish the offender by a fine not exceeding 50 Arcot rupees, or by imprisonment for a term not exceeding one month."

"In all cases wherein the measure of punishment specified in the preceding clause shall appear to be insufficient, the party accused shall be forwarded to the criminal judge, to be by him dealt with according to the provisions of the general regulations."

Reg. IX. of 1822.

These seem to be tedious proceedings, applicable only to one class of offences, abuse of authority, namely, in police charges, and totally inadequate to the necessities of the case. There is but one other regulation under which a police or revenue officer guilty of extorting "money or other valuable consideration" can be rendered amenable to justice. This Regulation IX. of 1822, as the title and preamble

Collector of South Arcot (App. (C.), No. 15.-1.): "I must confess that it does not seem to me to be a matter to create surprise that occasional instances should have occurred in which the natives have had recourse to illegal and cruel modes of inflicting pain for the purpose of making contumacious defaulters pay their dues, when it is remembered that their reputations for activity and zeal, and even their situation used formerly to depend upon a punctual realisation of the Government demand within prescribed periods, and that they have had to collect what has been of late very generally admitted to be an excessive amount of land rent."

REPORT.

preamble inform us, was an attempt at erecting a "summary jurisdiction in the Collector over public servants accused of having embezzled the public money, or made unauthorised collections or received bribes or extorted money." This regulation was extended and amended by Regulation VII. of 1828, and the effect of the two together presents one of the most extraordinary failures in the whole history of legislation of means to their intended end, for the result is that a party accused may be in the first instance tried by the assistant collector, thence he may appeal to the Collector, from whose decision an appeal lies to the Revenue Board. This Board may either grant the relief prayed by the petition, refer the petitioner to Government, or bid him seek redress in the regular civil courts. In the event of the matter being referred to Government, it does not appear clear whether the Government possesses any power of passing a final decision, or whether its course is not to appoint a commission to revise the proceedings; but if the appellant be referred by the Revenue Board to the courts of the country, it is certain that the case is again to be considered by the Zillah Court, from whose decision there is yet another appeal to the Court of Sudder Udawlut. Of course in such a state of the law no poverty-stricken ryot could contend against any wealthy revenue officer, and we are not aware of any complaints being brought forward under these two regulations by the people. An Act, Act XXXVII. of XXXVII. of 1850, was passed for regulating inquiries into the behaviour of public servants, but as that Act only empowers the Government to issue a formal commission upon certain special occasions, it has no general effect upon the daily administration of justice in ordinary cases of abuse of authority.

Reg. VII. of 1828.

Act XXXVII. of 1850.

77. We are fully alive to the effect which the spread of education, the opening of communications, the increased intercourse of mind with mind, the lowering of the assessment, where it is found to press too heavily upon the ryot, must necessarily produce upon the practice of torture; the three former by their effects upon the native character, the latter by diminishing the necessity for constant interference with the ryot in all his agricultural operations throughout the year. All these will doubtless enter into a combination powerful if gradual, but they are but general remedies. Our attention has naturally been turned to consider whether there may not be something special in the circumstances of the country which, independent of such slow and general remedies, seems to admit of and invite redress of a special and specific character.

General effects of education, &c.

78. We have already stated the disproportion between the size of the districts and the number of European officers employed in the civil administration of their affairs, and we have pointed out what appears to us the natural result of such a state of things. It cannot be denied that a greater strength of European Government servants in a province must tend to its more perfect administration, and the question is how and in what direction such additional force could be most beneficially employed and rendered serviceable in putting down the native practice of resorting to such illegal personal violence as we have been engaged in commenting on.

In what direction increased agency most usefully employed.

79. Now we find all revenue, police, and magisterial authority centred in one and the same set of functionaries. The very peons whose duty was primarily intended to be employed solely in the repression and discovery of felonies and misdemeanors, and who were so previously to the year 1816, are positively and chiefly employed in the collection of the revenue. The important Regulation XI. of 1816, which established the provincial police upon its present footing, by section 48, expressly provides as follows:—

Revenue and police authority at present vested in the same body. Police made revenue officers. Reg. XI. of 1816, sec. 48.

"The police establishment which may be transferred to the collectors as magistrates, shall not be considered as distinct from the revenue establishment, but shall be equally employed in police and revenue duties, as occasion may require."

The tahsildars, originally mere revenue officers, their peishcars, gomastahs, and peons, were by the same enactment invested with full police powers.

Revenue officers made police.

Section 25 provides as follows:—

Sec. 25.

"1st. Tahsildars or native collectors of the districts, by whatever name designated, shall *ex officio* be heads of the police of their respective districts; they shall be charged with the maintenance of the peace, and they shall report to the magistrate all acts which they may do, and all material information which they may receive, connected with their police duties."

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“2d. The peishcars, gomastahs, and peons who are or may be employed under tahsildars of districts, shall perform the duties of police as well as revenue duties, and they shall be considered officers of police as well as revenue servants.”

Reg. XI. of 1816.

Whilst by Regulation XI. of the same year (1816) the whole “office of magistrate” was transferred “from the judge to the collector of the zillah.”

Probable result of such a system.

80. Thus it will be perceived that the collection of the land revenue was entrusted to the very class who had from time immemorial been accustomed to practise the most cruel and violent tortures upon the persons of the unfortunate prisoners in their custody, accused or suspected of crime, and that, with the full cognizance and even approval of their fellow countrymen at large. Now it certainly does not seem to be drawing an overstrained inference to argue that the peons accustomed to elicit confessions in criminal matters through the instrumentality of torture, would not be slow to have recourse to the same or similar appliances for the extortion of dues in revenue matters; especially as the practice was of long standing also in this department of the State administration under native rule,* and no innovation or surprise upon the habits and customs of their fellow countrymen. We do not mean to say that there may not have been an equal or possibly even a greater amount of personal violence in the collection of revenue previous to 1816 than subsequent to that epoch, but while the diminution is traceable to other causes, the concentration of all police and revenue duties in the same hands appears to us necessarily to have destroyed that check which would have resulted, had these powers been committed to two distinct bodies.

Character of police.

C. M'Kenzie, App. (C.), No. 3.-C.
W. Murray, App. (C.), No. 8.-1.
A. Hathaway, App. (C.), No. 8.-4.
W. Saalfelt, App. (C.), No. 8.-6.
C. Turner, App. (C.), No. 13.-7.
Sheristadar, App. (G.), No. 3.
Cotton, App. (C.), No. 4.-2.

81. We may add to this that the whole police is underpaid, notoriously corrupt, and without any of the moral restraint and self-respect which education ordinarily engenders; and that the character of the native when in power displays itself in the form of rapacity, cruelty, and tyranny, at least as much as its main features are subservience, timidity, and trickery, when the Hindoo is a mere private individual; so much so, that one judge declares the whole people are to be divided into the governing and the governed, “the oppressor and the oppressed.”

Combination among the native servants of Government.
Nulla Mootoo Pillay, App. (G.), Nos. 4 and 5.

82. When we reflect that there is but too good reason to suspect the existence of a league† in which the native officials, with some bright exceptions, are banded together from the highest to the lowest, for the common purpose of extorting illicit gains, and for mutual protection from discovery, the mind ceases to wonder at the universal and systematic practice of personal violence, the bare assertion of the existence of which is as startling to European ears as its reality is abhorrent to European morality.

State of the country requires an immediate remedy.

83. Such, however, has been the state of the country, the evil gradually diminishing in severity and extent, but still of enormous proportions, and imperatively

* “Mursbid Allykhan, who became Nawab of Bengal in 1718, was, among his other atrocities, remarkable for the severity with which he extorted revenue from the zemindars. We are told that he used to oblige defaulters ‘to wear leather longdrawers, filled with live cats, and to drink buffalo’s milk mixed with salt, till they were brought to death’s door by diarrhoea.’ The chora (or whip) was also constantly in use. According to Stewart, one of his agents, Nazir Ahmed, used to deliver over the captive zemindars to be tormented with various refinements of cruelty; such as hanging up by the feet; bastinadoing, and setting them in the sun in summer; and by stripping them naked and sprinkling them frequently with cold water in winter. Another of his people, Syeid Reza Khan, ordered a pond to be dug filled with everything disgusting, to which, in scorn of the Hindoos, he gave the name of Bickoont (Paradise), and through this detestable pool the defaulters were drawn by a rope tied under their arms. During the 17th century, the practice of tying wretches to palm trees, with their bodies smeared with honey, to attract the red ants, was by no means unfrequent.”—Dr. Chever’s Report on Medical Jurisprudence in the Bengal Presidency, page 306.

† See Sir T. Munro’s Report to Police Committee, 10th April 1806, sec. 55. “As there is a general combination, down to the lowest village servant, against the Collector, it is not easy for him to learn what is going on, and when he has made the discovery, he perhaps only removes one set of servants to employ another equally corrupt, and hence, in order to prevent their falling into similar practices, he is forced to act rather as a spy over them, than as the Superintendent of the Province committed to his charge. Of about a hundred principal division and district servants who have acted under me during the last seven years, there have not been more than five or six against whom peculation to a greater or small extent has not been proved.”

imperatively calling for an immediate and effectual remedy, if any such can be found.

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84. It would seem not only plausible but reasonable to look for such a remedy in the separation of the revenue and police functions; and it is to this that we venture to draw the attention of Government. We abstain from offering any direct or positive opinion upon the subject ourselves, because it does not fall within the immediate sphere of our inquiry: the expediency of this measure may be regarded as a separate question, which might form the subject of a totally distinct investigation; and certainly we should be desirous of sifting the matter much more fully than we have had any opportunity, before pledging ourselves to any confident determination regarding it. Much, doubtless, is to be urged on both sides. We should require to compare the different systems as tried in Madras before and since the laws of 1816; to ascertain how the two principles work in Bengal, Bombay, and the North West Provinces. We know that in Mysore there is scarcely a third of the European agency employed in the districts of Madras; that the superintendent of a division has not only the work of a Madras collector, but much of that of the Civil and Criminal Court, with the power of presiding at trials in capital cases; yet if it should be found that there crime is more rigorously repressed, litigation less uncertain and tedious, the revenue more readily realised, and the country on the whole better managed than in our oldest possessions, this alone might make us pause and consider deeper as to a remedy which seems to promise much from its apparent applicability to the evil and its causes; yet it appears to us worthy of the fullest consideration, since the disjunction of the police and revenue authority of the native servants would break the neck of that power which is wielded by them with such terrible force and concert. It is the union of the two duties which gives them their principal power, and presents a tempting facility for abuse.

Separation of the revenue and police functions suggested.

85. "In all cases," says the sheristadar, App. (G.), No. 3, "where a tahsildar, as revenue officer, found it difficult to induce the ryots to come to a settlement, he used to trouble them by exercising and abusing the powers vested in him as a police officer. This practice, I doubt not, is prevailing everywhere." And again, "As already observed, the revenue officers, in managing their revenue matters, were obliged to abuse their police powers too. By uniting these two offices together, a great inconvenience, and consequent trouble and delay before disposing of any other matter, has been occasioned both to the tahsildars and the ryots in their respective talooks. The tahsildar cannot possibly pay his due attention to these two duties respectively." And again, still more forcibly and pointedly:

Authorities, App. (G.), No. 3.

"If the duties of police and revenue are hereafter separated, and the amildars and heads of police, aided with sufficient establishments, employed to conduct them respectively, allowing them at the same time a handsome pay, it will, I undoubtingly say, afford a great relief, not only to the servants, but also to the subjects of the State, both in revenue and police matters; and moreover these two officers will be too much afraid of each other to commit any irregularity in exercising their powers. Torture may thus be suppressed entirely."

"Another check on the abuse of authority," says the Honourable Walter Elliot, "would be obtained by separating the police from the revenue functions now exercised by native revenue officers. Persons suffering from injuries inflicted in the one department, are cut off from all chance of redress through the other, and the European magistrate is often too far off to appeal."

Hon. W. Elliot, App. (C.), No. 6.

"I am the sole European," says Mr. Cherry, "to conduct and overlook the police duties among a population of no less than 572,860, and superintend the collection of upwards of six lacks of revenue from a country extending over some 4,000 square miles. I am confident also that the separation of the police and magisterial powers from the revenue officers will, besides other reasons, ensure a greater efficiency in these departments, in either of which the duties are very frequently too onerous to be properly conducted by only a single officer."

Mr. Cherry, App. (C.), No. 14-2.

86. It must be surely unnecessary for us to dwell on the improbability that a native will obtain redress from a tahsildar as a magistrate for an injury inflicted

Redress from tahsildars not to be expected.

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inflicted possibly under his orders, or at any rate, in the discharge of a duty, which, to his eyes, relieves it of odium or culpability, the collection of the Government revenues. It is, in point of fact, to hand over the spoiled to the spoiler, and to ask the party most deeply interested in hushing the matter up, to display the impartiality of a judge.

Opinions as to the present police.

87. The character of the native police has been drawn by more than one writer in the reports furnished to Government. We select two.

Mr. Mackenzie, App.(C.), No. 2.-6.

Mr. Mackenzie writes as follows :

" I have no hesitation in stating that the so-called police of the mofussil is little better than delusion. It is a terror to well-disposed and peaceable people, none whatever to thieves and rogues, and that if it was abolished *in toto*, the saving of expense to Government would be great, and property would be not a whit less secure than it now is."

Mr. Saalfelt, App.(C.), No. 8.-6.

Mr. Saalfelt says :

" The police establishment has become the bane and pest of society, the terror of the community, and the origin of half the misery and discontent that exist among the subjects of Government. Corruption and bribery reign paramount throughout the whole establishment ; violence, torture, and cruelty are their chief instruments for detecting crime, implicating innocence, or extorting money. Robberies are daily and nightly committed, and not unfrequently with their connivance, certain suspicious characters are taken up and conveyed to some secluded spot far out of the reach of witnesses ; every species of cruelty is exercised upon them ; if guilty, the crime is invariably confessed, and stolen property discovered ; but a tempting bribe soon releases them from custody. Should they persist in avowing their innocence, relief from suffering is promised by criminating some wealthy individual, and in the agony of despair he is pointed to as the receiver of stolen goods. In his turn he is compelled to part with his hard-earned coin to avert the impending danger. Even the party robbed does not escape the clutching grasp of the heartless peon and duffadar ; he is threatened with being torn from his home, dragged to the cutcherry, and detained there for days or weeks to the actual detriment of his trade or livelihood, unless he point out the supposed thieves. The dread of, or aversion to the cutcherry is so great, that the owner would sooner disavow the stolen article and disclaim all knowledge of the property, though his name be found written upon it in broad characters ; while such is the actual state of things, and while the people entertain such a lively horror of the police, it is not possible to expect a single victim of torture to come forward and arraign his tormentors, or to bring the charge home to any one of them after the deed has been perpetrated in some ruined fort or deep ravine situated miles away from the town or village."

Such a police requires either thorough replacement or reorganisation.

Police to be placed under independent authority.

88. But it seems to us questionable whether to render the police efficient, it must not be placed under independent European authority. Although the Collector would still remain the political head of his whole province, and retain all his power and authority as a justice of the peace and magistrate, it will probably be thought that the police cannot be organised, brought up to, or kept in the requisite state of discipline, unless it be commanded by an officer who should give his whole undivided time and energies exclusively to that object.

Probable result of such a police in criminal cases.

89. It seems more than probable that this measure would have a very powerful effect upon the welfare of the people. In police cases, it cannot be doubted that a better paid, better organised police force, separated altogether from ordinary revenue duties, placed under European officers, and commanded by an intelligent superintendent, immediately responsible to Government for the peace of the whole district, would in a very short time interpose an effectual check to the resort to torture to elicit confessions. It would then be impossible, under such vigilant supervision as would be practicable in every case, for the native police authorities to evade the orders of the Court of Foujdaree Udawlut, or detain suspected parties and prisoners in their custody, without an immediate report to their superiors. Every allegation of maltreatment would receive instant attention and investigation, and be followed, wherever detected,

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by prompt and adequate punishment. The officers of police themselves would soon lose the slovenly habit of thinking they had done all that justice requires, in resting their proof upon confessions; they would become vigilant and acute in tracing out those circumstantial evidences of guilt which cannot lie, and which they would soon recognise as a far more satisfactory description of proof than got up testimony, as perjured as it is direct; and the same conduct which has sufficiently guaranteed the peace and safety of European countries during the last 30 years, within which time the science of police may be said to have been entirely originated, would speedily afford to this Presidency an admirable constabulary, preventive and detective. Indeed such are the institutions of society in India, that we believe, with a mofussil police properly constituted and commanded, scarcely any crime, however minute, could be perpetrated without the discovery of the offender by perfectly legal and justifiable means.

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A. Robertson, App. (C.), No. 2-1.
A. Hathaway, App. (C.), No. 3-4.
M. Murray, App. (C.), No. 8-1.
W. Molle, App. (C.), No. 10-4.
T. Anderson, App. (C.), No. 10-7.
A. S. Mathison, App. (C.), No. 13-3.
Capt. Campbell, App. (C.), No. 24-12.

90. We have already alluded to what are probably necessary results of the same measure, both as affecting the use of torture in the collection of Government revenue, and in the exaction of illicit gains.

Probable results in revenue matters.

91. We cannot refrain from pointing out that the whole of this question was ably considered in the year 1815. Previous to that era the police and magisterial power had been exercised solely by the judges; this was found to be productive of great evils, and the remedy proposed was, to separate the police and magisterial functions from the judge, and confer them on the Collector, though some difference of opinion prevailed. The Police Committee of 1806 had reported in favour of transferring the police authority only. Sir Thomas Munro was in favour of the entire transfer of both police and magisterial authority. The Government thought that the Court of Directors' intentions were that the police functions only should be transferred; the Judicial Despatch of the Court, dated 20th December 1815, settled the point definitively (*see para. 11-16**) in favour of Sir Thomas Munro's views.

This topic considered in 1815.

92. Mr. Fullerton, then member of Council, took an opposite view, and his powerful minutes may with advantage be consulted in the second volume of Madras Revenue and Judicial Selections. In his minute of the 1st January 1816, he was in favour, like all his contemporaries, of transferring the police authority from the judge to the Collector; and so far as he proposed to divest the judges of these duties, we conceive he was unquestionably right; we desire to quote his words, which are as follows:

Mr. Fullerton's views.

"On the support of police duties, it is argued by the Honourable Court, and has indeed been generally admitted by all who have ever considered the subject, first, that no system of police will be efficient, unless the subordinate duties

Madras Revenue and Judicial Selections, p. 365, sec. 42.

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* Sec. " 11. In perusing these proceedings, we have been gratified to find that, with the exception of one point, which is indeed of considerable importance, there is no material difference between Colonel Munro's understanding and the interpretation given by you of our intentions.

" 12. The point on which a difference of statement has arisen between you and Colonel Munro, regards that part of our despatch, in which we enjoined the transfer of magisterial functions to the Collector, Colonel Munro thinking that we meant to include in the transfer not merely the superintendence and control of the police, but the whole duties of magistrate, and our Governor in Council, on the other hand, conceiving that we intend to confine the transfer to the superintendence and control of the public establishment.

" 13. We have no hesitation in declaring our intention to have been, that the transfer should take place in the sense and to the extent supposed by Colonel Munro; and this intention, we still think, was fairly deducible from the tenor of paragraphs 84, 85, 88 to 97, 95, 96, 97, 102 and 107 of our despatch.

" 14. We should not, however, be averse to leave to the zillah judges a concurrent power to act as magistrates in conjunction with the collectors, provided that this can be effected without risk of collision between the two authorities.

" 15. We cannot concur with your observation, 'that it is by no means necessary to the efficiency of the collector's superintendence of police, that he should be invested with the powers of a magistrate.' On the contrary, we are of opinion that to withhold magisterial power from the superintendents of police would greatly lessen that respect and salutary awe which their office as well as character ought to inspire.

" 16. It only remains for us, therefore, to direct that our instructions for the transfer of the duties of magistrate to the collectors be carried into effect, so as that the zillah judges may be enabled to give their whole time to the administration of civil justice.

be conducted by the taliar, or village watcher; secondly, that the taliars, or village watchers, will act only with effect under the head inhabitants; thirdly, that the head inhabitants will act only willingly under the amildar and Collector. Hence it follows, by clear deduction of consequences, that the superintendence of the police ought to be under the Collector. The ubiquity nature of the Collector's situation, the connexion that has invariably subsisted between the revenue and police duties, which have, until of late, been executed by the same persons, point him out the fittest person for the office. The expediency of the transfer of police duties from magistrates to the Collector has been dwelt upon at length by the first Committee of Police, in the year 1806; but here, like that committee, I must draw the line between executive and judicial functions. For although it is admitted that the Collector can most advantageously perform the duties of police, it by no means follows that he should be the magistrate, much less the sole magistrate of the district. Police I consider to involve a duty entirely distinct from magisterial. It is, to all intents and purposes, in its nature executive; and although not absolutely incompatible with that of magistrate, it had better be kept separate, for it necessarily involves acts against which appeal should be open to the magistrate, by whom alone their propriety can be decided on. The establishment of such a degree of control and superintendence over the conduct of the people, as will tend to the prevention of crime, must be the first object of police; the next, when crimes have been committed, to secure the apprehension of the criminals, by a proper arrangement and distribution of its officers. It will then become the duty of the superintendent of police summarily to inquire whether the criminal charge be or be not well founded, and when it appears so, to cause the parties and witnesses to be sent to the magistrate. The magistrate is to judge and to determine the measure of punishment to the extent allowed him; or if the crime be such as to require punishment beyond his power, it will be his duty to commit for trial before the superior tribunal, the Court of Circuit. The arrangements calculated for the prevention, next, the detection of crime, when committed, and the apprehension of criminals, I conceive to be the proper duties of police: the trial and punishment are the duties of the magistrate and Court of Circuit, in their respective gradations."

And in section 53 he singularly predicts what has really happened :

"It is not, I conclude, intended to make police or the administration of the criminal law subservient to the collection of revenue, to vest in the Collector such a degree of overwhelming authority as will enable him to dictate the terms of cultivation, to infringe on the personal liberty and the free exercise of the labour of the ryots, and extract, by an organised system of compulsion, a revenue beyond the natural result of voluntary engagement. And if my conclusion be correct, the charge of the police confers all legitimate means of giving full energy to the revenue system; but when we consider that the charge and control, and the means of employing police, involve in the first instance the actual exercise of the whole civil powers of the country, when we consider how that power has been formerly used in the administration of revenue, it will hardly be disputed that it is a charge not to be safely trusted, without an independent authority at hand to listen to complaints against its abuse. If indeed the permanent settlement had been generally made, or even village rents on a long lease, my argument will lose much of its force. The Collector's revenue dealings would, in such case, be confined to a higher order of natives, less likely to suffer from mistaken views of his power; but when the Collector and his servants, as in a ryotwar settlement, comes once a year in direct collision with every ryot in the country, the stocks and the rattan ought not certainly to be admitted as appendages to his office." We would also beg to refer to the powerful State Paper of Mr. Fullerton, under date the 7th June 1820 (Madras Judicial Selections, volume iv. page 46), where some admirable remarks will be found most apposite to the present subject. We would particularly select the following passages.

In para. 35: "It has been urged that, on general principle, police powers cannot be entrusted to revenue officers without dangers of misapplication; that the powers vested in them for the maintenance of the peace and for the public good will be converted into an engine for the support of their revenue duties,
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for the enforcement of compliance with arbitrary orders or unjust demands. This arrangement was on a former occasion considered by the supreme authority in India as decisive against the intended transfer of the police, only it was considered as involving a deviation from the fundamental principles of our civil Government.

“ It will hardly be disputed that nearly all the oppressions practised in the country have their source with native officers of Government. Without being entrusted with some degree of authority, they cannot perform the duties required of them, and that authority, and influence resulting from it, they seldom fail to abuse; the extent of the abuse will be in proportion to the vigilance and ability of the European head; if his administration be lax, if he reposes improper confidence, the mischief will extend to the perversion of justice, the Court itself will be converted into an instrument of oppression.”

Again, in para. 46: “ The Collectors are now to superintend the cultivation; they are interested in the occupation and cultivation of every field; they are to create as well as to collect the revenues through their immediate officers. Those officers are to be instruments and agents of the police and magistracy, they will be the judges, collectors, magistrates, and superintendents of police of villages; zemindars and their servants, renters and renters’ servants, will be the same, and so will shrotriumdars, jaghiredars, and enamdars; for all as actual managers of the village under the rules laid down by the Commission supersede the hereditary office of head inhabitants of villages as much as renters and their servants. It must follow, then, that collectors in their united capacity of collectors, magistrate, and superintendent of police, and all other subordinate officers down to the manager of a village, come into direct collision with the whole cultivating class, with refractory renters being inhabitants, with all ryots in arrears, with ryots refusing to cultivate on terms prescribed by the revenue officers, with cultivators refusing to pay undue exactions; with all classes refusing to pay abject submission to amildars or tahsildars and zemindars, renters, and all their servants, in all revenue cases, in all police cases; a man, therefore, against whom a native revenue officer entertains animosity, may be charged with contempt, abusive language, calumny, and affray; he may be tried by revenue authority for acts that arose out of an undue demand, which the revenue department had no right to make, out of disobedience to an order it had no right to give, and will probably be punished in a case in which the judge denounced the punishment as the real aggressor.”

And again, in para. 64: “ What necessary connexion subsists between the collection of revenue and the administration of justice, civil or criminal? Are not their duties perfectly distinct? Why then should both be in the hands of the same person? Is it not clear that every argument of reason shows the necessity of their being separate? The right of collecting revenue carries with it unbounded influence and great power of abuse and oppression. Are not the misconduct, the violent and arbitrary acts of public servants, the great blemish of our Government? Is it not against the acts of public servants then that judicial control ought principally to be directed? Is it not prudent, by separating powers when duties do not require union, to guard against abuse? Why then destroy the best, the only check, by throwing all the influence of powers and authority of the State into the same hands?”

Again, in para. 65: “ All the arguments adduced in support of union of revenue and judicial powers, seem to me to carry with them indisputable admission of contemplated over-assessment. Actual force or overwhelming influence, resulting from such union, is required to exact with success an overstrained revenue; no such powers are requisite to enforce a reasonable demand. It will always be found that where assessments are moderate, least anxiety is shown by collectors about judicial powers. Such an union is not thought of in Bengal. It was declared indispensable in ryotwar countries, because the ryotwar assessments were arbitrary and excessive. How clear the reasoning of the Sudder Udawlut on this point in the following words: ‘ It is obviously only a forced and unnatural exaction of labour that would meet with obstruction in the Zillah Courts;’ and it is only such exaction that can require judicial powers to be vested in the collectors.”

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"We all remember the time when it was argued by the Commercial Department, that commercial residents should hold magisterial powers over weavers. The idea was admitted to be absurd, and was justly condemned by the Revenue Department; but after all, when we view the matter abstractedly on just principles, we must ask what more connexion is there between magistracy and cultivating land, than between magistracy and weaving cloth? Why did commercial residents wish to exercise authoritative powers over weavers? To compel them to weave on their own terms. Why is it required that magisterial authority should be vested in the Collector's servants? That they may compel cultivators to cultivate on their own terms. And why should the influence of judicial powers be required in the one case more than the other? The duties are distinct, and each enough of itself to require one man's attention; both cannot be well conducted. The weaving of cloth and cultivation of land rest on the same principle, the profit attached to the labour required. To argue on the necessity of attaching to either the authority of magistracy, is only to admit that the power and influence of the magistrate is required to enforce that which ought to result from free and voluntary consent and mutual agreement.

"To repress the arbitrary exercise of authority by individuals; to protect the great body of the people against the oppression of the few; to render all the executive officers amenable to the law; to substitute as the recompense of labour fair and acknowledged emoluments for private and undue exactions, form the fundamental principles of civil government."

And the Court of Directors, in their Judicial Letter of the 11th April 1826, express themselves as follows:

"The revenue officers under the Madras Government are vested with very extensive unchecked authority in the department of the magistracy, including a considerable part of the administration of the penal law. They alone are competent to receive criminal charges against natives in the first instance, and many of their proceedings are unrecorded and exempt from control. Acts of great atrocity may be practised by the native officers, and the proceedings of magistrates and assistants may be arbitrary and injurious, without any probability of their authors being called to an account. Instances of such misconduct may be occasionally brought to light, and orders suited to the occasion may in consequence be given. But it is essential to good government that the people should not be left to a casual and uncertain protection; against a power so dangerous and liable to abuse, the best attainable safeguards should be established. The only way in which any abuse of power on the part of the officers of police can be subjected to exposure, and the evidence of their misconduct placed on record, is by a civil action in the zillah court, unless the party aggrieved should submit his complaint to the magistrate, who has the power of inflicting a punishment in such cases under Regulation II. of 1816, section 44.

"He who can exercise any sort of uncontrolled authority, however small its amount may be in any particular case, if he can inflict one stripe, or one day's imprisonment, or fine one rupee, without being accountable for his proceedings, has in effect a power almost despotic over those persons who are subject to him. Moreover, the exclusive privilege of receiving criminal charges carries with it a power not less dangerous than that of inflicting punishment, namely, a power to exempt individuals from the penalties of the law."

Conclusion.

93. Our labours draw to their conclusion. We have honestly and fearlessly expressed our solemn conviction upon this important question submitted to our investigation and judgment, which we have formed certainly most carefully and cautiously, and to the best of our abilities; and we have ventured to suggest what may be deemed appropriate and speedy remedies for the evils brought to light by the present inquiry. In doing so we have pointed to a copious infusion of the element of European agency into the civil administration of the provinces. In this we are very far from being actuated by any hostility to the natives, or a desire to exclude them from their fair share in the government of this country. Perhaps instead of the phrase "European" agency, it would have been more correct to have used the term "moral" agency, without reference to colour or birth; for there are many East Indians and some natives who, in our opinion, might as safely be trusted with power as any among ourselves.

East Indian and Native Agency.

94. It is gratifying to know that among the present there are, and among the rising generation of Hindoos there will be probably many more, who would not look to place as the opportunity of amassing riches by dishonest or oppressive practices, and to whom the liberties and welfare of their fellow-countrymen might be safely committed. Some such there are at the present moment exercising authority with high advantage to the people in the provinces. Wherever and whenever such men can be found, we would advocate their employment. Our aim is to guard the natives against themselves, such as they are now.

Employment of natives.

95. We indulge in the hope that our present inquiry has not been altogether unproductive of good effects. The determination of Government to sift this matter to the bottom, and to expose the practice of torture, if it were really found to exist, cannot but necessitate the adoption of measures for its suppression, as a necessary corollary, now that its existence is established.

This inquiry not without results.

96. But, independent of this, the assurance which has been afforded the people at large, that whatever may have been the practice, it was not countenanced by the Government; the pointed manner in which the attention of all Europeans in authority has been called by Government to the subject; the salutary fear which cannot but have been inspired in the breasts of the native officials; the confidence which publicity must have given to the people to resist their oppressors; all these must have exercised much influence in checking for a season the perpetration of torture.

Effect of the measures taken by Government.

97. We do not think the fears of those well founded who anticipate a serious falling off in the revenue as the first and immediate consequence of the present agitation, although the anticipation is itself a strange admission of the universality of persecution as an instrument for collecting the Government dues. It is generally asserted that the natives look upon the infliction of personal violence as a less evil than the sale of their property. Hitherto there has been on the part of the European* revenue authorities a leaning against that measure, except in the last resort, and the natives know it; but if it should be now necessary to sell in the first instance, as the only means left of dealing with a defaulter; and if it be true that this is felt as a more serious infliction than personal violence, we think we argue correctly that the people will make corresponding efforts to avoid it.

Fear of consequences of inquiry groundless.

98. The publication of this Report may, we hope, have a beneficial result, but we cannot conclude without most respectfully, yet earnestly, expressing our fears, that if this inquiry unfortunately be allowed to die away without action, no remedial measures being founded upon it, with the alarm excited by temporary activity will also subside the apprehension of evil consequences to the evil doers. The native officials will but have learned another lesson of their own power and impunity; we shall but deliver back to their mercy those whose boldness in urging complaints has aroused a vengeance which we shall not have taken care to render impotent; and thus the native population may be worse off than before.

Necessity of action.

(signed) *E. P. Elliot,*
H. Stokes,
John Bruce Norton,

Commissioners for the Investigation of alleged Cases of Torture.

Polytechnic, Mount-road, Commissioners' Office,
16 April 1855.

* See C. O. of the Board of Revenue, second edition, p. 337.

A P P E N D I X.

APPENDIX.

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Appendix (A.), No. 1.

Public Department.—No. 925.

Appendix (A.)

Gentlemen,

Fort St. George, 9 September 1854.

I AM directed by the Right honourable the Governor in Council, to forward for your careful attention, extract from the Minutes of Consultation of this date, calling for information from the officers of Government, both civil and military, in various departments, on the subject of the alleged use of instruments of torture by the native subordinate servants of the State, for the purpose of realising the Government revenues.

2. In addition to this application to gentlemen in the public service, his Lordship in Council has also addressed residents in each district unconnected with the Government.

3. The Right honourable the Governor in Council considers it necessary that the allegations which have been publicly put forward in Parliament, and which are so injurious to the character of the British Government, should be thoroughly probed, and if incorrect, emphatically denied on unquestionable authority, or if unhappily found to be true, every effort must be made to put a stop to practices already contrary to the law, and alike opposed to the principles and interests of the Honourable Company's rule.

4. With these views, the Right honourable the Governor in Council has resolved that the fullest and most complete investigation should be instituted into the subject, and he believes that this object will be best attained by the appointment of a Commission at the Presidency, specially to investigate any cases which any person or persons may be prepared to bring forward in substantiation of their assertions, notice being given that complaints from whatever party emanating will be received, and I am directed to request your services on this occasion as members of this Commission.

5. In carrying out the duty thus confided to you, you will receive such aid as you may require from the revenue and judicial officers in the provinces, who will be instructed to attend to any requisitions you may make on them, and you are empowered to incur such expenditure as you may deem necessary, for batta and travelling charges of parties giving evidence before you, or for the entertainment of a temporary establishment or other purposes in furtherance of the objects of your commission. At the close of your inquiries you will be so good as to submit to Government a report of your proceedings, with the opinions at which you may arrive.

I have, &c.

To E. F. Elliot, Esq., H. Stokes, Esq.,
J. B. Norton, Esq.

(signed) H. C. Montgomery,
Chief Secretary.

Enclosure, No. 1.

Public Department.—No. 922.

Extract from the Minutes of Consultation, dated 9 September 1854.

I. THE attention of the Right honourable the Governor in Council has been forcibly arrested by the reports given in the English newspapers, of the recent debate in Parliament
420. G on

on Mr. Blackett's motion on the state of the Madras Presidency, and the accompanying abstract, collated from different public prints, of what was stated on that occasion by several Members of the House of Commons, has been prepared as containing a prominent reference to a subject which demands a thorough investigation at the hands of Government.

2. From these reports, there can be no doubt that it has been broadly asserted in Parliament, and that that assertion received no positive or authoritative contradiction, that instruments of torture are commonly employed in this Presidency for the purpose of extracting an immoderate rent from the people.

3. Whether the rent or tax be immoderate or not, is a point which it is here unnecessary to discuss; but the other portion of the assertion involves a charge of so serious a nature, that it is imperative on the Government to make every exertion to discover by the strictest scrutiny, whether there is any and what degree of truth in so grave an imputation.

4. The idea of such a practice is so abhorrent to the principles innate in every Englishman, that the Right honourable the Governor in Council would not hesitate to repel such an accusation on the part of the covenanted service, but he feels that a mere general denial of this nature would not be satisfactory to the officers of the service themselves, but that, on the contrary, they will be as desirous as he is that the fullest inquiry should be made, in order that, if untrue, the charge may at once be openly and clearly rebutted, while if, on the other hand, there should be any grounds for the assertion, every exertion may be made to expose and effectually prevent such highly objectionable practices, and vindicate the character of Government.

5. The use of torture, or the infliction of any personal injury or violence by any officer in the revenue and judicial employ of Government, is of course a criminal offence, and punishable under the existing Regulations; but in a matter so deeply affecting the honour of the British nation, and so utterly repugnant to its principles of government, it is not sufficient that such acts should be merely entered in the category of crimes, but their asserted general prevalence, in spite of such legal prohibition, calls for an immediate and sifting investigation, and for eventual measures for their repression, if found to prevail.

6. The Right honourable the Governor in Council therefore resolves to call on all Collectors and Sub-Collectors to institute at once the most searching inquiries as to the existence of such practices as those under notice, within their respective jurisdictions, and to state whether any complaints of this kind have come under their cognisance within the last (7) seven years, and what punishment has in each case followed conviction. Each officer will also state, so far as he can ascertain or judge, whether the idea is prevalent among the people that such acts are tacitly tolerated by the Government or its European officers.

7. The Collectors and Sub-Collectors will further call on all persons to bring forward any specific instances within their knowledge of instruments of torture being used for the purpose of realising the revenues of the state, and which they may be prepared to substantiate, or give such tangible information about as may lead to their substantiation. The utmost endeavours of the local authorities will be used to bring such cases to light.

8. They will likewise use their best efforts to obtain information and assistance from any respectable residents, European or native, especially such as may be unconnected with Government.

9. The civil and sub-judges and principal sudder aumeens will also supply Government direct with any information they may be able to afford of any cases which may have come within their knowledge during the last seven years, stating also whether in their opinion the practice does exist, and to what extent. The civil engineers and zillah and civil surgeons will likewise supply similar information.

10. The reports above called for will be submitted to the Government direct, and with as little delay as may be consistent with a full and complete inquiry.

11. The Court of Sudder Udawlut and the Board of Revenue will also be requested to furnish Government with any information on this subject which their records may afford, or which has come within their personal knowledge within the time already specified.

12. Separate communications will be addressed direct to parties likely to be able to give correct information, but the Collectors are not to consider themselves thereby precluded from seeking information from every reliable source.

13. His Lordship in Council need scarcely add that a vindication of Government is not his sole object in adopting these measures. Highly important as that object is, it is no less necessary and important that the subjects of the Government should be fully and completely protected from such practices, if prevalent. Should this unfortunately be the case, the most decided measures will be called for for their repression, and the people made to understand that the British Government does not in any shape or degree tolerate such atrocities, and will spare no effort to prevent them, when promptly brought to notice.

14. Ordered, that the foregoing resolution be communicated to the Military Department, and that the provincial Commander-in-Chief be requested to call on any officers of Her Majesty's or of the Honourable Company's services, who may be likely to afford information on this subject, to report any specific instances which may have fallen within their cognisance,

sance, of torture having been applied to collect the dues of Government within the limits of the Honourable Company's territories.

15. Resolved, also, that a similar communication be made to the Commissary-general, who will obtain the like information from the officers of his department.

16. Ordered, also, that the following letter be despatched.

(A true extract.)

(signed) *H. C. Montgomery,*
Chief Secretary.

Enclosure, No. 2.

ABSTRACT of Speeches made in the House of Commons.

POST.	EVENING MAIL OR TIMES.	EVENING JOURNAL OR MORNING CHRONICLE.
<p>MR. D. SEYMOUR.</p> <p>The grand object of the Company was to get 10 s. out of a man where he had but 8 s., and the same means of torture and coercion were used in the district to which he referred, now, in order to obtain taxes, as were used under the French dominion, described by a Jesuit who wrote a hundred years ago. Every year, in certain districts that were over-assessed, this torture went on. He knew that this was gain-said, but the mass of evidence left no doubt of the fact. British merchants who knew it were afraid to disclose it, because they feared their position might be affected by the displeasure of the Indian Government. He had moved for documents showing what the Collectors of the provinces of Madras said on the subject; but they were refused, he believed at the instance of Sir J. Melvill.</p> <p>SIR J. W. HOGG.</p> <p>He could not fancy how a Member of Parliament could expect to get information by going to the south of India, into districts where, except as a collector or a judge, it was a question whether the natives ever saw a European face, and it was extraordinary that on such data he should produce to The House a sketch of various kinds of tortures, and ask, "Was that the kind of torture that was objected to?" He (Sir J. Hogg) must say, he thought the Hon. Member committed a very great act of indiscretion in taking that course.</p>	<p>It appeared to him that the great object of the Madras Government was to get 10 s. a year out of a man who had only 8 s.; so that they did not entirely succeed in their object; but every kind of coercion was employed. The very same kind of torture was employed now as was employed at the beginning of the last century. In certain districts where the holders of land were over-assessed, this kind of torture went on every year, and, although some civilians denied that such was the case, their testimony was opposed by all the merchants with whom he had conversed. What he stated might be proved by the reports of the governors themselves, if the East India Company would allow those reports to be made public. He had moved for papers which would have thrown some light upon the matter, but they had been refused by the Right Hon. gentleman, the President of the Board of Control, he believed upon the prompting of Sir James Melvill, who had, in his opinion, done considerable harm to India.</p> <p>But the House could easily understand the sensation which the presence of his Hon. friend would excite in districts where, except the judge and the collector, the face of a European was seldom seen. In such a district, the Hon. gentleman, he understood, was in the habit of taking out a sheet of paper covered with pictures of various kinds of torture, and asking the people, as he pointed to one or other of the representations, "Is that the kind of torture to which you were subjected?" He must think that was an act of grave indiscretion.</p>	<p>But the House could easily understand the sensation which the presence of his Hon. friend would excite in districts where, except the judge and the collector, the face of a European was seldom seen. In such a district, the Hon. gentleman, he understood, was in the habit of taking out a sheet of paper covered with pictures of various kinds of torture, and asking the people, as he pointed to one or other of the representations, "Is that the kind of torture to which you were subjected?" He must think that was an act of grave indiscretion.</p>

(continued)

POST.	EVENING MAIL OR TIMES.	EVENING JOURNAL OR MORNING CHRONICLE.
<p align="center">MR. BRIGHT.</p> <p>But not only were the miserable ryots taxed to the uttermost farthing, but the Hon. Baronet would not attempt to deny that, in the collection of the revenue, still further exactions were not unfrequently forced from them by the employment of physical torture. Mr. Norton and other authorities had expressly declared that it was so; that cruelties unknown to the legislature of civilised countries, and fit only for barbarous ages, and Governments such as those the English Government was sometimes said to have supplanted. Mr. Norton said that to enforce payment the ryot was dragged from his village and kept in confinement for weeks and months; that he was thumb-screwed; that he was subjected to the torture of having his head bent down to his feet, and of being tied in that position; he was made to stand in the sun also, with sometimes a large stone on his back; failing all which his property was sequestered and sold, and himself ruined and turned loose upon society, to live as he could by begging, borrowing, or stealing. There were thousands of ryots ruined in this way, and tens of thousands of acres wasted in consequence.</p>	<p>The Hon. Baronet, the Member for Honiton, had charged the Hon. Member for Poole with retailing the stories heard in the country, and wished the House to suppose that he referred to the practice of torture in the collection of the revenue; but would the Hon. Baronet deny, that the practice of torture was not an unfrequent occurrence? Evidence of this the Hon. Member for Poole had gathered from the evidence of Englishmen, collectors and officials; and he had also gathered evidence of that which was yet more horrible than anything which he durst state to this House. The evidence of Mr. Fisher, a most highly respectable merchant in India, clearly showed that, when an unhappy ryot was unable to pay his rent, he was visited with every species of severity, of cruelty, was torn from his home, imprisoned, subjected to the thumb-screw and other tortures, and finally, when no rent was to be got from him, was turned out of his little holding, and sent forth to beg, to steal, or to starve, as the case might be. That these things were so, was fully confirmed by the testimony of native merchants, and others of unquestionable veracity and respectability. The collector's subordinates had the excuse, so far as they were concerned, that if they did not, somehow or other, extort the rent from the wretched ryot, they were themselves dismissed as negligent in their duty.</p>	<p>Then with respect to the charge of torture. Did the Hon. Baronet pretend to deny that the practice of torture was not frequent? The Hon. Member for Poole had found the practices prevailing in every part of the Presidency of Madras in which he had journeyed, and he had witnessed more horrible things than he had stated to the House. In Mr. Norton's book he found the evidence of Mr. Fisher, which afforded an example of what could be done. He stated that "if the ryot cannot pay his rent, little consideration is paid to him. Every species of severity is tried to enforce payment. The thumb-screw, bending his head to his feet, and tying him in that position, and making him stand in the sun, sometimes with a large stone on his back; all which failing, his property is sequestered and sold, and he is ruined and let loose upon society, to live by begging, borrowing, or stealing. Thousands are ruined in this way." One of the natives, a tutor to one of the young Travancore princes, said, "When a ryot is unable to meet the demands upon him, his person is subjected to torture."</p>
<p align="center">MR. PHILLIMORE.</p> <p>The Right Hon. Gentleman had placed the question on a fallacious basis; for whether it was the ryotwarry or zemindarry system it mattered not, as the question was, What the effects of that system had been, and whether the evils of it were not so great that they were a disgrace to a Christian nation? and interference became necessary for the sake of humanity, and for the purposes of good government. That was the question from which the Right Hon. Gentleman had endeavoured to divert the attention of the House. What was the real fact? That in Madras, under the present system of the land tenure, only one-fifth of the land was in cultivation. Another fact was, that for the purpose of extorting an enormous rent from the miserable inhabitants, torture was constantly practised. He said this was a case which demanded</p>	<p>Said, that this was not a question between the ryotwarry and the zemindarry system, but whether evils existed under the present system which called for immediate interference. It was a fact that under the present system of the tenure of land in Madras only one-fifth of the country was under cultivation; another fact, which could not be denied, was, that, in order to extort enormous rents from the miserable inhabitants, torture was resorted to; and, in addition to this, they were told by the servants of the East India Company themselves, that, in consequence of the tenure of land, farming was such a wild speculation that no reasonable person would undertake it.</p>	<p>Said, the fact was, that the country was reduced to the lowest state of degradation, and the whole state of things was so flagrant and disgraceful that any means by which so foul a blot could be wiped from the British name ought to be adopted.</p>

POST.	EVENING MAIL OR TIMES.	EVENING JOURNAL OR MORNING CHRONICLE.
<p>manded inquiry; for in addition to the facts he had already stated, to quote the words of the Commissioners, "farming was a wild speculation and the land was unsaleable in the market."</p>		
<p>MR. HENLEY.</p>		
<p>Expressed his extreme surprise that the act of raising an excessive rent in India by torture had not been denied by any Member of the Government. He should not have risen if he had not heard that fact broadly stated by the Hon. Member for Manchester, and not a word of notice taken of it by the Right Hon. Baronet (Sir C. Wood). He believed that fact would take the British public by extreme surprise. The Right Hon. Baronet (Sir C. Wood) admitted that the rents were excessive, yet what did he propose—a Committee to inquire into the mode of collecting that rent, which showed how those questions were dodged about from one man to another. It was important that the natives of India should know that the Government at home were of opinion that they had been excessively charged for rent, that the time for considering had come to an end, that the period for action had arrived. That action, he supposed, would be a reduction of the rent. As for the alleged torture, he could not speak; but he sincerely hoped there had been some exaggeration in the matter.</p>	<p>Expressed his astonishment that no Member of the Government had contradicted the assertion of the Hon. Member for Manchester, that torture was applied in order to compel the natives to pay the tax. A statement of that nature going forth uncontradicted would startle the English public. Two important admissions had been made by the President of the Board of Control; first, that the rent was excessive; and secondly, that the time for consideration was past, and the time for action was come. The latter admission, taken in connexion with the first, could only mean that the Government had resolved that the excessive rent should be reduced. Whenever that should take place, a larger quantity of land would be brought under cultivation, and the revenue, instead of diminishing, would increase. The motion had been of service, if only for extracting these declarations from the President of the Board of Control; but it was desirable that before the discussion closed, the House should hear something from the Government upon the subject of the alleged application of torture.</p>	<p>Hoped yet to hear some contradiction of the statements which had been made upon the subject of torture.</p>
<p>SIR C. WOOD.</p>		
<p>Wished to explain with respect to the alleged torture, that he had not denied its existence because he possessed no knowledge on the subject. He could not authoritatively deny the truth of the statement of a practice of which he then heard for the first time, but there the statement was, and inquiry should certainly be made into it.</p>	<p>Explained that, having heard the allegation for the first time that evening, it was impossible for him to answer it without referring to Madras. Inquiry should instantly be made upon the subject, and the result should be communicated to the House.</p>	<p>Having been pointedly referred to, could only say, he did not believe the statement; but it was wholly impossible that he could give it an authoritative contradiction without reference to Madras. It was impossible to prove a negative, but the statement having been now made, he would undertake that inquiry should be made.</p>
<p>MR. MANGLES.</p>		
<p>Said it was difficult to prove a negative, but he could declare solemnly, that during all the time he was in India, he had never heard of anything of the kind in connexion with the collection of the revenue, although he had certainly heard reports of it in certain matters of police.</p>	<p>Said, it was difficult to prove a negative, but he could solemnly declare that, during many years which he passed in India, he never heard of torture being applied in Madras for the purpose of collecting the revenue.</p>	<p>Had never during the many years he was in India, heard of a single case of torture having been resorted to in Madras for the purpose of collecting the revenue.</p>

POST.	EVENING MAIL OR TIMES.	EVENING JOURNAL OR MORNING CHRONICLE.
<p>MR. V. SCULLY.</p> <p>Said it could not be doubted that physical torture was practised in India, as had been said in the House that night. Its existence could be proved even from Parliamentary Blue Books. No doubt that was a most horrible state of things, but of course it would immediately be put a stop to.</p>	<p>Informed the House that, in one of the books from which the President of the Board of Control had quoted, it was explicitly stated that men were tortured by having heavy stones placed upon their heads to induce them to pay the rents demanded of them.</p>	<p>(Having quoted some statements from a printed book upon the subject of torture) said it was a most horrible state of things if true. He had no doubt, that the mere mention of it in that House would put an end to so infamous a system.</p>
<p>MR. OTWAY.</p> <p>Wished to call the attention of the House to the simple fact, that there was an allegation made of torture having been resorted to in India, and the Hon. Member for Guildford (Mr. Mangles) had come forward and denied the truth of that allegation. He was astonished to hear the denial of the Honourable Gentleman. A gentleman holding a high position at the bar at Calcutta said, that almost every vice and abuse existed in India, that he believed torture was practised in every lock-up house in Calcutta, and that he had personal proof of it upon the occasion of a friend having lost a bag of 400 rupees, when after fruitless inquiries the police proposed to use the thumbscrew, as a means of discovering the thief; surely these were matters for inquiry.</p>	<p>Had been astonished to hear the Hon. Member for Guildford (Mr. Mangles) state that he never heard of the existence of torture in India, because he knew that a gentleman at one of the meetings of the Court of Proprietors had proposed to investigate the matter, and moved for a committee of inquiry, but the attempt was stified. Besides this, he had the written testimony of a gentleman of high standing at the Calcutta bar, Mr. Theobald, to prove that the infliction of torture was customary in India. This gentleman, in going to Baroda, happened to lose some property, and it was suggested to him by one of the native police that the thumbscrew should be used to discover the thief. Mr. Theobald, of course, refused to permit this, but he wrote that he was assured it was commonly used.</p>	<p>Said there had been a most distinct allegation of torture in India made in course of the debate. The Hon. Member for Guildford (Mr. Mangles) had not only denied the truth of that assertion, but had stated, that during the whole of his residence in India, he had never heard of such a thing as torture having been practised as a means of collecting revenue. When he heard that statement fall from the Honourable Member, he (Mr. Otway) was perfectly astonished, for he knew of his own knowledge that the motion for a committee to investigate that very subject had been made in the Court of Directors and stified. He also knew of his own knowledge that torture did exist in India, and he might add, that he had that very moment a letter in his possession, written by a gentleman holding a high position at the bar in Calcutta, named Theobald, addressed to his Honourable friend the Member for Poole, in which the writer stated that two ladies, another gentleman and himself had been robbed in travelling from Calcutta to Baroda, and that after making fruitless endeavours to find out the thief, the authorities suggested to them that by the use of the thumbscrew they would be able to make the discovery. The travellers refused to act on the suggestion, but they were assured that that mode of torture was very common in India. He (Mr. Otway) would ask, if these were not matters for inquiry, arising as they did from the poverty and wretched condition of the natives of India.</p>
<p>MR. MANGLES.</p> <p>Explained that what he said was, that he had never heard of torture being exercised in Madras or other places to enforce the payment of rent.</p>	<p>Explained that what he had intended to say was, that he had never heard of torture being exercised at Madras or anywhere else in India to enforce the payment of rent.</p>	<p>Reiterated his former statement, that he had never heard of torture being practised in India to enforce the payment of rent; admitting, however, that cases of policemen abusing their authority in that way, but not for that purpose, had come within his knowledge.</p>

POST.	EVENING MAIL OR TIMES.	EVENING JOURNAL OR MORNING CHRONICLE.
<p>MR. ELLIOT.</p> <p>Had been in the service for 80 years, and had never heard of torture being used for the purpose of collecting rent. There might have been individual instances of misconduct on the part of natives in the provinces, but he did not believe in such a thing as a thumbscrew having been used.</p>	<p>Confirmed what was said by the Hon. Member (Mr. Mangles). During 30 years of Indian service he had never heard of torture being used for the purpose of collecting rent, and he did not believe such a thing ever did exist in their time. There might have been individual instances of misconduct on the part of the officials, but he was perfectly satisfied that torture had never been resorted to, as a system, for the purpose of collecting revenue in any part of India.</p>	<p>Said that during a service of 80 years in India and in connexion with its administration, he had never heard of torture having been used for the purpose of collecting rent. He had not heard of such a thing until it was mentioned in that night's debate. He did not believe such a practice existed in Bengal or Madras. There might have been individual instances of misconduct on the part of natives of India in authority, but he was perfectly satisfied that torture had never been resorted to, as a system, for the purpose of collecting revenue in any part of India. He might add, that he had never heard of such a thing as a thumbscrew being used in India.</p>

Appendix (A.), No. 2.

Public Department.—No. 955.

EXTRACT from the Minutes of Consultation, dated 19 September 1854.

1. HAVING in the extract from the Minutes of Consultation under date the 9th instant, noticed the alleged prevalence of the use of torture in this Presidency in the exaction of the Government revenue, the Right honourable the Governor in Council is desirous of ascertaining the extent to which similar practices at present prevail in the police department.

2. In the exercise of their functions, the native talook and village officers of police are known to have been in the habit of resorting to cruelties for extorting confession from prisoners. Strenuous endeavours have been used from very early times of the British rule to put down a system so utterly opposed to every principle of humanity and subversive of the ends of justice; and accordingly, besides the penal provisions of section 30,* Regulation XI. of 1816, the records of the Foujdaree Udawlut abound in the most stringent orders enjoining the utmost exertion and vigilance on the part of the European officers towards the suppression of the abuse, and inculcating the necessity of the greatest circumspection and caution in the admission of the confessions of prisoners. The severest punishments moreover have in many instances followed conviction. So deep-rooted, however, has the evil been found, and so powerful the force of habit arising from the unrestrained license exercised in such acts of cruelty and oppression under the former rulers of the country, that it has not been practicable, notwithstanding the rigorous measures adopted, wholly to eradicate it, from the almost innate propensity of the generality of the native officers in power to resort to such practices on the one hand, and the passive submission of the people on the other; and accordingly the abuse still prevails in the police department, though undoubtedly not to the same extent as formerly.

C. O. 27 May 1806.
 " 27 Dec. 1814.
 " 18 June 1817.
 " 7 Sept. 1820.
 " 24 Jan. 1822.
 " 29 April 1822.
 " 28 Oct. 1823.
 " 29 Oct. 1824.
 " 29 April 1836.
 " 12 June 1852.
 Vide Appendix (B.)

3. The Governor in Council is of opinion that so long as the practice exists, in whatever shape or degree, continued vigorous efforts must be made to suppress it, and he therefore resolves to call upon the magistrates, joint magistrates, and session judges to institute a careful inquiry, and to report what effect the existing Regulations and the positive and reiterated injunctions of the Foujdaree Udawlut, as well as the frequent examples of punishment awarded, have had in deterring the native police officers from the use of torture; whether any beneficial change has been wrought in their feelings and ideas on the subject; to what extent the practice now obtains; whether any instances have recently occurred and come within the official or personal cognisance of the several authorities, and what punishment has followed conviction in each case brought to light during the last seven years.

4. His

* " Any officer of police or other person maltreating a prisoner or witness for the purpose of obtaining information or confession, shall be subject to punishment by the magistrate according to the nature of the case; and should the offence be of an aggravated nature, the party offending shall be forwarded to the criminal judge, to be punished by him, or committed for trial before the Circuit Court."

4. His Lordship in Council need scarcely impress upon the European officers of Government the necessity of continuing their unremitting exertions to suppress an evil which cannot but be viewed as a reproach on the administration of criminal justice; of their taking every opportunity of checking and preventing the subordinate native servants from converting into an engine of oppression the power which the law has placed in their hands for the protection of the rights of person and property of their fellow-subjects; and of visiting every instance of a violation of that law with the utmost severity. The Government look with confidence to receiving from every covenanted officer in the service his utmost co-operation in their determined and unceasing endeavours to put a final stop to proceedings so barbarous, and so justly calculated to bring discredit on the English name.

(True extract.)

(signed) *H. C. Montgomery*, Chief Secretary.

Appendix (A.), No. 3.

No. 1.

From *E. F. Elliot*, *H. Stokes*, and *J. B. Norton*, Esqrs., Commissioners for the Investigation of Alleged Cases of Torture, to Sir *H. C. Montgomery*, Bart., Chief Secretary.

Sir,

Madras, General Police Office, 23 September 1854.

1. WITH reference to your letter No. 925 in the Public Department, under date the 9th September, we have the honour to report to you, for information of the Right honourable the Governor in Council, that we have this day met for the purpose of considering the best course for us to pursue.

2. At the onset certain questions have suggested themselves to us with reference to the scope of our authority, on which we think it desirable to refer to Government.

3. We are not appointed under Regulation IX of 1823 or Act 37 of 1850, neither of which enactments, we apprehend, is applicable to such an inquiry as the present. We are therefore without any guide as to our course of procedure, and we would beg to point out to the Right honourable the Governor in Council that, as our body is at present constituted, we have no power to administer an oath to any party who may appear before us; and we are apprehensive that the result of our labours may not be deemed satisfactory, at least by the British public, unless any evidence which we may take shall be delivered under the sanction of an oath.

4. Since receiving your letter above referred to, we have been favoured with extract of Minutes of Consultation No. 955, Public Department, under date 19th September 1854, from which we learn that the general inquiry is to be extended to alleged cases of torture in the police departments. Your former letter confined our attention to cases connected with the collection of revenue, and not having received any further directions, we are at present doubtful whether the extract of Minutes of Consultation was forwarded to us simply for our information, or whether it is desired that our investigation should embrace police as well as revenue cases.

5. We deem it very desirable that our existence as a Commission should be made known to the public authoritatively, and we venture to suggest that, with reference to this object, our names might advantageously appear in the Gazette.

6. In para. 4 of your letter of the 9th September we are informed that notice will be given of our readiness to hear complaints from whatever quarter. We are in doubt whether this notice has been already given by the Government; but as this appears to us the only act in which we can take the initiative, we are anxious to know whether we may take steps for having this notice as extensively made known as possible by such means as seem to us best adapted for that purpose.

7. We propose to hold our meetings in the upper story of the General Police Office, which, from its central position and space, appears to us the most convenient spot both for ourselves and the public.

We have, &c.

(signed) *E. F. Elliot*,

H. Stokes,

John Bruce Norton,

Commissioners for the Investigation of Alleged Cases of Torture.

Appendix (A.), No. 4.

Public Department.—No. 1,027.

EXTRACT from the Minutes of Consultation, dated 3d October 1854.

READ the following letter from the Commissioners for the investigation of alleged cases of torture.

(Here enter 22d September 1854.)

In reply to the foregoing communication, the Right honourable the Governor in Council is of opinion that full information should be afforded to the Commissioners as to the course which the Government have adopted, and propose to pursue in furtherance of the objects in view.

2. The Government have been openly and publicly charged with practising or allowing the practice of torture by instruments on the persons of the ryots in exacting the payment of the public revenue, and those who have made the accusation are bound to prove it.

3. In order to afford every opportunity to persons disposed to come forward, the Government have directed the fullest inquiries to be made throughout the provinces, and have in addition appointed the Commission at the Presidency, that not only those in Madras but persons residing in the mofussil, who may be so disposed, may be enabled to bring their cases before a special European Commission. The Government might fairly be required to do no more than give full notice of these measures through the Commission, and proceed no further.

4. At the same time, the intentions of the Governor in Council are not limited to any partial investigation of the subject, but he is desirous, by a full, fair, and unlimited inquiry, of acquiring such information as will enable him to judge, as far as possible, of the truth of the allegations put forward, and in the event of the result proving the prevalence of the practices deprecated, of adopting such ulterior measures as may facilitate their entire suppression.

5. But to apply remedies judiciously, it is absolutely necessary not only to be sure of the existence of the evil, but also to ascertain its nature and extent.

6. Entertaining these views, the Government do not wish to take advantage of any technical quibbles which might readily be employed to prevent a full and complete inquiry, but, on the contrary, are desirous that the Commission should investigate all cases which might be brought before it, either of torture inflicted by instruments or by other means, or of punishment of any kind illegally administered.

7. For this purpose, it will be necessary for the Commission to make known both in Madras and in the mofussil the object of their appointment, and their readiness to hear all cases which may be brought before them.

8. As already stated, his Lordship in Council has ordered an inquiry in the provinces, and called for information from civil and military officers and from private individuals in aid of the objects of the investigation confided to the Commission, and any proceedings which it might be necessary to hold in any of the cases brought to notice will also be ordered to be conducted on the spot. The final reports of such proceedings will be forwarded, as they are received, for the information of the Commissioners, and for any remarks they may have to offer.

9. In the letter above recorded, the Commissioners solicit instructions upon two points. With regard to the first, his Lordship in Council is aware that in the existing state of the law, the Government cannot empower the Commission to take evidence upon oath. An application will therefore be made to the Government of India for an Act conferring the necessary powers, but before doing so, he desires to be furnished with the opinion of the Advocate-general and the Government Pleader as to whether this Government positively have not the power to issue a Commission to take evidence upon oath, and if not, what kind of enactment would be required to meet the case, both within the precincts of the Supreme Court and in the mofussil. In the meantime, the Government are of opinion that the Commissioners should still receive evidence and prosecute their inquiries, more especially if those persons who have made the charges are willing and prepared to substantiate them.

10. The other point is whether, with reference to extract Minutes of Consultation 19th September last, the inquiry should embrace the Police Department also. The instructions of Government were at first confined to the Revenue Department, because the imputation of the use of torture solely referred to the collection of the public revenue, but the Governor in Council is desirous of taking this opportunity of ascertaining the extent to which similar practices are resorted to in police matters, in which they have long been admitted to prevail, and the Commission will therefore be requested to extend their investigation to the Police Department, and in fact go fully into the whole subject in all its bearings.

Appendix (A.)

11. This extension of the inquiry by the Commissioners into police cases, also, will be duly notified in the "Gazette," but the Commissioners will themselves likewise give such notice of their intention as they may deem advisable, based upon the instructions now conveyed.

12. The Government entertain some doubts as to whether the police office will be the most desirable situation for the Commissioners to hold their investigations, but if they are satisfied that objections will not be taken, his Lordship in Council will not oppose it. He is only desirous that every care should be taken to avoid anything which might have the appearance of the least hinderance to a free inquiry, and he is also of opinion that the investigation should be held in public.

13. His Lordship in Council desires, in conclusion, to assure the Commissioners, that he will be happy to receive any suggestions which it may occur to them to offer in the prosecution of the duty committed to them. The Government are deeply impressed with the grave importance of the subject, and as they enter upon the inquiry with the fullest intentions that it should be impartial, efficient, and scrutinising, they hope to receive from the Commissioners all the assistance which they consider they have a right to expect.

(True extract.)

(signed) *H. C. Montgomery,*
Chief Secretary.

Appendix (A.), No. 5.

NOTICE.

WE, whose names are hereunto attached, having been nominated by Government Commissioners to inquire into the alleged use of torture or punishment of any kind illegally administered, whether for the purpose of exacting payment of the revenue, or of eliciting confessions or other evidence in criminal cases, are desirous that our appointment and its object should be as generally known as possible among the people of the whole of this Presidency. We have therefore caused this notice to be translated into the different tongues in general use, and have transmitted copies to each collector and judge of every district, with a request that the same may be affixed to all cutcherries and to some public place in each village, and further that its contents may be made known to every villager by beat of tom-tom.

1. By permission, we shall hold our meetings at the Polytechnic on the Mount-road, whither we request that all parties who may have any complaints to make, may address us personally or by letter.

2d. We shall not entertain any case which is alleged to have taken place more than seven years before the date of this circular.

3d. A limit being necessary to our inquiry, we shall not investigate any charge which does not reach us before the 1st February 1855.

4th. We shall be prepared to defray the necessary batta and travelling charges of all parties and their witnesses who may give evidence before us.

5th. We particularly request that no written communications may be forwarded to us under fictitious names, but that every letter may bear the signature and address of the party writing it, as it must be obvious that it will be otherwise out of our power to follow up any information which may be thus afforded us.

6th. Having thus made generally known the scope of our inquiry, our powers for carrying it out, and the time, place and method of conducting it, it must be left to those most interested to avail themselves of this ample opportunity, now afforded them, for a thorough investigation of any grievances of the kind indicated above, which they allege themselves to have suffered.

(signed) *E. F. Elliot,*
H. Stokes,
John Bruce Norton,

Commissioners for the Investigation of alleged Cases of Torture.

Madras, 7 October 1854.

Appendix (B.)

Appendix (B.)

CIRCULAR Order of the Court of Foujdaree Udawlut, 27th May 1806.

THE Court, advertng to the frequent instances that have been noticed, on trials referred by the Courts of Circuit, of forcible means having been employed to extort confessions from suspected persons, and deeming it necessary to provide against the recurrence of a practice

so highly reprehensible, resolved that the following proclamation be, for this purpose, transmitted to all the magistrates and acting magistrates.

PROCLAMATION.

Whereas, from the proceedings on trials by the courts of circuit to the final decision of the Foudaree Udawlut, it has been observed by that Court, that confessions have frequently been extorted by persons apprehending criminals; and whereas there is reason to think that these highly reprehensible acts are not confined to the partial number of trials referable under the Regulations to Foudaree Udawlut; and whereas the Court have deemed it expedient to prevent the recurrence of a practice so decidedly calculated as well to defeat the ends of justice, as to disgrace the established system of judicial procedure; wherefore you are hereby required carefully to instruct your immediate servants, and all others employed by you, and generally all persons within the limits of your jurisdiction, to abstain from all acts of violence towards persons apprehended by them, or committed to their custody on charges of a criminal nature.

27 December 1816.

The trials referred for the final decision of the Foudaree Udawlut, during the present year, being nearly brought to a close, the Court, with the view of rendering the referable trials in future more complete, by rectifying some errors and omissions, as well as of obviating the necessity of a further reference, so frequently required by the law officers of the Foudaree Udawlut, from the defective state of the records, deem it necessary to make a few observations for the information and guidance of the magistrates and courts.

The first irregularity which requires to be noticed is that of connecting the examinations of prisoners sent in by police officers, with the confessions said to have been made by them in the talook, which should be kept as separate and distinct as possible from each other.

Such confessions have in many instances been received too readily, and have been deemed calculated to obviate the necessity of circumstantial evidence. But, with few exceptions, these confessions, said to have been made voluntarily before officers of police, and attested by their peons, having been found unsupported by collateral evidence of any description, and, from the very questionable shape in which they have been brought forward, have been declared by the Mahomedan law officers insufficient for the conviction of the prisoners.

Where an offender voluntarily makes any confession of the crime of which he is accused, before any officer of the police, his declaration should be committed to writing in the presence of at least two credible witnesses, and who shall have been present during the whole period of the prisoner's examination, and not merely when the signature of the prisoner is affixed to the paper, as too frequently has been the case. The declaration should then be read over to the prisoner, and he should be required to state whether such is his free and voluntary statement; and if he reply in the affirmative, his signature or mark should be affixed to the paper, and then attested by the witnesses. When brought before the criminal court, the prisoner's examination should be taken down on a paper separate from that containing his declaration made before the police officers, with which they too commonly have been blended. The examination being completed by the criminal judge, the declaration forwarded by the police officer should be read over to him, and he should be required to state whether it was freely and voluntarily made on his part, and in case of his pleading that he was either compelled by the violence offered to his person to assent to the truth of the paper drawn up by the direction of the police officer, or that he was inveigled to make such an admission on his part by the promise of pardon held out to him on condition of his signing the paper, the criminal judge should require him to support his plea by evidence. With this requisition he may, however, be unable to comply, from the peculiar circumstances in which he is placed, surrounded by officers of police, whom the prisoner, from not being previously acquainted with them, cannot name, and who, in cases where any improper measures might be adopted, would not readily come forward in evidence against their immediate superiors.

Considerations like these render it necessary that confessions said to have been freely and voluntarily made before officers of police, should be viewed with caution and hesitation, and that they should be supported by much circumstantial evidence ere they be admitted to the conviction of the prisoner. The magistrates are accordingly directed to issue particular orders on this subject to the head native officers of police, and to require them to impose no further restraint on the prisoners brought before them than is sufficient to secure their persons, and, when questioning them respecting the charges adduced against them, with the view of ascertaining its truth or falsehood, to leave them as much as possible unfettered both in mind and body.

The English and Persian records are, moreover, frequently defective in another respect; at the foot of the examination, both of prisoners and of witnesses, merely the copy of the name of the criminal judge, and judge of circuit in certification of the correctness of the translation is inserted, whereas it should also be certified that the said examinations were taken, before the criminal judge, on oath or otherwise (as must always be the case with prisoners, who are not required to swear to the truth of their statements); the names of the attesting witnesses, and the date on which the examinations were taken, should also be carefully entered in the copies of the original proceedings. From the records being certified by the judge on circuit as true copies and translations, the Court must unavoidably conclude, that where the necessary signatures, &c. are wanting in the attested

records of referable cases, they are also wanting in the original proceedings, and consequently be compelled to withhold from them that credit to which they may, in reality, be entitled.

In cases of murder, especial care should be taken to have the corpse of the person said to have been murdered identified by at least two witnesses who were personally acquainted with the deceased during his lifetime, and to have it examined by one or two native surgeons of respectability, where no European medical officer is at hand. In cases of theft and robbery, the prosecutor should be required to prove the identity of his property by at least two witnesses.

There is another error of great magnitude, which has occasionally obtained both in the examinations taken before the criminal judge and the judge of the courts of circuit, and which requires to be remedied, and that is, the practice of reading over to witnesses, prior to their examination, the whole of the charge brought against the prisoners; thereby putting them in possession of a knowledge of the whole circumstances of the case, instead of stating, in as few words as possible, the nature of the charge, and requiring them to state what they know respecting it.

In cases where the criminal judge commits a prisoner to take his trial before the court of circuit, on the prosecution of the Sirkar, the Government vakeel shall be furnished by the criminal judge with a vakalutnamah, authorising and directing him to attend and to conduct the prosecution on behalf of Government, on the arrival of the court of circuit.

This measure has frequently been omitted, so that in many cases either the judge on circuit, who is to try the prisoner, must be considered the prosecutor, or there is none at all. It has also happened, occasionally, that where the Government vakeel has been furnished with a vakalutnamah by the criminal judge, on his appearing before the court of circuit, he has been inadvertently put on his oath. The impropriety of such a proceeding is obvious, as he cannot be called to swear to the truth of a statement which he delivers on the authority and by the direction of another. The Court have in their former proceedings directed that where more than one prisoner is brought forward, the arraignment be only once entered on the record, it being sufficient for the judge on circuit to certify that the same has been duly read over to each prisoner individually.

The arraignments are oftentimes defective in material points, namely, the time when, and the place where, the act charged against the prisoner has been committed.

The English records of referable cases are not unfrequently, yet very unnecessarily, attested by the seal and signature of the law officer assisting at the trial; the Court accordingly direct that this practice be in future omitted.

The Court regret to observe that the several forms, transmitted in their circular orders of the 8th May last, have not been attended to with that degree of precision and punctuality which might have been expected. The Court accordingly direct that the attention of the judges of the courts of circuit be called to the circular orders of the foregoing date, as also those of 17th January last, particularly of those judges who may have been appointed to the courts of circuit subsequent to the issuing of the orders alluded to.

The Court do further direct that the order of the court of circuit, for the reference of any referable case, as well as the grounds of such reference, be entered on the record after the translation of the futwah of the Mahomedan law officers.

The Court have also to notice, that several cases of petty theft, &c., which were cognisable by the criminal judge, have been unnecessarily and improperly brought before the courts of circuit, and, in some instances, referred for the final decision of the Sudder Foujdaree Udawlut. Should any cases of this description be in future included in the calendars laid before the courts of circuit, the judges are hereby directed to refer the same for the trial and decision of the criminal court.

The letters of the judges on circuit, accompanying referable cases, too frequently contain nothing more than the mention of the reference, instead of conveying their opinion on the merits of the cases referred, as required by section 26, Regulation VII. A. D. 1802.

This omission is to be the more regretted, because the judges presiding at the trials are greatly assisted in forming their opinions thereon by the behaviour of the prisoners, and the manner in which the witnesses deliver their testimony; whereby the latter not unfrequently betray either their ignorance, and the falsehood of their statements, or evince that they are speaking of facts more from the information and perhaps instruction received from others than from their own personal observation. In these as well as in many other respects, the judges, under whose immediate eye the whole trial is conducted, have many advantages, and the Court, in passing their final sentence, must always, in a great degree, be guided by the opinion of the judge presiding at the trial (more especially if in favour of the accused), whenever the Regulations, and the futwabs of the Mahomedan law officers of the Sudder Foujdaree Udawlut, will admit of it.

18 June 1817.

In many of the cases which have been referred, from time to time, for the final sentence of the Foujdaree Udawlut, it has appeared that the prisoners have been committed for trial solely on the ground of confessions alleged to have been taken before the native officers of police. Such confessions, being unsupported by any collateral evidence, have been found to be undeserving of credit, and the prisoners have, in all such cases, been ordered to be released.

It seems the duty of the Court to prevent the continuance of a practice which is calculated to obstruct the due administration of criminal justice, and to destroy that security of person which

which is so essential to the happiness of the community, and they accordingly resolve to record certain observations on the subject for the future guidance of the several subordinate authorities.

An erroneous idea would appear to prevail among the native officers of police, that a confession is the strongest proof of guilt, and to this is to be attributed the custom which is known to prevail of obtaining confessions by false hopes and promises, or extorting them by the impression of fear. In many instances there has been reason to believe that confessions have been fabricated, and the practice of obtaining by the flattery of hope, of extorting by threats or ill-treatment, and of fabricating confessions, would seem to have increased till it has become general and systematic.

Bare, uncorroborated confessions, previous to trial, are always to be admitted with tenderness and circumspection, and when consideration is had to the undue means so generally used by the police officers in order to obtain confessions, it must be obvious that they are entitled to little credit as evidence, unless strongly corroborated by other circumstances, or subsequently confirmed before the criminal court. It is evident that all such confessions are liable to strong objections even when there is no positive proof of their having been obtained by improper means, since it is not improbable that the officers of police frequently intimidate or ill-treat the accused till they agree to confess, after which their examination is taken, and to the attesting witnesses it seems to be voluntary.

The attention of the several judicial authorities should be particularly given to the means of suppressing an evil so serious in its magnitude, and so alarming in its consequences. The Court do not indulge the expectation that a practice so widely diffused and so deeply rooted in the habits of the natives can be wholly and effectually eradicated; but they are of opinion that, by endeavouring to impress upon the minds of the police officers that the confession of an accused person is a matter not of primary, but of subordinate consideration, one important step will be taken towards the attainment of this desirable object. The very arrangement of the several clauses of section 27, Regulation XI. of 1816, is confirmatory of this observation, and the Court accordingly direct that the magistrates of the several zillahs do, with reference to the above remark, direct the attention of the tahsildars within their respective jurisdictions to the provisions of the aforesaid section.

7 September 1820.

The 19th and four succeeding paragraphs of the report are occupied in a discussion of the propriety of the provision, contained in clause 2, section 5, Regulation XI. of 1816, which declares that "Heads of villages shall not receive from any person whom they may apprehend any confession, either verbally or in writing, except in the trivial cases referred to in the preceding clause of that section."

In paragraph 20, the first judge observes as follows:—"Eye-witnesses to the commission of offences of any magnitude are scarcely ever obtained, confession in some place or other is the ground of almost all the convictions, and in proportion as it is illegalised the courts of criminal justice labour in vain and become useless."

The large proportion of convictions, founded solely upon confessions to which the first judge adverts in the above paragraph, appears to the Court of Foujdaree Udawlut to be attributable to the neglect of the district police officers to obtain all procurable evidence material to cases brought before them, as required by clause 2, section 27, Regulation XI. of 1816, and to the marked preference given by those officers to confessions over every other species of proof.

The experience of the Court of Foujdaree Udawlut of the undue practices resorted to by police officers for the purpose of obtaining confessions, stands directly opposed to the opinion expressed by the first judge in the 22d paragraph of the report, "that force of any kind, and even menace for such a purpose, have of late years, in the Company's territories, been scarcely ever heard of."

In their circular instructions of the 18th June 1817, recited in the extract of the proceedings of the Foujdaree Udawlut, submitted to Government under date 25th November last, the Court inculcated the necessity of attention on the part of the several judicial authorities to the means of suppressing the practices known to prevail of "obtaining by the flattery of hope, of extorting by threats or ill-treatment, and of fabricating confessions;" the Court never considered it necessary to explain that confessions, obtained by such means, could not be received as evidence against a prisoner, nor did they suppose that any judicial officer could require to be informed that to the validity of declarations from accused persons, tending to their own crimination, it is essential that such declarations be "free and voluntary."

It is with feelings of astonishment and concern that the Court have perused the concluding passage in the 22d paragraph of the report, wherein the first judge distinctly advocates the propriety of convicting persons on confessions, if full and circumstantial, by whatever means short of compulsion obtained.

The Court will not inquire where the first judge would propose to draw the line, or to what extent the application of threats or blows, to which the first judge incidentally adverts, as ordinary concomitants of the examination of a "suspected offender," might in his opinion be carried, without their becoming compulsory. In the opinion of the Court of Foujdaree Udawlut, an acknowledgment of guilt, unless spontaneously delivered, cannot be admitted against an accused person without a flagrant violation of the first principles of justice, and from past experience of the abuse of the power of receiving confessions by the heads of police, the Court are persuaded of the wisdom of the restriction imposed in this respect on

the inferior and numerous class of police officers, by clause 2, section 5, Regulation XI. of 1816, which the first judge proposes to abolish.

On the expression of the first judge, in the 20th paragraph above quoted, that in proportion as confession is "illegalised the courts of criminal justice labour in vain and become useless," the Court deem it sufficient to observe, that in their view of the subject the personal security of the innocent is a result of the pure administration of criminal justice at least as important as the punishment of offenders, and that the proposition of "legalising" confessions, as explained by the first judge, in the 22d paragraph of the report, would tend, if adopted, to destroy security of person, and render our criminal courts an object of terror instead of confidence to the guiltless, without ensuring the certain condemnation of the guilty.

The alteration which the first judge suggests in the 24th paragraph of the report, in the wording of section 10, Regulation X. of 1816, is considered by the Court of Foujdaree Udawlut to be objectionable, as every criminal trial is eventually referable from the court of circuit to the higher court, who might not concur in the propriety of the rejection of evidence deemed to be superfluous by the inferior tribunal.

The Court of Foujdaree Udawlut are compelled to remark in this place, that the first judge appears insensible to the obligation of exercising "circumspection and tenderness" in the admission of confessions from persons accused; with regard particularly to confessions alleged to have been given before the native officers of police, the Court are of opinion that their too easy admission will always operate as a temptation to impose false confessions on the Courts, and that to the discouragement of this atrocious practice it is necessary that all the additional evidence which a case may admit of should be uniformly required and carefully taken both by the criminal judges and the courts of circuit.

24 January 1822.

In his letter accompanying this trial, the late acting judge remarks generally upon the inertness and indifference of the police officers in the zillah of Bellary, as to the discovery of evidence, and their confining their proceedings to the adoption of "various measures" to obtain confessions from persons accused.

To the atrocious nature of the measures resorted to by native officers of police for this purpose, the records of the Court of Foujdaree Udawlut bear abundant testimony; and it is obvious that such proceedings might be greatly checked by attention, on the part of the magistrates, to enforce the rules which prohibit the detention of prisoners beyond 48 hours after their apprehension.

Another important check to such practices, consists in the uniform requisition of all the evidence which a case may admit of. The Court of Foujdaree Udawlut, in their circular instructions to the several magistrates under date 18th June 1817, directed them to impress upon the minds of the police officers the primary importance of an adherence to the provisions enacted for their guidance in this respect; but experience has shown that those injunctions have produced very little effect.

29 April 1822.

It has appeared on many trials, referred to the Foujdaree Udawlut, that the witnesses to alleged confessions of prisoners before the officers of police were not present during the time of their being reduced to writing at the dictation of the prisoner, but were called in afterwards, and merely attested the prisoner's subscription of the declaration. The Court of Foujdaree Udawlut desire that every instance of inattention to the provisions of clause 3, section 27, Regulation XI. of 1816, in this respect, may be brought by the criminal and courts of circuit to the notice of the magistrate, in order that measures may be taken to enforce the observance of so important a part of the Regulation enacted for the guidance of the officers of police.

But with all these precautions, the principal security against the fabrication or extortion of confessions will consist in the careful investigation by the magistrates, criminal judges, and courts of circuit, of the cases coming under their cognisance. The too easy admission of confessions will always operate as a temptation to impose false confessions on the courts, while if they are received with circumspection, and all the additional evidence which the case may admit of uniformly required and carefully taken, the fear of detection must prove a powerful discouragement to the practice.

28 October 1823.

Paragraphs 52 and 53 have reference to a case of arson, wherein the preliminary proceedings conducted by an officer specially vested with police authority, under the provisions of section 3, Regulation IV. of 1821, were extremely defective and irregular. The third judge takes occasion, in this part of the report, to advert to the importance of attention to the provisioning of prisoners while in custody of the officers of police; and observes, that only one of the 46 police ameens entertained in the zillah of Cuddapah, who had conducted the preliminary proceedings in a case laid before the court of circuit, showed himself to be incompetent to the duty.

The Court of Foujdaree Udawlut concur entirely with the third judge in his humane solicitude to cause full effect to be given to those provisions of the law which respect the subsistence of persons in custody. It is manifest, as was observed by the third judge, in his

his reference to the case alluded to in this part of the report, that the inadequate supply of food may be made the means of extorting confession, and cases have been brought before the Court, in which there was too much reason to believe that such had been the fact. The Court would willingly hope that the instances of such flagrant abuse of power on the part of native officers are very rare, but they deem it proper to call the attention of the magistrates generally to the importance of taking the most effectual measure for ascertaining that prisoners, who, by the periodical reports laid before the Court of Foujdaree Udawlut, are shown to be universally detained in the custody of those officers for weeks, and even for months, previously to their transmission to the criminal judge, are adequately supplied with food, and in order to this, it is manifestly necessary that the falsification of dates of apprehension should by the most vigorous means be suppressed; since, when the term of a prisoner's detention is incorrectly reported, correct returns of the allowance of his subsistence must be out of the question.

29 October 1824.

It is proved in this case by abundant evidence, that, the deceased Punjah met his death from the atrocious cruelties exercised on his person by Perambraoora Eresha Menon, the third prisoner, late peishcar of the Kartinaad talook, for the purpose of extorting a confession.

The Court of Foujdaree Udawlut have adjudged the 10th prisoner, a kolhar, who bound the deceased, and so took part in the execution of the peishcar's orders, to receive 39 stripes, and to be imprisoned and kept to hard labour in irons for seven years; and they direct that proclamation of this sentence be made by the magistrate throughout the province of Malabar, as a warning to peons of police against carrying into execution illegal orders of the superior police officers for the maltreatment of prisoners, or for the performance of any acts contrary to law.

The Court direct that it be notified in the proclamation, that but for the death of the late peishcar, the principal offender in this case, he would have been unquestionably adjudged to suffer capital punishment by the Court of Foujdaree Udawlut for this barbarous murder.

The Court of Foujdaree Udawlut observe with deep regret, that practices of this atrocious description, not only involving in themselves the most aggravated criminality, but calculated utterly to subvert the administration of criminal justice, continue to prevail among the native officers of the police. The proceedings on the trials referred from the several divisions too clearly show that these practices are not limited to particular districts, but in a greater or less degree are universally prevalent.

The Court deem it proper on the present occasion to circulate these observations for the information of the magistrates generally, upon whom it is incumbent to use every exertion to check, and if possible put a stop to, all acts of oppression on the part of the officers under their authority towards persons apprehended on criminal charges.

Examples have not been wanting of the infliction of severe punishment on police officers convicted of treating prisoners with violence for the purpose of extorting confessions.

As declared in the foregoing observations, the Court of Foujdaree Udawlut would unquestionably have condemned the peishcar to suffer death, had he lived to make that satisfaction to the laws which he so atrociously outraged. It occurs on this occasion to the Court, that proclamation of the result of a trial which issued in the capital punishment of an officer vested with the powers of a head of district police, for maltreating a prisoner in order to extort a confession, may be productive of advantage generally, and they accordingly direct that the several magistrates do notify by a proclamation, to be carefully published in all parts of the district under their charge, in such manner and at such times as may give to the proclamation the greatest notoriety, that on the 11th December 1820, Hussien Khan, police ameen of Attoor, in the zillah of Salem, was convicted by the Court of Foujdaree Udawlut of having beaten and caused to be bound by the hands and feet, and in that condition cruelly maltreated, Moottan, a prisoner apprehended by him on a charge of theft, in consequence of which ill-treatment the said Moottan died, and that the aforesaid Hussien Khan was adjudged to suffer capital punishment, which sentence was duly carried into execution.

Ordered, that extract from these proceedings be sent to the second judge, late on circuit in the Western Division, by precept enjoining him to issue the necessary instructions to the magistrate of Malabar, forwarding to this Court the return of that officer, showing that he has conformed thereto.

Ordered also, that extract of these proceedings be sent to the four Provincial Courts of Circuit, by precept enjoining them to communicate the same to the several magistrates under their authority, with instructions to publish by proclamation, in the mode therein directed, the case of Hussien Khan, late police ameen of Attoor, in the zillah of Salem, as a warning to all officers of police, declaring at the same time that police peons, and other inferior officers of police, will in no wise be exempt from punishment in such cases, on the ground of their acting under the orders of their superiors. The Provincial Courts will forward to this Court the returns of the magistrates, showing that these orders have been duly conformed to.

29 April 1836.

Several flagrant instances of oppression and cruelty on the part of village police officers, in confining for many successive hours in the stocks persons suspected of theft, with the view of extorting from them a confession of guilt, have recently attracted the serious atten-

tion of the Foujdaree Udawlut; and in a case very lately referred for the consideration and final judgment of that Court, in which the sufferings of the injured party were partly caused by such confinement, and which terminated in death, the three principal agents in the barbarous outrage have on conviction been sentenced to transportation for life.

The Court of Foujdaree Udawlut do take the present opportunity of directing that the magistrates of the several districts under the Presidency be required to issue instructions to all the village police officers subject to their respective control, strictly prohibiting the placing of any persons in the stocks on any pretence whatever, excepting only on sentence in cases in which that punishment is sanctioned by the Regulations.

It would be superfluous upon the present occasion to enlarge upon the absolute necessity of putting a stop to a system, of which the repugnance to every principle of humanity no less than the illegality must be obvious to every reflecting mind; and the Court of Foujdaree Udawlut look with confidence to the magistrates for their cheerful co-operation and unremitting activity in checking the abuses of delegated power, and preventing their native subordinates from converting into an instrument of oppression, that power with which the law has entrusted them for the protection of their fellow-subjects, and the suppression of crime.

12 June 1852.

1. The Court of Foujdaree Udawlut have frequently had occasion to direct the attention of officers in the judicial and magisterial departments to the caution requisite in the reception of confessional evidence, and in the trial of criminal cases coming before them have invariably acted upon the rule, that a confession made before a native police officer, uncorroborated by other evidence, is altogether insufficient for the conviction of the accused.

2. Cases have likewise very frequently occurred in which confessions recorded before European magistrates and judges have been proved to be false, and to have been delivered under the influence of fear produced by previous ill treatment at the hands of the police, and a lamentable instance of the condemnation of innocent persons, founded upon confessions made by them before a magistrate, under the influence of either ill usage or cajolery on the part of the native police officers, having recently come under the notice of the Court, the Court of Foujdaree Udawlut resolve to publish the circumstances of the case for the information of the magisterial functionaries in the provinces, with a view to express to them the danger of acting upon such confessions, without testing them by the strictest cross examination, and the caution necessary in the reception of the evidence of approvers, which should only be resorted to on the most urgent grounds.

3. On the evening of the 23d March 1838, an attack was made upon the talook treasury at Ellore, by a body of armed men, who killed two sepoy on guard, and having broken open a chest in which remittances for the pay of the sepoy stationed at Ellore were usually deposited, but which had been obtained to their identity or to the quarter from which they had come.

4. The head of police at Ellore having failed in his endeavours to discover the persons by whom the outrage had been committed, the then acting magistrate, who had received several anonymous communications to the effect that the zemindar of Ellore was concerned in it, deputed one Neerunjana Doss, the naib of the district Sibbundi, to Ellore, with instructions to use every exertion in his power to ascertain whether, or not, there was any truth in the reports in question.

5. These instructions resulted in the apprehension of 20 persons, dependants of the zemindar of Ellore, four of whom confessed having been concerned in the attack upon the treasury, which they stated had been undertaken under the orders of the zemindar; and upon the recommendation of the acting magistrate were admitted as approvers to give evidence in the case, the acting magistrate having in the meantime himself proceeded to Ellore, and suspended the head of police from his office.

6. While the investigation before the acting magistrate was pending, the zemindar addressed two petitions to Government on the subject, asserting the innocence of himself and of his dependants of the crime charged against them, and alleging that the confessions of the approvers had been extorted by the naib of Sibbundi, who had been prevailed upon by his (the zemindar's) enemies to aid in the fabrication of the charge against his people and himself.

7. The investigation, however, was permitted to proceed, and the prosecution of the zemindar having, by the advice of the acting magistrate, been deferred pending the issue of the trial of the 16 persons then in custody, two of whom confessed before the acting magistrate that they had been present with the other prisoners at the attack upon the treasury, the prisoners, 16 in number, were all forwarded to the criminal court, and were committed by that tribunal for trial before the court of quarterly sessions, the two prisoners who had confessed before the acting magistrate having retracted their confessions before the criminal court.

8. It is deserving of remark that one of the two prisoners in question, by name Gundaya, when first brought before the acting magistrate denied his guilt, but half an hour afterwards was again brought by the peons into the magistrate's presence, expressing his readiness to confess, and then delivered the statement which led to his eventual conviction.

9. Except

9. Except in the case of the two prisoners referred to (Goondaya and Kalu Narasimhulu), whose confessions were duly sworn to by persons in whose presence they had been delivered, the evidence for the prosecution rested principally upon the testimony of the approvers, consistent in its general outline, but containing in its details numerous discrepancies and contradictions, which were considered by the judge presiding at the trial to render it worthless for the conviction of the accused.

10. The prisoners cited several witnesses in their defence, principally to prove alibis, of whom two persons called by the first prisoner deposed to the second approver having been at Masulipatam on the evening the attack on the Ellore treasury took place.

11. The judge of the court of session, in concurrence with his Mahomedan law officer, convicted the prisoners, Goondaya and Narasimhulu, of the crime laid to their charge, and referred the trial to the Court of Foudjaree Udawlut, with a recommendation that they should be sentenced respectively to imprisonment with hard labour in irons for the term of 14 years.

12. He acquitted the other prisoners, but, considering that strong suspicion attached to them, placed them severally under requisitions of security.

13. The Court of Foudjaree Udawlut concurred with the judge of sessions in convicting the prisoners, Goondaya and Kalu Narasimhulu, and sentenced them to transportation for life.

14. Orders were at the same time issued for the apprehension of the zemindar of Ellore, and the institution of proceedings against him, which, however, were afterwards abandoned in consequence of the approvers, when summoned before the magistrate, having denied all the knowledge of the robbery, and stated that their former confessions and depositions had been extorted from them by the officers of the police.

15. On the 1st January 1849, the magistrate of Masulipatam forwarded to the Court of Foudjaree Udawlut a correspondence which had passed between himself and Captain Ramsay, Extra Assistant to the General Superintendent for the suppression of thuggee and dacoity (at Nagpore), who reported that several members of a gang of Sasee Bhat or Kunjur dacoits, apprehended by him about 16 months before, had deposed to having been present at a dacoity on the Government cutcherry at Ellore, and that they asserted that the affair occurred about 12 years before. Captain Ramsay added, that "Ghatkia," the jemadar or leader of the gang, was then an approver at Jahnsae, and that six of the dacoits belonging to his gang, who were engaged in that affair, were also approvers at Jahnsae, or elsewhere. Captain Ramsay stated that he was quite satisfied that the affair related by his approvers was the very dacoity at Ellore which formed the subject of the trial at Masulipatam in 1838.

16. On subsequently forwarding authenticated extracts of the confessions of four of the approvers, named Ghalkia Jemadar, Eesaya, Jaggapa, and Gellu or Gudu, he stated that these approvers were all of the Sasee Bhat class, and had belonged to organised gangs of dacoits, whose depredations had extended far into the Company's territories; and that they had all received conditional certificates of pardon, having been convicted and sentenced to imprisonment for life with hard labour in transportation beyond seas.

17. On perusing these depositions, it was found that mention was made in them of two other persons, named "Goura" and "Panjob," as having been present at, and taken part in, the perpetration of the same dacoity. It appeared that these persons were in confinement as approvers at Patna, and Captain Ramsay was requested to obtain and forward depositions from them also touching the affair in question, which in due course were transmitted to the Court of Foudjaree Udawlut, and were found to correspond with the statements made by the other members of their gang, who had previously been examined. The Judges of the Foudjaree Udawlut had then before them six different depositions, delivered in 1847-1848 and 1849, not taken with any especial reference to the dacoity at Ellore, but elicited in the course of examinations, to which the deponents were subjected with the view of ascertaining the number and nature of the crimes they had committed at different periods of their career. All of them concurred as to the persons who, besides themselves, were present on that occasion, and all concurred in declaring that, excepting themselves and those whom they named, none others were present.

18. It appeared from the statements of some of the deponents, that on quitting the treasury the gang ran a distance of 20 coss in the same night, and so eluded the exertions of the head of police to discover the perpetrators of the crime.

19. The Judges of the Foudjaree Udawlut were of opinion that the statements contained in these depositions were conclusive as to the innocence of the two prisoners who had been convicted of having been concerned in the attack upon the Ellore treasury, and sentenced to transportation for life; and they accordingly reported the matter to Government, with a recommendation that a free pardon should be granted to the prisoners in question, and that the Governor of the Straits Settlements should be requested to send them back by the first opportunity to Madras.

20. On reference to the Straits Government, it was ascertained that one of the prisoners was dead, the survivor, Gundaya, was sent back to Madras, and a further inquiry having

been held by the present session judge of Masulipatam, in communication with several officers in the Thuggee Department, and with the former acting magistrate by whom the case was originally investigated, the result of which fully corroborated the opinion already recorded by the Court as to the innocence of Gundaya of the crime to which he was induced to confess, the sentence passed upon him has been remitted, and the late naib of Sibbundi, Neerunjanadoss, who had risen to the situation of jemadar in the magistrate's cutcherry, as well as a peon named Lala Bapaniah, who had been promoted to the post of duffadar on the same establishment, and who are shown to have been the chief actors in inducing Gundaya falsely to confess his guilt, have been dismissed from the public service.

21. In the trial of this case, an obvious fact appears to have been overlooked by all the authorities, viz., the great improbability that the crime should have been committed by persons resident on the spot, and at the instigation of the zemindar, who could scarcely have been without information of the removal of the cash; and the unfortunate results which followed have confirmed the Court in the opinion they have always entertained of the danger of entrusting the investigation of serious crimes to subordinate officers of the police, in supersession of the authority of the regular head of police, when the exertions of the latter may have failed of success.

22. It is obvious that such persons, in the hopes thus held out to them of acquiring a reputation for energy and ability with their European superiors, and of eventual promotion, have a strong incentive to get up a case against innocent persons, and to serve their private purposes at the expense of justice; and the Court of Foujdaree Udawlut are satisfied that the practice to which they refer should only be resorted to when the incompetency of the regular police officer has been most palpably established, and even in such cases they consider that the employment of a police officer of the same rank, who has more to lose and less to gain by a resort to improper practices, would be the course most conducive to the ends of justice.

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3. M. Rogers, Esq., Zillah Surgeon of Chicacole.
4. F. J. Windus, Esq., Zillah Surgeon of Chicacole.
5. Captain S. O. E. Ludlow, Civil Engineer, 7th Division.
6. J. Miller, Esq., a Merchant of Calingapatam.
7. F. J. V. Minchin, Esq., Superintendent of the Aska Sugar Works.

No. 2.—VIZAGAPATAM.

1. A. Robertson, Esq., Government Agent.
2. A. C. B. M'Neill, Esq., Civil Surgeon.
3. Captain F. H. Rundall, Civil Engineer, 9th Division.
4. W. Sloan, Esq., Principal Sudder Ameen.
5. Rev. J. W. Gordon.
6. J. M'Kenzie, Esq., a Merchant of Bimlipatam.

No. 3.—RAJAHMUNDRY.

1. G. N. Taylor, Esq., Sub-collector.
2. F. Copleston, Esq., Civil and Session Judge.
3. P. Irvine, Esq., Sub-Judge.
4. J. L. Ranking, Esq., Zillah Surgeon.
5. Lieutenant H. L. Groves.
6. Mr. J. Wilkinson, Navigation Superintendent.
7. Mr. C. Eyles, Assistant Overseer.
8. Mr. R. Smith, Acting Assistant Revenue Surveyor.
9. Mr. C. Stephenson, Assistant Overseer.
10. Mr. Shortt, Superintendent.
11. W. R. Babington, Esq., Civil Surgeon.

No. 4.—MASULIPATAM.

1. T. D. Lushington, Esq., Collector.
2. J. J. Cotton, Esq., Civil and Session Judge.
3. J. Crawford, Esq., Civil Surgeon.

No. 5.—GUNTTOOR.

1. H. Wood, Esq., Acting Collector.
2. J. Rohde, Esq., Civil and Session Judge.
3. F. Fletcher, Esq., Zillah Surgeon.

No. 6.—NORTHERN CIRCARS.

Walter Elliot, Esq., Commissioner.

No. 7.—NELLORE.

1. J. Ratliffe, Esq., Acting Collector.
2. J. J. Minchin, Esq., Acting Sub-collector.
3. F. H. Crozier, Esq., Civil and Session Judge.
4. The Principal Sudder Ameen.
5. Captain A. Boileau, Civil Engineer, 2d Division.
6. H. Young, Esq., Zillah Surgeon.

No. 8.—CUDDAPAH.

1. M. Murray, Esq., Collector.
2. A. Wedderburn, Esq., Sub-collector.
3. William Elliot, Esq., Civil and Session Judge.
4. A. Hathaway, Esq., Sub-Criminal Judge.
5. James Peterkin, Esq., Zillah Surgeon.
6. J. W. Saalfelt, Esq., Agent to Messrs. Arbuthnot & Co.

No. 9.—BELLARY.

1. C. Pelly, Esq., Collector.
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1. F. N. Maltby, Esq., Collector.
2. W. Fisher, Esq., Sub-collector.
3. J. D. Robinson, Esq., Adl. Sub-collector.
4. W. M. Molle, Esq., Acting Session Judge.
5. The Principal Sudder Ameen, Honore.
6. B. S. Chimmoo, Esq.
7. F. Anderson, Esq., Judge of Mangalore.
8. C. F. Chamier, Esq., Acting Sub-Judge of Mangalore.
9. John Buttron, Esq., Zillah Surgeon.
10. Lieut. G. W. Walker, Civil Engineer, 3d Division.
11. Mr. Smith, Moonsiff of Sirey.
12. A. Hall, Esq., Collector of South Arcot.
13. G. S. Forbes, Esq., Acting Sub-collector of Arcot.
14. Rev. H. Moegling.

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2. W. Dowdeswell, Esq., Civil and Session Judge.
3. J. Ratton, Esq., Surgeon.
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No. 13.—NORTH ARCOT.

- ✓ 1. J. D. Bourdillon, Esq., Collector.
2. R. M. Binning, Esq., Sub-collector.
3. A. S. Mathison, Esq., Civil and Session Judge.
4. J. H. Goldie, Esq., Sub-Judge.
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6. H. Harper, Esq., Civil Engineer.
7. T. Turner, Esq.

No. 14.—SALEM.

1. H. A. Brett, Esq., Collector.
2. J. W. Cherry, Esq., Sub-collector.
3. T. W. Goodwyn, Esq., Civil and Session Judge.
4. H. R. D. Marrett, Esq.
5. Lieut. C. V. Wilkieson, Engineer, 5th Division.
- ✓ 6. G. P. Fischer, Esq.

No. 15.—SOUTH ARCOT.

1. A. Hall, Esq., Collector.
2. G. S. Forbes, Esq., Acting Sub-collector.
3. E. R. McDonnell, Esq., Acting A. J. Mag.
4. S. N. Ward, Esq., Civil and Session Judge.

No. 16.—TANJORE.

- ✓ 1. H. Forbes, Esq., Collector.
2. W. M. Cadell, Esq., Sub-collector.
3. J. Silver, Esq., Session Judge.
4. L. C. Innes, Esq., Acting Sub-Judge.
- ✓ 4. J. B. Stevens, Esq., Zillah Surgeon.
5. Rev. A. Johnson.
6. Rev. Mr. Godfrey.
7. Rev. C. Ocks.
8. Rev. Mr. D'Spommers.
- ✓ 9. Reddy Row, late Dewan of Travancore.
10. H. Nott, Esq., Civil Surgeon, Tranquebar.
11. W. D. Kohlhoff, Esq.

No. 17.—TRICHINOPOLY.

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2. T. I. P. Harris, Esq., Civil and Session Judge.
3. Mr. J. Gordon, Principal Sudder Ameen.

No. 18.—MALABAR.

1. H. V. Conolly, Esq., Collector.
2. T. J. Knox, Esq., Sub-collector.
3. G. A. Harris, Esq., Civil and Session Judge.
4. H. Frere, Esq., Civil and Session Judge.
5. H. D. Cook, Esq., Sub-Judge.
6. E. J. Barker, Esq., Civil Surgeon.
7. Rev. F. M. Fisty.
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9. G. Ormiston, Esq.
10. G. J. Glasson, Esq.
11. J. Pringle, Esq.
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No. 19.—COIMBATORE.

1. E. B. Thomas, Esq., Collector.
2. M. J. Walhouse, Esq., Acting Joint Magistrate.
3. T. B. Roupell, Esq., Civil and Session Judge.
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6. G. Mackay, Esq., Civil Surgeon.
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1. R. D. Parker, Esq., Collector.
2. T. Clarke, Esq., Joint Magistrate.
3. C. R. Baynes, Esq., Civil and Session Judge.
4. A. W. Phillips, Esq., Acting Sub-Judge.
5. Captain W. H. Horsley, Civil Engineer, 8th Division.
6. J. Colebrook, Esq., Zillah Surgeon.
7. Right Rev. A. Canoz, Bishop and Vicariate.
8. Rev. S. G. Coyle.
9. Rev. C. F. Muzzy.
10. Rev. William Hickey.

No. 21.—TINNEVELLY.

1. C. J. Bird, Esq., Collector.
2. F. S. Child, Esq., Head Assistant Magistrate.
3. C. H. Woodgate, Esq., Civil and Session Judge.
4. Aroonachella Pillay, Principal Sudder Ameen.
5. F. L. Clementson, Esq., Zillah Surgeon.
6. Rev. Stephen Hobbs.
7. Rev. C. E. Kennet.
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11. Rev. S. Hobbs.
12. Rev. J. Thomas.
13. Rev. L. Verdier.
14. Rev. T. G. Barenbruck.

No. 22.—MADRAS.

H. Stokes, Esq.

No. 23.—FOUIDAREE UDAWLUT.

F. Lushington, Esq.

No. 24.—COMMISSARIAT.

1. Lieutenant-colonel A. M'Cally.
2. Lieutenant-colonel Hill, Oosoor.
3. Captain E. E. Miller, Bangalore.
4. Captain E. Webb, Secunderabad.
5. Captain R. O. Gardner, Saugor.
6. Captain J. Loudon, Hoosoor.
7. Captain W. Hutchison, Jaunlah.
8. Captain W. T. Rolston, Cannanore.
9. Captain F. L. Magniac, Masulipatam.
10. Lieutenant J. Tireman, Trichinopoly.
11. Captain C. W. S. Young, Vellore.
12. Captain A. M. Campbell, Superintendent of Police.
13. Captain R. A. Moore, Jacatalla.
14. Major F. Harris, Bellary.

Appendix (C.)

Appendix (C.) DIGEST of Reports, made by Civil and other Government Authorities, Missionaries, Merchants and others, to Government on the subject of Torture.

No. 1.—GANJAM.

No. 1.—*W. Knox, Esq.*, Acting Agent to the Governor of Fort St. George at Ganjam, writes on the 16th November 1854 as follows :

As to revenue.

"The use of torture or force, for it seldom amounts to torture, to enforce payment from a needy and money-loving Hindoo, was a lesson taught by their Mahomedan masters, and never forgotten; it is now part and parcel of their creed. One of the first lessons my moonshhee gave me was, that a servant would rather get a thrashing than have his pay stopped. In general, however, it is not necessary to resort to the actual use of force; it seems in many cases a point of honour to hold back, till the pincers are produced or the man is brought out, or put with his head down to his knees, making a man stand in the sun holding his toes; and sometimes with a stone on his back, and the pincers (bamboos) tied tightly over the fingers, are the most usual modes of torture. I have heard of whipping with tamarind switches, and fastening an insect called the potters' insect to the navel is common in the south, I believe; and I was told by a missionary, that in Cuttack, zemindars occasionally ducked men in tanks on very cold mornings, and then had them punkahed vigorously: all these it will be seen come hardly up to what would be called torture, not being of sufficient severity to cause death or any bodily harm."

"I do not think that force is often resorted to by the higher officials, such as tahsildars, but they connive at it, and give their peons and subordinates roving commissions to collect outstanding dues, and these are the men who often, to fill their own pockets, resort to cruelty; of this several instances have lately come to light."

"To show how little natives think of the practice, I have annexed a translation of an urzee from G. Narasiah, once tahsildar of Wadada, in which he reports that he was about to take proceedings against a man, who, enraged at an indignity offered him, knocked his head against the cutcherry wall; the tahsildar I at once suspended; he was allowed by the Collector and Commissioner, in consideration of his long services, and for his family's sake, to resign, and I afterwards tried him for the offence, but (and this shows how difficult it is to get evidence in such cases) two of the witnesses called denied all knowledge of a transaction which the tahsildar had acknowledged, the third said that he did hear the tahsildar order the man to be put in a stooping posture, but the witness added that when he saw him strike his head against the wall, he went up to him and spoke kindly to him. The tahsildar at this time was very ill and irritable; this was allowed to be pleaded in excuse, and he was not fined, only reprimanded. He is since dead."

He thinks that the cure consists in retaining a greater number of Europeans, to whom natives can with ease appeal, but believes that now attention has been so prominently drawn towards it, the practice "will be put down to a very great extent."

As to revenue.

No. 2.—*E. B. Glass, Esq.*, Civil and Session Judge of Chicacole, says, during 30 years official life no case has been brought before him. It may exist among zemindaries, but not under European influence; no such idea prevails as that it is tacitly tolerated by Government.

As to police.

In police cases he says it is the almost invariable habit of prisoners to aver that their confessions have been extorted; but they either object to name witnesses, or the evidence they adduce is unworthy of belief; and he states that the natives immediately under European influence "are fully impressed with the extreme delinquency of the practices alluded to, and would shrink from the perpetration of them under any circumstances, and are quite aware of the abhorrence in which they are held by the Government under which they serve."*

No. 3.—*M. Rogers, Esq.*, Zillah Surgeon of Chicacole, writes as follows :

"I beg to state, for the information of the Right honourable the Governor in Council, that no case of torture has ever come within my personal knowledge, but I have frequently heard it mentioned that the practice does exist amongst native officials in the revenue and police departments, in the former for exacting the rent from the people, and in the latter for extorting confessions of crime."

He does not think that the natives believe the practice is tolerated by Government or its officers.

No. 4.—

* If Mr. Glass is here speaking of the natives in his own cutcherry, possibly he may be correct; but that this feeling does not prevail among the native servants of the district at large, is proved by a reference to the statement of a native official tried before Mr. Prendergast, Governor's Agent at Ganjam, who pleaded that "torturing is the universal practice of the district."

No. 4.—*Mr. F. J. Winchus*, Surgeon, says,

“That no case has come immediately to my notice in such a way as to make me report on it; but no doubt can exist as to its existence in the district.”

No. 5.—*Captain S. O. E. Ludlow*, Civil Engineer, 7th Division, writes :

“That he has never witnessed or had official notice of the practice; but,” continues he, “from information which I have casually received from various and trustworthy sources, and parties who had no conceivable object in deceiving me on such a point, I am fully convinced that different species of painful inflictions (I should hardly call them by so strong a name as that of torture) are practised both by the native revenue and police authorities; by the former but occasionally, and with little severity, for the exaction of balances of revenue, and by the latter, more frequently and with greater harshness, for the purpose of eliciting evidence and discovering stolen goods.”

No. 6.—*J. Miller, Esq.* a Merchant at Calingapatam, says :

“I am bound, from information incidentally elicited in the course of my dealings with the ryots and other natives in the vicinage of Calingapatam during the past five years, to answer unhesitatingly in the affirmative, but it is equally obligatory on me to add, that I am fully persuaded nothing is more remote from the minds of the natives than the idea that this usage is for one moment authorised or countenanced by Government or its European officers.”

He points out the difficulty of obtaining redress as follows : “The only way, under existing circumstances, to suppress the practice appears to be, the conviction and punishment of offenders, but here on the threshold of the work of reform an almost insurmountable difficulty in the way of the attainment of the desired object will be found to present itself, in the extreme reluctance the injured parties will assuredly evince to hazard arousing the vengeful ire of the subordinates against whom they would need to turn accusers or informers, particularly as such subordinates are, I believe, invested with the powers of police and revenue officers. A dread of consequences I well know operates very powerfully to prevent malpractices on the part of petty officers in the several branches of the public service from being brought to the knowledge of their superiors, and were it not for this very generally prevailing feeling of terror, I should have no difficulty, I am sure, in furnishing you with instances in which torture has been made to subserve the ends of the native revenue officials. I have on several occasions strongly urged on parties, whom I have heard complaining, the desirableness and advantage of representing their grievances to proper authority, but have invariably been met with the assertion that their seeking redress for it would, to a moral certainty, issue in consequences to them still more intolerable than the original evil, as they would ever after be marked men, and made to pay the penalty of their temerity by means of some one or other of the many petty persecutions which not a few of the native officials, exercising a little brief authority, know so well how to get up and work out with uniformity.”

No. 7.—*Mr. F. J. V. Minchin*, Superintendent of the Aska Sugar Works, writes :

“Though no instance of the infliction of torture has come under my notice, yet that the practice prevails in this district is no longer a question; as to the extent of its prevalence I am not prepared to give any opinion, but in proof of its existence I have only to mention that the case in which the thumbscrew had actually been applied for the purpose of extorting the kist was lately proved before the Collector of Ganjam, for which, I am informed, the parties have been sentenced by him to hard labour on the roads.”

No. 2.—VIZAGAPATAM.

No. 1.—*A. Robertson, Esq.*, Agent to the Governor of Fort St. George at Vizagapatam, writes on the 4th December 1854 :

“That means of coercion are resorted to by subordinate officers of both revenue and police, in the discharge of the functions respectively assigned to them, I find to be generally believed, but that the methods of coercion used, though wholly unjustifiable, are of a kind to come up to the idea of torture in the form in which the word usually presents itself to the mind of an European is, I think, equally disbelieved.”

He does not think the natives entertain the idea that it is countenanced by the European officers. The rarity of complaints may be accounted for by the secrecy with which it is perpetrated, but this argues the necessity of keeping it from the knowledge of superior local authorities.

He proceeds : “More than one intelligent person has informed me that the belief is that native officers have recourse to torture in the shapes in which it is said to be resorted to, compression of the fingers between sticks, the application of burrowing beetles to the navel, and confinement in the stocks with exposure to the sun, only in cases in which it is known that ryots are withholding what they can readily pay if compelled, or in others in which there are apparently very strong reasons for attaching guilt to a person apprehended on information, or under great suspicion. Too much weight is often attached by native police

officers to a confession, and it is to be feared that when they obtain one, they fail to prosecute inquiries which might lead to proof quite independent of it."

No. 2.—*A. C. B. McNeill*, Esq., Civil Surgeon of Vizagapatam, says :

"I have been in this situation upwards of three years and a half, during which time I have seen professionally many thousands of the natives of this district, and not a single case of alleged torture has come to my notice.

"If the practice does prevail at all in this district, it must either be to a very limited extent, or else the modes of torture are of a very trifling character; were it otherwise, I think cases of any severity must have come to my notice, among the many thousands of applicants for European medical aid who present themselves at the civil dispensary here."

No. 3.—*Captain F. H. Rundall*, Civil Engineer, Ninth Division, Vizagapatam.

Remembers a case many years ago in which the magistrate showed him the insects said to have been used for torture in a case then before him. He proceeds: "The mode of torture said to have been inflicted was the application of the above-mentioned insects (that commonly known as the carpenter beetle) to the navel of the suspected person."

"The Government having desired me to state my opinion as to whether the practice does exist or not, I am obliged to say that I believe it exists, though my opinion is only formed on hearsay, and that where practised, it has been rather in magisterial cases, with a view to extort confessions, than for the purpose of extracting the revenue."

No. 4.—*W. Sloan*, Esq., Principal Sudder Ameen, says that his records show no cases for seven years; and proceeds :

"I have now been nearly 15 years in the Northern Circars, and during that period have freely communicated with the inhabitants, from whose information the impression has been strongly fixed on my mind that torture is practised to a considerable extent, both for the purpose of extorting revenue from ryots and confessions from accused persons. Parties who had the fullest means of knowing the truth of what they stated have told me, that without resorting to torture tahsildars and heads of police would find it absolutely impossible either to collect revenue or detect criminals."

"Without intending to defend the practice, I would observe that in some respects the native character is so strange, that under the revenue system, as it existed in the Masulipatam district, without resort to torture I am convinced that not a tithe of the amount assessed could be collected; and I have even heard ryots ridicule the idea of the revenue being collected in the manner provided in the Regulations, as was, I believe, attempted in the neighbouring district of Guntoor. They had become so habituated to a time-honoured usage that they could not conceive that any system would effectually answer, and so accustomed to ill-treatment before paying the Government dues, that they seemed to consider a milder system as a characteristic of a want of vigour in the administration. The tahsildar who tortured the most was deemed in public estimation the most efficient functionary. He was dreaded, and generally had little difficulty in making his collections, while he who exhibited a due regard for the persons of his fellow-subjects was looked upon as incompetent by the public, and frequently fell into disrepute with his superiors on account of constantly accumulating arrears."

After giving several illustrations, he concludes as follows: "I shall make no excuse for having candidly stated what I have, and for expressing my astonishment that the existence of torture for revenue and judicial purposes has ever been doubted. It is an abuse which has grown out of the mal-administration of the Mogul and native governments, and which has continued in a somewhat abated form, under circumstances for which, all things considered, the British Government can scarcely be held accountable."

No. 5.—*Rev. J. W. Gordon* writes on the 17th October 1854: "That he has frequently been told, when travelling, that torture does exist in revenue and police, but regrets that he cannot substantiate any case."

No. 6.—*J. McKenzie*, Esq., a Merchant of Bimlipatam, says that he thought the charges preferred by Mr. Danby Seymour and his party were in the main correct, forgetful of the fact that no specific act of torture had fallen under his own notice.

He gives the following account: "Since the receipt of your communication, however, I have made it my duty to inquire into the subject as far as my opportunities permitted, and the result of my inquiries lead me to the conclusion that the charge has been greatly exaggerated, and that although the use of torture or coercion in the collection of the revenue cannot be denied, its practice is of very rare occurrence, and not at all of the deep and atrocious nature alleged; and I can confidently state that it is not had recourse to in order to collect an immoderate kist, or, as some writers in the *Athenæum* assert, to screw out of the ryot over and above his kist a further sum for the benefit of the revenue servants. I am convinced that this charge is quite unfounded, at least as regards the district of Vizagapatam. It is not in this way that the revenue servants make money. I believe that I can explain when torture is made use of. There is a class of ryots known as nadars, whom a faulty revenue system has taken out of their proper position and converted into ryots, whereas they

they were never intended for any other position than that of labourers or servants to Mootabar ryots. Now these nadars are compelled to undertake the cultivation of lands which the Mootabar ryots are not disposed to take up. It is unsafe to make them such advances as would give them the means of well cultivating their lands; they cannot be trusted, they are not to be made honest or respectable; their lands are consequently badly cultivated and their crops scanty, and scanty as they are they generally endeavour to make away with them and to evade the payment of their kist, as they really live by what they can pilfer. Now it is in such cases that punishment, or, as it is called, torture, is had recourse to. The tahsildar knows that the crop has been made away with, and that the ryot has the proceeds concealed on his person; he refuses to pay. What is the tahsildar to do? Sell his property? He has no tangible property. Send him to gaol, to be well lodged and fed at the expense of Government? He does neither; he flogs him, or coerces him in some other way, and rupee by rupee, anna by anna drop out of unexpected places. One such case is noised about, and the example serves for a long time. This I believe to be the true statement of the torture used in this district. I need not say that it is difficult to prove; the tahsildar takes good care that no witnesses who are likely to give evidence against him are present. No laws can eradicate it; it has been the practice of the country from time immemorial. The natives in general think it all right; the very nature of the people must first be changed."

Singularly enough, he subsequently contradicts himself as follows:—

"Certain am I that if the ryots come to entertain the belief that the tahsildars dare not and will not make use of any other means to collect the revenue than those authorised by the strict letter of the Regulations, the void in the Madras exchequer will be large indeed. I have heard of the experiment being tried in some not distant districts, and the results were such as might have been anticipated. The annual jummabundy reports were far from being satisfactory."

"The belief that it exists is universal, and I fear not without foundation. I have no doubt it is the general practice, though I have no specific instances to adduce!"

He thus characterises the police: "I have no hesitation in stating that the so-called police of the mofussil is little better than delusion. It is a terror to well-disposed and peaceable people, none whatever to thieves and rogues, and that if it was abolished *in toto*, the saving of expense to Government would be great, and property would be not a whit less secure than it now is." As to police

No. 3.—RAJAHMUNDRY.

No. 1. *G. N. Taylor, Esq.*, the sub-collector and joint magistrate of Rajahmundry, and temporarily in charge of the district, writes as follows:—

Being in charge of this district when I received the extract from the Minutes of Consultation under date the 9th September last, and the subsequent order of Government of the 19th idem, on the subject of the use of torture for the purposes of revenue and of police; I invited the public, by means of circular notices in English and Telugu, to bring forward any specific instances of torture which they were prepared to substantiate, and to give any information in their power as to its existence.

2. Few have responded to the call, and those few declare their entire ignorance of any such practice. The majority of replies from those who are able to give the information will probably be furnished to the collector and magistrate; and as the circular of the Madras Commission has been proclaimed in every village, and the judges of the district, the civil engineer, the civil surgeon, and other public and private individuals, have been requested to send their information direct to Government, there seems no reason to delay any longer the transmission of the few remarks which I have to offer on the subject.

3. The accompanying memorandum contains an abstract of every case of torture, properly so called, which has come up for investigation before the police and judicial tribunals from the subdivision of this district during the last seven years. There are eight cases in all, in five of which the torture is alleged to have been inflicted for the extortion of confessions or money in police cases, and in the remaining three for the collection of arrears of revenue. The Government will remark that in every one of those cases which were committed for trial to the sessions court, the parties accused were acquitted by the judge of the atrocious acts laid to their charge, and consequently received no other punishment than the instant and permanent loss of their situations.

4. The perusal of this short catalogue of alleged acts of cruelty will probably give rise to the following reflections:—First, the record of the inquiry into each case from first to last will force upon the mind the certainty of the existence of torture, though it may be rarely resorted to, and is on the decline; for it is not only improbable, but quite impossible, that all these cases could have been fictitious, and it was clearly the opinion of the magistracy that most of them were genuine and *bonâ fide* acts of violence committed by the officers accused, a true bill being found against the offenders in the subordinate criminal court.

5. The second point which will attract observation, is the fact that the whole of these cases,

Appendix (C.)

cases, with one exception, took place in those parts of the division which belong to zemindars, and which are most remote from European observation and control. Yerugudum is 60, and Gootala 60 miles from the head-quarters of the sub-collector and joint magistrate. His duties in the other parts of his division prevent his visiting that part of his charge, except for short periods and at long intervals. But this is only one of perhaps innumerable instances of the expediency of increased European supervision in every department.

6. The third reflection suggested by the record is, the very great difficulty of proving specific cases of torture and bringing them home to the offenders, even though there may be every reason to believe that they were actually committed. The two causes of this are, first, the fear and reluctance of respectable and well informed persons to come forward as witnesses, and secondly, the unsatisfactory nature, and the consequent distrust by the judge, of the evidence which is forthcoming.

7. The fourth comment to which these proceedings will probably give rise, is that no pains have been spared by the European officers of Government to suppress a practice abhorrent to their nature, by endeavours to discover the truth in each individual case, and to bring the offenders to justice. The present memorandum, however, reveals but little of what has been done in this direction. Were the record of the magistracy consulted, it would be found that for the last 10 or 12 years a determined stand has been made against extortion in every shape, and that the unremitting attention and unswerving efforts of the late collector and magistrate, aided in a more limited degree by his European subordinates, have been ever directed to put down and to punish abuse of authority by every grade of native officer, revenue, or police, and I believe the same spirit has actuated every European officer in the employ of Government.

8. But there are peculiar reasons why torture, properly so called, cannot exist to any extent in the greater part of the talooks of this district. The effect of the vicinity of the European authority has been noticed above; this influence is felt, though perhaps in a minor degree, wherever an active or observant European of any department may happen to reside; and this fact goes far to prove that the natives do not and cannot believe that we countenance the cruel practice. The officers of the engineer's department are scattered throughout almost every talook of the district, their opportunities of observation are considerable, and they have been greatly wanting in their duty if they have neglected to bring any case of torture of which they were cognisant to the immediate notice of their superior. The magistracy could expect no less than this assistance at their hands, and I am not aware that any complaint of oppression which they have been the means of bringing forward has been disregarded.

9. The other peculiarity to which I referred, was the altered circumstances of this district in respect to irrigation. The means of paying the assessment, which was formerly excessive, being put within the reach of the ryots, there is no further necessity for resorting to violence to realise the collection of the revenue. In those talooks, therefore, where the annicut water has been supplied to the land, the labour and responsibility of the native revenue officers is happily and materially reduced.

10. But it is not to be supposed that the difficulty ends here. The people with whom we have to deal cannot be governed or controlled by unflinching kindness and consideration. True it is, that lower the assessment as we may, improve their condition, and secure to them unflinching returns from their lands, and consequent ability to meet the Government demand, there will still be found some, who, with the amount of tribute on their persons, will refuse to surrender it at the call of the tahsildar, unless menaced with incarceration or other indignity.

11. The cases of actual torture which have been enumerated, give but a faint idea of the system of petty tyranny which exists in every community, from the lowest to the highest, of those who are possessed of power or influence. The poor man has perhaps more to dread from men of his own village, who exercise over him the authority which wealth or position confer upon them, than from the more powerful but more distantly removed native government officer. The latter works through the agency of the former; are all as destitute of proper self respect, and quite as untutored in true morality, as those whom each in his turn oppresses. It is but a gradation of tyranny; power with them signifies oppression; the ability to bend the will of all beneath them to subserve their own advantage, or to gratify their pride, seems to be the aim and object of every class, with the exception of those few who have been better instructed, and who really value the good opinion of their European superiors.

12. I will not however occupy the attention of Government with further remarks upon a subject regarding which so much will be written. The conclusion forced upon us seems to be, that if torture has been decidedly checked of late years, it is not because the native character has undergone material improvement. We cannot hope to change the nature of an entire people at once. The constant presence and influence of Europeans may do much, a fair and moderate assessment will do more, but it is to the spread of sound moral education that we must chiefly look, to improve the general tone of the mass of the people, and to raise the standard of morality of the native servants of Government.

No. 2.—*F. Copleston, Esq.*, Civil and Session Judge of Rajahmundry, says:

As to police.

That he has so lately rejoined the district, after an absence of 10 years, that he is unable to

to speak from recent experience; he has reason, however, to believe that cases of the kind, especially those of a severe and aggravated character, are now on the decline. Appendix (

As to revenue, he writes that acts exist, not amounting to torture, which would not be tolerated by people in a more advanced state, and that too is annually lessening. As to revenue.

No. 3.—*P. Irvine, Esq.*, Sub-Judge of Rajahmundry, says :

“ I have no doubt that torture is freely used in the police; I rest my belief of this partly on what I have heard from natives in conversation, but principally on my own observation, during a pretty long experience on the bench. As to police.

“ In very many of the cases sent up by the police, the prisoners have confessed. If it appeared that the confessing men were beginners in crime, or that the proof against them was from the first very strong, it might be believed that natural alarm at their situation in the one case, and the evident uselessness of denial in the other, had induced confession. Neither of these conditions seems required in the police; a man long suspected in his neighbourhood on account of notorious bad character, or even previous convictions, when apprehended solely on suspicion, not only often confesses without any apparent reason before any evidence has been produced against him, but also gives information that must inevitably lead to his conviction.

“ Before the Court, prisoners almost invariably retract, and assert that their confessions were extorted. They generally declare that no one will give evidence for people like them, and that they cannot therefore prove their alleged ill usage. They sometimes, however, point to very suspicious marks on their bodies, as corroborating their statements, and I must say that a consideration of the case and of the prisoner's appearance, has often impressed me with a strong belief that their story was true.”

He further says: “ During the last seven years, three cases of torture by the police authorities were tried in it. In one of them, the prisoners were acquitted. In another (No. 136 of 1852, criminal file), the head of police of Pittapoor was convicted of having caused certain parties to be beaten and tortured by compression of small portions of the skin of the inner portions of their thighs, and other sensitive parts, between the points of pincers, in order to compel them to criminate the prisoners in a murder case then under trial. The then subordinate judge sentenced him to pay a fine of 20 rupees, or in default, to be imprisoned for six weeks. In the third case (No. 139 of 1852, criminal file), the village moonsiff of Comaragerapatam, the son of the head puttundar, and a village peon, were convicted of having seized the prosecutor on the high road, carried him by force to their village, kept him two days in custody, under pretence that he had run off with and robbed a woman, and by threats and violence extorted 46 rupees. The then subordinate judge fined the two first prisoners 50 rupees each, the third 10 rupees, and in default sentenced them to be imprisoned for six months with hard labour.

“ During the same period, five cases were committed for trial before the session court. These were all of a peculiarly aggravated nature. In two, the persons said to have been tortured died. The prisoners were acquitted in both. In the other three (Nos. 51, 52, and 53 of 1849 on the calendar), the head of police of Gootunla and some of his subordinates were accused of having cruelly tortured certain parties suspected of being in possession of stolen property, by squeezing their hands in wooden pincers, by putting worms confined in cups to their navels, and by other means, and thereby extorted from them bribes to the extent of upwards of 300 rupees. The prisoners were acquitted, but the joint magistrate having appealed to the Foujdaree Udawlut, the judges recorded their opinion in their proceedings, dated 29th May 1850, that the evidence was sufficient for the conviction of the prisoners, and that the ends of justice had been defeated by their unconditional release, and prohibited their employment in the public service in this district.”

As to revenue, he says: That no case has come within his knowledge, but believes that “ cases sometimes occur of native revenue officers using very oppressive means of compelling ryots to pay their assessment.” As to revenue.

No. 4.—*J. L. Ranking, Esq.*, Zillah Surgeon of Rajahmundry, says :

“ I am certainly of opinion that the infliction of personal violence on the part of native officials is of not unfrequent occurrence, and I found this opinion upon the following facts:

“ That in cases before the Court frequent allegations are made of personal violence being used towards accused parties with a view to obtain evidence, such allegations being in many instances supported by marks of injury upon the person. Two such cases will be specified hereafter.

“ That it is the universal belief of every intelligent native that torture and the infliction of personal injury is still if not commonly at least frequently practised, more especially by the police authorities.

“ The custom and regulation of the session and subordinate courts, of sending every prisoner under trial for the examination of the civil surgeon, in order that he may certify whether the individual bears any mark of violence or injury, is framed upon the assumption that ill-usage, with a view to obtain evidence, is frequently practised, and often made the ground on the part of the prisoner of contradiction in evidence previously given before the native police authorities.

“ I proceed to adduce two specific instances in which parties exhibited marks of violence, which, in my opinion, were caused in the way alleged, and in the first of which the Collector brought home the crime to the accused parties, and obtained a conviction before the sub-court at this station.—Case 132 of 1852.

" In the first case, four individuals were sent for my inspection by the subordinate judge, on the 16th October 1852, all of whom alleged that they had been tortured by having small portions of the skin compressed by pincers. They all bore marks (ecchymosis or bruise) such as would have been left by the alleged method of torture, and the marks were upon highly sensitive parts of the body. In the second instance, a man, sent for my inspection by the sub-judge, on the 28th October 1853, exhibited the following marks of alleged injuries received at the hands of the native official (police): abrasions on both wrists, and on the private parts, and a scar on the back, said to have been caused by his being bound with ropes, beaten with sticks, and dragged along the ground; and I gave it as my opinion that the injuries had been caused in the way alleged. I do not know whether the crime was proved against the native authorities.

" In very many instances, accusations of ill-treatment have been brought against the native authorities; but so many days had elapsed before the parties were sent for my examination, that all traces of the alleged ill-treatment would most probably have passed off."

No. 5.—Lieut. *H. L. Groves*, employed in the Godavery Works, in answer to the inquiry of *G. N. Taylor, Esq.*, regarding the use of torture in collecting the revenue, writes as follows:—

" In the early part of 1850, I commanded the detachment at Negapatam, where the tahsildar held his cutcherry in the compound adjoining mine. Night after night I used to hear a great uproar and sound of blows in the direction of the cutcherry, and at last was induced one night to go and see what was the matter. I found the tahsildar holding his cutcherry in the verandah, surrounded by a number of peons and other people. A native was being flogged, and after receiving several blows, he took his money from his cloth, which I was told was his kist. I do not now remember whether he received any other punishment besides the flogging, but they showed me one or two thumbscrews, and I was given to understand that they were occasionally used. These nocturnal floggings went on for many weeks.

" One day, in 1853, I met a native near Kalairoo, in the Kotaram Chundrapoorum talook, who told me he had just returned from the amildar, who had beaten him on the back of his neck to make him pay his kist. I forget what reason he gave for not paying it; but he showed me his neck, which was swollen, and had a whitish appearance.

" Mr. Overseer Willy informs me that when he was at Kakarrapurroo, in the Tunnookoo talook, Rajahmundry district, in the early part of 1853, he saw a ryot, who had not paid his kist, kneeling on the ground in front of the summoottar's house, with a heavy stone on each hand, and one on the back of his neck. Mr. Willy assures me that it was quite a common occurrence, and was to be seen daily.

" My writer, *D. Perahmanundum*, says he saw the same thing going on at the house of the summoottar of Chelloor, in the Rama Chendrapoorum talook, not many months ago.

" Mr. Eyles informs me that he has never seen punishment resorted to, to make a ryot pay his kist, but he knows that the summoottar has a whip with him when he collects the revenue; and he has known ryots to be taken to their amildar, and he has every reason to believe that force is employed to make them pay their revenue.

" Mr. G. Shortt reports to me that about three years ago some of his workpeople were locked up in the cutcherry of Kuddiem, in the Rajahmundry district, and beaten most severely because they had not paid their kist. He reported the circumstance to his superior, Lieut. Rawlins, who sent a peon to release them. Mr. Shortt has been employed in many talooks, and has no hesitation in saying that various kinds of punishment are used in those talooks to enforce payment of revenue.

" Indeed, no one can be long among natives without seeing or hearing that such things are done, and from my constant residence among them, I can assert that without using force a considerable portion of the revenue never could be collected, and the same difficulty will exist so long as men who are wretchedly poor, and utterly unfit for anything but cooly work, are permitted either voluntarily or by force to become cultivators.

" In every village there are some bits of waste or bad land which the wealthier ryots will not cultivate; but as the Circar's annual demand must somehow or other be paid, the names of some of the poorest inhabitants (and even sometimes without their knowledge) are put down for these bad bits. In vain do the unhappy creatures declare that they know nothing about cultivation, that they have no implements, cattle, or plough, or that they were ruined last year by the loss of their crops. They are told that the Circar's money must be raised, and they are promised tuckavee to purchase what they require. If the man is still unwilling to take the land, the village authorities bring him to the notice of the amildar, who orders him to be sent to his cutcherry, where by threats and force, both moral and physical, he is induced to cultivate. Occasionally they spend the tuckavee which they receive on food, and as such men are always too poor and ignorant to till the land properly, the crop is sure to be an indifferent one. If water for irrigation is obtainable, all the richer ryots help themselves first, and as he probably cannot afford to bale, his crop withers and dies. He may have to go to some other place to earn his livelihood, for he cannot devote the whole of his time to look after his paltry field, or he may be taken or sent away as a cooly for days and days, and on his return perhaps finds that his crop has been eaten by cattle or stolen by night thieves. In an ordinary year the crop of a such field will seldom be worth more than the amount of the kist, and often the small farmer is called upon to pay for land, the crop of which was destroyed by an excess or total want of water. In such cases, if the man has a bullock

bullock or plough, or anything else, it is sold to pay his kist; but generally everything they possess would not fetch a rupee, and nothing but force can make such men pay. With the rich ryot it is very different. If a field or a crop fail, he looks to the other fields or crops for remuneration, or at all events hopes that a good crop next year will make up for his present losses, but in the case of a poor man, one bad year, and he is ruined. I have several times met natives that had been obliged to sell cattle, jewels, houses, everything to pay for land, the crops on which had failed. If the amildar's collections do not come in at the right time, he is threatened with a fine or a visit from the Collector, neither of which are desirable, so he comes to some village very much in arrears, and assembles the defaulters, who are thumped and punched till a little more money is squeezed out of them. The amildar then reports that he really cannot get any more out of them: so, after being allowed to hang over them for a year or two, the debt is remitted.

"However, I believe the ryots most liable to punishment are scamps, who by every means in their power endeavour to avoid paying their just dues. These rascals sell their crop beforehand, and then swear their crop failed; when taken before the amildar they repeat the same story, and as they have nothing worth selling, whether they pay or not, depends in a great measure on their toughness. But their physical strength is so little that a very few thumps or pinches of the ears generally cause the money to roll out of the culprit's cloth or mouth. Most of the ryots are utterly devoid of honesty, and if they think that they can, by any possible means, get some remission, they will hold out as long as they can, and thereby the collection is delayed, and the Collector's trouble immensely increased. This state of things might easily be altered, by refusing to allow such men to cultivate any more; but at present the village authorities are only too glad to get some one to take the land."

EXTRACTS from Europeans employed in the Godavery Works, forwarded by Lieutenant
F. H. Rundall, Civil Engineer.

No. 6.—*Mr. J. Wilkinson*, Navigation Superintendent, says:

"One instance in particular that occurred in Narsapur, about six years ago, I beg to mention. A man that could not pay the assessment was beat to such an extent by the amildar, that on being released he threw himself into the Godavery, but by an act of Providence was saved from a watery grave."

No. 7.—*Mr. C. Eyles*, Assistant Overseer, says:

"I beg to inform you that since I have been in the department I have never seen any one tortured to make them pay their kist, but I have every reason to believe that torture is used. I have made inquiries about it, and they tell me, if a man will not pay his kist, the peon will tie his hands, and lay him down on his face, and place large stones or pieces of wood on different parts of his body. The kist is paid by instalments, and they say if punishment was not used that they would never be able to get the money from the ryots; they say that oftentimes they have the money tied up in their cloths, but do not wish to part with it."

No. 8.—*Mr. R. Smith*, Acting Asst. Revenue Surveyor, Godavery Division, says:

"Out of the cases brought under my notice (with one exception), the torture was said to have been inflicted by the orders of the lower class of revenue servants (I mean by these, servants below the rank of amildar). The exception I allude to was, a man told me he could not hold the crowbar, owing to his hand having been squeezed between two sticks (I think the night previous) by the amildar of his talook."

"The majority of the complaints made to me were from inhabitants of the villages of Madapad and Jangoorpaud, and all against the ameen of the Kuddium Mootah; the species of torture generally used by him appears to have been placing a stone upon the poor people's shoulders, while they were kept in a stooping posture by a rope tied to their legs, and then passed round their neck."

"It has been brought to my notice that within the last 15 days the zufty ameen has had two of the Madapad ryots severely beaten, because they would not agree to take some spot of land. I have no doubt but that this case would be proved, were the proper authorities to institute an inquiry into it at once."

No. 9.—*Mr. C. Stephenson*, Assistant Overseer, says:

"I beg to inform you that I have not seen any act of torture committed since I came to the division, but I am told by several that such has been done by order of the tahsildars. The torture is thus: throwing a rope round the neck and tying it on each large toe, keeping the body in a bended position, then, placing a large stone on the back, the person is kept so until he says he will pay the amount of his revenue. Secondly, squeezing the ears and fingers with a blunt scissors, and this continued until such time as he says he will pay. Thirdly, keeping the arms stretched out by two peons holding each hand, while a third flogs with a rattan on the bare back. I was speaking this day to the pendar to the Perenulla village, who told me he was by when similar torture was committed last year by the orders of the Pentapadoo tahsildar. I asked him would he prove it; he said he would, and also get several village people to do so."

No. 10.—Mr. *Shortt*, Superintendent, says :

“Throughout the district I have heard of several instances of torture which happened at the village puttee, when I was stationed at Poollum looking after the stone dhonies (boats), during the construction of the Gunnavarum annicut. Although I did not see it myself, there can be no doubt that it happened as told me by very respectable ryots, and I most truly believe it. There is also the very deplorable practice of selling children resorted to in this district, which came under the notice of Messrs. Shortt, Eyles, and Willy, the former engineers of the steam dredge.”

No. 11.—Mr. *Babington*, the Civil Surgeon of Rajahmundry, says :

“That he is unable to adduce any instance of torture used for realising the revenues of the state.”

No. 4.—MASULIPATAM.

No. 1.—*T. D. Lushington*, Esq., Collector and Magistrate of Masulipatam, writes :

“I have the honour to report that at an early date after the receipt of the extract from Minutes of Consultation of 9th and 19th September 1854, having reference to the alleged prevalence of torture in the Madras Presidency in the collection of revenue, and in the examination of police cases, I caused proclamation to be put up in every village of this district, calling upon all parties to bring forward without delay any specific instances within their knowledge of instruments of torture having been used for the purpose of realising the revenue of the state, or in connexion with investigations in the police department.

“2. In this proclamation I directed that in four of the talooks of this district, the parties having information to give, or complaints to prefer, on these matters, should without any delay personally address the head assistant collector; in three talooks, the special assistant collector, and that in the remaining talooks they should address myself.

“3. The result at the time was, that no parties appeared either before myself or before Messrs. Ballard or Holloway, with any specific complaint of the use of torture. In Mr. Ballard's report he stated on this point, ‘No complaints have hitherto been made to me in consequence of the proclamations. I may add, that I did not anticipate any true cases would be so brought forward, for supposing grounds of complaints to exist, the causes which kept parties silent at the time, are just as active now; the sufferers, thankful that their troubles are past, are unwilling to rake up old scores, and perhaps hopeful that the present agitation on the subject will render them as effectual protection against a recurrence of oppression as their individual complaints would be likely to do, without exposing them at the same time to odium which such complaints would certainly entail. I am much more surprised that no false charges have been brought before me from motives of enmity or intrigue, though indeed persons thus actuated would naturally avoid the local authorities, and prefer an appeal to more distant tribunals.’

“Mr. Holloway stated, ‘I have the honour to inform you that although your proclamation with respect to torture has been widely circulated, and is being used by many as a means of escaping the payment of taxes altogether, no complaints whatever have been preferred to me.’

“4. On the receipt of the Government instructions I called upon the most experienced officer in my cutcherry, and also upon the magistrate's peschar, to search the records carefully, to ascertain what complaints of torture had been preferred within the last seven years in either department, and the mode of their disposal. The subsequent illness of the former, and the promotion of the latter to a district moonsiff, prevented the complete investigation of all the records to the extent I had intended before I left Masulipatam in the end of November; but from that which has taken place it does not appear that any specific complaints of torture were regularly preferred, judicially investigated, and disposed of in the four years antecedent to my arrival in the district. My remarks will therefore be confined to the last three years during which I have been in charge of the district.

“5. Had I written a report to the Government some months since, I should have unhesitatingly expressed my conviction that the use of any regular instrument of torture, such as a handsqueezer or thumbscrew, was altogether unknown in the Government talooks in this district as a mode of realising revenue from non-paying ryots. I had formerly heard reports that the application of an instrument called a ‘kittee’ or ‘cheerata’ was not unknown in some other districts, but all my inquiries led me to hope and to believe that it was never used in the Government talooks of the Masulipatam district. The Government are aware that through petitions addressed to them from the Ellore talook, although the parties had not chosen to appear to prefer a complaint either before the officer in charge of the talook or before myself, investigations have been held which have led to the committal to the sessions court of Luxmana Row, late tahsildar of Ellore, on a charge of having applied a ‘cheerata’ to the hands of one Akkinany Appanat, a ryot of the village of Covelly, for the purpose of compelling the payment of his revenue liabilities, and of having sent him publicly through the bazaar in this state to the house of one Jungah Soobbiah, himself a complainant
against

against the tahsildar in connexion with the supply of forced labour. The tahsildar,* and the peon† who is declared to have been the agent, have both been convicted and sentenced to imprisonment with hard labour in irons. In another case, in which one Padmanabodo,‡ the principal inhabitant of the same village of Covelly, had petitioned Government, charging the same tahsildar with having applied to himself and to his son the torture of the 'cheerata', the charge was dismissed by the head assistant collector, the statements of the father and son being in clear and positive contradiction of each other upon the most material points of the charge, on which, had it been true, they could not have been mistaken. Other cases have exhibited a similar result. Luxmana Row is the only tahsildar against whom petitions speaking of the use of the cheerata have been received. Against him there are other complaints which cannot now be investigated in his presence. That he had such instrument I cannot doubt, but unquestionably there is much falsehood mixed up with truth in all the charges against him, and I hope it is true, as I have often heard asserted since his conviction, that no other tahsildar in this district has made use of a similar instrument of torture. All his former employment was in the Bombay territories under high political and revenue authorities, from whom he brought excellent testimonials.

"6. If 'torture,' as the term is understood in England, viz., the application of instruments to give severe pain, be rare, as I believe it to be, it is impossible to doubt that there ever has existed, and still exists, much oppression in connexion with the realisation of the revenue from at least one portion of the tax-paying community.

"7. It has long been the system of the country under the native Government, and with the system of oppression has grown up the habit of endeavouring to evade the payment of taxes admitted to be due, until oppression be resorted to. There are numbers who have the means to pay, but who hope that if they can put off paying to the end of fusly (year), they will be exempted altogether. That such a belief has not been without foundation, may be read in the immense balances of former years outstanding against the ryots of the district. In a densely populated district, where the extent of arable land is not sufficient for the agricultural labour ready to be employed upon it, of which there are, I believe, a few in Southern India, the realisation of the revenue must of course be comparatively easy. Every ryot then knows that if he fail to pay his rent another man is at hand, ready and willing to take his land and to enjoy the fruits of it, and this is a spur to prompt payment. In a district so thinly populated as is Masulipatam, except in a few talooks, the case is very different. It is only recently that the principle that every ryot is free to contract his usual cultivation to any extent which he may desire has been promulgated. Hitherto the tahsildar has supposed that it is his duty to urge the ryot to cultivate, a fact scarcely needed to convince the latter that Government would lose much more by selling his bullocks or feeding him in gaol, for failing to pay his revenue, than by allowing him to remain at large to cultivate his land, even although he be a defaulter. The latter course gives to the revenue officer a chance of realising from the outturn of the coming harvest, a portion of the arrears of the previous year. The object of the ryot is to secure as much as he can for himself, to defeat the revenue officer if possible, and to play the same game again from year to year. The revenue regulations allow distraint of property, after certain notice has been given, in satisfaction of arrears, but the spirit of the orders of the Honourable Court of Directors, and the instructions of the Board of Revenue, are strongly opposed to a free resort to distraint. Even if distraint be resorted to, we have not only the interests of the individual arrayed against us to defeat us, but the feelings of the whole agricultural community, and they are generally successful, especially when the subordinate tools with which we have to work are worthless and corrupt. I know at this moment a defaulter, against whom a process has been out for years; his great wealth is universally known, but a few rupees is the whole of his discoverable property, nor is this confined to revenue defaulters alone. It is a well known fact that the owner of a large zemindary estate in this district, whenever it is in difficulty, a circumstance of almost annual occurrence, borrows large sums from his relative, a former holder of the Vassareddy estate, and yet a judicial warrant against that individual for the recovery of his share of the costs in connexion with the appeal of Her Majesty in Council, amounting to upwards of one lac of rupees, discovered property worth only a few hundreds.

"8. Except in talooks where, from abundance of population and other causes, land has a considerable saleable value, the tahsildar has little chance of realising revenue from certain classes of the agricultural community by other means than intimidation, if the produce of the year be once removed and made away with. There are of course many ryots, who, both from position and character, would feel it a degradation and disgrace to have a warrant of distraint issued against them, or to run the risk of undergoing any oppression, but if the conduct of the majority be scanned, the ryot is not a freely paying animal; many a man goes to the catcherry when summoned, with the money which he knows to be due to Government tied up in his cloth; pleads abject poverty and utter inability to pay, determined not to pay until something more than gentle persuasion or threats of restraint be resorted to. A deposition in a case of alleged ill-usage in the collection of revenue, investigated a short time since, illustrates the above remarks. The witness admitted his debt

Extract from Deposition:
"I brought 14 rupees from my house,

* For six months, with fine 200 rupees, commutable if not paid to six months' further imprisonment.

† To the same, with fine of 25 rupees.

‡ He was dismissed by Mr. Porter from the office of moonsiff for his intriguing character.

but only paid six. I brought the said money to pay, but as no violence was used towards me, I did not do so. Had I been compelled, I would have paid them."

of 14-rupees to Government, but did not pay it for the reason stated by himself, viz., 'that no ill-usage was resorted to.'

"9. I have instanced the case only of those who have the means to pay, but who try in every possible way to evade payment. To men of this class it cannot, I believe, be doubted that tahsildars in all districts have long been in the habit of applying, in a greater or less degree, any but those gentle modes of persuasion which they know to be useless. Long detention in the cutcherry, picketing them for some time in the sun, tying them with their cloths in painful positions, putting in some instances a weight on the back, are generally reported to be modes of coercing refractory ryots who will not pay. Beating of any kind I believe to be rare, although hustling and pulling about by two or three peons may not be uncommon. The tahsildar is rarely, I believe, a spectator of these acts. He feels his fiscal responsibilities, and seeing that the ryot does not intend to pay by fair words, tells his peons, to collect the money, leaving the mode much in their hands.

"10. Such from my inquiries appears to be the extent to which ill-usage has been resorted to in any of the Government talooks in this district for the realisation of revenue, and I believe it to be confined to the cases of those who have made away with their produce, and will not make any arrangement for paying the Government demand against them; but it is very seldom that trustworthy evidence can be obtained to any ill-usage of this character. At the jummandy of any year, in prayers for remission, it is a common phrase to state that their kist was collected with harshness in the previous year; but I only recollect one instance in which any parties came directly before myself with complaints of recent ill-usage. This occurred in the portion of the Kykaloor talook, watered from the Godavary in June last. The profits of the year had been immense, probably four times the amount of the joint rent, but the tahsildar, who has been subsequently removed to a talook of less emoluments, had, through very gross negligence, and through yielding to the most substantial ryots, who are rather a refractory set, failed to realise the revenue at the proper period. The end of the fusly was close at hand, and while I was engaged in the settlement of another portion of the talook which required the presence of the tahsildar, it was necessary to entrust the realisation of the revenue on the portion to which I have alluded to the tahsildar of the adjacent talook. Loud complaints of ill-usage were at once made against him and against two of his peons; both the exaggeration and the instigation were very manifest. There did not appear to me trustworthy proof of beating, but as there had been unquestionably some ill-usage, and the peons admitted having tied some of the ryots in painful positions, I suspended them from office for a year, and warned the tahsildar to be most careful that his subordinates resorted to no oppression. This was an instance where, except for the grossest negligence on the part of the tahsildar, there ought not to have been a rupee outstanding at that period of the year. In most talooks of this district, the produce stocked in the fields is the only security for the payment of the Government revenue.

"11. Another case occurred in the course of Mr. Bird's investigation in the same talook. The tahsildar, who had recently come up from the post of head goomastah in the Board of Revenue, where he held a high character, was charged, among other acts of misconduct, with having caused some ryots to be beaten with whips on the legs for the realisation of revenue. The evidence did not appear to me sufficiently free from discrepancy and suspicion to justify conviction of a criminal offence and punishment under the regulations; but upon the charges against him, I removed the tahsildar, and after keeping him out of employ altogether for nearly two years, have given him the post of head goomastah in my cutcherry. In one case in which a head of police and his peons had been charged with having ill-treated certain parties while under examination on a charge of theft, it was manifest to the officer conducting the investigation that there was very gross exaggeration and grave discrepancies, but believing that there had been some maltreatment, he fined them. This decision was subsequently set aside under the orders of the Foujdaree Udawlut. In any other cases, whether in the revenue or police department, in which conviction has followed investigation, the facts proved amounted to abuse of authority and oppressive conduct rather than to actual cruelty of treatment, and were disposed of under that head by fines.

"12. I stated freely the extent to which my inquiries on the subject lead me to believe ill-usage in the realisation of revenue to have existed in this district. That it should exist at all I deeply regret, and every effort must be made to uproot it altogether; but before it be assumed that the existence in any rare instances of torture, as the term is understood in England, and less rarely of ill-usage and intimidation in a greater or less degree must cast a heavy reflection upon the European officers of Government, consideration must be given to our position, and to a variety of other prominent facts which claim attention. That the practice of torture, properly so designated, both for revenue and police objects, has been the custom of the country for centuries before it came under British rule, cannot for a moment be doubted. I have been credibly informed that 20 or 30 years since, strings of cheeratas ready for application were commonly and openly hung up in the zemindars' cutcherries. Even in Europe many generations have not passed away since torture to obtain confessions, where there was moral conviction of guilt, was regarded to be both legitimate and salutary to society. Enlightenment and education have happily expelled the ideas, under which many conscientious men may have formerly upheld the error in which they had been trained up. Among the natives of this country, there may be individual instances, the result of intellectual culture and moral education; but there is no particle of such general enlightenment as would lead the higher classes of natives who form the

the staple of our official servants; and the entire subordinate machinery of the administration of Government, generally to see that there is intrinsic evil in resorting to the summary infliction of personal pain to compel a refractory ryot to pay his revenue, or to make a prisoner, of whose guilt there appears to be moral conviction, confess his crime. Unquestionably the cruelties in the treatment of prisoners which were once so unscrupulously carried out have in a great degree been put down by punishments. Fear of consequences, rather than idea of wrong attaching to them has had most influence in putting them down. It is probable that they were ever, and are still, when resorted to, far more cruel than ill-usage for revenue objects. A tahsildar knows that a ryot who has the means of paying will soon yield when he finds that his failure to do so will subject him to ill-usage. Confession of a crime, and it is only in cases of heinous crime that torture is ever resorted to, may probably entail upon the confessing prisoner heavy punishment, and therefore the means used for extorting the confession are proportionally more severe.

" 13. That our judicial system utterly denounces the cruelties of former days in police investigations is well known throughout the country, but I should hesitate to express a conviction* that it has ceased utterly, although I have not for years had before me a clearly proved case of real torture in a police investigation. I hope that among the ryots generally there is a conviction that any cruelties such as those formerly so common in police matters would meet with the same rigid examination from the European officers, if employed in the realisation of the revenue, as if resorted to for obtaining confession of a crime; but I do not believe that the ryots themselves as a body consider that a tahsildar, who has to deal with a ryot possessing the means but wanting the inclination to discharge the Government revenue, commits any offence, either morally or against the individual, by allowing his pawns to compel the production of the money either by intimidation or by a limited degree of violence, or that the individual has any ground of serious complaint. These feelings would be very different in the case of ill-usage to a man who had not the means of paying; and this I believe to be hardly ever resorted to.

" 14. In each district there is a single European officer, with two or at the most three European subordinates. Below them, in their own establishments and in the talook out-cherries, are some hundreds of native subordinates, chiefly of one exclusive class, having little natural sympathy with the ryots, and there is the lower body, conated by thousands of pawns and petty village officers; all of whom, with rare exceptions, have been trained up from infancy in the idea that morally there is no wrong in resorting to some degree of ill-usage either in the realisation of the revenue or in the discovery of crime and of offenders, should it appear desirable; and a body of ryots utterly uneducated and in a state of extreme moral degradation, many of whom have been brought up to consider that the struggle of their life should be to evade the payment of taxes to the Government in every possible way, and that any amount of falsehood or fraud is justifiable for such an object. It is probable that such a feeling prevails more or less throughout the world in all states where the body of the people are uneducated and unenlightened, have no sound moral training, have no part or concern in the election of any of their rulers, have no feeling of personal care or interest as to the stability of revenues of the state, but perhaps nowhere more so than in India.

" 15. These are no slight difficulties to have to cope with, and it was impossible to expect that a system having such firm and deep root, both in the feelings and habits of the native machinery of our administration, and in those of the subjects on which it is employed, could at once be altogether eradicated, although much has, I believe, been done.

" 16. Unquestionably the pressure of the assessment may in places have had a tendency to foster its continuance. This evil can now, under the recent liberal orders of Government, be effectually removed, and agriculture be tendered a remunerative employment wherever there appears ground to believe that hitherto it has not been such. Where such reduction leads to increased profits and to increased exertions, it is to be hoped that the revenues of the state will be more readily paid than heretofore; but I believe it will be generally felt that except where land is scarce and agricultural labour abundant, the present revenue law is not adequate for ensuring the realisation of the revenue, and that in some points more summary and prompt procedure is called for.

" 17. The habits and feelings engendered and inherited from centuries of oppression on the one hand, and of degradation and debasement on the other, cannot be changed in a day, but the present agitation on the subject, severe punishment in all clearly proved cases, the energetic and continuous prosecution of measures for the development of the resources of the country, the improvement of communications, cheapening of transit, practically bringing remote and hitherto unknown markets into close contiguity, and the education and enlightenment of the rising generation, for insuring the introduction and permanent success of which efforts are now in progress, will all have their beneficial influence both on the native servants of Government and on the body of the people; especially giving to the latter a general feeling of independence, combined with honesty of purpose towards the Government, qualities which

* A military officer of rank told one of my assistants that a dismissed tahsildar in this district had openly confessed to him that he had resorted to extreme cruelty to obtain a confession in a case which had excited a good deal of interest in the regiment.

Appendix (C.) which are now of rare occurrence. With a thoroughly workable revenue law, duly and promptly carried into execution when requisite, and under the influence of these remedies, we may hope that the revenues of Government may hereafter be realised with ease, without a trace of oppression or violence."

"P. S.—As the Government call upon Collectors to report all cases which have come under their cognizance within the last seven years, and what punishment has in each case followed conviction, I beg to state, that while I held the office of agent to the Governor in Kurnool, I obtained information that in the previous year a tahsildar had caused a ryot to be so severely flogged for non-payment of his revenue, that he had died from the effects of it, and found on investigation, that there appeared grounds for believing it true. I brought him to trial on a charge of culpable homicide, convicted him, and recommended a sentence of seven years' imprisonment with hard labour in irons, of which, after examining the record, the Foudares Udawlut approved.

"After this letter had been written, but before its despatch, I received another petition complaining generally of the cheerata being used in the realisation of the revenue. This will be inquired into in the talook."

No. 2.—J. J. Cotton, Esq., Civil and Session Judge of Masulipatan, writes as follows :

As to revenue.

"In a matter such as that now under consideration, there are naturally few European servants of Government, if there is one, who can of his own knowledge speak to the infliction of torture, for the purpose either of realising the Government dues, or extorting evidence by the police. That such exists, every one who knows anything of the native character must be equally sure, and I therefore speak under a moral conviction of the fact.

"In every case of 'torture' so called, fair means have been, I believe, invariably adopted to secure the desired end in the first instance, when there was a moral conviction of such being attainable, whether it be the realisation of the Government dues, or the ascertaining the truth of a matter under examination. Threats follow, and finally the thumbscrew or some such provocative."

Again :—"The natural apathy of the native character is too notorious to require comment in this place; it is so great that until he knows better, he will never cultivate a greater extent of land than would suffice for his own support and that of his family; nor can he be induced voluntarily to pay his quota to the Government without arguments of some kind more powerful than words."

As to police.

As to police, he says :—"My firm belief is that hardly any case tried before a native police officer is altogether free from the suspicion of some sort of mal-treatment of the parties concerned to ascertain the facts, and the success which is known to follow such is *prima facie* inducement for the police to continue it, considering that the punishment of malversation and evil-doers being the great object sought, the end justifies the means, even at the well-known risk that attends the officials should the practice be brought home to them."

Again :—"In my position on the bench, seldom or ever does a case come before me, especially when the prisoners accused are said to have confessed, that they do not at once withdraw their confession, for that such had been extorted from them. It is an every day occurrence, and the statement is doubtless often true, but the complainant unable to substantiate it. In any case of apparent maltreatment, the matter is of course brought prominently to the notice of the magistrate to take such steps in the matter as he may think proper."

Lastly :—"With regard then to the simple question, Does 'torture' exist within our dependencies in the East? the answer that must conscientiously be given by every one, from the highest in the land to the lowest subordinate official, is in the affirmative."

No. 3.—J. Crawford, Esq., Civil Surgeon, Masulipatan, says :

"In my opinion the practice of undue violence, in many cases amounting to torture, does exist amongst the native subordinate officers of Government. In proof of which I may mention that many people presented themselves to me, after the publication of the orders of Government, stating that they had been tortured by the subordinate native authorities, and that the names of several of these people, and the villages from whence they came, have been taken down in the civil dispensary by the dresser.

"No instance of torture has come within my knowledge capable of proof during the specified period, but both my gaol dressers state that they have witnessed the infliction of torture repeatedly within the last two years; the names of these individuals are, first dresser Daysing, and first dresser D. Boochiah."

He does not think that the better class of natives entertain the idea that it is tolerated by Government, or exists with the consent and approbation, much less under orders of European officers.

No. 5.—Guntoor.

No. 1.—H. Wood, Esq., Acting Collector of Guntoor, says as follows :

As to revenue.

"With regard to the inquiries of torture in revenue matters, I am of opinion that the putting of ryots to inconvenience by slightly beating, abusing, and confining them, has been very common. Torture, in the sense which the word conveys to the English mind, although-

no doubt of occasional occurrence, is not so general as the statements in Parliament represent. I am of opinion that the very different manner in which torture is regarded by the natives and Europeans is the cause of great paucity of complaints on the subject.

Appendix

"In matters of police, the case is different. Every prisoner who has confessed in the talook, on his arrival at the court invariably alleges that such confession was extorted by torture; such statements are very frequently false, but the prisoner is always aware that the Court will give his allegation at least due weight. One reason, however, which renders it unlikely that torture is of general occurrence in police cases is, that all officers, native as well as European, are fully aware that confessions will, if obtained, be of little or no weight. I am confident that torture is not deemed by natives to be connived at by the European officers of Government. There can, however, be no doubt that natives as a general rule consider our system lax and inefficient, because it refuses to torture men taken up on strong suspicion of such crimes as gang robbery, and who have themselves been probably guilty of the most atrocious cruelties."

As to police.

No. 2.—*J. Rohde, Esq., Civil and Session Judge, says:*

"I have no doubt whatever that annoyances of various descriptions are habitually inflicted by the native officials in discharging their revenue and police duties, and though the name torture cannot be applied to any such act of abuse as has come to my knowledge publicly or privately in respect to the discharge of revenue duties by the native servants, yet I have been informed of, and believe in very many instances of actual torture, occasionally proceeding to great lengths, practised by the same officials in the discharge of their police functions. Indeed it is my belief that it is the ordinary means resorted to by native police officers in discovering crime."

He thus accounts for its prevalence:—"I must say I do not think the rate of assessment has anything to do with the continuance of the practice; the want of fixed rents and the opening which the present system affords to the interference of the revenue officer, combined with a want of any moral or religious influence among all classes, from the highest to the lowest, and an utter indifference on the part of every person to all wrong by which he does not individually suffer, the strong suspicion necessarily attaching to all parole evidence among a nation of liars, and the shield afforded by the superstitious prejudice which is fostered by the party from which the ruling agents are chiefly selected, are sufficient to account for the continuance of a system which I may say is inherent in the system of native government, and is in accordance with the habits of the people."

"I have referred to acts of torture; but there is a system of oppression, not amounting to torture, pervading the whole present system; much that might be far better done otherwise is done by force and oppression. Indeed my belief is, that tahsildars and other subordinates habitually have recourse to such oppression in carrying out requisitions, whether for labour, for carriage, for supplies, or for anything else."

He adds:—"I would take this opportunity to repeat my often recorded opinion, that to the enormous power vested in the tahsildar (considering the present moral condition of the class from whom those officers are selected) and the impunity which the prevailing want of right principle or sympathy in the people secures, are attributable the continuance of customs which it has been the anxious object of every gentleman in the service to put a stop to. If I have not been misinformed, the Government have had occasion to visit with some severity instances in which magistrates have been provoked to acts in excess of their powers in checking the abuse, and I must say that, defended as the revenue police servants are from punishment except full legal proof can be brought against them, and selected as they necessarily are from a people naturally inclined to abuse power, placed too among a people long accustomed to endure oppression, and without any sympathy for the sufferings of their neighbours, a people too much inclined to side with the stronger party, and to aid him by false evidence and lies to any extent, a people whose very religion enjoins a lie in cases when the truth might induce injury to a Bramin (the class from which the instigators of the wrongs perpetrated are ordinarily selected), it cannot be wondered at that one or two European officers, generally worked beyond their power with their ordinary routine duties, and bound by forms, should be unable to check a crime which is predominant in every oriental country."

No. 3.—*F. Fletcher, Esq., Zillah Surgeon of Guntoor, writes as follows:*

"I have the honour to acknowledge the receipt of Memorandum No. 80, calling for my report on the alleged prevalence of torture in this Presidency, in obedience to extract Minutes of Consultation under date the 9th and 19th September 1854.

"I have the honour to state that the only instances which have come to my knowledge, where abuse of authority was exercised, were those of three prisoners who were subjected by the police authorities to maltreatment, probably for the purpose of extorting confession. I enclose copies of the certificates forwarded to the civil and session judge, showing the extent and degree of injury received by each prisoner. I enclose copy of letter from that officer, and he informs me that the above cases were alluded to in his report."

From *F. Fletcher, Esq., Zillah Surgeon, to J. Rohde, Esq., Civil and Session Judge of Guntoor.*

Sir,

Guntoor, 11 August 1853.

I HAVE the honour to acknowledge the receipt of your letter, No. 234, of the 9th instant. I have examined Ramtoo Ramasawmy, prisoner in Criminal Case No. 22 of 1853; the

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whole of his back is wholly disfigured with numerous small sores, now cicatrised; there is one sore of great size to the left of spine; there are also a few similar marks on the throat, and there are marks of tight ligatures round both arms; on the right arm there is a slight abrasion of skin, evidently caused by the ligature.

He complains also of pain and swelling of hands and knees, caused, as he states, by having been beaten with a stick, and which, from the state of the parts, I believe to be true. According to the prisoner's statement, he was tied by the arms to a tree, in which position he remained all night, and was severely bitten by large black ants on the back and throat. From the appearance of the sores, they being for the most part small, isolated, and rather deep, and from the marks of cords on his arms, I am of opinion that the prisoner's statement is correct, and that the sores were produced in the manner described.

I have, &c.
(signed) *F. Fletcher*, Zillah Surgeon.

From *F. Fletcher*, Esq., Zillah Surgeon, to *J. Rohde*, Esq., Civil and Session Judge of Guntoor.

Sir,

Guntoor, 27 September 1854.

I HAVE the honour to acknowledge the receipt of your letter, No. 309, dated the 28th instant. I have minutely examined the prisoner *Vara Narrainsawmy*, and find that he bears several marks of blows, such as might have been caused by a rattan or light stick, on right side of back below the shoulder blade; there is one mark four inches long, three on the right shoulder, and one on right arm; these latter are less distinct. There is also a slight wound on head. These injuries are not very recent, a period of 10 or 12 days having probably elapsed since their receipt; and although not endangering life, I am of opinion that the blows were severe.

I have, &c.
(signed) *F. Fletcher*, Zillah Surgeon.

THIS is to certify, that I have carefully examined prisoner *Unkadoo*, and find that he bears the marks of cords round the right wrist; there is also an abscess on right thumb, near the root of nail, caused, as he states, by blows with a stick, and which is likely in my opinion to be true. He has also marks of abrasion about the back and ribs.

I certify that I carefully examined prisoner *Gopadoo*, and he presents the following marks of maltreatment. From wrists to upper third of both fore-arms there are distinct marks of tight ligatures; on right wrist the skin is abraded in two places, and suppuration has followed; there is also slight abrasion of the skin on right shoulder and chest, and he complains of pain in various parts of his body. The right foot is also much swelled, and caused as he states by blows, and which, in my opinion, is likely to be true.

Guntoor,
5 May 1853.

(signed) *F. Fletcher*,
Zillah Surgeon.

No. 6.—NORTHERN CIRCAHS.*

No. 1.—*Walter Elliot*, Esq., Commissioner, Northern Circars, writes as follows:

To Government, 24th March 1851.
Enclosure from Collector, 12th March,
para. 20, E. M. C., 6th May 1851.
To Acting Collector of Guntoor,
14th July 1851.
From Acting Collector of Guntoor,
23d August 1851.
From Collector of Ganjam, 3d October
1854.
To Acting Collector of Ganjam,
16th October 1854.

" In obedience to the instructions contained in Extract Minutes of Consultation, 9th September 1854, No. 322, I have to report that search has been made in the records of this office, as directed in para. 11, and that the correspondence noted in the margin has been found having reference to the employment of torture in the collection of the public revenue.

" 2. Copies of such of these papers as have not already been submitted to Government are enclosed.

" 3. Other cases have occurred which have not been reported to the Board of Revenue because disposed of in the magistrate's department.

Petition, No. 943 of
1851.
To Collector,
11th March 1851,
No. 101, para. 20.

" 4. During my inquiries in Masulipatam in 1851, some respectable ryots of Mortyalampad complained of personal ill-treatment received about a year before from *Baham Singh*, a hazaar duffadar, deputed to realise outstanding balances of 1259 fusly. The facts appearing to be established on exparte evidence, the man was suspended. He was afterwards tried and convicted on a charge of extortion by the special assistant collector.

" 5. Many complaints of extortion by threats of sending parties to the session court on fictitious charges, sometimes accompanied by personal ill-usage, were preferred in the same district. Upwards of 90 instances of this description were brought to notice. In three or four instances the parties were tried and punished by the late Collector, further proceedings were suspended from the zemindar under the circumstances referred to in Extract Minutes of Consultation, 20th April 1852.

" 6. The

* Comprising the five previous districts.

" 6. The circumstances of the Masulipatam district must, however, be considered as exceptional, on account of the peculiar state of things which prevailed at that time.

" 7. Complaints of the use of violent means for the collection of the revenue are not unfrequent; but on investigation the majority of them are found to be altogether unfounded, or to be so greatly exaggerated as to assume an unobjectionable character. The habit of exaggeration in complaints of personal injury is notorious. The array of aggravating circumstances brought forward in cases of the most petty assault, garments drenched in blood, the body smeared with plaster, the sufferer borne helplessly by his friends, and afterwards walking unconcernedly away when the matter has been decided, are familiar to all. This habit must often invest the narration of efforts used to extract on the one hand, and on the other to evade payment of the public dues, with a colouring very different from the truth.

" 8. It is a fact, moreover, that instances of proved infliction of torture in criminal cases far exceed the number of those which have been established in connexion with the payment of revenue. But the magistrate is also the collector. The same officer convicts in both cases. He is as ready to take up a charge in the one character as in the other, and it can hardly be doubted that more convictions would have been found on record if the practice was as common as asserted. For the average number* of pauper ryots alone, without reckoning other classes who may be expected to pay their kists with difficulty, is upwards of 30,000 in each collectorate, while the whole number of persons taken up by the police gives an average of 6,500 for the same range.

" 9. On the other hand, there must be many cases which never see the light. The difficulty of procuring convictions against persons of influence, possessing means to pervert the evidence in support of a charge or to swamp it by counter-statements, is very great. Add to this, that no feeling of abhorrence at the employment of torture as a means of discovering crime or realising revenue exists in the native mind. It is the ordinary practice of every native state, and it will be found wherever native authority is exercised without, or with inefficient, check. Trial by ordeal, some of the expedients being of a very cruel description, is still in general repute, and the principle has been recognised by the highest courts. From the question by ordeal to the question by torture is but a step, and public opinion reprobates the one as little as the other.

" 10. There are some points in the existing revenue administration which, supposing the above observations to be correct, tend to invite a resort to such practices where they can be tried with impunity. Among these perhaps the principal is the settlement of the revenue annually. Under this system every man's payment becomes a matter of speculation; he knows he can claim remission for every vicissitude of season for every bit of unploughed land or short produce, for loss of relative labour, for death of bullocks and other misfortunes. Some of these contingencies result from poverty, indolence, and slovenly farming, and therefore are found in every season. The settlement is seldom completed before the close of the revenue year. In many districts it is deferred to so late a period of the season as to extend into the next fuly. Every man, therefore, who expects to get off a portion of his rent defers payment to the last moment, and even when his claim has been rejected, he hopes, by evading the demand, to have it written off as a balance. But the revenue is ordered to be recovered within the fuly, and the tahsildar, between fear of the Collector's displeasure on the one hand, and the contumacy of the ryot on the other, must often have his temper sorely tried, and be tempted to adopt expedients which, though forbidden by his superiors, are considered legitimate by his fellow-countrymen.

" 11. The substitution of leases for periods of years, with prompt resort to the process of recovery prescribed by law, would at once abate much of this struggle between payer and receiver. Many ryots now holding puttahs without stock, capital, or industry, would be unable to continue in the position of cultivators under a more rigid system. But this would be an undoubted advantage; they would be reduced to their proper condition of labourers, which they have only been able to quit by the laxity of the present practice.

" 12. Another check on the abuse of authority would be obtained by separating the police from the revenue functions now exercised by native revenue officers. Persons suffering from injuries inflicted in the one department are cut off from all chance of redress through the other, and the European magistrate is often too far off to appeal to. A scheme for effecting this division of offices may easily be framed without much additional expense to Government, and with manifest advantages in addition to the one which has more directly prompted the recommendation, of which however the present is not the proper occasion to treat.

" 13. These and similar suggestions may help to check the tendency to oppression inherent in every system of administration conducted mainly through native agency. But they will not eradicate it; the people must learn to protect themselves. And to arouse a spirit of independence among those who have for ages been the helpless slaves of the strongest, which shall make every man, if need be, stand up in defence of his own rights, and

* The number of ryots paying an assessment of less than 10 rupees per annua was 6,30,704 in the 20 collectorates settled in 1258 fuly, by the Foudjaree Udawlut. Returns for 1862, the number of persons apprehended is 11,30,318 in the same number of aillahs.

Appendix (C.) and boldly proclaim the truth in support of his neighbours, is a work of time. A purer faith, a higher moral and intellectual standard must pervade the population to ensure full success to any plan, however comprehensive and philanthropic, for the protection of the masses."

No. 7.—NELLORE.

No. 1.—*J. Ratliff*, Esq., Acting Collector of Nellore, on the 2d November 1854, writes, "That he sent for his head sheristadar, and several of the oldest 'huzoor' servants who have had 'gybut' experience, and questioned them as to the existence of torture, promising indemnity for the past.

As to revenue.

"The result," says he, "showed the actual employment of various modes of what may be comparatively termed 'petty torture' to be a 'fact,' although one and all averred, that not only had it become much less general in practice, but much milder in form than it was, even 10 years back, and very much more so than previous to that time.

"Among, and as examples of the modes admitted to have been recently adopted, I may instance those of compelling a man simply to sit or stand in one position, or under the sun's influence, for a protracted period; placing and keeping the body in a bent position, by means of a cloth placed round the neck and under the feet, and sometimes with the addition of a stone placed on the shoulders; converting a man's house and yard into a 'pound,' by preventing the egress of his cattle, or if insufficient, of himself also; thrusting him, when of a class whose feelings and respectability would suffer from the contact, into a confined space, in the midst of chucklers, and others of the despised caste. The use of these, and such as these, means was, as I observed, generally admitted, though as generally affirmed to be of rare occurrence; whilst the practice or existence 'of the very same kind of torture' as was employed at the beginning of the last century (as alleged apparently by Mr. Seymour), was, and as I fully believe, with perfect truth, vehemently denied. I allude, of course, to the more direct and immediate infliction of actual torture, according to its more extended and rather perhaps ordinary acceptation, such as the application of 'ear twitchers,' 'thumb-screws,' 'beetles to the navel,' and similar barbarities."

Further he states, that he lately issued a proclamation to each village in the district, but that no single charge has been preferred in consequence.

"To account for the absence, however, of even a solitary witness against such practices as are admitted to have been, and undoubtedly, until recently, were existing, is difficult.

"The most rational solution of the matter, which I am able, on inquiry and consideration, to arrive at, is that it emanates mainly from the fact of its being looked upon as a thorough 'mamool,' compulsory means of collection having, from time immemorial, been resorted to more or less."

So far as he has been able to gather from conversation with respectable men, he would not infer that the people generally entertain the idea that such acts are tacitly tolerated by the Government or its European officers.

And in a subsequent letter of the 30th December 1854, forwarding a statement of cases tried during the last seven years, of torture alleged to be used in extorting confessions, he further expresses himself as follows:

As to police.

"The number is small, averaging but two per annum for three, and one per annum for four years, though I cannot allow myself to hope or believe that such represents the total of actual causes for similar complaints during that interval, or even any proximate approach to it.

"I do not however intend by any means to convey an opinion that the light in which this practice is viewed by Government, or the repeated injunctions enunciated by its courts of judicature, are either unknown to or disregarded by the body whose conduct they were meant to influence; there cannot on the contrary be a doubt, that the proceeding has been thereby both robbed of its worst features, limited in its application, and resorted to covertly only in consequence. Indeed, I am of opinion, that it is chiefly confined to the subordinate and village police, and by them not resorted to indiscriminately, but in cases only, such as where having followed up a track or (dzada) and come up with the, in their belief undoubted, culprit or culprits in the matter at issue. Violence is more or less used in order to compel the giving up or disclosure of the whereabouts of property stolen, or to obtain other necessary information.

"Cases of alleged extorted confession, by and before heads of police or sub-officers, I believe to be rare, though upon this point, session judges will probably be the best informants. There seems, indeed, to be small object in selecting the dangerous course of violently obtaining mere verbal confession which the prisoner could, and it may be supposed would, retract before the European officer, when a spurious one could with equal facility be, and doubtless constantly is, indited, and unhappily with almost similar facility 'duly attested,' the palpable object of the head or sub-officer of police being equally attained."

No. 2.—*J. J. Minchin*, Esq., Acting Sub-Collector of Nellore, writes as follows:

"I have the honour to acknowledge the receipt of your letter of the 22d instant, and in accordance with the directions it contained, to state that, immediately on the receipt, I proceeded to Ongole as rapidly as I could move my catcherry, and have just returned to this place,

place, after spending three days in thoroughly investigating, in communication with Captain Nelson, the cases of ill-usage, for the purpose of extorting revenue, brought to the notice of Government by that officer.

" 2. The cases brought to light by Captain Nelson are four in number, being the ill-usage practised towards the individuals Sheikh Goodoo, Nella Veera, and Alluri Kristnadoo, on various occasions about two months ago, the exact dates on which they occurred being unknown, and the final case, of which Captain Nelson was himself an eye-witness, when four pariahs were tied up on the 17th of this month, the place on each occasion being the cutwal's cutcherry in Ongole, where the curnums of the town are in the habit of transacting their business.

" 3. As from my previous inquiries on the subject, I had no doubt from the first of the substantial truth of the statements made to Captain Nelson, I am glad to say, that most satisfactory proof has been forthcoming at my recent investigation, and I have been able to bring home to the offenders the offence with which they were charged.

" 4. It is proved in evidence that the several complainants were tied up in the sun before the choultry, the head being brought down to the knee, and the sufferer kept standing in this miserable position; in many instances a stone of about 12 lbs. weight being placed at the same time upon his back, until the payment demanded was made, or security for it given.

" 5. On each occasion this was done on the orders of the curnums, and I have fined all of them, four in number, in the amount of 10 rupees each, and have sentenced them to be imprisoned for one month, in default of payment, under clause 2, section 3, Regulation III. of 1819. A peon who was convicted of executing their orders on more than one occasion, was also punished under the same Regulation.

" 6. I am aware that this regulation applies to the punishment of officers of police, and not of revenue, but I know of no express regulation for the punishment of the latter, for offences of this nature, which I think fall fitly under that I have quoted, in spirit, if not in letter; of course all village officers are officers of police according to the present system.

" 7. The Government may have remarked that the complainants stated before Captain Nelson, that the exactions thus made from them were in excess of what was due to the Circar, and on the private account of the extortioners. This is a matter which I found it impossible to prove, but as one curnum was clearly convicted of refusing to grant receipts for money thus obtained, it gave so much colour to this charge, that I considered there were grounds for a severer punishment in his case, and I dismissed him from his appointment.

" 8. It would be palpably unjust to visit these acts of oppression upon the subordinate officers alone, under whose immediate supervision they are performed, and I informed the tahsildar of Ongole that I could not but consider him responsible for the acts which were carried on so openly by his subordinates. In his defence he did not deny the truth of the facts as detailed by me above, but stated that such acts were universal, and that the measures of the kind adopted in this district were mild compared with what was of every day occurrence in the south. I told him to put down on paper anything he wished to urge, and I shall have the honour to forward his written statement with the report when it reaches me. In the meanwhile I regret to say that I cannot take it on myself to deny the truth of his assertion that such practices are most common, but I think that more than ordinary severity, and perhaps unfair exaction; must have taken place in Ongole to produce such a general feeling amongst the natives as I observed.

" 9. I however considered it sufficient to meet the end Government had in view, if I thoroughly investigated the cases brought to light by Captain Nelson, without entering on fresh matter; and I cannot conclude this portion of my report without recording my sense of obligation to that officer for having brought to the test of proof, a matter which was previously one only of conviction and general notoriety.

" 10. In self-defence, I trust that I may be pardoned for forwarding a copy of the correspondence that has passed between Captain Nelson and myself on this subject, to show that proper efforts were not wanting on my own part to obtain information as to what was really going on within my jurisdiction. Your own letter of the 22d instant, which enclosed Captain Nelson's report to Government, reached me before I received that officer's reply to my second letter.

" 11. Immediately on receiving a copy of the Minutes of Consultation of the 9th instant, I took such steps as I thought best calculated to meet the wishes of Government, both in discovering the real state of things and in putting a stop to any practices of an objectionable nature that might previously have existed. I caused a careful translation to be made of the most important paragraphs of the above Minutes of Consultation, and sent a copy to each peshcar, or subordinate revenue official, in this division, with orders to publish it in each village within his jurisdiction, at the same time expressing my readiness to examine into any complaint on the subject that might be made to me.

" 12. I believe that from the day the real views of Government on this subject were thus generally made known, a revolution may be said to have taken place, and I am confident that not an instance of personal ill-usage for the sake of collecting revenue has since occurred.

" 13. While taking these steps to spread as widely as possible the knowledge of the Government determination, I placed myself in communication with several parties who I thought were likely to possess better sources of correct information on such a subject than myself, to endeavour to discover what, if any such, practices existed within the division. I regret to say that my efforts in this way have met with scanty success. Most of them to whom I have applied have answered that no cases of ill-usage have fallen within their notice, and I should have been delighted to receive such answers, if I could honestly have thought that by them the non-existence of such practices was proved. My own personal inquiries have forced on my mind an opposite conviction, and made me for the first time aware of a general practice of ill-usage for the purpose of collecting revenue that has both surprised and shocked me.

" 14. All natives, irrespective of their ability or not, are averse to paying money, and the legal modes of coercion by a sale of property are so dilatory and troublesome, that the native officials have invented processes of their own. If the refractory ryots possess cattle, these are kept confined in their yard without food or water until their owner, in pity at their distress, pays what is due. The same confinement in the house, and deprivation of food and water, is also sometimes extended to the owner, who is himself starved into subjection. With low caste and poorer debtors, the system is that which has been fully described by Captain Nelson; and considering the heat of an Indian sun, the manner in which the blood must flow to the head in such a posture as that enforced, and the weight of the stone which is often placed upon the sufferer's back, I have no hesitation in calling such a practice torture, and that not of the least painful description.

" 15. It is only within the last week that a case of this kind has been reported to me, in which a subordinate revenue official caused an old man to be tied up in the sun in this manner, which brought on an attack of apoplexy, from which, after an interval of some days, he died. I have ordered the parties implicated to be committed for their trial before the criminal courts, and the result of this unfortunate case may prove most salutary, by the effect it must have on the minds of the other revenue officials, to the notice of all of whom I have brought it, as an example of the dangers of such proceedings, and a warning of the result. Such a case would at any time have attracted attention to the subject, and it is a curious coincidence that it should have occurred simultaneously with the promulgation of the Minutes of Consultation, calling for inquiry into the practice of torture for the exaction of revenue. This unfortunate victim was a village shroff; he died on the 9th September, and had been tied in the sun, as before described, to make him pay the sum of two annas and 10 pice, in which his accounts were supposed to be deficient.

" 16. In looking over the record of the office, I find that no cases have been inquired into for the last seven years, nor do I believe that any complaints have been made by the people during that period, a fact which, independently of all inquiry on the subject, must force on the mind the conviction that the body of the people believed that the system of personal ill-usage for the purpose of collecting revenue, was at least connived at by the Government and its officers; the answers to any questions on this point have been always confirmatory of this humiliating truth.

" 17. I do not consider this to be the place in which to attempt a defence of myself or the other members of my service, from the charge of having tacitly encouraged such a system. I may however be permitted to state, that until I entered on my present inquiries, in obedience to the orders of Government, I had no idea of the extent or reality of the evil which it is now determined to combat. I believed indeed that the public accusations made against our rule on this subject were grossly exaggerated as regards all parts of the country, and utterly untrue as regarded the Nellore district. For the time that I have been employed as head assistant in this district, being upwards of a year, only one complaint of this nature had come under my notice, although the last season has been one of peculiar difficulty and distress. That case was referred to me by the Collector, Mr. Elton, being an accusation against a peon for using an instrument called a 'kitty' in collecting kist. There was no proof of ill-usage on that occasion, but the peon had certainly threatened to use the 'kitty' if the money was not paid; and for making the threat, and showing the instrument, he was suspended, as well as I can remember, by Mr. Elton, for a term of six months.

" 18. The first thing that opened my eyes to the fact of the general practice of ill-usage in this district in the collection of revenue, was the undisguised apprehension on the part of all the superior native officers, of the great decrease in the collections that would ensue on the thorough carrying out of the principles laid down in the Minutes of Consultation of the 9th September. I believe there is not one native official who does not expect that the new system will be followed by a decrease of 50,000 rupees in this division, and of a lac or a lac and a half in the whole district.

" 19. If the absence of all complaint on the part of the sufferers, and the ignorance of the English officers in the country, of the practices which I believe have been so prevalent, are taken as proof that personal ill-usage has not been practised, it is impossible to account for this impression on the minds of the higher native officials, who are evidently of opinion that without coercion in its various shapes the present amount of revenue cannot be raised. It would be false if I were to state that I consider such fears to be entirely groundless. I have little doubt but that the strict enforcing in practice the principles inculcated by the Minutes of Consultation of the 9th September will be followed by a decrease of the revenue in this division,

division, though not to the extent feared by the native officials. The sums which can be collected by no other means than personal coercion, are necessarily insignificant in themselves, though collected at the expense of so much misery and injustice to the sufferers; while in the case of those who are able but unwilling to pay, there is no need for the employment of illegal measures, when the regulations afford the means of enforcing payment of what is due to the extent of the possessions of the defaulter.

" 20. I have thus performed my duty in faithfully reporting what I believe to have been the extent to which personal ill-usage has been prevalent in this division for the purpose of collecting revenue. I must add that in every quarter where I have made inquiries, the use of what are strictly called instruments of torture has been denied, and I believe with truth. Ill-usage in these parts does not extend beyond the practices which I have described with some minuteness in the former portion of this report.

" 21. In accordance with the instructions I have received from the acting magistrate, I have extended my inquiries on this subject into the state of things that prevail in the petty zemindaries that skirt this division. The parties that have appeared before me are not those from whom one would be most likely to hear the truth on such a matter, and except by personal inquiries within the limits of the several zemindaries, I feel that I should have no sufficient grounds for arriving at a trustworthy opinion.

" 22. I believe, however, that the revenue practices within the zemindaries are at least not worse than within our own jurisdiction, and two causes are there in existence which would naturally tend to prevent any great amount of personal ill-usage from taking place. The first is the separation of the police from the revenue authority, which renders its practice more hazardous; the second is the custom of making all collections in kind, which makes it less necessary.

" With reference to the subject of torture by the officers of police, I shall have the honour to make the report, called for by the Minutes of Consultation of the 9th instant, the subject of a separate communication."

J. J. Minchin, Esq., Acting Joint Magistrate at Nellore, again writes as follows:—

" With reference to para. 3 of the Extract from Minutes of Consultation, dated 19th September 1854, I have the honour to forward the accompanying statement, showing the number of cases that may be considered to fall under the head of ill-usage adopted for the sake of extorting confession from prisoners, which have been inquired into in the joint magistrate's office during the last seven years.

" 2. Five cases only have been found on a careful search of the calendars, and in those the offence seems to have been of a trifling nature, judging by the punishment awarded, when a conviction was brought home to the accused parties.

" 3. Two additional cases have fallen within my personal cognisance, during the time that I have been in charge of the joint magistrate's office. The first occurred almost at my own gateway in the course of a Sunday afternoon, and the relatives of the sufferer complaining to me almost simultaneously, I had him brought before me at once, and was able to satisfy myself of the truth of their statements. On the next day I examined the case. The man having been suspected of stealing a sheep, the cutwal gave orders to two peons to take him away, and to extort a confession. They carried him away from the cutcherry to some trees not far from my own bungalow, and, in addition to other ill-usage, burnt him in two or three places with the end of a cheroot. I obtained medical evidence as to the state of the party on the next day, and there being full proof against the peons who had been seen taking him to the trees, and carrying him back again, I sentenced them to three and one month's imprisonment with hard labour in irons, in addition to depriving them of their belts. There was no proof obtainable that the cutwal had given orders to the peons to inflict the ill-usage, but as there could be no doubt that it was done upon his connivance, I deprived him of his situation. The session judge remarked on the above case, that the punishment inflicted on the peons was inadequate to their offence in disposing of such cases.

" 4. The complainant in the second case was a woman by name Subbee, and she presented her complaints to me while I was in Ongole (inquiring into the cases reported by Captain Nelson), although the facts occurred some months previously, in July last. This case appears to me illustrative of one of the worst points of the native character, and consequently worth relating in detail.

" 5. A sepoy travelling through the country, apparently to join his regiment, after leave, put up, while stopping for the night in the village of Chedalvadab, in the village choultry, and purchased his meal of rice from the complainant in the case; in the course of the night his knapsack was stolen, of which he complained in the morning to the village authorities, before whom various suspected parties were brought for investigation. The sepoy, assisted by the mudam, or village constable, and the son-in-law of the latter petty officer, took charge of the woman Subbee, and removing her to a tope adjacent to the bund of the tank on which the village officers were conducting the inquiry, they there took the measures which appeared to them most likely to arrive at the truth.

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" 6. The unfortunate woman was tied up by one arm to the branch of a tree, and, while suspended above the ground, her cloth having partly fallen off, as stated by the witnesses, the sepoy and his two assistants whipped her with tamarind switches on her private parts for some length of time, but were unable to extort a confession from the sufferer, who was a strong stout woman, possessed of endurance sufficient to frustrate their efforts. The witnesses in the case were three vettians of the village, one of whom was in guard of another suspected party at some distance in the same tope, and the other two formed part of the mudam's party who had taken charge of the woman. There was other corroborative evidence of antecedent facts, and the utter absence of any reason for the prosecutrix to bring forward a false charge, and to concoct it with the vettians of the village, forced me to give credence to their account of the transaction. There was no evidence to prove that the higher village authorities were even aware of what had taken place, the ill-usage being evidently suggested by the sepoy himself, from a desire to recover his property, and carried out personally with the assistance of the mudam and his son-in-law, who always assisted the latter in his village duties. No trace of the sepoy could be obtained when I took up the case, but I sentenced the mudam and his son-in-law to six months' imprisonment with hard labour in irons, and my sentence has not been noticed by the sessions judge.

" 7. No cases of personal ill-usage inflicted by the higher officers of police have come within my cognizance, and in the great majority of instances where such attempts to extort confession are made, it is done by the peons and such petty officers, the higher authorities being now generally aware that confessions, when unsupported by corroborative evidence, or the discovery of the stolen property in cases of theft, are utterly disregarded by the courts; so much so, that they often do not even commit cases where the parties confess their guilt before them, but where all other proof is wanting. I fear that the whole state of the country must be changed, and the character of the natives also, ere any smart police officer would refuse to employ such measures, if he thought that stolen property could be discovered, or good proof obtained thereby. I believe there is not a native suffering from a robbery who does not consider such proceedings not only justifiable, but to be the first duty of a detective police, and the case of the sepoy mentioned above does not, I fear, afford an unfair specimen of the general feelings on the subject.

" 8. With reference to my previous report on the subject of ill-usage for the purpose of collecting revenue, I would wish to be allowed to add a few remarks, though I consider much further detail on that subject to be unnecessary.

" 9. As was naturally expected, conviction having followed the examination of the cases reported by Captain Nelson in Ongole, several complaints of a like nature were preferred before me, and I have disposed of them after examination according to the regulations, but have not judged them with severity, as the complaints were clearly made long after the commission of the offence. In one case, however, of more than ordinary ill-usage, I sentenced the accused party, a peon, to three months' imprisonment with hard labour. I mention the case because the peon brought forward, in his defence, written orders from the tahsildar of Ongole, threatening to deprive him of his belt if he did not collect the kist due with full severity. The words in the vernacular are, if he did not use a 'sakhtarvoo,' which I believe may have a stronger signification than I have given to it above. Other serious charges have been brought against this tahsildar, upon which it will be my duty to recommend his dismissal; but I have met with no other instance in which any high official has been implicated in such proceedings, though of course all were perfectly aware of what was being done by their subordinate officers.

" 10. I have also seen reason to modify the opinion contained in the 22d para. of my last report, that ill-usage for revenue purposes was probably not more general, or of a worse description, within the limits of the zemindaries skirting the division, than in the division itself; such is quite true as regards the villages mixed up with our own territory, and probably, for the reasons before stated, even less malpractices may have existed; but in the distant zemindaries our police authority is but slightly feared, as the great distance from the European magistrate, sometimes a journey of nearly 100 miles, prevents the sufferers from presenting their complaints, and renders the native officials bold.

" It was only yesterday that I received a complaint from a person who had come all the way from Dursy Chendalur to present it, stating that an amul of the zemindar had employed great ill-usage towards himself and the various members of his family, in defiance of the orders of Government recently issued on the subject. I have summoned all the parties, and shall of course make a full inquiry into the matter.

" 11. I believe I can state with confidence that nothing of the kind has occurred within our own territory since the issuing of the Government orders, the native officials of all grades being convinced that no practice of the kind will be tolerated, and the natives in general being assured of protection and immediate attention in case of complaint."

No. 3.—*F. H. Crozier, Esq.*, Civil and Session Judge of Nellore :

As to revenue.

In his letter he expresses his belief that the practice is chiefly resorted to in the revenue department in furtherance of the irregular and illicit demands of the officers themselves.

As to police.

In the police department he thinks it very general, with the highly reprehensible object and expectation of forcing truth to light, and by such means entailing unnecessary suffering upon the innocent and the guilty alike.

No. 4.—

No. 4.—The Principal Sudder Ameen of Nellore, forwarding calendars, simply says that : Appendix (C.)
 “I further beg to state that I am of opinion that the torture under reference has been existing in this zillah, but to a small extent.”

No. 5.—Captain *A. Boileau*, Civil Engineer, Nellore, 2d Division, says that no specific case has come under his own knowledge, and proceeds :

“But from inquiries which I have made (in the Nellore district) it is undoubted that forcible means are continually resorted to by the talook authorities to ensure the payment of the revenue.

“These means consist, first, in tying the neck down to the foot, and causing the individual to stand in the sun for some hours; occasionally a large stone is placed on the back at the same time.

“Second, giving over a man to be cuffed by peons.

“Third, keeping him without his food.

“Fourth, keeping his cattle without pasture or water until the money is paid.

“All agree that these means are in common use, though one witness stated that the beating by peons was not resorted to since an order of Government was passed (said he) on the subject three or four years ago.

“The worst kinds of torture, such as the use of the thumbscrew, appears not to have been brought to bear for the last 30 years in the district of Nellore.

“The idea of its being tacitly tolerated by the Government or its European officers is so far prevalent, that a belief is expressed that any complaint made of torture inflicted for the non-payment of kist would not be attended to.”

No. 6.—*H. Young*, Esq., the Zillah Surgeon, says that he finds no allusion to cases of torture in the records of his hospital.

No. 8.—CUDDAPAH.

No. 1.—*M. Murray*, Esq., Magistrate of Cuddapah, says as follows :

“THE several notices regarding torture were issued throughout the district and made public, inviting persons who had suffered torture or inconvenience from the native authorities to come forward, state their grievances, and prove their complaints, but up to the present time none have appeared; from which I am inclined to believe the practice is by no means general in the district, though I am not prepared to assert that a few cases may not have happened which never came under my notice. One thing I will state, that no case of torture or ill-treatment has been connived at by me, or, I believe, by any of my assistants. If complaints had been preferred, they would have been speedily investigated, and I have not heard of a single case in the collection of public revenue, with the exception of that mentioned by Mr. Simpson.

“2. In this case it is stated to have taken place in 1845, or nine years ago. The Right honourable the Governor in Council desired to be informed of the name of the tahsildar who presided over the talook of Budwail at that time. An inquiry was instituted by the sub-collector, and his report is herewith submitted for the information of Government, intimating the name of the tahsildar; but as so long a period had elapsed since that transaction took place, it is now impracticable to ascertain who the parties were that then suffered inconvenience.

Extract from the
Minutes of Con-
sultation, dated 21
September 1854.

“3. It is to be regretted that Mr. Simpson has not been more explicit in his statements; he merely writes, ‘from all I have heard I believe, &c. &c.’ It would have been more satisfactory had Mr. Simpson named the authorities from whom he received the information, as it would have enabled a more full inquiry to be instituted. It appears to me that this gentleman has arrived at a conclusion which cannot be borne out, and because he was an eye-witness of one case nine years ago, he concludes the practice is general; he has been 17 years, according to his own statement, in India, moving about from district to district, can only name one case, and does not state the authorities from whose information he learnt that such practice was general; it may, I think, be fairly concluded that the practice of torture is by no means so general as Mr. Simpson wishes it to be believed.

“4. Mr. Sualfelt has been, in the district of Cuddapah, a resident for 20 years; he does not know a single case where torture has been made use of to extract Government revenue; he allows it is generally stated such exists, but the people will not come forward and state what they know; at the same time he acknowledges that the practice is much more rare within the last seven years than it was previously, and that the people do not require such stimulus to pay up their kists. These two gentlemen have been long in and about the district, particularly the latter, who enters freely into conversation and mixes much more with the natives than the former, cannot substantiate a single case of torture for the collection of public revenue; it might be supposed that from their long traffic with the people,

some tangible cases might be made out; but this is not so; they both acknowledge they cannot, and I believe from the ample opportunities afforded the people of coming forward and stating their grievances, they would do so were anything like torture made use of towards them; they would avail themselves of the opportunity at the annual settlement, when they are encouraged to come forward and explain personally any objection they may have to offer regarding the charge made against them on account of Government revenue, and to state any further complaints they may have to prefer, which are patiently listened to and redress given.

" 5. Though I am of opinion that torture is unnecessary for the collection of the public revenue, there is no doubt that it is had recourse to among the people themselves, not only for the recovery of stolen property, but to extort money on some plea or other. The record of the criminal court and the calendars of the magistrates show this; at the same time it makes known that such a state of things exists; it likewise points out that the magistracy exert themselves to put a stop to it. I fear, however, it will be out of their power completely to do so, as long as the people are in the rude state they are at present. The difficulty of obtaining conviction is considerable, owing partly to fear, partly to secrecy; and the witnesses having little regard for truth, being easily tampered with, state on their appearance before the magistrate they know nothing of the case, and are ignorant of the cause why they were called as witnesses, and a severe beating is very easily compromised by a few rupees given by the assaulter to the person assaulted, when all complaint is withdrawn or greatly modified.

" 6. The practice of ill-usage is not confined to the heads of villages alone, as is shown in a case lately sent up for trial by the magistracy, wherein a person was tortured to such an extent that he attempted suicide to prevent his undergoing similar treatment; this was not on account of robbery or to collect public revenue, as there was no charge or demand against him, but was merely to extort money from him for their own purposes. Had the head of police, named Gooroora, acted as he ought to have done, it is probable a full conviction of the parties engaged in this transaction would have been complete (but through his neglect I strongly suspect under corrupt motives); he took no step to inquire until after the person who attempted suicide had expired, when the principal evidence was not forthcoming. The case was investigated by the magistracy, sent for trial to the subordinate court, and by that tribunal was committed before the sessions judge, who, finding the evidence for a full conviction insufficient, took heavy security from the parties. The conduct of the head of police is under the consideration of the judges of the Court of Foudaree Udawlut, and if he be dismissed he will only meet with his desert for his neglect in this and other investigations. The above forms No. 36 on the file of the sessions court calendar for 1854.

" 7. Another case of oppression and abuse of authority, attended with murder, forms the grounds of inquiry in case No. 78 of the sessions court, and it appears from the decision of the sessions judge that the 1st, 2d, and 3d prisoners were ordered to find two securities for their good behaviour, in 100 rupees each, for the period of one year.

" 8. On referring to the calendar of cases disposed of by the magistracy for the last seven years, there are many where torture does not appear to have been made use of, though there are a few cases where the treatment seems to have been severe; in others the extent of ill-treatment is not clearly shown. I find a case in which some peons ill-used a person to extort money from him; they were, on the charge being proved, sentenced to three months' imprisonment and dismissed last year; and in another a reddy's goomastah ill-treated the shroff to compel him to divulge where he had concealed a silver 'punjah' he was supposed to have stolen during the time of the Mohorum festival; he was fined and dismissed. Many other cases have been decided by the magistracy which it is unnecessary to detail here; and as it is known that the Hindus, upon a little inquiry, speedily discover who the persons were engaged in the robbery of their property, they, smarting under their losses, and finding the person upon whom they have strong suspicion, that he knows where their property is concealed, secretly make use of violent measures to induce the party suspected to point out where the property is hidden; this will, I fear, continue until more liberal and civilised ideas are instilled into the people. Many of the villages in this district are surrounded by hills, and the people are in a very rude state, particularly the lower classes; until they become more civilised the practices will continue, and punishment alone by the magistracy will not accomplish the desired end.

No. 2.—From *A. Wedderburn*, Esq., Sub-Collector of Cuddapah, to *Sir H. C. Montgomery*, Bart., Chief Secretary to Government, Fort St. George.

Sir,

I HAVE had the honour to receive a printed circular containing extract from Minutes of Consultation, dated 9th September last, requiring a report on the practice of torture within my jurisdiction, and a statement of what complaints of this nature have come under my cognisance within the last seven years, and the punishment which followed conviction in each case; it is likewise to be stated, whether or not the people believe that torture is tacitly tolerated by the European officers of Government. Moreover, all persons are to be called on to bring forward specific charges of torture within their knowledge, and the assistance of respectable

respectable persons, if possible, in connexion with Government, is to be obtained in this inquiry. By the notification published in the "Fort Saint George Gazette," under date 3d October 1854, the practice of torture in procuring evidence in the police department is also to be made the subject of inquiry.

Appendix (C.)

2. So soon as the above circular was received, a notice was sent, to be made known in every village, that persons who had charges to bring of the above nature, were to do so; subsequently a circular was received from the Collector's office, containing notification issued by the Commissioners, which was issued direct throughout the whole district by the Collector.

3. The charges of abuse of authority brought by parties for the last seven years against the native subordinates have been investigated in the magisterial department, and entered in the calendars submitted with the proceedings to the sessions court. From the above record, it appears, that within the last seven years, out of 19 charges, nine were dismissed for want of proof, and three of a minor nature were withdrawn by the parties during investigation. A list of the seven punished cases is enclosed. From this it will appear, that there was one punished case of oppression in the collection of revenue, the others were in police matters, and in all these the petty village authorities only were concerned. From the absence of notes on the former cases, the precise amount of the charge proved cannot be stated, in the latter ones it will be found in the column of remarks.

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4. The assistance of respectable persons unconnected with Government was sought for in this inquiry, and the information received from them is subjoined: The following letter was received from Mr. Simoons, agent of Messrs. Hart & Simpson, residing in the sub-division of Cuddapah, dated Takoor, 30th September 1854: "I beg to acknowledge your letter of the 26th instant, and to inform you that no cases of torture practised by the native revenue subordinates to extort revenue from ryots came under my personal notice, but I have heard of it being used from many of the natives; and Mrs. Simoons was an eye-witness to it once in her walk through the village of Kalsapaud, when a poor man's turban or sheet was passed over his neck, and fastened under his knees, which put him in a bending posture, and a heavy stone placed on his back; but in my intercourse with the natives, for a period of nearly 10 years in these parts, I never heard any one mention that such practices were tolerated by European officers of Government." The next reply is from the native agent of Messrs. Ouchterlony & Co., dated 30th October 1854: "In acknowledging the receipt of your letter of 26th ultimo, I beg to represent to you, that no matter of torture by the native subordinate officers of Government in collecting the revenue has come to my personal notice, but a general talk is prevalent that the village officers could not easily collect it from the ryots unless they are degraded, viz., by not allowing them food at usual times, keeping them under the surveillance of village peons, and by making them stand in the sun, &c., &c. Whenever any matter of torture is come under the notice of European officers of Government, I know they are not tacitly tolerated, but award punishment to such functionaries suitable to the nature of the crimes." Mr. Simoons was unfortunately unable to give more detailed information, as to the case mentioned by him as having been witnessed by Mrs. Simoons, with regard to the party who was ill-treated, the time when it took place, or the persons who were present on the occasion, and a similar difficulty has been experienced in the inquiry into the case reported by Mr. A. M. Simpson, in his letter to Government, dated 16th September 1854, which case had been witnessed by himself in the catcherry of the Budwail talook. After the lapse of nine years none of the ill-treated persons appear willing to come forward, supposing them to be still in existence, and the ryots, who as appeared from an inspection of the accounts under, in arrears in May 1845, allege that they were not subjected to ill-treatment. The tahsildar, who seems to have countenanced the case stated by Mr. Simpson, was subsequently dismissed, and is now dead, as has been already reported to Government in my letter to the Collector dated 24th October last.

5. I am not aware of any circumstance which shows that the people believe acts of oppression by the native subordinates to be countenanced by the European officers of Government; such a belief is stated by Mr. Simoons, who is well qualified to give an opinion, not to be prevalent among them, and the non-preferment of charges of oppression, where it really occurs, must be ascribed rather to the apathy of the persons who have suffered it than to the belief that redress, when consistent with justice, will be withheld, although the native subordinates are well aware of the illegality of acts such as have formed the subject of the present inquiry. I have again pressed the matter on their attention, and considering that there could be no better way of doing this than by acquainting them with the sentiments of Government, have with this view furnished them with a translation of a portion of the extract of Minutes of Consultation now under reply.

Cuddapah, Sub-Collector's Office
at Jummalamadoogu, 26 January 1855.

I have, &c.
(signed) A. Wedderburn,
Sub-Collector.

No. 3.—William Elliot, Esq., Civil and Session Judge of Cuddapah, in his letter of the 26th February 1855, writes as follows:

"I have the honour to acknowledge the receipt of the extracts from Minutes of Consultation, under date the 9th and 19th of September last, calling for a report on the alleged prevalence of torture in the Presidency of Madras.

Appendix (C.)
As to revenue.

" 2. The use of instruments of torture has been openly stated in the lower House of Parliament, to be the system adopted in this Presidency for the realisation of an exorbitant revenue, and for the extortion of confessions in matters of police. It was further asserted as being notorious, that after the miserable ryots had been taxed to the uttermost farthing, still further exactions were not unfrequently forced from them by the employment of physical torture, and that when all their property had been sold they were turned adrift to beg, borrow, or steal, and that there were thousands of ryots ruined in this way, the necessity for such a system being stated to arise from the poverty and wretched condition of the natives of India.

" 3. With respect to exorbitant rents, there may certainly be some lands in every district too highly assessed to afford now that amount of remuneration or profit which a cultivator may desire, or may have hitherto been accustomed to receive from the same holding; the soil may have become in part salsuginous, or in some other way deteriorated, but no one could really believe that either for the improvement of the land, or as an inducement to the ryot to cultivate, resort was had to the thumbscrew. It is not asserted that any cruelties are used to make a man plough, but only to make him pay, it never having probably occurred to those indulging in the assertion of the systematic use of torture, whether to pay an exorbitant rent, or to give 10 s. when only receiving 8 s., that lands not remunerative will invariably be abandoned, and no tax at all therefore leviable, whilst there is provision made in the annual settlement accounts of all districts for the case of any cultivator who, from indigent circumstances, may be unable to pay the rent due on the land, by a total remission of the tax, either forthwith, or after being brought to the notice of the Board of Revenue; similar relief is extended to all those whose crops have proved unremunerative or deficient from drought, blight, or other causes, and it is only within the last few years that advances of money by Government to those who might wish to extend their cultivation have not been generally made in the several districts under this Presidency. How then it can be declared that imprisonment, loss of holding, and the infliction of every species of cruelty, in attempting to extort an exorbitant rent, are resorted to, and then the cultivator sent forth to beg, to steal, or to starve, as the case may be, is not easy to comprehend, but the assertion is certainly easier made than supported or proved.

" 4. It seems to be supposed that land is unsaleable in the Presidency of Madras. If unfit for cultivation, the want of purchasers is very probable, but if it is meant that no land is saleable, or is not sold at very high prices, an inspection of the registers kept in the courts and cutcheries would probably be sufficient to correct any such erroneous impression.

" 5. If any zemindar or mootadar be asked whether torture or other ill-treatment be ever resorted to for the realisation of the revenue, he will probably declare the practice to be universal or notorious, in some cases having been an eye-witness, but if invited to give any of the instances referred to, he will declare or exhibit total ignorance or forgetfulness of everything connected with it, the only remedy for the evil being, of course, stated to be a great reduction in the land tax; but if this be conceded by a diminished peskush, the period will be very remote when the cultivator finds himself enjoying any benefit from the remission.

" 6. That in some districts instances may have occurred of ill-usage received at the hands of a few village officers for collections over and above the fixed assessment, the venality and oppressiveness of the native character do not render altogether impossible; but this exacting or corruptly receiving this levy of extra or unauthorised cesses, as well as collections of any kind not sanctioned by the regulations or orders of Government, with all cases of bribery and corruption, are amply provided for by Regulation XII, XXVIII, and XXX. of 1802, and IX. of 1822, so that no further powers or fresh enactment are required for their repression, or for punishment on detection.

" 7. Within the last seven years I have not heard of a single instance of any ill-usage having been resorted to for the collection of the Government revenue.

As to police.

" 8. With respect to the police, there certainly have been instances of asserted, and in a few instances proved, maltreatment to obtain information or confessions; but extortion, oppression, and any other abuse of authority are punished under section 30, Regulation XI. of 1816, Regulation III. of 1819, and, when sufficiently gross for committal to the criminal courts, in addition to the punishment there awarded, dismissal from the service of Government invariably follows conviction.

" 9. The Court of Foujdaree Udawlut have repeatedly urged on the magistracy to use the utmost vigilance and their most strenuous endeavours to suppress an abuse so revolting to humanity and so subversive of the ends of justice; and there is no doubt that instances are now very rare, as both the police officers and the people are perfectly aware of the laws and stringent orders issued against such improper proceedings.

" 10. There have been five cases brought before this court during the last six years, and those had sole reference to the proceedings of the police, but in only one was there full and satisfactory proof. This one case was, however, very severe, and occasioned the death of one individual subjected to the ill-treatment (No. 27 on the calendar of the sessions court of Cuddapah for 1852). There are 11 prisoners; four were released by myself, and the case as regarded the remaining seven prisoners was referred to the higher court for final judgment, when two were sentenced to transportation for life, four to seven years' imprisonment with hard labour in irons, and one released.

" 11. During

" 11. During the quarter of the century I have resided in India I do not remember to have heard of more than three cases of force or ill-usage being resorted to in the collection of revenue, one of which was in a zemindary, and another in a mootah; and from my being always accessible to the people, settling, where practicable, on the spot their disputes about land or water, and inviting them at the period of the annual settlement to state any complaint or objection they might have on any subject, I certainly should have heard of them if any other instances had taken place.

" 12. I believe the cases of ill-usage in this Presidency to be particularly uncommon; the best interests of the Government are so inseparable from the happiness and prosperity of the people, that no ill-treatment of any description would for a moment be tolerated. It is absurd and something more to suppose, as appears to have been done, that cruelties are necessary for recovery of the revenue. They are not necessary, nor even stated to be so practised in recovery of thousands and tens of thousands of decrees by the civil courts; why then for the collection of the revenue? The said necessity could only be asserted by those whose sole interest in the matter, directly or indirectly, lay in the coveted 'remedy,' a reduction of the land tax.

" 13. The cultivators and other inhabitants know well that everything approaching to extortion and oppression is strictly prohibited by law, and amply punished on discovery; and neither in revenue nor police matters would any individual ever fail to bring the same to the notice of the proper authorities.

" 14. It was doubtless the oppressive tendency in former times of the native character, when vested with authority, which induced the Legislature to decline the extension to the darogahs in Bengal and the sub-officers of police known in Madras as peshcars, zilladars, miradars, and carcoons, of the power to dispose of or even entertain any petty case; but all accusations against them and the village police should be received with the greatest circumspection, as it may frequently happen that a prisoner will consider the simple assertion of ill-usage in the talook or village an excuse for having confessed a crime, and as a speculative passport to release, and he will not probably want supporters in his endeavours thereby to oust a disobliging village officer to make room for one less scrupulous, or to procure the dismissal of an active duffadar or surchashum. A careful examination in such cases would show that nine-tenths of such accusations are perfectly groundless. Instances are not wanting of wounds and marks, with blistering juices, &c., being self-inflicted for such purposes. Whilst then the laws are so plain and strict, and indignation at torture or any ill-usage naturally so great, as much care and vigilance seems requisite for the protection of the police against false accusations arising from the fearless and lawful discharge of their duties, as for the protection of the people against any abuse of such authority."*

No. 4.—A. Hathaway, Esq., Sub-Criminal Judge of Cuddapah, forwards nine cases tried during the last seven years, out of which four were cases in which death was alleged to have ensued. He says:

" During the same period numerous cases have occurred, in which prisoners committed to the sub-court have borne on their arms marks of ligatures. To ascertain the numbers of these cases would occupy a great deal of valuable time. Whenever there has been evidence to bring home the acts to any individual, the attention of the magistrate has been drawn to it. As to police.

" I have no hesitation in stating, that in the majority of cases in which the prisoners confess before the village police or the head of police, some kind of external influence is used. It may occasionally be the promise of being let off leniently, but generally must be either force or the threat to use it.

" One check to the employment of violence is the scrutiny which the person of a prisoner who pleads the use of violence undergoes in the criminal courts, and the inquiry that is generally set on foot if torture ends in death. Such a result requires an expenditure of hush-money, even if the parties are not committed for trial.

" As regards the employment of torture in revenue matters, I do not recollect during my service in that branch receiving any complaints; and I am inclined to think that, generally speaking, the influence used is that of threats or the detention of the party from his home and family. As to revenue.

He would abolish the system of hereditary offices, such as curnums, reddy, and cuttoobuddy; and further says, that " the influence exercised by these functionaries, especially the first two, is immense, and there can be no doubt that in this district a very large proportion of the gang robberies and several of the burglaries are got up and planned by them."

" Being the parties with whom lies the initiative in reporting and detecting crimes, the game in a measure lies in their own hands, and were it not for the presence of envious dismissed officials, many a case would never be reported at all.

" These persons can well afford to run the risk of detection, as in the event of their being dismissed,

* We have given the above letter in full, because its opinions are so much at variance with the majority of testimony, that it seemed fair to place it in *extenso* before Government. At the same time we cannot but dissent from much of its reasoning, and we would call attention to the contrast between it and the letters of the rest of the Cuddapah authorities as to the state of that district.

dismissed, the situation is conferred on one of the family. If it were ruled that, in the event of dismissal, the appointment should always be conferred on a person unconnected with the guilty party, they would be much more loath to commit themselves.

"To show the influence that village moonsiffs possess, it is sufficient to mention that in criminal case No. 314 of 1854, two or three very respectable witnesses who had seen a village moonsiff kill and throw into a well a woman, because she rejected his solicitations for carnal intercourse, said 'that it was nothing out of the way, he is a village moonsiff;' and in criminal case No. 324 of 1854, on searching the house of the first prisoner (a missul reddy), who was accused of burglary, a letter was found reporting to the head of police a case of cattle stealing, which he, the kurnum, and the village moonsiff had suppressed, having released for a bribe the parties concerned. On this letter one of the prisoners was apprehended, and sentenced in the sub-court to one year's imprisonment with hard labour."

No. 5.—*James Peterkin, Esq.*, Surgeon of Cuddapah, reports that no case has come under his notice, as far as revenue is concerned; he has heard of reports of cases in Travancore in police matters, but paid no particular attention. Within the last three months three cases have been brought to his notice by judicial and magisterial authorities.

He thus details the result: "Within this last named period three individuals have been brought under my notice by the judicial and magisterial authorities, for my opinion as to the accuracy or probable truth of statements made by them as prisoners, that torture had been put into practice on their persons for the purpose of extracting from them confessions of guilt. On a careful examination of each of these individuals, I was quite unable to detect any trace of injury in one; in the second there were evident marks of his having been beaten by small sticks, but whether this had been done, as he stated, to induce him to confess his crime or otherwise, I could not state; and in the third, the appearances were of so doubtful a nature that I was more inclined to think the principal injury had been sustained by a fall of the prisoner, on a heap of stones, while attempting to make his escape. The first and third of these prisoners alleged that heavy stones had been placed on their chests, and a long piece of wood placed over this, and that a man had seated himself at either end of it, causing an almost total inability to breathe, and a condition closely approaching suffocation, until the commission of the alleged crime had been confessed. My own opinion, in reference to these cases, is, that what was stated by these men had really taken place, but some time had elapsed before they were seen by me, and in the first individual all traces had disappeared (if at any time there had been such left)."

He is inclined to think that the police do occasionally resort to such practices, but does not think they receive sanction or support of European officers.

No. 6.—From *J. W. Saalfeld, Esq.*, Agent to Messrs. Arbutnot & Co., to Sir *H. C. Montgomery, Bart.*, Chief Secretary to Government, Fort St. George.

Sir,

Cuddapah, 2 October 1854.

I HAVE the honour to acknowledge the receipt of your official letter dated 9th September 1854, forwarding for my perusal extract from the Minutes of Consultation by the Right honourable the Governor in Council of the same date, requesting any information in my power on the subject to which the attention of Government has been attracted, and desiring that any facts or specific acts of the nature defined that can be substantiated, and which may have come within my knowledge, should be clearly stated in detail, as it is obvious that vague assertions and mere rumours of the existence of the practice of torture, unsupported by satisfactory testimony, cannot elucidate the question, or help to elicit the truth, which it is the object of Government to obtain.

"In reply, I beg most respectfully to say that torture or ill-treatment is not so commonly resorted to in the collection of the revenue as used to be the practice more than seven years ago; but the ryots in the Sidhout talook of the Cuddapah district owe their exemption from torture less to the indulgence or humanity of the subordinate native authorities, than to the concurrence of other favourable circumstances. Since the extension of indigo cultivation throughout the district, and the flourishing state of the trade in that article, the ryots have become more affluent and independent than formerly, and enabled to pay up the Government revenue without the stimulus of violence or fear, and without straining their means or resources, thus depriving the local authorities of the slightest pretext for ill-usage. Those, on the other hand, who are in depressed circumstances, or in no condition to meet the Government demand, apprehending every species of violence for their short comings, and dreading the unrelenting retribution that awaits them, prudently enough evade the law, and elude the vigilance of their tormentors by abandoning lands, cattle, and household property, and seeking a precarious livelihood elsewhere; but it is absurd to expect a detail of facts or specific acts of the nature defined that can be substantiated, because they are never perpetrated in the presence of other witnesses than those personally interested in the collection of the revenue. The ryots do not care to assert in private conversation how much they suffer from the cruelty and rapacity of the Bramins; but if any act or occurrence of this nature were likely to become the subject of a public investigation, they would not scruple or hesitate to meet the question with an unqualified denial, merely because a candid confession might involve them in fresh difficulties, and expose them to greater dangers. It is equally absurd to expect positive proof from a people who are utter strangers to a sense of honour, faith, or honesty, and among whom lying and duplicity are inherent and predominant

dominant vices. They themselves declare that no man is silly enough voluntarily to confess the crime of robbery or murder till he be subjected to torture. The whole body of ryots believe in the existence of the system, and are practically acquainted with its effects and consequences, but not a single individual can be found bold or resentful enough to make it a matter of public complaint, simply because the idea is prevalent among the people that such acts are tacitly tolerated by the Government. After a residence of 21 years in the Cuddapah district, during which I have had extensive dealings with the ryots and ample opportunities for obtaining an insight into their character, habits, and feelings, I have formed the opinion that the practice of torture so universally complained of is fast falling off, owing to the gradually rising condition and elevated circumstances of the people, and that the tone of public opinion in England is very much exaggerated in regard to the mode of collecting revenue in the district; but I can safely affirm that the practice still exists with all its horrors in the police establishment, which has become the bane and pest of society, the terror of the community, and the origin of half the misery and discontent that exists among the subjects of Government. Corruption and bribery reign paramount throughout the whole establishment; violent torture and cruelty are their chief instruments for detecting crime, implicating innocence, or extorting money. Robberies are daily or nightly committed (and not unfrequently with their connivance), certain suspicious characters are taken up and conveyed to some secluded spot far out of the reach of witnesses, where every species of cruelty is exercised upon them; if guilty, the crime is invariably confessed, and stolen property discovered, but a tempting bribe soon releases them from custody; should they persist in avowing their innocence, relief from suffering is promised by criminating some wealthy individual, and in the agony of despair he is pointed to as the receiver of stolen goods. In his turn he is compelled to part with his hard-earned coin to avert the impending danger. Even the party robbed does not escape the clutching grasp of the heartless peon and duffadar; he is threatened with being torn from his home, dragged to the cutcherry, and detained there for days or weeks, to the actual detriment of his trade or livelihood, unless he point out the supposed thieves. The dread of, or aversion to, the cutcherry is so great, that the owner would sooner disavow the stolen article, and disclaim all knowledge of the property, though his name be found written upon it in broad characters. While such is the actual state of things, and while the people entertain such a lively horror of the police, it is not possible to expect a single victim of torture to come forward and arraign his tormentors, or to bring the charge home to any one of them after the deed has been perpetrated in some ruined fort or deep ravine, situated miles away from the town or village.

"The public are too apt to impute this state of affairs to the Government, and to charge all the misery in the country to the neglect of the Collectors and other European officers, whereas the crying evil is bred and fostered by the people, and no system of Government can eradicate it. They are thoroughly corrupt, immersed in gross ignorance and superstition, and will never be able to shake off the incubus of oppression till a radical change takes place in their moral and social condition; or till they display a becoming pride, independence of spirit, and a manly decision of character. On the other hand, the collectors and European officers that rule the affairs of Government have been and are men of talent and ability, of high character and unimpeachable integrity, indefatigable in labour, fully alive to the responsibilities of their high position, and animated by the most ardent zeal for the public welfare, have done all in their power to redress public grievances and private wrongs, to improve the condition and protect the interests of the ryots; but all their laudable motives and praiseworthy efforts are baffled and defeated by the avarice and rapacity of the Bramins and the timidity, low cunning, and grovelling meanness of the whole mass of the population.

I have, &c.
(signed) J. W. Saalfeld,
Agent to Messrs. Arbutnot & Co.

No. 9.—BELLARY.

No. 1.—C. Pelly, Esq., Collector and Magistrate of Bellary, thinks that torture was prevalent in the time of the Moguls, but that the "presence of British officers and the introduction of criminal courts put a very effectual stop to these enormities."

He proceeds as to revenue:

"The existence of torture in the collection of the revenue can hardly be said to have prevailed since that time; though it would not be correct to state that occasional instances of torture have not occurred; but the records of the office for the last seven years hardly show even that to be the case, as there are but two recorded cases; and I may safely contradict, in this district, the assertion, 'that instruments of torture are commonly employed for the purpose of extracting an immoderate rent from the people.' On the other hand, I believe that personal violence is practised more frequently (though comparatively in but few instances) to the extent of confining a defaulter in the talook catcherry till he gives security for his debt to Government, pinching his ear with the finger and thumb, making him stand on one leg. But I believe that the idea is not prevalent among the people that such acts are tacitly tolerated by the Government or European officers."

Appendix (C.)

As to police, he writes :—

“The native police I believe are still impressed with the idea that an effectual police cannot exist without resort to ill-treatment of accused persons. But they are fully aware of the consequences of resorting to such illegal means, and the rogues are alive also to this; and they frequently assert falsely that they have been tortured to extort a confession.”

He forwards a calendar of 100 cases tried by the magistracy during the last seven years.

No. 2.—*E. Story*, Esq., Civil and Session Judge of Bellary, writes as follows :—

“The prisoners in this case, three in number, of whom the first is Sirchasum, and the second and third peons, were charged with having ill-treated the prosecutrix by assaulting her to such a degree as to cause her premature delivery of a dead child. The prisoners were found guilty, and of them the first and second sentenced to three years, and the third to one year's imprisonment with hard labour in irons. The reason of the prosecutrix having been ill-treated by the prisoners in this manner, was her having interfered and endeavoured to prevent the arrest of a certain individual on a criminal charge.

“In this case the prisoners, 14 in number, and who are reddiees and talliarries, &c., of a village, are charged with having beaten a certain individual to death, and thrown him into a well. The deceased, it appears, had been apprehended by the prisoners on a charge of theft, and the ill-treatment he was subjected to was evidently resorted to for the purpose of extorting a confession of the deed. The prisoners were, however, acquitted for want of proof; but the late session judge (Mr. Strange), who disposed of the case, observed, in his sentence, that ‘there was much ground for concluding that the deceased was thus ill-used, and so driven to commit suicide, but when or by which of the prisoners it is impossible to determine.’

“In the third case the prisoners, six in number, of whom the second is a duffadar, the first and third peons, and the others village servants, were charged with having illegally taken up and placed the prosecutrix's husband in the village choultry, on suspicion of being concerned in a case of theft, and with having ill-treated him, and thereby caused his death. From the evidence in this case, I could only find the first prisoner guilty of having committed a brutal assault on the deceased, and sentenced him to four years' imprisonment with hard labour in irons. I released the remaining prisoners, but as it appeared from the evidence that they had been indifferent spectators of the cruelty used by the first prisoner towards the deceased, and that, although from their position they had the authority to interfere, and prevent such treatment, they took no steps for doing so, I brought their culpable conduct to the notice of the magistrate, in order that they might meet with their deserts.

“As regards my private opinion on the subject, I beg to add that the practice to my knowledge exists in every zillah that I have been in, in the police department, and the impression in my mind is that it is likely carried on in the revenue department.”

No. 3.—Major *Lawford*, Engineers, Sixth Division, says that he can supply no information from facts, but has formed an opinion that harsh measures have been adopted both in revenue and police matters.

No. 4.—*Rev. E. Webb*, writes :

“Although I am not able to refer to any case of torture which has come within my own knowledge, I am perfectly satisfied that by this means, as well as by threatening, intimidation, and various other oppressions, evidence and confessions are obtained, and revenue collected by the native officials. This conviction has been the growth of nearly nine years of daily familiar intercourse with the people. My calling has not led me to the cutcherries of the tahsildars and residences of the other police and revenue officers, where such things usually occur; but the complaints of persons who have thus suffered have long been familiar to my ear, and I have witnessed the terror with which a summons to give evidence is received by them, and have been entreated to interfere to save them from inflictions to which they knew they would be exposed.

“The testimony I have received from members of my church, on whose veracity I have reason to rely, is, that these barbarous practices are resorted to without scruple both for police and revenue purposes. When questioned as to the usual modes of inflicting suffering, they refer to the compressing of the fingers by an instrument called in Tamil ‘kittee;’ beating the joints of the arms and legs with a mallet of soft wood; retaining the body in a stooping position for a long time, by means of a heavy weight hung upon the neck; suspending the body by the feet to the bough of a tree; fastening the body to a limb of a tree, under which a fire has been kindled for the purpose of suffocating with the smoke; plucking at the flesh with large iron pincers; pulling out the hair of the face. These and other methods of torture are used, I fear, to a considerable extent in this district.

“Doubtless these inhuman practices are commonly adopted only in places remote from the Collector's cutcherry; in such circumstances the chances of detection are very small, but that they are not unfrequently practised in the vicinity of the European officer is to be doubted.

“ I do

Chicacole,
Vizagapatam.
Guntoor.
Cuddapah.
Salem.
Trichinopoly.
Bellary.

"I do not suppose it possible that any assistant collector of six months' standing can be found who is entirely free from the suspicion that the evidence in some of the cases brought before him is prepared in the most reprehensible and cruel manner; yet from the facts alluded to, viz., that the practices are frequent and barbarous in proportion to their distance from his cutcherry, and further from the fact that pains are generally taken to conceal or avoid all marks of torture, it is very generally known that if brought to his notice he would not for a moment tolerate them.

"I must however in conscience add, that the impression entertained by the people is, that by many European servants of the Government the whole subject is avoided, and that it is tacitly permitted as a sort of irremediable evil.

"I have myself received the reply from more than one gentleman in the service of the Government, when reference was made to this wicked mode of obtaining evidence, 'We have nothing to do with that; that is all *sub rosa*.' These gentlemen would without doubt, have severely punished a case of the kind satisfactorily proved."

No. 10.—CANARA.

No. 1.—*F. N. Maltby*, Esq., Collector and Magistrate of Canara, writes as follows:

"I have the honour to reply to the circular letter issued by Government, under date the 9th September 1854, on the subject of the alleged use of torture in realising the revenues of Government in this Presidency, and also to that on the subject of the use of torture by the police as a means of detecting crime.

"2. I beg leave to give expression to the opinion which I have formed on this subject, by relating the purport of a conversation which I held with Mr. Danby Seymour on his late visit to this country. I am desirous of doing so because I believe that Mr. Danby Seymour has alluded to me as one of those from whom he received information proving the existence of the practice of torture in the Madras Presidency. Mr. Danby Seymour was staying with me when an article on the subject appeared in the 'Friend of India,' and expressed his wish to learn my opinion as to whether acts of torture were or were not resorted to as a means of realising the Government revenue. As to revenue

"3. I replied that I did not think that any one acquainted with India could venture to say that such acts of violence were never resorted to; I was persuaded that they often were; but that it was a great error to speak of that as a part of a system of Government which every European officer was doing his best to prevent, and the perpetrators of which he would most severely punish. I added, that in this district anything approaching to torture was, I believed, now unknown. I said that I would not answer that if a man defied a tahsildar he might not tell a peon to take him by the ear and run him to the gate and back: such a thing might be done now and then, but I believed that anything like systematic torture was obsolete; that the land was saleable, the people had become more independent, and it was no longer known; but that in the heavily assessed districts I believed that much more of the practice still existed. Mr. Seymour said that he thought that the attempt to put it down had not been an honest one; that the idea prevalent was that the revenue was to be collected, and that how it was done was not to be too rigidly inquired into; any knowledge of such practices was to be ignored. I replied that I was sure that such was not the case, and that any illegal acts and any acts of cruelty would bring most severe punishment whenever any proof of any such could be obtained. But, Mr. Seymour asked, have the Government taken the best measures entirely to put it down? I replied that I could never say that, as long as they maintained in many districts a rate of assessment which I believed to be excessive, and as long as they underpaid their native servants. I was sure that to reduce the assessment to a moderate amount, and thus hasten the time when the land would have saleable value, and to remunerate the public servants in proportion to their responsibilities, making their situations too good to lose, would be the most effectual modes to reform, and that those the Government had not taken. This is the substance of the conversation to which I allude, and expresses my present opinion. I have few facts of any importance to relate confirmatory of this opinion, but knowing that torture by various means was the universal practice under the former Governments, that it is practised by creditor on debtor, by master on servant, and extensively by the police to this day; that the tahsildars have to deal with a people with whom the point of honour is not punctuality in payment, but evasion to the last moment; considering the vast extent of the districts, and the paucity of European officers, I cannot believe that a practice so inveterate is altogether extinct. But I do believe that it has diminished under the present Government to an extent that is wonderful when all the circumstances are considered.

"4. The only case actually within my knowledge within the last seven years (or only a little before that period) occurred in the Salem district. I remember receiving one Sunday morning a petition stating that a man had died in consequence of violence received in the cutcherry of Womalor under the orders of the talook sheristadar. I at once drove off to the place, and coming there unexpectedly on the Sunday, and examining the parties at once, I satisfied myself fully that the man had died of cholera, and that the charge was the result of a gross cutcherry intrigue; but at the same time the deceased and others of his village had undergone detention at the cutcherry, and there was reason to believe had suffered some violence, I think, by whipping, but not of a serious nature.

Appendix (G.)

" 5. I also remember a gentleman, resident in Salem, telling me that riding one day in the district near the Shervaroy Hills, he met a peon lounging along the road, and asked him where he was going. He said to one of the neighbouring villages to collect the kist. The gentleman asked him what he had got under his arm, pointing to two sticks tied together at one end; the peon said, quite carelessly, only something to use or to frighten them (I forget which he said), if they would not pay. The gentleman in question told me that sticks so tied were used for pinching the fingers, and were known by some particular name.

" 6. These are the only circumstances which I can recall connected with the actual existence of torture in realising the revenue.

to police.

" 7. With regard to the police, I regret to express my full conviction that scarcely a case of robbery occurs in which illegal means are not used for obtaining confessions and discovering proof; confinement without food is the most common, but others of a most cruel nature used to be resorted to, and I fear that, although diminished in number and atrocity, they are by no means obsolete. Horrible torture applied to females, and varieties of cruelties applied to men are within my recollection, as constantly charged against the police, and I believe then charged truly. The determination of the European officers to put down these atrocities set invention to work to find out such methods of torture as should not leave visible marks; thorns driven under the nails are, I have heard, made use of. I have known a prisoner to be put into a nest of red ants, as an effectual means of getting a confession from him.

" 8. That these cruelties, if not extinct, are greatly mitigated, every source of information seems to show. But at the same times threats, intimidation, false promises of pardon, and sometimes hunger and worse cruelties are doubtless still resorted to, and it is only necessary to talk with the best of the native officials to see that they look upon such processes as unavoidable, if not laudable. The good police officer, in their opinion, is the one who is sure that he has got hold of the real thief before he resorts to them.

" 9. We sometimes get a glimpse at the process by which a police case is prepared. Two years ago I was close at hand when an atrocious murder was committed. The only witness to the act was a little boy, and the natural inquiry was whether he recognised the perpetrator. When I recorded his statement that he had not, I could see plainly that the police considered the case as spoilt. They had clearly kept the boy aside till they should find out upon whom suspicion fell, and then they would make the boy say he recognised the man. With such people, selected as our best servants, no one who has resided in India any length of time can believe that we have altogether put down torture.

" 10. But I still repeat my full conviction, that with such difficulties to contend against, what has been done is most encouraging, and I think that the most important question is what more can be done.

" 11. To proceed on mere knowledge that such things are done is impracticable. We equally know that every police officer abuses his power, and that every revenue official is more or less corrupt; but in each case proof is necessary to particular punishment, and a too eager attempt to attain proof is at once turned into an engine for wreaking private vengeance.

" 12. With reference to the revenue department, I have already indicated what I consider the most effectual means of preventing illegal acts of violence in collecting the dues of Government, viz., reducing the assessment where the demand is excessive, and adequately paying the servants employed in the collection. But a matter of the utmost importance is that the servants of Government should have full legal power sufficient to discharge their duties legally. They must have very summary legal powers or they must resort to illegal means, or the just dues of Government will be withheld. The reluctance to sanction the sale of landed property till the expiration of the fusly, throws the tahsildars upon all kinds of shifts to compel an early payment. In Salem a great deal of land is really sold in the process of collecting the revenue, the ryot at the order of the tahsildar resigns it, and another party takes it and pays the balance. An open sale by auction would be far better. In this district a practice exists of forbidding a cultivator to remove his crops until he has given security for the rent, if he is likely to fail to pay. I doubt whether this is legal, though sparingly exercised.

" 13. There is another point which I think of the greatest importance. The tahsildars are called upon to do a great deal, which they have not the means of doing legally; such as the furnishing of carriage to troops marching, of coolies and bearers for travellers, of supplies for travellers, and materials and labour for public works. I consider it most important that legal powers should be given for these purposes. They must be done, and they are done now by the tahsildar peons. But so weak is the force of law, that the richer ryots withhold their supplies, and cattle, and coolies, and do it with impunity, and the burden is thrown upon those who are too poor and weak to resist. Petty landholders who are driven by peons from their fields to serve as coolies, and kept under guard till the regiment passes, are not likely to resist or complain, when something of same kind is done to realise what they know they owe to the Government.

" 14. I have always considered that a law by which the services due from the inhabitants can be legally demanded from rich and poor in proportion to their estate, would tend greatly

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to put down the exorbitant powers of the peons. If the inhabitants knew that they would be fined if they did not give their aid on a legal notice to do so, this aid would be forthcoming, and a vast number of acts of oppression would cease, and a spirit of independence supplant the present object for fear of a Government peon. To give the Government servants more legal power is the surest way of diminishing their illegal power.

"15. I have thus endeavoured to state my opinion on this subject as formed from past observation, and I now proceed to state the information gained from such servants as I have referred to. These have been chiefly the tahsildars, to whom I referred, not because they were the most likely to give me correct information, but because I should thereby show them the determination of Government to put down the practice of torture, to whatever extent or wherever practised, from which I expect much good.

"16. That some degree of violence is occasionally resorted to in the villages towards refractory ryots, is admitted by several of the tahsildars. They say that in many instances the crops are cut and appropriated by the indigent ryots; they have been forestalled; the ryot uses them to satisfy an importunate creditor, or for his immediate subsistence, and the Government claim is neglected. When the potail comes to collect the revenue he is said in some cases to use threats and violence, such as detention in the choultry, standing out in the sun, stooping down with a stone on their back, &c., to make them pay. Others say that such practices are now unknown; all agree in this, that they are now most rare cases; that the practice has diminished and almost ceased; that such things are never done in the cutcheries, but only by some heads of villages; that the people are thoroughly aware of their illegality, but that, when practised, they are often submitted to under a feeling that they are undergoing a punishment which they have brought on themselves.

"17. Certainly, during the four years since I joined the district as Collector, no single case has come before me, and I do believe such practices to be almost extinct, and that the present inquiry will have the effect of still further suppressing them.

"18. I would wish to see full power given, if there is any doubt of the legality of the practice, for demanding security for the Government revenue before the crops are removed. To prevent oppression I would require every potail to give a list long before the harvest of those from whom this security should be required. It would soon become a point of honour in this district to have the name removed from this list, and the power would very rarely be exercised.

"19. With regard to the police I can safely say that every police officer knows most fully that any act of violence will be most severely punished, whenever proof can be obtained, nor can I think of any more effectual means by which this can be made known than those which have been already taken."

No. 2.—*W. Fisher, Esq.*, Sub-Collector of Canara, in his letter of the 31st January 1855, says that he issued a proclamation to all wishing to come forward, but no complaint has reached him. From his own personal inquiries he has learnt nothing which tends to show that torture is practised in the collection of revenue, or that the people believe Government would tolerate acts of the kind.

He accounts for the absence of torture in the district as follows:

"In the first place, the revenue here is light, and the cultivator receives ample reward for his labour. The people generally are too well off to be behind-hand with their payments, and, from the value of land, the ryot has always the means of raising money, and there is ample power to eventually compel payments should it be necessary."

He says: "Demands for waste lands come in more rapidly by far than the establishment hitherto employed has been able to dispose of them, and of late years, at any rate, good prices have gone hand in hand with improvements."

Again he says: "With a country prospering as this is, and having the advantage of the never-failing S. W. monsoon, there can be no difficulty in realising a moderate demand, and therefore no inducement whatever on the part of the native officials to resort to other than the legal means of collecting the revenue. My records (and those of the last seven years have been examined) afford no instance of torture being resorted to, and I am only aware of one instance in which a defaulter is said to have been assaulted by a peon, and that was not a case in which there was any inability to pay. The individual withheld his kist, because he thought that he had been unjustly treated in a quarrel about his land, and wanted the case then under investigation settled before he paid the money. This I only heard of two years after it had occurred, when circumstances connected with this dispute came before me, and the party was going through the whole story, but not bringing forward any complaint of ill-treatment."

Again he says: "I may think, under all these circumstances, and assert with confidence that torture is not resorted to in the collection of the revenue in this district. The demand is paid cheerfully and with alacrity, so much so, that the right to pay is disputed, not the payment itself."

As to police, he says: "That there is no case on record, but remembers one instance of ill-treatment of a prisoner by a tahsildar, in 1839, of which he did not hear for two years, and has no reason to believe that the superior police officers of the district resort to use of improper means to elicit confessions."

Appendix (C.)

But he says: "That there are such variety of ways known to natives, by which momentary but acute personal suffering can be occasioned without leaving marks of violence, that it is certainly probable that prisoners are sometimes ill-treated by the lower grade of police, in order to discover where stolen property has been concealed.

"When this does occur, the means used and the secrecy with which it is employed show the light in which any kinds of violence is known to be held, and that the perpetrators are well aware of the severe punishment that would be the result of discovery.

"I have, I believe, investigated but one charge of torture to extort confession, and this took place about six years ago, and there was no sufficient proof against the defendants.

"Lately, on information given, I sent for and examined some prisoners then in the custody of a division police officer, but found that with respect to some of them the information was undoubtedly false, whilst no proof existed of the others having been ill-treated.

"Such is the only information the records of my office or my own experience enable me to afford."

No. 3.—*J. D. Robinson*, Esq., Additional Sub-Collector of Canara, in his letter of the 30th December 1854, writes as follows:

"I have the honour to state that no cases of the sort have come under my own observation during either of the occasions on which I have held charge in North Canara; nor can I ascertain through any of the merchants and independent residents whom I have consulted on the subject, that the allegation that such atrocities are prevalent has any truth in it, so far as this portion of the province is concerned.

"The numerous applications for Government waste land, and fierce struggle for preference attending each grant, prove that the people find in the state no such harsh landlord and creditor as is by some pretended."

As to police, he says: "I am inclined to think that cases of this nature are now of rare occurrence," and proceeds:

"Our police officers have now, it appears to me, no object to serve in resorting to measures of violence; confessions of all sorts taken before them being looked on with distrust in the criminal courts, and their procedure generally subjected to close scrutiny.

"So fully cognisant of this, in fact, is every committed offender, that he turns it to immediate account in his defence, and on a feigned plea of violence repudiates any statement made before the police which he may subsequently discover, and compromise his case before the higher tribunal."

As to police.

No. 4.—*W. M. Molle*, Esq., Acting Session Judge of Honore, says that he discovered no case on record for the last seven years, and is convinced "that the idea still prevails among some, if not all the native police officers, that a confession is the strongest proof of guilt, and that if they succeed in obtaining a confession, they may to a great extent save themselves the trouble of procuring evidence."

No. 5.—The principal sudder ameen of Honore says that no case has come before his court since its establishment in 1852.

No. 6.—*B. S. Chimmoo*, Esq., Zillah Surgeon of Mangalore, says:

"That during fifteen years' residence in India, travelling over a great part of the Madras Presidency, and communicating freely with the natives, he has always been of opinion that torture or personal violence was not of such frequent occurrence as the public opinion asserts. No doubt isolated cases of torture do take place, but done in so secret a manner that it is impossible to discover them."

No. 7.—*Findlay Anderson*, Esq., Judge of Mangalore, says:

As to police.

"I regret to state as the result of my conversation with many natives, not officers of police, that there appears to be a general opinion that the use of torture is absolutely necessary for the discovery of offenders and stolen property." He believes that a wholesome fear has extended among the police, and operated so far as to prevent such a violent application of torture as would affect life or limb.

He proceeds: "Several cases that have come judicially before me, show that persons whose property has been stolen, instead of informing the police, sometimes inflict violence themselves on the suspected persons. In one case a poor man was totally blinded by having an acrid juice put into his eyes; in another a person who found a boy stealing his cashewnuts rubbed the acrid juice of that tree into the boy's eyes; in another a Brahmin woman burned with hot oil the thigh of another female whom she suspected of theft. A case of murder is now under trial in which the deceased met his death from having been beat, had his arms bound, and been tied a whole night to a cocoanut tree.

"I believe that some of the kinds of punishment in common use in the native schools have a tendency to accustom the mind to regard torture with indifference. One of the most common of these is to suspend a boy by the hands, with the fingers joined to a rope pulled up to a beam; this is inflicted on boys above twelve years of age. Another punishment is to pinion the boys, and cause them to stand in a bending posture with their thumbs

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on their toes; another is tying the hands with the knees between the arms, and then thrusting a stick between the arms and knees and rolling the boys over."

He recommends a better class of police, which would lead to more efforts being made to obtain circumstantial evidence (which at present is scarcely thought of or attended to).

As to revenue he says: "The result of his inquiries is that in Canara torture is not used in the collection of revenue. He believes the absence of this to be attributable to the general lightness of the assessment and the prosperity of this district."

No. 8.—*C. F. Chamier, Esq.*, Acting Sub-Judge of Mangalore, says:

"No case of the kind having come within my cognisance during an experience of eleven years, I have only a knowledge of the habits of the natives, and a recollection of conversations with cutcherry servants on the subject, to guide me in forming a judgment as to whether or not the practice really exists.

"While I was assistant to the Collector of Coimbatore, I remember the subject being more than once mentioned by my *javabneviss*; his conviction being that it was not an unfrequent practice with the village officers to keep a ryot standing in the sun with his head uncovered for many days consecutively, and otherwise ill-treating him, when it was known that he had the means of paying the arrears, and only refused to do so from obstinacy. He thought a different course was adopted by *tahsildars*, namely, that of forcing the ryot to take a loan from the village *soucar*, when he pleaded poverty as an excuse. To my remark, 'Why do not the ryots complain to the European officers?' he replied, that the great difficulty lay in adducing evidence of the crime, as it was never allowed to be witnessed, and those cases in which direct proof was furnished might always be regarded with suspicion, as having their origin in personal hatred towards the party accused.

"In this district I have put questions to my cutcherry servants, as to whether such practices prevailed or not, and been told by them that they believed physical torture was never employed, but that personal abuse was offered to respectable ryots, whilst others were inconvenienced by being kept in attendance until they settled their arrears. In both these cases my informants had never witnessed any thing of the kind themselves, and only spoke from hearsay.

"I feel some diffidence in expressing a decided opinion upon the extent to which these barbarities actually prevail, but have no doubt that in some shape and in some degree or other they do exist in most parts of the country. The grounds on which this impression is formed are two-fold; first, the incredible difficulty of levying any sum whatever, however small, from most natives; and, secondly, the tendency amongst them to use cruel means to gain their ends."

Again: "I have been more than once gravely told by ryots in the interior, that what they consider would be the most effectual mode of punishing *Moplahs* for theft was by impalement, by which they meant fastening them to a tree by a large spike driven through the body. A case recently occurred near my own compound, in which a native tied his child's hands together, and then put some pepper into his eyes, as a mode of punishment after castigation had failed, and it is said that this is not at all an uncommon method with parents for subduing their children, and that not only among the most ignorant classes. Taking these two circumstances into consideration, together with the fact that the belief is so general, that torture is practised, though rarely founded upon personal knowledge, I have no doubt that in the collection of some of the revenues of the state these repulsive practices are generally resorted to, probably to a greater or less degree in proportion to the prosperity or otherwise of the district. In the Canara district I believe them to be nearly unknown, certainly so in their worst forms."

Says that the natives are of opinion that such acts are abominated by Government and its European officers.

No. 9.—*John Bultron, Esq.*, the Zillah Surgeon of Honore, finds no case in the records of his hospital.

No. 10.—*Lieut. G. W. Walker*, Civil Engineer, Third Division, Canara, writes as follows in his letter of the 3d February 1855:—

"The nature of my occupation has for a period of eight years thrown me into constant and unrestricted intercourse with the labouring classes of Canara, with most of whom I have been able to communicate in the Canarese language for some years past, without the intervention of an interpreter. I have every reason also to believe that confidence is placed in me by them, as I am always able to secure any amount of labour for the execution of works under my personal superintendence, and find them always ready to come forward to state their wishes, or to ask for explanations of any orders I may issue, affecting the amount of their work and pay.

"On no single occasion has it come to my knowledge, directly or indirectly, that any person in the Canara district has suffered from the infliction of torture, or been threatened with it by subordinate officials employed in the collection of revenue, or in police duties, and it is my firm belief that torture is not practised in the collectorate."

Says that no cases have come to his knowledge during his short period of service in Bellary, Cuddapah, and Nellore.

Appendix (C.)

No. 11.—Mr. *Smith*, now Moonsiff of Sircy, in reply to Mr. Robinson, says :

" I beg to state, that during the whole time of my residence in India, a period of nearly 18 years, viz., at Vellore and Trichinopoly three years, at Salem one, and Canara 13, no such cases of oppression on the part of Government officials, or use of instruments of torture in the collection of land revenue, has come to my knowledge either directly or indirectly. During the year I was at Salem, and the 13 years of my residence as landlord in Canara, I have mixed intimately with the natives, resided in their villages, and from the opportunities then afforded me, am consequently well acquainted with their feelings and habits. From the many channels of information which I possessed, and it being well known that I had no connexion with Government, if such cases had taken place, I must have heard of them."

He thinks that the natives have the fullest confidence in the European revenue officials.

He adds : " I had the pleasure of seeing Mr. Danby Seymour, M. P. for Poole, when in this district. He stopped two days with me at Coomptale, and was very particular in his inquiries relative to the different methods of procedure in the collection of the revenue by Government, which queries I was particularly requested by the judge of Honore to answer, and to give every information I possessed. Mr. Seymour showed me a coloured drawing of different species of torture, alleged to be used in this country for the purpose of punishing refractory tenants, and of extracting from them an exorbitant rent which they might be unable or unwilling to pay. I had the satisfaction of assuring him that such proceedings existed but in the imagination of the painter of those pictures, as far as revenue matters were concerned, although I was obliged to confess that sometimes oppressive acts were used by the police subordinates to extract confession in cases of theft, &c. At the same time I showed him that even then this was entirely on account of the matter not being brought before the European authorities, and pointed out to him the cases mentioned in the Circular Orders of the Sudder and Foudjaree Udawlut, 24th March 1825 and 29th October 1824. I also cited to him the case of the potail of Coomptale, Shishighery, dismissed for acts of torture and violence towards a suspected person with a view to extract a confession. He also questioned me concerning sundry acts of torture which he stated to have been practised in the Salem district on the authority of a European gentleman, and I distinctly told him that I had never heard of such when I was in that district, nor did I believe them to be true."

No. 12.—*A. Hall*, Esq., Collector of South Arcot, says as to Canara : " I can at once assert that to the best of my recollection not a single complaint of torture having been used to collect revenue has been preferred to me during the last seven years, but then I must observe that I have been for that period employed as sub-collector in Canara, where the land tenure is different from what it is in other districts, and where the tax is comparatively speaking light, and therefore readily paid."

No. 13.—*G. S. Forbes*, Esq., Acting Sub-collector of South Arcot, writes as follows : " I was employed from 1845 to 1849 in North Canara, and there I am confident this practice does not exist."

No. 14.—From the Rev. *H. Moegling*, Missionary in Coorg, to Sir *H. C. Montgomery*, Bart., Chief Secretary to Government, Fort St. George.

Sir,

Bangalore, 24 October 1854.

I HAVE the honour to acknowledge the receipt of two communications containing questions on the existence of practices of torture on the part of officers of the revenue and the police departments in the province of Canara.

Having left Canara early in 1853, and having never directed my attention to these matters, I was not in a position to give satisfactory answers myself to the questions proposed. I therefore forwarded the papers received to a brother missionary and intimate friend of mine, the Rev. H. A. Kaundinya, at Mangalore, and requested him to give as full and correct a report as possible, which I might forward to Government.

Mr. Kaundinya is a native of Mangalore, nearly connected with several persons holding important situations under Government, in the judicial line especially. He is a man of considerable talent, and has had a thorough European education during a residence of nearly six years in Switzerland and Germany. He is a perfectly trustworthy witness. He has found it difficult, however, to satisfy his own mind entirely as to the result of his reflections, recollections, and recent inquiries, and has therefore given a short and carefully worded answer, which, as it is written in German, I beg to present in an English translation.

He says : " I shall not wait for the hunting up of a few facts, which generally disappear out of sight when they are wanted, but give what I know and believe on the subject myself."

s to revenue.

" The revenue system of Canara excludes by its peculiar character the practice of oppression of the grosser sort in a great measure. (The writer is himself a landed proprietor.) People who have money are fond of laying it out in the purchase of land. They employ farmers to cultivate these lands for them. Government deals in revenue matters with the proprietors only, who generally pay with regularity, and are not likely to submit quietly to oppression. When proprietors fall into arrears, a final term for payment is fixed. This term having elapsed without payment, the cattle and other property of the debtor, if necessary

sary the land also, is sold by auction. Sometimes, though rarely, an over-bearing and hard-hearted tahsildar, or peshkar, or even potel, may order a poor proprietor to be flogged, or otherwise ill-treated; but I feel quite certain that such cases are extremely rare. Vegetables, fowls, and rice may now and then be taken half by force from the former by shanabbogas or potels, but this is no torture.

Appendix (C).

"In the police department, on the other hand, violence and cruelty of a minor degree is the daily practice. I lived formerly in the neighbourhood of a police office, and saw daily that prisoners were beaten, flogged, and ill-treated. I know also for certain, that for the purpose of extorting confession from women, a disgusting application of red pepper is sometimes employed. Most of the police officials do not know better, and it is remarkable that several of the ablest officers are most forward in the use of violent means. As to police.

"The measures adopted for many years by Government with a view to improve and reform the police, appear to me ill-calculated. The law of the regulations cannot always be kept to. Besides, where will you stop in chastising police officials? Many a time these benevolent and liberal principles of Government have served to intimidate the minister of justice, and to encourage criminals. On these accounts, though I cannot approve, myself, of any act of lawless violence, yet I conceive that the terror of the police has a salutary effect, on the whole, and their entire removal, unless Government increased four-fold the severity of the laws, would be a serious misfortune to the peaceable and orderly part of the population. Under a stricter surveillance of European officers, the police officials might beneficially be entrusted with greater power. The surest and best way to protect the lower classes from oppression and injustice would be to diffuse among them the blessings of education, and to impart to them, through the medium of a vernacular press, popular information concerning the laws which they are to keep, and the principles of the Government to which they are subject. Without raising the masses in intelligence and character, the removal of what little remains of terror to the law for the repression and chastisement of crime, and the protection of the properties and lives of the honest and well disposed, would be a calamity to the country."

This is the testimony and the opinion of an intelligent native of Canara, which I beg to submit to Government in default of any personal knowledge and experience of my own.

I have, &c.

(signed) H. Moegling.

No. 11.—KURNOOL.

No. 1.—*L. D. Daniell*, Esq., Agent to the Governor of Fort St. George, in Kurnool, says:

"That he finds only two cases on record, in one of which an amildar, convicted of resorting to violence in the collection of revenue, was sentenced to seven years' imprisonment with hard labour in irons. As to revenue.

"In the other, a trifling case, the party was fined."

He concludes: "I have no hesitation in saying that neither ryots or any other class of persons entertain any idea that acts of violence in the collection of revenue are tacitly tolerated by Government or its European officers, and that if their minds had not been previously disabused on this point by the notice given to the subject at different times by the European officers, the punishment awarded to one of the amildars above referred to, and which was known from one end of the province to the other, would have removed all remaining doubt."

No. 2.—*W. Forrester*, Esq., Civil Surgeon of Kurnool, says that he is not aware of any specific instances of torture used for realising the revenues of the State.

No. 12.—CHINGLEPUT.

No. 1.—*P. B. Smollett*, Esq., Collector and Magistrate of Chingleput, says as to revenue:

"During my employment in the districts of this Presidency as a revenue officer, I have never heard that any instruments of torture were commonly employed for the purpose of extorting an immoderate rent from the people; I believe that such an accusation is wholly untrue at the present day; that the use of such instruments to extort money is uncalled for in the revenue department, and that it would be an act of folly or madness to have habitual recourse to their employment. As to revenue.

"But on the other hand I have reason to know that in many districts, and more particularly in those where the individual field assessment settlement system prevails, a system exists of coercion and of extra legal violence in the collection of the revenue to some extent. I cannot cite particular instances, but I know that it is common, and I am told on good authority that the practice is most rife in Tanjore, a district popularly thought to be most lightly taxed,

- Appendix (C.) where it was authoritatively stated that the value of the lands has increased to the extent of at least four millions sterling during recent years. The acts alluded to cannot reasonably be called 'torture'; they consist of confinement in the Talook cutcherry, prohibition of returning to the villages, or of cooking food, abuse, the infliction of blows not calculated to injure seriously the individual assaulted. That such practices are not uncommon I certainly believe. They partly arise from the revenue system itself, and are partly fostered by the abuses that have arisen in revenue practice of late years."
- As to police. As to police he writes: "In the police I believe that violent and cruel practices are not now generally resorted to by the native officials, but I also believe that in that department intimidation and violence up to a certain point are very general, particularly in the cases of suspected persons against whom there are grounds for believing them to have been engaged in the practice of crime or in the concealment of property. By such violence disclosures and discoveries of stolen property are often made. The stories of ill-treatment by the convicted thief are disbelieved."
- As to revenue. Again: "I scout the notion that with proper management the revenues of the State cannot even at the present high rates of assessment be collected without the use of violence on the part of the tax-gatherer. If such a notion was seriously urged by any subordinate in my employment I would discharge him."
- He believes the practice an inherent one from native governments, under which sanguinary measures of this nature were thought just and proper. He believes it to be generally disappearing, but looks to education and the retention of higher functionaries, with better pay to all classes of natives, to eradicate them.

No. 2.—*W. Dowdeswell*, Esq., Civil and Sessions Judge of Chingleput, writes on the 7th February 1855, as follows:

- As to police. "With regard to my own personal opinion on the subject, I must admit that, judging from the number of confessions given before the police, and the number of confessions which are retracted before the courts, I have frequently been of opinion that the police officers had held out hopes of escape from punishment, or resorted to intimidation, if not to actual violence, to induce the prisoners to confess; and I remember having brought the subject of the number of police confessions which were retracted before the Court to the notice of the magistrate, but do not recollect any instance in which I had 'proof' that any confessions had been unfairly obtained, and which justified me in doing more than pointing out that the subject had attracted my attention."

No. 3.—*J. Ratton*, Esq., Surgeon, of Chingleput, notices three cases, one of a female, and of two male prisoners, received into his gaol on the 12th May 1854, bearing marks upon their persons of ill-treatment; the woman suffering from two 'severe burns, one on the inside of each of her thighs, high up close to her private parts'; the men from sores nearly encircling the upper part of the arms, as if caused by a tight rope; the complaint being that they had thus been suspended to a beam, by order of the St. Thomas's Mount cutwal.

No. 4.—From *A. M. Simpson*, Esq., to *Sir H. C. Montgomery*, Bart., Chief Secretary to Government, Madras.

- Sir,
 Tripasore, 16 September 1854.
- As to revenue. 1. I HAVE the honour to acknowledge receipt of your letter of the 9th instant, requesting me to give any information in my power on the subject of the alleged practice of torture in the collection of revenue. I observe that I am required to confine that information to facts and specific acts, to be clearly stated in detail, which can be supported by satisfactory testimony.
2. I have in reply to state, that I do not think it at all probable that such acts would often be committed under the eyes of a European, whether in or out of the service, and that information which may come to his knowledge must generally depend upon hearsay evidence, which it might be difficult to substantiate. I have further to observe, that the giving such information would place me, and others similarly situated, in an invidious position in respect to the ryots and authorities of villages where I have business transactions, and might, moreover, subject me to great personal inconvenience and ultimate loss.
3. I will however state that, from all that I have heard, I believe there can be no doubt whatever of the existence of the practice of torture in the collection of revenue in many parts of the Nellore, Cuddapah, North Arcot, and Chingleput districts, within which my business transactions are confined.
4. I will mention one instance which came under my own personal observation. It is the only one which I have witnessed during a residence of upwards of seventeen years in India; but, as it occurred so long back as the year 1845, it would be very difficult, if not impossible, to substantiate it now by what might be considered to be satisfactory evidence. I mention it, however, to justify my belief that the practice does exist. It occurred in the court-yard attached to the cutcherry of the tahsildar of Budwail (in the Cuddapah district), and in the presence of the tahsildar and curnums of the village. I there saw at least a dozen ryots
 who

who were in arrears of kist undergoing the ordeal. They were all ranged in the court-yard, under a meridian sun, in the hottest period of the year (if I recollect rightly, in the month of May). They all had heavy stones placed either on their heads, or on their backs between the shoulders. Their bodies were bent double, and several of them were kept in that position standing on one leg, the other being raised from the ground by means of a string going round the neck and round the big toe. I was in the cutcherry probably for two hours, certainly more than one, and none of them were relieved from this painful position during that time.

5. I have heard of many other kinds of torture even of a more painful character than the above, such, for instance, as pressure being applied to the testicles, but the above instance is the only one which has come under my own personal observation.

6. I believe that the practice of torture is so universal, that the Collectors would have no difficulty whatever in tracing individual instances of a very recent date by means of a personal inquiry at the villages, which however should be conducted without previous notice, and if possible without the intervention of the tahsildars, or curnums, or other persons engaged in the collection of revenue.

7. I would take the liberty to add my belief, that the practice of torture is more frequent in the territories of native zemindars, such as those of the Rajah of Calastry in the Nellore district, than in those of the Company, and I would instance the village of Injamore (which I believe is situated in the Pamoor division of the Nellore district) as one place where, if I be not misinformed, the practice is very frequently resorted to.

I have, &c.

(signed) A. M. Simpson.

No. 13.—NORTH ARCOT.

No. 1.—*J. D. Bourdillon, Esq.*, Collector and Magistrate of North Arcot, writes as follows:

"I have had the honour to receive an extract from the Minutes of Consultation in the Public Department, dated 9 September 1854, No. 922, on the subject of the employment of 'torture,' or personal ill-treatment, as a means of effecting the collection of the Government revenue; calling for information as to the existence of the practice, with some particulars, and declaring the decided resolution of the Government to put a stop to such proceedings if found to prevail. I am anxious to reply to this order before leaving the district, and I shall at the same time reply to two other orders connected with the same subject, viz., that of the 19th September, Public Department, No. 955, respecting the use of torture by the police, and that of the 26th September, No. 1002, in the same department, respecting the use of torture in Calastry.

"2. On the receipt of the first mentioned of the above three orders, I wrote a letter to the European and East Indian gentlemen named in the margin, being such as are now or recently were resident in this district, and in unreserved intercourse with the people, either as missionaries, or engaged in commercial pursuits, with the view of obtaining such information on the subject in hand as they could furnish; of that letter I beg to enclose a copy. From Mr. Nailor I have received no answer. Mr. Bilderbeck says little more than that he has never known any instance of ill-treatment, or heard any complaint of the kind; the other three gentlemen enter more into detail, and I have the honour to enclose copies of their replies. Of natives unconnected with the Government I know of none in the district in such a position that I could expect from them independent and reliable testimony on the subject; but I wrote a letter in more detail than the former to a native who held the position of tahsildar in this district for about nine years up to a very few years ago, and from whom I thought I could get a faithful reply, asking for a candid exposition of his own experience. Of his answer, which exhibits every mark of truthfulness and candour, I beg to enclose a copy. It seems proper to omit mention of the writer's name.

"3. The perusal of these papers is quite sufficient to show that the practice does exist. None of them are written in a hostile or exaggerated tone, yet all assert it; and while two give specific instances, a third details the practice from the experience of an actual participator. Of the three cases specifically stated, viz., two by Mr. Turner (one in the police department) and one by Mr. Potter, all have received investigation. I will briefly detail the circumstances.

"4. In the first case, that of Neelacuten, the party was a poor ryot, who, besides a little land of his own, cultivated some belonging to a woman, to whom he agreed to pay a tribute in addition to the Government tax, being ten rupees in all. He punctually paid the whole amount to her, but she when called on, after the close of the fussy, to pay the balance of the Government demand, pointed him out as the man who had cultivated the land, and by whom the balance was due. Being called on to pay, he naturally refused to pay over again; and thereupon the tanah-peon, who had been ordered to collect the money, applied the 'annanthal.' This was done by placing him in a stooping position, fastening a string to each great toe, passing the bight over the back of his neck, and then putting a stone (of no

Messrs. N. Morison.
" T. Turner.
" J. W. Potter.
Rev. J. W. Bilderbeck.
Rev. R. C. Nailor.

great weight) on his back. This was done in the open street, in front of the tanah, and without any attempt at concealment. After the man had been standing in this posture for about three quarters of an hour, a respectable person of the village came by, and advised him to agree to pay; this he did, and being let go on that person's guarantee, he fetched the money (only 4½ rupees), and paid it. This took place about August 1853; the man stated, in reply to a question, that he intended at the time to make a complaint of the ill usage, but he never did so. He said that this was the only occasion that he had ever been ill-treated. The tanah-peon, who was the offender on this occasion, has been sentenced to one month's imprisonment, under section 54, Act VII. of 1843, and has also been dismissed from employment.

" 5. The second instance of ill-treatment, mentioned by Mr. Turner, was in a police case. A man by name Goorooven, a barber by caste, and an inhabitant of Vencatagherry Cottah, was charged as implicated in a gang robbery, and was taken into custody; according to his own statement he was confined in a private house for several months, was frequently beaten by the peon in order to make him confess, and was also required to pay a bribe to be released. After a time he was brought before the police ameen, and was sent to the criminal court, with other prisoners, on the charge of robbery, and was released by the sub-criminal judge, as nothing appeared to criminate him. I have thought it right to commit the accused to the sub-criminal court on the charge of ill-treatment; but as there is scarcely any direct evidence, his conviction is doubtful.

" 6. The third case is that mentioned by Mr. Potter. The young man of whom he speaks is the son of Veerasawmy Iyen; when called up before me he stated that he was seized by the two monigars of the village and a peon, at a time when his father was absent, and was desired to pay the sum of six rupees then due on account of his father's land. On his saying that he had not the money, and that his father would pay on his return, being gone, as he says, to fetch money for the purpose, the annanthal was applied to him, his own waist cloth being used instead of a rope, and a small stone was placed on his back; his fingers also were pressed between two pieces of bamboo, after the manner of a kitticoile; after about six hours of this treatment the father returned and paid the money, and the young man was then released. The cause assigned by him for this ill-usage was, that the monigars had a spite against him for having, as they alleged, taken water to his land out of his turn; he says that he was never so ill-used before, nor was his father within his knowledge. He says that he was deterred from complaining by fear of the consequences from the revenge of the monigars. His father, being absent at Madras, has not been examined. This case is now under inquiry before the assistant magistrate.

" 7. As regards the extent of the practice, probably Enclosure 5 may be taken as a tolerably fair statement. That it is not very common may be inferred from the fact that in both the cases above referred to in the revenue department, of which I am now speaking, the sufferers declare that they were never so used before; and the sufferer in the second, being himself a young man, declares the same of his father, so far as he knows. Many ryots are utterly poor, having nothing whatever besides their land, and that often not saleable. The monigars usually take care to retain possession of a sufficient portion of the crops of such ryots to cover the demand; but if this neglected and the grain is consumed or disposed of, or if the crop is scanty, there is nothing tangible to meet the demand, and coercion is resorted to. Again, in many cases, as in the first of those above narrated, the justice of the demand is disputed; either a wrong charge has really been made, or a remission thought to be due has not been given, or the amount has been paid to a party who denies the receipt; in such cases a little patient inquiry would ascertain the validity of the objection, or if invalid, a little explanation would probably remove it; but the shortest way is to use compulsion, and that is probably too often adopted.

" 8. The Government ask for information as to the frequency of complaints of ill-treatment; and it may be sufficient to say that they are extremely rare, and even if made, conviction can be expected in but very few cases. Complaints of overcharge or exaction in some form and for some purpose by monigars and curmams, are of constant occurrence, but anything like a specific or tangible charge of ill-treatment as a means of collecting balances is very rare. Enclosure 6 contains such as have occurred since the beginning of 1848, being, however, very few. The causes of this absence of complaint are not difficult to imagine. In the great majority of cases, the distances of the European authority, and the consequent trouble and loss of time necessary to a complaint on the one hand, or on the other, the fear of the resentment of the offenders concur with uncertainty as to the result to keep the sufferers quiet; in others where a party is determined to bring his case forward, means will often be used to conciliate him, and as to conviction, on the one hand caution is certainly necessary in receiving evidence of charges so easily made, so little likely to be accompanied by circumstantial proof, and so likely to be brought forward maliciously; and on the other, it can rarely happen that opportunity does not occur for tampering with the witnesses, and such opportunity would be still more rarely neglected. This is exemplified in the reply to the eleventh question in Enclosure 5; that reply is rather beside the question to which it refers, the purport of which was misunderstood, but it contains some useful information.

" 9. Although I think the term torture is likely to convey a mistaken and exaggerated impression as to the nature of the practices existing, still I would be far from defending or palliating

palliating them. They are certainly such as ought not to be allowed to exist in any degree; but in order to their effectual suppression, it is necessary to investigate and to remove the causes to which their existence is due. Those causes appear to me to be as follows: 1st. The low character of the people, both those in office and those placed under them; 2d. The high assessment of the land, and certain features in the revenue system. 3d. The concentration of power in the hands of the tahsildar and his subordinates. 4th. The large size of districts. I will remark briefly on each of these.

" 10. First, the character of the people. It seems impossible that a people should live for ages under despotic government without becoming degraded. This effect is certainly seen in this country, both in the great mass who are subject to authority, and in the few who have more or less share in the exercise of authority.

" The former are abjectly submissive; the latter are overbearing and tyrannical. No one having opportunities of observation can have failed to notice this. The comfort and rights of the lower ranks are disregarded and made nothing of by the petty instruments of authority above them, and they are never spoken to but in the language of contempt. They, on the other hand, receive such treatment as if they had no idea of any better; they endure ill-treatment for non-payment of revenue, as though they had justly incurred it; they submit to be forced to labour on Government works, such as the Godavery and Kistnah canicuts, or, if they have the means, to purchase exemption by bribes, but take no means to obtain redress, and in their eyes personal ill-treatment by a Government peon is no degradation. It must be difficult to protect people who have so little idea of protecting themselves; but there is no doubt that material improvement has taken place in the course of the last half century. It is certain that under the Government which preceded that of the English in this country, personal ill-usage as a means of collecting revenue was in use to a degree now happily quite obsolete; it was practised on all ranks, not secretly and by stealth, but openly, and with a degree of severity for which the word 'torture' would be no misnomer at all.

" 11. The practices in question might have ceased entirely by this time, but for the exorbitant demand on the land, and some particular incidents of the revenue system in these provinces.

" With a moderate assessment land would have become a valuable property; and a man would not only have taken care not to incur the loss of it, but in case of adversity would always have in itself the means of satisfying the Government demand upon it. Further, had the assessment been moderate, that circumstance alone would have powerfully tended to raise the character of the people; for when men begin to possess property, they also acquire self-respect and the knowledge how to make themselves respected, and will no longer submit to personal indignities.

" 12. The exorbitance of assessment has operated in the same direction in other modes. It made the real owners of the soil negligent of it; they could not cultivate it at a profit to themselves, and no one could pay rent on it. But the ryotwar system offered the land to any one who would take it; and gave him a title, to the permanent exclusion of the former and real owner. This brought in a number of pauper ryots, who had no capital, and whose former and proper position was that of labourer, but who eagerly sought the possession of a small piece of land, under the small demand and remuneration for labour, as a means of living. It is these pauper ryots who swell the number of defaulters, for if their crops fail they have nothing, and it is these chiefly who are subjected to ill-treatment.

" 13. The regulations provide legal and proper means of recovering balances; but where a ryot's land has no value, and he has no personal property but such as cannot be taken without leaving him naked and roofless, or such as he can easily secrete, the law of distraint becomes inoperative. Further, all the authorities, from the Revenue Board upwards, have always discouraged a recourse to distraint and sale, more particularly of land, and have expressed displeasure when those measures have been resorted to extensively; and it may easily be supposed that the manifestation of this feeling, operating downwards, may have made the tahsildars more anxious than they would otherwise have been, to make their collections by any other means, no matter what.

" 14. It must not be omitted that the annual settlement of the ryotwar field system, with its infinity of minute detail, beyond the possibility of full investigation and adjustment within the limited time available, gives occasion to disputes of the nature above indicated, which would be almost or wholly absent when the demand was more certain and permanent.

" 15. Such in brief are the causes connected with the revenue system; the remaining two causes which I have named also operate powerfully. The tahsildar has almost all kinds of authority in his hands; not only is he the revenue officer, (under which title he both collects the revenue, and also to some extent determines the demand on each ryot,) superintendent of police, police magistrate, and executive officer of public works, but he has also a great portion of the general and undefined influence of the old amildars, which has by no means succumbed to the operation of the judicial system. This concentration of power gives a tahsildar immense influence, both in carrying out his objects, whatever they are, and in suppressing information or baffling inquiry. And this is increased by the enormous size of districts, the scanty amount of European superintendence, and the large quantity of detailed work laid upon those officers.

Appendix (C.)

" 16. The foregoing being, as I believe, the causes of the existence and continuance of the practice now in question, their removal must be looked to for its effectual suppression. The necessity of reducing the assessment on the land has now been fully recognised; and it is to be hoped that at the same time some of the more objectionable parts of the existing system of field settlements may be got rid of. With land a valuable property, with large holdings, with more wealthy ryots, and with less variableness in the demand, and less to be settled every year, and with the consequent growth of independence and self-respect among the ryots; with revenue officers less overburdened with work, and with a higher tone among the native servants, the result of improved education, it may fairly be expected that the practice will gradually disappear entirely. And it appears to me that it will be the part of wisdom to trust, mainly at least, to the agency of these natural means, though we may be impatient at the slowness of their operation. I am far from thinking that the present earnest declaration of the feelings of the Government will be without its effect, but neither this, nor any measures in pursuance of it, can be relied on to stop the practice in question, while the causes out of which it has grown remain.

a police cases.

" 17. I will now reply to the order of Government contained in Extract Minutes of Consultation in the Public Department, dated 19th September 1854, No. 955, respecting the practice of torture or personal ill-treatment in the police department. Agreeably to the order, the case of complaint of ill-treatment during the last seven years, including those in connexion with the revenue, have been collected. They are 29 in number, but there were only three convictions. The enclosed statement gives the particulars.

" 18. It is not to be supposed that at the present day, after the reiterated orders on the subject, the jealous watchfulness of the courts, and the known feeling of all the European officers on the subject, such measures would be resorted to openly, or without precautions against legal proof. But there is no doubt that personal ill-treatment, sometimes severe, is largely resorted to by the police, as a means of discovering offences. I believe it may be truly described as one of the chief means in use for the detection of crime. The causes of this state of things, in addition to the last three of those above-mentioned in connexion with torture in the revenue department, appear to be, 1st, the inefficiency and unskilfulness of the police, and 2d, the indifference of the people, and their backwardness to give them assistance, and this latter fact is certainly greatly due to the inconvenience entailed on those who do give aid and information, in having to make such long journeys to the court.

" 19. Here also the true remedy for the evil is to remove the causes of it. The police must be made efficient, must be trained, and must be under vigilant and close supervision, such as is necessarily wanting at present, when the nominal superintendent of the police of the talook is a tabsildar with very little time to attend to it, and always making it a secondary matter; and the only superintendent of that of the district is the Collector, also fully occupied by other engrossing duties. Indeed, efficient superintendence is needed for other reasons also, for it is certain that not only is ill-treatment used as a means of detecting crime, but the power placed in the hands of subordinate officers (under very little and distant supervision) is certainly not unfrequently abused to their own private gain. Innocent and respectable people are taken into custody on the pretended suspicion or charge of being concerned in offences, and are ill-treated, or threatened with ill-treatment, and with committal to court, unless they purchase deliverance with a bribe, which they are generally glad to do.

" 20. The immense extent of zillahs, and the distance of justice, has long been felt and admitted to be an evil, but it is not thereby lessened, and while it remains it must always act powerfully to impede justice. To take a single instance. This district is little less extensive than the whole of Wales, and is a fourth more populous. Wales contains 7,400 square miles, and this district 7,000; Wales has 1,184,000 inhabitants, and this district 1,486,000. But while this district has one station at which criminal offences can be tried, Wales has a gaol delivery in each of its twelve counties. Nor does this statement express all the difference. Here even the committing authority in heinous offences resides at the chief station only; and prosecutors and witnesses must make the journey thither, perhaps 50 or 80 miles, for the preliminary hearing; and if the case is ultimately committed, must wait there till the termination of the trial, being thus kept from their homes and business for a period seldom less in the whole than six weeks or two months. In Wales, on the other hand, all the proceedings except the actual trial take place in or near the village or town of the prosecutor and witnesses; and their whole journey to the court and their detention there rarely exceed four days. Add to the foregoing the badness of the roads and absence of facilities for travelling in this country, and the fact that the expenses of prosecutors and witnesses are very inadequately compensated, and it is no wonder that people are backward to give information respecting crimes.

" 21. In police cases, as in revenue, it is certain that the practice of personal ill-usage has very much diminished in the course of the last 40 or 50 years, but so long as the things here noticed remain as they are, I doubt whether any measures that may be adopted will put a sudden stop to it, unless the police are relieved from the necessity of discovering offences; because however severe the penalties that are to follow conviction, police officers will incur that risk rather than the displeasure of their superior for neglect of duty. If, however, such success should be attained, the other circumstances remaining the same, I cannot doubt that the consequence would be a great increase of crime, accompanied probably by a decrease in the number of offences officially reported.

" 22. The

" 22. The order of Government noted in the margin communicated to me an extract from a letter from Mr. A. M. Simpson, stating his belief that torture is practised by zemindars, and instancing Calastry; and I am ordered to refer specially to that zeminary in my general report on torture. Mr. Simpson was speaking of the Pamnoor talook, which is separated by about 80 or 90 miles from the rest of the zeminary, and is a part of the Nellore district, not of North Arcot; but I am not prepared to maintain that there is likely to be much difference between the management of the two parts. It may be certainly concluded indeed that whatever severities are practised in the Government districts in the collection of the revenue, will be at least equalled by the zemindars.

Extract Minutes of
Consultation, Public
Department, Sept.
26, 1854, No. 1002.

" 23. I shall have occasion to speak further of the state of this zeminary in reporting, as I hope to do before I leave the district, on Petition 1192 of 1854, received from Government through the Board of Revenue, I will therefore not enlarge on the subject here. I will only say that the zemindar has not now the management of the police. It was in his hands from the first assumption of the country till 1846, in which year he was deprived of it, and a Government establishment was formed for the duty. The influence of the zemindar, however, is very great, and the heads of police, of which there are two, are too feeble in position and standing to possess much independence.

" 24. Calastry is 68 miles from Chittoor, and can seldom be visited by a European officer. I was there in December 1849 for a few days; and it would not have been visited since by any European officer, except for the disputes between the zemindar and some of his ryots, out of which the petition above referred to arose, which led to the head assistant being sent there in October 1853 by the late acting magistrate. But for that circumstance probably no European officer would have been there since my visit nearly five years ago. I have been anxious ever since I came to the district to have an assistant resident for the greater part of the year in the zemindaries of Calastry and Cavvetnuggur, which would be the most effectual means of checking oppression and abuse, but I have never had an assistant available for the duty. In pursuance of the present order, I have sent a letter to the zemindar, conveying the sentiments of the Government, but I am not very sanguine as to its permanent effect. The most effectual remedy for extortions and oppressions by the zemindars will be moderation and humanity in the Government districts. That will enforce imitation; for without it lands will be thrown up and villages will be deserted, and the income of the zemindars will fall off."

No. 2.—*R. M. Binning, Esq.*, Sub-collector of North Arcot, in his letter of the 30th October 1854, says that he sent for respectable ryots of his subdivision, all of whom say that though they have never suffered it, yet they have been eye-witnesses of cases in which ryots were maltreated to enforce payment of their dues; that the practice obtains at times in every talook, but not to any serious extent. As to his own opinion, he says, "I must admit that although I have never witnessed any instance of ill-usage of ryots in this country, I fully believe that the practice does exist, though not to any such extent as the term 'torture' would imply." Complaints are very rare, the cause of which he explains as follows:

"The long continued custom (once far more general, and much more severely exercised than in the present day) would seem to be regarded by them as a rule, and they appear to take maltreatment on account of realisation of Circar balances as a matter of course. They are generally unwilling, and in many instances unable, to bear the expense and fatigue of travelling to the stations of the local European authorities to make complaints, and their chance of obtaining redress amidst the corrupt native officials is always very uncertain. These officials are accustomed to assist each other when complaints of this kind are made to the European authorities, and combine to screen and rescue the party complained against by all means in their power. The heavy assessment on the lands, the low, ignorant, and depraved character of the people, the almost universal corruption of native officials, and some matters incidental to the ryotwary system, tend to aggravate an evil which has originally sprung from these causes. Many of the ryots are very poor and in wretched circumstances. In their eyes ignominious treatment for the exaction of revenue is no disgrace; indeed I have reason to believe that some of them never pay their kists until they have been subjected to such treatment. It is a fact well known that in this district land has no saleable value, and may therefore be said to be worth nothing to its holder. If a ryot leaves any portion of his puttecut land uncultivated for a certain number of years, that portion is usually made over to another. This other person frequently happens to be possessed of no property, and scarcely able to maintain himself. As a matter of course, he appropriates the whole of the produce of his land to his own use, and then finds himself utterly unable to pay the Circar dues. Thereupon the tahsildar, in order to wring the money out of him, has recourse to illegal coercive measures. The regulations for the collection of the revenue, prescribe that the property of the defaulting ryots should be distrained, but in numerous instances the defaulter possesses no property, and therefore the enforcement of the regulation becomes impossible; and even in cases of individuals possessing property, it is the desire of the authorities that the practice of distraining should be resorted to as rarely as possible. The tahsildars and their subordinates, actuated by a dread of losing the goodwill of their respective superiors, strain every nerve to effect the collection of the entire balances in as short a period of time as possible, and in effecting this, they are accustomed to have recourse to coercive measures. These usually consist in tying the defaulters neck and heels, exposing them to a burning sun, and placing heavy stones upon their backs. The kitticole, or thumbscrew, I am told, is never employed in these cases; added to this, it is notorious that all the native officials,

As to revenue.

- Appendix (C.) from the highest to the lowest grade, are accustomed to extort presents, fees, and bribes from the peasantry, in addition to the heavy land-tax which they are obliged to pay, and these officials being, with a few bright exceptions, universally corrupt, dishonest, and rapacious, the best intention of Government cannot but be frustrated by their misconduct.
- "None of them entertain the opinion that these acts are countenanced by the Government or its European officers.
- As to police. "There can be no doubt that coercion, amounting to actual torture, is occasionally employed as a means of extorting confession of crimes, compelling thieves to declare their accomplices, and to discover the hiding-places of stolen property, &c., and in such cases the kitticole, thumbscrew, and other severe and violent means are not unfrequently applied. The very inefficient state of our police department tends to foster this most reprehensible system, which will necessarily obtain, until some effectual measures shall be adopted for rendering the police more efficient and trustworthy."
- No. 3.—*A. S. Mathison*, Esq., Civil and Session Judge of Chittoor, says as to revenue :
- As to revenue. "I have lately had cognisance of a suit in which a ryot brought an action for damages estimated at 32 rupees, against two village monigars, a peon and a village toty, for assaulting and disgracing him by tying his head to his heels for the purpose of collecting arrears of revenue, and obtain in appeal a decree in his favour in this court. I find also that in October 1853, I had occasion to notice as sessions judge a case brought forward in appeal, in which a complaint preferred by a ryot against a tarafdār for causing him to be kept tied in a similar manner, in order to make him pay revenue dues, had been dismissed by the acting magistrate, but which I considered to be proved by the evidence adduced.
- "From what I hear, I cannot but fear that such measures of coercion are sometimes resorted to by native officials for the purpose of collecting the revenue, but I have no information which would enable me to give a decided opinion as to the extent to which such a practice exists.
- "No case tried is on the record."
- As to police. He proceeds as to police: "The court had had occasion to notice cases in which suspicion has been entertained of the police having extorted confessions, but it does not appear that in any instance such accusations have on inquiry been substantiated. A case has lately come under my notice in which some peons were punished by the joint magistrate by fine for beating a prisoner to make him confess, and they have since been dismissed.
- "The different orders issued on the subject by the higher court, and the known determination of the European local authorities to punish most severely all parties found guilty of using torture, have doubtless had effect in deterring the native police officers from resorting to such measures, but I cannot say that the evil has been entirely suppressed.
- "The native community of all grades seem to consider that the detection of offenders and the recovery of stolen property can only be effectually secured by the obtaining of confessions, for which purpose coercion of some kind is resorted to, and the practice is probably more or less prevalent, in proportion to the pressure exerted upon the native officials to discover and bring criminals to punishment, either by the magistrate himself, of his own accord, in the zealous discharge of his duty, or in consequence of animadversions upon the prevalence of crime and the want of success in detecting offenders made by the higher authorities.
- "It is but just, however, to observe that the native police officers are placed in a very difficult position; they are expected to trace out the perpetrators of crime with a very insufficient agency, and the people themselves, by whom the only effectual aid can be given, either from apathy or other causes, certainly endeavour almost always to withhold information rather than to give it; while the police officers wish to pay more attention to a far more desirable object, the prevention of crime, the establishment at their disposal is found to be totally inadequate for the purpose.
- No. 4.—*J. H. Goldie*, Esq., Sub-Judge of Chittoor, though no case has come before him judicially, says :
- "I am, however, of opinion, from the frequent communication that I have had with natives, particularly with those of the poorer class, that very great oppression is frequently used by the talook servants in Government employ towards those who oppose their orders in any way, and that from the want of evidence to establish such charges, the offenders entirely escape punishment, and that in consequence such conduct is of frequent occurrence. The great number of confessions in charges brought before the police, show, in my opinion, that very improper means are too frequently used before they are made."
- No. 5.—Captain *Collyer*, Civil Engineer of Chittoor, in his letter of the 4th December 1854, says :
- "That he has heard in a general way that torture is practised for the extortion of revenue and for eliciting evidence, but has never seen it practised, nor has any complaint come before him.
- "The reason for non-complaint, in the opinion of the head writer, is, that the ryots fear they would eventually be worse treated than they are now by the inferior subordinates."
- No. 6.—*H. Harper*, Esq. Civil Surgeon of Chittoor, says, that no one has complained of torture from revenue officials.

ALLEGED CASES OF TORTURE AT MADRAS.

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Appendix

No. 7.—From *T. Turner, Esq.,* to *J. D. Bourdillon, Esq.,* Collector of North Arcot.

Sir,

Chittoor, 22 September 1854.

I HAVE the honour to acknowledge the receipt of your letter of the 16th instant, No. 261, and in reply I beg to state, that what I have to say is perfectly correct of what I know and have seen touching the points you require to be answered in your letter under reply. I beg here to state that I have been a resident in this zillah since July 1841; in that year I took the Abkarry farm for 1,22,000 rupees; in 1842, I took the farm also at 1,30,000 rupees; during this period of two years I had extensive dealings with the inhabitants of the district, both rich and poor, more so with the latter than the former, and from the commencement of my residence I have always heard the ryots say if they did not pay their kist that they would be well beaten and tortured by the peons. The torture they are put to is as follows: the man is put in a stooping position, with straight knees, a stone is then put between their shoulders until they faint or fall down, or say they will pay the amount they have to pay; this I know to be strictly true. While I was residing in Arcot I have had occasions to go to the tahsildar's cutcherry, in Wallajapett, and I have seen the ryots, on three or four occasions, sitting in groups in the cutcherry, under the charge of a peon, and they openly stated that they were confined there and beat too unmercifully, in consequence of not having the means to pay their kist in time; they also showed me marks on their arms and bodies that had been inflicted either by a rope or stick.

Since 1844 I have resided at Vencatagherry Cottah, and from the time I came there up to the present date, it is a common talk among the ryots, if they do not pay their kist, that they would be beat and ill-treated by the Circar peons. I have often advanced a number of them money on their crop of cane to keep them out of what they call Circar trouble. I have often advised some of them to make a complaint of their grievances to the collector, but their answer was that, in the first place, they would be detained from their fields, and the second reason that they would not be believed by the Collector; this is their impression.

I know for certain that the stone was actually applied last year in the open tannah to one Nail Cunda of Buthapully, which I have already mentioned to you at Vencatagherry Cottah; the man, although he was not a defaulter, was put to the torture; the amount due was seven rupees, but the ground was not his, it was another person's.

I beg to state that there exists in the police system great cruelty, corruption, and extortion; many false complaints are made against innocent persons merely to extort bribes, which they pay freely before they will suffer torture; this I know to be carried on under the police ameen at Vencatagherry Cottah. I have been told that three or four persons lately have been made to pay very heavy sums before they have been let loose, after being taken up on suspicion of theft; it is carried on by the aid of Hatchappah and the police peon by name Lalabdeen.

The parties are seldom put in the tannah; all is settled in Hatchappah's house, or the party is sent to some other person's house. I know of one man by the name of Gooruppa being kept upwards of three months in confinement in a private house, and every fifth or sixth night he was taken to the fort and got a good beating; his wife brought this to my notice three or four times. I saw the man myself, and I was going to write to you about it, but I got unwell, and the man was sent to Palmanair, and I have not heard of him since; he is of the barber caste, and belongs to Vencatagherry Cottah. For further particulars relating to this man, I beg to refer you to the peon you discharged the other day on account of Nail Cunda; the man is a very strong robust man, or else he never could have resisted the beating he got; all they required from him was a bribe.

I have, &c.

(signed) *T. Turner.*

No. 14.—SALEM.

No. 1.—*H. A. Brett, Esq.,* Collector and Magistrate of Salem, forwards calendars, and states the measures he took to ascertain the existence of torture; he does not think natives believe that such acts are tacitly tolerated by Government.

He proceeds: "In regard to the effect which the existing regulations, the positive and the reiterated injunctions of the Foujdaree Udawlut, and the frequent examples of punishments awarded have had in deterring the native police officers from the use of torture, it appears to me that the practice, which owes its origin to the oppressive system of previous governments, has been diminished for a number of years past.

"The motive which prompts a native to use torture for the purpose either of extorting a confession, or of collecting the revenue, is the hope that, by resorting secretly to such means, he may obtain a character of general activity and efficiency in the discharge of his duties. It is impossible to think that ideas of this kind are not materially changed at the present day, or that most persons do not now see that they are more likely to incur punishment than to gain any personal advantage from following the practice. This consideration has probably more weight than any other with most of the native officials, in deterring them from the use of torture, but some at least of the higher classes are opposed to the practice on the same principles as their European superiors oppose it.

Appendix (C.)

" Before I conclude this report, I think it proper to mention that I received a letter from Mr. Hodgson, acting subordinate judge, dated 2d November last, bringing to my notice that talook peons had appeared at his court on three occasions with what he described as ' a leathern instrument of punishment ' attached to the end of their belts. He also sent me one of the articles in question, which consists of four plaited leather thongs attached to a ring, with a piece of leather between the ring, and another ring to serve as a handle. Mahomedans call this sort of whip a ' zeerbund.'

" On receipt of Mr. Hodgson's letter, all the tahsildars were required to report what they knew regarding the use of such a thing ; most of them replied that no instrument of the kind was carried by the peons of their talooks ; but the tahsildar of Denken Cottah reported that it was the practice, in the time of Mr. Orr, for the peons who were employed in looking after the roads and avenues to carry ' zeerbunds,' though the practice does not exist now."

No. 2.—*J. W. Cherry, Esq.*, Sub-Collector and Joint Magistrate of Salem, writes as follows :

" Agreeably to the orders of Government conveyed in Extract Minutes of Consultation noted in the margin, upon the alleged prevalence of torture in this Presidency, I have the honour to submit my report in regard to the four talooks forming the subdivision of this district.

" 2. I wish to explain as the reason of my not doing so sooner, that I was anxious to avail myself of the remotest period allowed, in order that parties wishing to prefer complaints of such ill-treatment might have every opportunity of coming forward.

" 3. The proclamations and orders upon the subject of torture were issued by me as soon as possible after the receipt of the Government orders of the 9th and 19th September 1854, and were circulated to the amount of 263, as follows :

	Paramutty.	Trichengode.	Namucktal.	Senghundry.	TOTAL.
Takeeds and Istyars to the Mootadars - - -	4	9	16	1	30
Ditto - to the Ryots -	9	5	20	12	46
Printed Istyars to ditto -	42	37	53	55	187
			Grand Total - - -		263

" 4. I am happy to be able to add that though nearly six months have elapsed, and the notices were published so as to reach every individual, not a single complaint of torture, either in the revenue or police department, has as yet been brought before me.

" 5. I trust, therefore, that the delay which had afforded the people of that part of the district under my charge no excuse for not having had time to make known their cases, may also in this satisfactory result be considered by the Right honourable the Governor in Council to have been not disadvantageous to a full and complete inquiry.

" 6. Accompanying is a statement of all cases that appear on the records of this office within the last seven years, from 1st August 1847 to 31st July 1854, the whole of which, with one exception, the case of Rama Reddy Mootadar, in No. 1 calendar, were disposed of by my predecessors. Calendars 1 and 2 refer to persons who were punished, released, or committed on account of cruelties in regard to revenue balances ; No. 3 is the punished, and No. 4 is the released calendar of native police officers, who were charged with attempting to extort confessions from prisoners.

" 7. As far as I have been able to 'ascertain or judge whether the idea is prevalent among the people that such acts are tacitly tolerated,' I have the pleasure to state that among the various classes of natives from whom I have endeavoured to procure this information, not one has ever hinted to me, that in collecting the revenue, or in extorting police confessions, the people of this country are under the impression that the 'Government or its European officers' in the slightest degree authorise or give countenance to any of the cruelties that may be practised on those occasions.

" 8. In regard to the conduct of the native officers, whatever may take place elsewhere, I very much doubt whether those in this district are in the habit of resorting to any of the extreme* acts of torture that are usually put down under that head. I am in the habit of receiving

* The principal modes of torture are :

1. The kittee, a wooden instrument applied to the fingers, causing excruciating pain.
2. An ananthal, or tying the neck and feet, placing a heavy stone on the back, and exposing the sufferer to the sun.
3. Putting pepper and chillies into the eyes, and inserting certain substances into the private parts of both sexes.
4. Twisting women's breasts.
5. Fastening a cocoon-shell upon the navel, the poolay insect, causing great torment.
6. Tying coir ropes to the muscles of the thighs and arms, and pouring water thereupon to produce extreme tension.

9th September
1854, No. 922.
19th September
1854, No. 955.

receiving numerous complaints of a most trivial nature from parties who came great distances, and although ostensibly against the oppression of native officers, they more frequently have reference in reality to some particular case of their own, which has been decided against them. I naturally conclude, therefore, that if there were any serious charges of cruelty, they would undoubtedly have been brought to my notice.

" 9. I am, however, of opinion that there exists a system of 'bullying' amongst many native officials, not so much for collecting the revenue that is due, but for extorting illicit demands; this cannot but be as injurious to the welfare of those over whom they are placed, as it is opposed to every enlightened mind, whether European or native. The very fact that the confessions which are still constantly made before the heads of police (only to be retracted before an European officer), while they do not always show that any undue means have been used to extort those confessions, also proves the existence of a certain dread on the part of the prisoner of a 'something' that would be done to him, if he did not at once admit his guilt.

" 10. While such a system has been inherited from the former rulers of this country, there is so much still in the habits of the natives themselves, that though I feel the Government and its officers are very anxious to visit, and do visit, with severe punishment, all subordinates convicted of oppression, yet that nothing but the change which time, education, and civilisation can alone bring about, will ever make them behave with more consideration than they now do to those that are subject to their authority.

" 11. In support of this I have only to refer to their social and domestic relations, to the mode in which the Brahmin treats the Sudra, the priest exercises his authority over the people, the landlord over his tenant, the master over the servant, the teacher over the pupil, and, I may add, the husband over the wife, and the mother over the child. All are in the habit of conducting themselves far differently to what accords with our European ideas, and if not with actual cruelty, certainly with far more severity than what we are accustomed to.

" 12. If such are their practices in private life, are we to be surprised that as soon as they enter upon public duties, armed with authority from Government, the uneducated native officials carry out the same oppressive principles, and exercise that authority most arbitrarily? A short experience of the inhabitants of this country will, I think, show that every man cringes to every one above, and tramples on every one below him.

" 13. In addition to these remarks, which I hope may not be thought out of place, when considering the subject of torture, I ought perhaps to say, that in consequence of my having passed a great part of my service in a financial office at the Presidency, I am unable, like my brother servants, to state from actual experience whether at all, or to what extent that practice has been carried on in other districts, either in collecting the revenue, or in extorting evidence or confessions in police cases.

" 14. As the Government look with confidence to receiving from every covenanted officer in the service his utmost co-operation to put a final stop to proceedings so justly calculated to bring discredit on the English name, I hope they will not consider it presumptuous in me, occupying so humble a position as I do, to suggest any measures that have that object in view.

" 15. I beg to be excused, therefore, in expressing an opinion that the only sure remedy for eradicating so great an evil, and one I doubt not the State, as soon as it is in a position to do so will adopt, is the employment of a greater agency of well paid East Indians and natives of education and integrity, and a far larger amount of European superintendence.

" 16. In regard to the subordinate charge which I have the honour of holding, I may mention that I am the sole European to conduct and overlook the police duties among a population of no less than 5,72,860, and supervise the collection of upwards of six lacs of revenue from a country extending over some 4,000 square miles. I am confident, also, that the separation of the police and magisterial powers from the revenue officers, will, besides other reasons, ensure a greater efficiency in those departments, in either of which the duties are very frequently far too onerous to be conducted by only a single officer."

No. 3.—*T. W. Goodwyn, Esq.*, Civil and Session Judge of Salem, writes as follows :

" 1. Twenty years revenue and judicial experience in the mofussil has year by year only the more fully impressed me with the opinion that the practice of obtaining police confessions and extorting the payment of arrears of revenue by means of torture [frequently of the most inhuman description, especially against suspected culprits] is a crime of most frequent occurrence. But in reprobating so cruel and barbarous a practice, we must not forget that it has prevailed for centuries under native rulers, and that the peculiar idiosyncrasy of the Hindoo mind makes it generally regarded by Indians in a far different light to what it is viewed by us, and induces the former hardly to consider it as an offence, except when resorted to against respectable and innocent men, or those who have the will but not the ability of paying their arrears of rent.

Report called for by Extract Minutes of Consultation, 9th Sept. 1854, respecting the statements given in the English newspapers of the use of torture in this Presidency, as shown in an abstract of speeches made in the House of Commons by Sir J. Hogg, Sir C. Wood, Messrs. Seymour, Bright, Phillimore, Henley, Mangles, Scully, Otway, and Elliot.

Appendix (C.)

Indian mothers often make their children [as a punishment] stand in painful positions looking at the sun. The priests placethe kittee and ananthal before the Triputhy idols, and expose them to the sun, if their votaries are backward in their offerings.

"2. The cruelty of the Indian character is evinced from the various extraordinary tortures prescribed in their religious codes, and is mentioned in every work that treats of their disposition, which is very favourable to the practice, especially when used towards the more degraded classes and the thief castes, with whom the better orders have no sympathy, whose depredations and cruelties they dread, and whose persons they hold in abhorrence. I feel certain that the Indian public would hail with delight any measures, however severe, if directed against the thief castes, whether involving the most stringent restrictions on their liberty, or deportation to another country, or taking away and educating their children in better habits. The advisability of the latter measure has been in fact publicly urged.

"3. It cannot be doubted that the respectable classes would approve of a police officer's obtaining the conviction of a gang of really guilty robbers by means of proofs obtained by torture. They would urge, if torture made bad characters give up their booty, it were surely wise to use it; torture could not compel an innocent man to restore stolen jewels, and even if the suspected person was guiltless, in this instance, he only met with his deserts for his previous dishonest practices.

No confession can either be fabricated or obtained by promises or ill-usage, without the police officers being guilty of subornation of perjury, as two witnesses are sent up to swear that no such means were used.

Vide page 22, Holloway's Madras Judicial Administration.

"4. One can never be certain that the very best police officers would hesitate at strengthening a case by very rough ill-usage, if not torture, deceit, and perjury. Various motives concur to drive them to such courses. They consider that they are only showing a fit regard to their own character, to the interests of the public, and of Government, by convicting as many rogues as possible. When they see a man of whose guilt they are satisfied, they feel no compunction whatever in completing the chain of evidence by irregular means. They rather congratulate themselves that they are not as other men are, if they refuse to seize a man of bad character, but not connected with the particular crime, and endeavour to prove that he committed it.

"5. In estimating the guilt of torture, due allowance must also be made for the very difficult position in which the native police are often placed. Our rules respecting the liberty of the subject, and of evidence, though excellent when applied in Great Britain, may be most unwise when forced on a country so utterly and entirely different as India, where falsehood is more rife than truth, where independence of character, or public spirit, does not exist, where resistance to robbers is hardly known, and where patient submission to wrongs inflicted by those in power has become a feature of national character. Let us fairly consider the position of a tahsildar when a bad gang robbery [attended perhaps with most cruel and indecent tortures to the females of the family] has been perpetrated by disguised ruffians, of whom not a single individual has been recognised. He may be tolerably certain that a particular set of bad characters has perpetrated the robbery, but has no hopes of convicting them on such legal evidence as our system requires, without he obtains these proofs [say giving up stolen property, &c.], by torturing those suspected. The head of police is aware that his character for activity and zeal must suffer in the eyes of the public and his superiors, if he fails to discover and obtain evidence against the real criminals; that this end, however obtained, will enhance his reputation amongst the native community, whilst the results, and not the means, are only brought to the knowledge of his European superiors.

This ruling is of old date; it was repeated in 1849, and on 26th July 1852.

"6. The very principle laid down by the Foujdaree Udawlut, that a confession obtained by unfair means [promises] can be received, if subsequently admitted and confirmed by the facts obtained through these illegal measures [say the discovery of stolen property] is, I think, calculated to mislead tahsildars into the erroneous conclusion that police confessions are generally distrusted merely because we doubt their veracity, and that we should not object to benefit by evidence obtained by rather more objectionable means, if presented in a form that bears the impress of truth.

"7. It may be alleged that if torture was common, every tortured prisoner would state so before the magistracy or court, and police matters being so public, his assertions could easily be proved, but a statement of torture [without, as is very seldom the case, marks of ill-usage remain on the person] is a bad line of defence. It involves the supposition that the prosecutor, police officer, &c., really believed the parties' guilt, as torture is generally rather available as a means of discovery than of evidence. Moreover, the prisoner is commonly totally unable to produce any evidence whatever of ill-usage, from the peculiar circumstances in which he is placed, surrounded by officers of police and others, with whose names he is unacquainted, and who would not readily come forward against those who may either be their immediate superiors, or who are able to punish persons giving evidence against them. Besides the bye-standers' feelings are generally either indifferent, or strongly in favour of such means as appear best calculated to induce the restoration of the plunder and conviction of the culprit.

"8. The plea that the confession was fabricated is a much safer defence.

"9. Moreover, the European magistracy are perhaps too apt to make an over-allowance for the difficult position of tahsildars [of whose activity and zeal they have a good opinion] when crime is common, perhaps on the increase, owing to a season of scarcity in their own or another district.

"10. The prevalence of torture is proved by the F. U. C. O. and printed trials, as well

as by the universal discredit with which police confessions are received, and the enormous proportion that are retracted directly the accused are out of the hands of the police.

" 11. The general kinds of torture are the kittee,* ananthal,† putting pepper or chillies in the eyes, up the penis, or anus, a straw, &c. up the penis, twisting the ears, pulling the mustachoes, stripes, tying the poollay insect with a cloth or cocconut shell on to the hollow of the navel, and other ways whereby great temporary pain is inflicted, and no marks left two or three days after for detection.

" 12. For the last seven years my time has been nearly equally spent in Malabar, Tanjore, and Salem. My experience in Malabar fully confirms the correctness of the statement made by Sir T. Munro on January 20th, 1827, to the effect that the practice of extorting confessions by violence is much more general in this than in other districts. As far as I could ascertain or judge, the idea was prevalent among the people that such acts were tacitly tolerated by Government or its European officers. If directed so to do, I can furnish some details which appear to me to support the above opinion.

Sir T. Munro adds, "and Canara."

" 13. From March (1850 to June) 1852 I was in Tanjore, where I consider that torture in police cases is a common abuse. I may cite a murder case in Kevalore, in which the tahsildar had certain individuals used to extort evidence, and was in consequence suspended for six months, a sentence which several native officers [of whom I have a high opinion] considered very severe, as the tahsildar was stated to be a well-conducted man, milder than most who had been compelled to the acts objected to, by the mere force of circumstances.

" 14. I have been acting and confirmed civil and session judge of Salem from June 1852, and consider that torture in police cases is a common abuse in this district. I may quote sessions case 2 of 1853, where the prisoners bore scars on the bend of their arm, which must have been caused by ropes or cords tightly applied to the parts, so as to bring the elbows nearly in contact behind the back, and other slighter marks of ill-usage inflicted by the police, in order to extort a confession. In this case the offender was fined only three rupees, a punishment deemed inadequate by myself and the Foujdaree, Udawlut.

Certain official documents relating to the case and that noticed in the next para. are enclosed.

" 15. Also session case 1 of 1853, where a prisoner (Koolan) received a severe wound on his head, about four inches long, from his captors while apprehending him, and was in this wounded state tied with his arms behind his back to the pillar of a house for the night, which ill-treatment appears to have been caused in order to obtain a confession of the crime charged, as the prisoner 1 of 1853 alleged his deposition to have been obtained by ill-usage, I am not aware whether the above offence met with any punishment.

This prisoner did not appear before the session court, as he effected his escape. One of his, and prisoner 1 of '53 companions, was killed by the police at the capture.

" 16. The enclosed extract from the magistrate's calendars, &c., supply three other instances of the maltreatment of prisoners and revenue defaulters.

Information on the subject was applied for on September 20th, but has not yet been received.

" 17. Those native officers who would use torture in police cases would doubtless occasionally resort to it in collecting arrears of rent due by obstinate defaulters. It is true that the public feeling is strongly against the practice, for no ryot knows when he may not become a defaulter himself; but, on the other hand, the tahsildar is aware that the character of a revenue officer depends to a great degree on the punctuality of his collections, so that regard to his own interests may frequently prompt him to harsh measures.

" 18. From my own experience in Malabar, Tanjore, and Salem, I should agree in the opinion expressed at page 238, C. O. Board of Revenue, viz., that the crime of extorting arrears of revenue by torture is of very common occurrence. The means which I believe are employed being stripes, blows, kittee, ananthal (or stone in the sun), twisting the ears, pulling the mustachoes, &c.

" 19. I may cite criminal case 3 of 1854, where two prisoners were sentenced to three months' imprisonment with labour, for subjecting an indigo defaulter under a mootadar to the torture of ananthal, twisting the ears, pulling the mustachoes, &c. The sub-judge, Mr. Reade, states, in his sentence, that 'the offence is of that class which, in proportion to its prevalence, would seem difficult of proof, owing to causes it is needless to detail here, but which are probably better known to the people than to the most experienced officer in the country. It exhibits part of that system of oppression and bullying so generally practised in respect of all defaulters, whether of Government, of merchants, or of others.'

" 20. I have conversed within the last few days with numerous respectable natives on the subject, and they all concur in stating that the extortion of payment of arrears of rent due to the zemindars and Government by the application of torture is a common abuse in this and every district with which they are acquainted; but that this practice, though common, is no part of a system, and would on discovery be severely punished by the European officers, who neither directly or indirectly countenance or abet such abuses.

" 21. I am aware that it may perhaps be urged that it is well known that Mr. Goodwyn attributes

* Described at page 237, Revenue Board Order. "By this instrument the fingers are gradually bent backwards towards the back of the hand until the wretched sufferer being no longer able to endure the excruciating pain, yields to the demands of his tormentors."

† The neck and feet are tied together by a rope, and a stone is then placed on the back, the sufferers being kept in the sun.

Appendix (C.) attributes his dismissal from the sub-judgeship of Calicut [in 1850], to his pressing forward on the Foujdaree Udawlut and Government certain statements respecting the torture, ill-usage, and unfair treatment of prisoners, and other subjects connected therewith, and he cannot therefore be expected to give an unbiassed opinion on a matter which bears more or less directly on the correctness of his previous representations. To this I can only reply, that I most firmly believe and trust that I am actuated by no other motives than the strong desire to check an inhuman but common abuse, and that the expression of my opinions has never been pressed forward by me since 1850, and is now only submitted in obedience to the commands of Government."

Whether any beneficial change has been wrought in the feelings and ideas of the native police on the subject, to what extent the practice now obtains, whether any instances have recently occurred and come within the official or personal cognisance of the several authorities, and what punishment has followed conviction in each case brought to light during the last seven years.

"P. S.—The above report was written previous to the receipt, on September 24th, of the Extract Minutes of Consultation, 19th September. I have nothing to add further, except the following answer to the marginal queries. I am of opinion that little, if any, beneficial change has generally been wrought in the native police within the last 10 or 12 years. In one district with which I am well acquainted [Malabar], the use of torture, ill-usage, and unfair treatment of prisoners was on the increase in 1849 and the commencement of 1850, when I left Calicut; the details which I conceive bear out this opinion are alluded to at para 12."

DETAILS alluded to in para. 12 of my Report on Torture, dated 26th September 1854, and called for by the Commissioners' Letter of 25th January 1855.

Acting Head Assistant Collector; Acting and Confirmed Sub-Collector and Joint Magistrate; Assistant Judge; Sub-Judge; Acting Civil and Sessions Judge.

"1. My opinions are based upon statements made me by numerous natives of all classes, when incidentally speaking on the subject, as well as from my own experience during the 10 years I held various revenue and judicial appointments in Malabar.

"2. Absence from the district for the last five years, and consequent want of access to my sources of information, save those afforded by mem., note-books, &c., necessarily preclude my furnishing specific instances where torture had been proved to have been applied by the native officials, &c.; but the following details will, I think, fully bear out my statements.

Such proof can hardly ever be supplied where the magistracy cannot believe that the native police are addicted to such practices.

"3. The Foujdaree Udawlut in C. O., 29th October 1824, publicly proclaimed that the universally prevalent but atrocious practice of maltreating prisoners to extort confessions, was calculated to subvert the administration of criminal justice, and cited Malabar as furnishing the worst instance of such aggravated criminality.

"4. Sir T. Munro, in 1827, mentions that the extortion of confessions by torture, 'is much more general in Malabar and Canara than in other zillahs, and the difference is probably owing to the people of Malabar and Canara still retaining much of the turbulent and vindictive character which they acquired while divided into petty states, and little restrained by any regular authority from exercising acts of outrage on each other.'—*Munro's Life*, page 442, vol. ii.

"5. The extreme prevalence of gang robbery at the same period must (for the reasons detailed in my report) have afforded the native police, and people generally, one of the chief inducements to resort to these malpractices.

"6. During the next 20 years, the extreme prevalence of murders, woundings, and moplah emeuts show that the fierce and vindictive character of the Malabarians, alluded to by Munro, as causing the prevalence of torture in this district, remained unchanged; but the decrease of gang robbery and other crimes diminished the amount of temptation to resort to torture, &c., which practice was also checked by proclamations against the crime, and by the exertions of the magistracy.

"7. Early in 1849, a gang robbery to the amount of about half a lac of rupes occurred in Betutnaud; it was followed by others, and on the 30th July 1849, the magistrate officially expressed the following opinion of the state of South Malabar: 'Gang robberies of an aggravated nature have broken out to an extent unheard of for the last 20 years in the Betutnaud, Waloovaneeed, Ernaud, and Shernaud talooks, all lying adjacent to each other.'

"8. Thus after a lapse of about 20 years, a state of crime arose similar to that existing when the Foujdaree Udawlut and Sir T. Munro cited Malabar as pre-eminent for the maltreatment of prisoners, and as the character of the people remained unchanged, the increased temptation would naturally produce an increase of this description of crime; whether it did so or no, may, I think, be fairly ascertained by the following tests.

"I. Whether the native police had greater opportunity for resorting to it in those cases (gang robberies) where the temptation so to do was greatest?

"II. What was the proportion of alleged police confessions in gang robbery cases (where the temptation to resort to extortion was greater), which were retracted before the courts, compared with similar retracted confessions in other crimes (where the temptation to torture was less) during the same period?

"III. Whether the public acts of the magistracy when stimulating the native police to the utmost to repress what the magistrate calls 'this sudden and grievous evil' (the increase of gang

gang robbery), were not of a character which would naturally impress the Malabar officers and people at large with the idea that, provided robberies were checked by obtaining evidence by confessions, &c., against the robbers, the means whereby so desirable an end was obtained would not be too closely or too strictly scrutinised?

"9. The postponement of the police examination of suspected gang robbers subsequent to their apprehension, was far longer than that of other criminals. The 11 longest delays in 16 gang robberies (24 criminal number) being, Criminal No. 62, 15-13-17; No. 158, 23-32; No. 171, 12-12; No. 175, 39-40-40, and No. 186, 14 days, whereas all the other cases (134) can only furnish two instances of above nine days' delay. It follows therefore that the native police had greater opportunities of extorting confessions from suspected gang robbers than from other criminals.

"10. The following Table exhibits the proportion of gang robbers' confessions (where the temptation to resort to extortion was greater), given and retracted, as compared with those of other criminals (where the inducement to extortion was less), from the committal of Session No. XX of 1849 to the end of that year.

	Number of Prisoners.	Number of Prisoners confessing at the Talook.	Per-centage of Talook Confessions on Number of Prisoners.	Number of Prisoners Confessing before the Courts.	Per-centage of Talook Confessions Retracted before the Courts.
16 gang robberies in 24 criminal cases.	102	58	56.86	9	84.5 nearly.
134 other cases of all descriptions.	230	111	48.26	61	45.1 nearly.

"Of the 102 gang robbers, 8 had been convicted and 72 released when my notes were made up. Of the other 22, I have heard that none of the 12 or 13 prisoners in sessions case 37 of 1850 were convicted, and none of the others (9 or 10) were I believe convicted; of the 230 other criminals, 118 were found guilty, 106 were released, 6 results of trial unknown to me.

"11. Gang robbers are hardened villains, accustomed to crime, consequently far less likely to confess than those guilty of other offences perpetrated by less hardened characters, but the proportion of confessions obtained from the experienced rogues was greater, and this although the proof against them was so invariably little else save police confessions, or the evidence of approvers, that not one in ten suspected gang robbers was convicted; the other convictions being above one in two.

"12. Thus we find that the less likely the prisoners (from being hardened villains) were to confess willingly, and the less the proof, yet the temptation to extort confessions being far greater, a much larger proportion of police confessions was obtained; this can only be accounted for by foul play.

"13. I feel assured that the magistracys' acts were solely prompted by the earnest desire to put down gang robbery and crime, but the desirableness of the end appears to have made them overlook that the means used were very frequently harsh and unfair towards the accused.

"14. Madurakaryan Veeran, Kaloowittokay Ally Cooty, and two others under examination for heinous offences, were subjected by the magistrate to solitary imprisonment for 28 days, with the avowed intention of obtaining evidence, when confinement in the solitary cells had produced its softening influence on their minds.

"15. The first and second prisoners in Session Case LV (Criminal No. 138 of 1849*) did not confess on apprehension, but are alleged to have done so voluntarily on July 25th, shortly after appearing before the Vullooanand tahaldar. They were examined by the sub-court on the day of their arrival, and stated their confessions to have been extorted, or fabricated, and entirely false. This was brought to the notice of the magistrate in a letter (July 30th) requesting further evidence, and in his reply (July 31st) he suggested a strict inquiry as to the cause which had led these men to change their statements, as they had alleged to the assistant magistrate that they had not been ill-used at the talook. I (the sub-judge) applied (August 1st) for proof of so important an admission, when he (the magistrate) answered (2d August) that there had been a mistake, and forwarded a memorandum from the assistant magistrate (3d August 1849), which stated, 'The 1st prisoner when questioned denied all knowledge of the robbery, and alleged that he had been tortured, &c.' The 2d prisoner also stated that he had been tortured, by being beaten, and having pepper put in his eyes, &c, but that his eyes did not appear inflamed though only three days were said to have elapsed, &c. These prisoners' declarations to the assistant magistrate evidently threw the very greatest suspicion on their alleged police confessions; was it therefore fair

Magistrate's Letter to Sub-Judge, 13th October 1849; Sub-Judge's Answer, 13th October 1849; Magistrate's Letter, 16th October 1849; Sub-Judge's Letter, 18th October 1849; Magistrate's Letter, 18th October 1849; Sub-Judge's Letter, 20th October 1849; Magistrate's Letter, 23d October 1849; Sub-Judge's Letter, 23d October 1849; Magistrate's Letter, 24th October 1849.

* Subsequently 37 of 1850.

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to omit to bring these facts immediately to the notice of the courts before whom the prisoners were committed, mainly on the grounds of these retracted confessions? What deductions must the native police have formed from such an omission? Accompanied as it was by neglect to investigate into the charge of torture, for no examination was held respecting it for many months after, when, if any was ever made, the delay would prevent any useful result. The assistant magistrate, when subsequently alluding to the statements of other prisoners in the same case, states, 'I presume I am not required to asseverate my innocence of having allowed torture to be practised, though, by the way, I do not mean to say that I regard taking a man by the ear to be "torture."'—Para. 18, Letter to Magistrate, 11th December 1849.

"16. I (as sub-judge) had, in May 1849, alluded officially to the prevalence of obtaining confessions by unfair means, and suggested that prisoners confessing at the talooks, should at once be removed thence to the charge of the magistracy, who could then ascertain the truth of the alleged confession; but unfortunately the plan thereupon adopted by the magistrate was, that prisoners confessing at the talook should not be removed thence, but were merely seen by the magistracy (if happening to be in the neighbourhood), and verbally asked if they confessed; occasionally, but not invariably, a record in a few words of English or Malayalam being made on the confession. But prisoners ever being asked about their talook confessions were not informed that they had no reason to fear, or told if they denied their confessions or stated them to be extorted or fabricated, their allegation would be at once examined into, and they placed beyond the power of the native police officers whom they accused of extortion (*vide* magistrate's letter 14th December 1849: the assistant magistrate 'did not ere examining certain prisoners connected with this case in the Sernaud cutcherry inform them that any prisoner complaining against the police or denying his confession should not be kept at the talook'). In fact, the object of the system adopted by the magistrate appears to me to be the legalising of talook confessions, however obtained.

"17. A warrant, &c. was out against the prisoner in criminal case No. 190 of 1849; he surrendered himself to the magistrate, begging by an arzee for magisterial investigation, as the tahsildar would examine fraudulently; but he was placed in custody without any deposition being taken, and then sent in handcuffs to the tahsildar whom he had accused. It is alleged that he confessed freely and voluntarily, directly he reached the talook, which however he most strenuously denied before the court.

Para. 6, Magistrate's letter to Government, 14th December 1849.

Para. 7, *ibid*.

Para. 8, Magistrate's letter 14th December, and the deposition itself.

"18. In criminal case No. 158 of 1849, the magistrate states that the 4th prisoner, when first apprehended, had expressed his innocence; that the magistrate subsequently told him 'that there was great suspicion against him, and that he had better tell the truth. If he did so, the magistrate would see what could be done for him (he might have perhaps been made an approver); he then confessed fully;' but yet no record or mention of this 4th prisoner's confession being obtained by the flattery of hope was to be found in the prisoner's deposition, which was given in the presence of the magistrate, but recorded as if taken before the tahsildar; nor did the courts receive the slightest hint of the real facts when applying, September 6th, December 6th and 10th, for the particulars and method of obtaining the prisoner's confession.

"19. The confessions of Moideen, prisoner in criminal case No. 222 of 1849, appear to have been obtained by the magistracy by like means, and under the compulsion of an oath, but when he was committed to court no allusion is to be found to the hopes, &c. held out, or the moral and religious compulsion resorted to, nor was his deposition on oath forwarded.

"20. The above instances have been cited from numerous others to exemplify the system pursued towards accused persons; the magistracy's object was the zealous desire of checking the alarming increase of gang robbery, by convicting those suspected thereof; but the means taken impressed the native police and people with the idea that the magistracy attached the utmost importance to talook confessions, and would not scrutinise the measures by which they were obtained too scrupulously, or investigate complaints of ill-usage very rigorously or speedily; that the police might safely suppress facts, proofs, and documents telling in favour of the accused, &c.; and, in fact, that if the desired end (evidence against the accused) was but obtained, the means employed would not be very strictly criticised.

"21. The consequence was, that the native police, who at all times and in all districts can only with extreme difficulty be restrained from the maltreatment of the accused, in order to extort confessions, &c., reverted to those practices for which Malabar had about 20 years previously been so distinguished; and, as far as I could ascertain or judge, the idea prevailed among the people that such acts were tacitly tolerated.

"P. S.—The authorities I have quoted will bear out the correctness of my statements."

No. 4.—*H. R. D. Marrett, Esq.*, Zillah Surgeon, states that his records show no cases; but, so far as he can learn from natives, torture does exist, and to much the same extent as before.

The following are some of the tortures specified:—

"The kitted; an instrument by which the fingers are gradually bent backwards until it is no longer bearable, and so the person tortured is made to confess.

"The ananthal; that is, the neck and the feet are tied together by a rope, and a stone is then placed on the back, and the man exposed to the sun.

"Tying

"Tying the poolay insect with a cloth or cocoon-shell on to the navel or scrotum.
 "Putting pepper or chillies in the eyes, or up the penis. In women, rubbing chillies on the breast, or introducing it into the vagina.
 "Binding the arms backwards very tightly with cords, to act as a tourniquet, and so impede circulation. All marks are speedily obliterated at the time of tightening the cord, by pouring water over the arms."

Appendix (

He is inclined to think little, if any, beneficial change effected in native police in the last seven years.

No. 5.—Lieut. C. V. Wilkieson, Engineer, Fifth Division, says:—

"No case of torture in either the revenue or police department has ever come under my notice during the 10 years I have been in this country.

"I have had many conversations with natives on the subject, and beyond the very mild form of torture of compelling a ryot to stand in the sun till he produces his kist from his turban or kummerband, I have never met with one who could quote any specific instance of violence being used by talook servants. I have, however, frequently been told that when a native wishes to bring disgrace and ruin on a tahsildar or other official, the favourite plan is to trump up a charge of torture; and this fact is of itself sufficient evidence that the people of the country have always been aware of the light in which this practice has been viewed by the Government and its European servants."

No. 6.—From G. P. Fischer, Esq., Mootadar of Salem, to Sir H. C. Montgomery, Bart., Chief Secretary to Government, Fort St. George.

Sir,

I HAVE the honour to reply to your letter of the 9th September, covering certain extracts from the Minutes of Consultation of the same date, and requesting that I should afford any information in my power as to the use of any instruments of torture in the realisation of the public revenue of this Presidency. Information is also desired as to whether the idea prevails among the people that such acts are tacitly tolerated by the Government or its European officers.

Of the habitual use of violent and illegal means, of more or less severity, by the native revenue servants of Government, in the collection of revenue in every district of this Presidency with which I have become acquainted, I am constrained to make of my own knowledge positive affirmation, but I am not prepared to depose to specific acts, and which can be substantiated, of violence or torture, for this simple and, I submit, sufficient reason, that I have not been accustomed to take notes thereof, though accident has often made me a witness of such doings. Neither could I make the attempt to establish recent occurrences of the sort without violating the confidence of conversation, or endangering the well-doing of persons who I am certain were convinced that in such acts they were only discharging their duty to the Government.

I have to state, that I do think that a belief in the tacit connivance in and tolerance of such acts by the Government and its European officers, is generally entertained by the native community; and I think a little reflection will show that it cannot be otherwise. Torture, under forms infinitely more aggravated than are ever witnessed at present, was, with the native Government, in general practice. However it may be at present, it is certain that to within the memory of civilians of no long standing, success in the realisation of the revenue of his district has been, from the commencement of our rule, the *sine qua non* to a good opinion of a Collector in the eyes of his superiors, and therefore of necessity became the standard by which the tahsildar was judged by the Collector. It seems then most natural and inevitable, that, with an assessment to collect always heavy, and of late years become more and more unendurable, the subordinate revenue servants of the British Government should have continued the practices of their predecessors in office; and that the mass of the people should consider, that in the collection of revenue, torture had continued to be with ourselves the "institution" they had always found it with our predecessors.

I have now replied to the queries you have honoured me with, but I wish to state, that I do not believe the European servants of Government are cognisant of these violent and cruel practices. I have presumed to think moreover, that it will not be deemed beyond the scope and spirit of your letter, if I beg leave to submit to superior consideration a few additional remarks on this question of the use of torture by native officials.

I have been constrained to declare my certain knowledge of the practice of torture in the collection of revenue. But I am no less certain that, under existing circumstances, the revenue of the country could not be levied to its full extent without it, for to proceed against defaulters by the existing Regulations would be an endless task. To so many of the ryots of a district, so narrow a margin, if any, is left after paying the Government dues, that to evade some portion thereof, they are driven to artifices of all sorts. On such defaulters coercion is practised, in the expectation the sufferer can pay, or that if he cannot, friends may be moved by his sufferings to do so for him. A further inducement to attempts at evasion on the one side, and to coercion on the other, is the feeling common to the more ignorant ryots, that if supposed able to respond to it, they are no safer now from exaction beyond the just dues, than were their forefathers under a native Government; hence endless protestations of inability to pay.

Hitherto my remarks have been confined to the use of torture in matters of revenue, but it would be a great mistake to suppose the practice limited to that department; on the con-

As to police.

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trary, I believe that, comparatively speaking, illegal violence is more generally practised by the police authorities on suspected criminals, its object being to induce confessions. Here again the malpractice is an inheritance from preceding governments, though now only known in a greatly mitigated form; and its maintenance is probably chiefly owing to the impossibility found in proving crime without it, owing to the peculiar habits and temper of the people in general. But it is not to be supposed the suffering is inflicted wildly, or at random. There are generally good grounds for suspicion. People cognisant of crime will not come forward and depose openly to what they know, but they will impart their knowledge privately, and by insinuation; and it is to make such evidence work, that recourse is had to torture as the readiest and simplest means.

"Had I not buried some of the suspected parties up to their necks in mud, and dipped others at the end of the pacottah pole in the well within an inch of their lives," said a tahsildar the other day, "I had never got the information and evidence which I did, and which has led to the conviction of the pack of villains, who had long been doing much mischief, and it is beyond their power to do more for some time to come."

This was on private information, and illustrates the practice of, and the difficulties which beset the police authorities, in the execution of their duties; and it is, I believe, owing to these difficulties only, that the practice has survived the most energetic attempts of Government and the European judicial authorities to put it down. But as I have said of the practice in revenue, so in judicial matters, torture is much less frequent now-a-days, and probably never of the atrocious character it often used to be under former rulers; this good, at least, has resulted from the many efforts of Government to put an end to the practice.

If I may presume to offer a suggestion, as to the more effectual mode of carrying out the object of Government, in the prevention of these objectionable practices, it would be to communicate so much of the Minute of the 9th September, as relates to the sentiments and resolutions of Government on the use of torture to the native, no less than to the European officials, and to the native community in general. These will all thus learn, on better authority than has perhaps yet reached them, the real opinions and desires of Government.

By these means, and with the results which may be expected from further efforts on the part of Government to improve the moral and physical condition of the people at large, it may be reasonably hoped that the native revenue and police authorities will, at no distant period, cease to find the use of coercion necessary to maintain their character for efficiency, and the ryot no longer consider that the evasions and dissimulations hitherto practised, are necessary to preserve to him the just fruits of his labour. But due allowance will have to be made towards the native officials for the inevitable first results of the abolition of torture, namely, a diminished amount and less prompt collection of the revenue, and a slower and more imperfect detection of crime than even exists at present. But these declensions will of course soon commend themselves to the attention of Government, and lead to those radical measures of relief, the necessity for which they indicate.

I feel assured you will accept, in the spirit in which they are tendered, these remarks, and pardon accordingly the freedom with which they have been made; and have the honour to subscribe myself,

Sir, &c.
(signed) G. P. Fischer.

No. 15.—SOUTH ARCOI.

No. 1.—A. Hall, Esq., Collector of South Arcot, writes as follows:

to revenue.

"WITH reference to extract from the Minutes of Consultation, dated 9th September last-calling upon Collectors and Sub-collectors to make strict inquiries into the practice which has been alleged to exist in this Presidency, of using instruments of torture to force the people to pay the Government revenue and report the result, I have the honour to state, that after making the closest investigation in my power, I have been led to the conclusion that it has not been an uncommon occurrence in this district for the native authorities to ill-treat contumacious defaulters in order to make them pay what they owe.

"2. It appears to me, from all I can learn, that on these occasions a species of torture called ananthal is the one to which the defaulter has been commonly subjected, the nature of which I have already described in my letter of the 30th September last; it is done by passing a cloth or rope round the neck and one on the feet of the person, so as to draw his head downwards in a painful position; his hands are also sometimes tied together.

"3. The perpetration of anything more severe or cruel than this has not, I think, for many years occurred in this district for the purpose of collecting the revenue.

"4. In furtherance of the orders of Government, I invited by proclamation all persons having any grievances of the kind to complain of, to appear before me and state their cases, but with one solitary exception, in which the charge was not proved, none have come forward to do so. Nearly every person from whom I have sought information on the subject has admitted his belief that cruelty has been occasionally employed in collecting the revenue, but not one of them has expressed himself able to substantiate a specific instance of the kind.

"5. The

"5. The people are, in general, perfectly well aware that such acts of abuse of authority and cruelty are not countenanced by the European officers of Government, and that, if proved, the offenders would be severely punished; but, for the most part, they seem content to submit quietly, rather than bring charges against those who might probably be able to retaliate upon them in some way or other.

"6. I do not consider that it can be justly said that a system of using torture to collect the revenue exists either in this district or in any other with which I have acquaintance; although I think it cannot be denied that occasionally illegal and cruel treatment has been resorted to in order to make recusants pay."

Again, as to revenue he says: "I have only been a little more than two months in South Arcot, but have seen nothing to make me think that instruments of torture have been or are systematically employed to collect the revenue, or that instances in which the native talook officials have resorted to cruelty or oppression to compel persons to pay their dues, have been at least frequent of late years.

"I must confess that it does not seem to me to be a matter to create surprise, that occasional instances should have occurred in which the natives have had recourse to illegal and cruel modes of inflicting pain for the purpose of making contumacious defaulters pay their dues, when it is remembered that their reputations for activity and zeal, and even their situation, used formerly to depend upon a punctual realisation of the Government demand within prescribed periods, and that they have had to collect what has been of late very generally admitted to be an excessive amount of land rent."

And as to police, he says: "As far as my own experience enables me to judge, I can without hesitation state, that I believe that the native police have been, from time immemorial, in the habit of resorting to cruelty and violence to extort confessions from prisoners under suspicion of having committed offences; of late years it has not been so much the object of the police to make prisoners admit their guilt, as to compel them to divulge where stolen property is concealed. It is very well known that a confession before a police officer goes for nothing in the criminal courts, while the production of the stolen property is almost indispensable to insure conviction. Instances of the use of torture have however, I think, become much less frequent than they used to be, although I cannot say that I consider that any change of feeling or ideas on the subject has been wrought in the minds of the natives by the means which have been adopted to put a stop to such proceedings.

"The prevailing notion among the people is, that without resorting to a certain degree of cruelty towards prisoners suspected of having committed offences, detection would rarely or never take place, and the force of habit has been so strong that everything has yet failed to convince them to the contrary.

"No instances of the kind have recently come under my notice. I find that the following seven cases on the magistrate's records in this office are all which have been tried here during the last seven years. The persons charged with the cruelty were not convicted in a single case. It is not however to be wondered at, that conviction rarely takes place in such cases, as from the nature of the offence it is not likely that the sufferer would be able to produce witnesses or evidence of any other kind."

He does not think that the natives entertain the idea that the Government or its European officers tacitly countenance the practice.

No. 2.—From *G. S. Forbes, Esq., Acting Sub-Collector of South Arcot, to A. Hall, Esq., Collector of South Arcot.*

Sir,

I have the honour to reply to your letter of the 15th instant, enclosing Minutes of Consultation, and directing me to report the result of my experience during the last seven years, as to the use of torture in extorting payment of revenue balances.

2. I was employed from 1845 to 1849 in North Canara, and there I am confident this practice does not exist. I have (since returning from furlough) been two years employed in this province, where a most undue assessment has been levied ever since it came under British rule, and where, if anywhere, it might be expected that we should find evidence of the extensive practice of torture; of course if the Government say to the people at large, "bring forward instances in which your native officials have tortured you," a strong temptation is offered to every one who is discontented, and every one who bears a grudge, and every one who has an interest in the creation of vacancies, to make up a case which may be supported by witnesses to any amount, and at a small expense. I prefer to state the conclusions to which negative evidence leads me. There is in the district the greatest license used in preferring complaints; all sorts of offences are charged by aggrieved persons, truly and untruly, against officials of all grades, as well as against each other; petitioners come up and display every variety of bruise or wound they may have received, and sometimes also scars and plasters which are found to cover a sound skin. Tahsildars and other officers are often charged with violence and injustice, but the details of such charges are almost always blows, confinement, or the stocks. I have hardly ever heard a man allege that he had suffered from torture, and I never saw any injuries exhibited as the result of it; and yet if native officials are without scruple charged with bribery, blows, and unjust detention in the cutcherry, or in the stocks, and a variety of other oppressions, there is no real reason why torture should not form a subject of complaint as well. I nevertheless am of opinion that the instrument called the kittee exists, and is common enough among the

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the villages, but it cannot be the practice to use it for actual torture, for complainants with swollen joints would soon enough appear at our cutcherries. I rather believe that it survives as a menace, and that its application as a torture instrument is almost if not entirely extinct. It must be borne in mind that the monigar who collects the kiets is but a ryot among his fellows, and that his power of oppression must be limited by the forbearance of his neighbours, who know that however pressingly he may urge them for balances due, he would expose himself to punishment by actual cruelty. I do not pretend to excuse the bare existence of any such instrument, and shall always exert myself to destroy the vestiges of this barbarous custom, which has survived, if it still exists, in the instincts of this people, and not as a portion of our system. In former times half subdued tribes yielded their tribute only at the sword's point, a mode of collecting revenue employed not a century ago in these very provinces by our predecessors; in more settled states the Hindoo administrator of revenue never expected to proceed without the aid of bodily pains and penalties, and the subject often disdained to pay up his balances unless the coercion were at least imminent. These traditional principles are by no means extinct either among the ryots, or in the minds of those whom we were compelled to employ from the first in administering the details of the revenue system, and whom the Government is often urged to employ far more extensively, and in the highest offices, by the very party which now throws upon the members of the service the odium of this charge of torture. I believe the truth to be that these old forms of tyranny have all but expired under English rule, and that it only needs an easy land-tax to make their very name forgotten, and render even lawful coercive regulations for revenue collections a dead letter.

I have, &c.

(signed). G. S. Forbes,
Acting Sub-Collector.South Arcot, Collector's Cutcherry,
Cuddalore, September 1854.No. 3.—E. B. McDonell, Esq., Acting Additional Joint Magistrate of South Arcot,
writes :

As to revenue.

"My experience in this district, where I have been principally employed, leads me to the belief that this revolting practice, handed down to us from the native governments, does still exist in a measure; but as regards the collection of revenue, I believe it to be the exception, not the rule. The use of the 'kittie' is not known, but the 'anantal' is often threatened, and in some instances doubtless put in force. I have travelled over all parts of this district at different times, and aggrieved parties had every opportunity of complaining, when complaints of this nature have been scarce. The different native gentlemen (not in Government employ) that I have conversed with on the subject say they believe torture to be resorted to in collecting revenue, but that they know of no specific instance to which they could refer. Threats and abuse are daily had recourse to, but I believe that instances of torturing parties for the purpose of collecting the revenue are not common. Since my assuming charge of the subdivision, I had occasion to commit a carcoon and two peons to the criminal court to stand their trial for having coerced payment from a defaulter by means of 'anantal'; the carcoon was sentenced to two months' imprisonment with irons, and the village monigar, who was present at the time this took place, I dismissed from office.

As to police.

"I can find nothing in the records of the subdivision office to show that complaints of torture have ever been preferred before the different sub-collectors. As head assistant in this district during the last seven years, I decided some few cases both in revenue and police; these were disposed of on their merits, and the proceedings passed without remark from the Court."

As to police: "In police cases it is to be feared that the subordinate native officers do not hesitate to use force in extracting confessions from parties charged before them, as our records show; but I believe that this is not so much the practice as it was, as prisoners now confess before the native police officers without hesitation, knowing that that confession is of no value against them, as the Foujdaree Court have ruled that an uncorroborated confession before a native police officer is worthless."

As to revenue.

No. 4.—S. N. Ward, Esq., Civil and Session Judge of Cuddalore, says that he has no particular case to report as coming within his own knowledge for the last seven years; but, continues he, "Judging from the inquiries which I have made among all classes of the community, both native and European, and more especially amongst the wealthier native merchants of this place, many of whom are in the habit of periodically visiting the interior in order to make advances to the ryots for their produce, and are thereby constantly brought in contact with them in their villages, under circumstances favourable to their knowledge of the real state of the case, I have no doubt that actual torture is still occasionally had recourse to for the purpose stated, viz., that of realising the public revenue, that is, that every now and then, when other means have failed, a defaulting ryot who is known to be able to pay, the arrears against him and will not, is tied with ropes by the native officers of revenue with his head bent down towards his knees, and in that posture, the pain of which is sometimes enhanced by a heavy weight placed upon the nape of his neck, forced to continue until he either pays down the sum he owes (which, if my information is to be depended on, it is no uncommon thing for him to have come prepared to do), or procures that some one on his behalf shall guarantee its payment by him; that personal injury and violence of a minor kind for the same purpose is not unfrequently inflicted, and that threats and various kinds of indignities having the same end in view are common."

And

And says that he has every reason to believe that the practice has for some years past been rapidly declining, and that the "kittie" has disappeared from the district.

As to police, he says: "It is my firm impression that the above practices obtain still more largely amongst the native officers of police than amongst those of the revenue, their object being in most instances either to induce suspected persons to point out the property they are supposed to have stolen and concealed, or to give information which may tend to implicate others, upon whom the like means may be employed, rather than to extort confessions to be used against the prisoners as evidence, the courts (owing no doubt to an uneasy feeling that such practices as those under notice largely existed) having come to place but little reliance on such evidence."

"In this department also the practice has decreased, though not to the same extent as in the revenue."

He finds that during the last seven years 30 prisoners have stated on their trial that their confessions were extorted by personal violence; but no proof was apparent, and in several cases Mr. Ward thinks it probable that the parties had been put up to this by experienced fellow-prisoners as their best line of defence.

From *S. N. Ward, Esq.*, Session Judge of Cuddalore, to *Sir H. C. Montgomery, Bart.*,
Chief Secretary to Government, Fort St. George.

Sir,

ADVERTING to the Extract from the Minutes of Consultation, dated 30th September 1854, in which I am directed, as session judge, to call up the records, and to furnish the Government with my opinion as to the sufficiency of the evidence, and on the propriety of the decision, in each of certain cases therein alluded to, I have the honour to report.

2. As regards the first of the six cases entered in the list appended to para. 5 of the magistrate's letter referred to in the above Extract, No. 66 of 1848, on the file of the assistant magistrate, dismissed by that officer "for want of proof, the evidence being contradictory:"

That the statements made by the eight witnesses examined in the case, go directly to show that Reddy Row, the sherstadar of Vellipooram, and first defendant in the case, being at the time in the talook cutcherry, did, as stated, call before him the complainants, Seevaramiah and Soobaramiah, the Pullah monigans of Bapanapat, and after interrogating them in abusive language regarding their failure to collect a balance of revenue which had for some time been outstanding against their villages, directed a peon of the cutcherry by the name of Coopoo Naiken "to take the said complainants" (from the cutcherry), "beat them with slippers," and "get the money from them," or words to that effect, and that thereupon the peon so designated, and others with whose names the witnesses were not at the time acquainted, but who before the assistant magistrate were pointed out by them, as the 2d, 3d, 4th, 5th, 6th, 7th, and 8th defendants, took the complainants just outside the building in which the sherstadar and others of the talook officials were then sitting, and then and there beat and otherwise ill-treated them, viz., by tying them with cloths in the manner called "ananthal," "by pinching their thighs, and by lifting them by their ears," and that the next morning (as the 1st, 2d, 4th, 6th and 8th witnesses depose) the said torture was again had recourse to for the same purpose; that the said statements, though not entirely free from discrepancies as to the exact date on which the offence complained of is said to have taken place, and the individual part which each peon took in it, contains in my opinion no contradiction of such a nature as to throw discredit upon it, or render it inadmissible as good evidence in support of the true facts to which it deposes, viz., that the complainants were beaten and tortured in the manner described to make them pay an arrear of revenue; and that such being the case, the assistant magistrate asserts from the contradictions he supposed it to contain he saw reason (apparently) to doubt its sufficiency, and because there is nothing in the several pleas put forward by the accused in their defence to invalidate it, those pleas being, on the part of the peons, a simple denial of the charge, and on that of the first defendant, first, the improbability that, in the immediate presence of his superior the tahsildar, he should have taken upon himself to act in the way he is said to have done: in respect to which it may be observed that the complainants' case is shown to have been expressly handed over to the said defendant for inquiry by the tahsildar, who, as it appears incidentally from the record, had moreover been at the time but a few days in office; second, that the complainants and he had formerly had a money dispute connected with the maramut of a water channel near their village, which, as nothing is said of the quarrel being recent, seems hardly an adequate cause for trumping up such a case as this under review; and third, that the complainants had ventured to produce as a witness in their behalf a person who was not and could not possibly have been present in or near the cutcherry at the time in question, but who, it is enough to say, was not examined in the case. I am further of opinion that the evidence before the assistant magistrate was sufficient, and the facts deposed to, as I view the offences which they involve, of such a nature as to have fully warranted the committal of the defendants to take their trial before the criminal court upon a charge of aggravated abuse of authority.

3. As regards the second of the said cases, taking them as they stand in the magistrate's list, No. 98 of 1849, in which the complaint is in effect much the same as the above, viz., torture by "ananthal," and other minor modes of ill-treatment, to collect an arrear of revenue, the parties charged being Balakistnan, tahsildar of the Ticcolore talook, and a rogasan, and some peons of the same talook, and which the head assistant magistrate dismissed for want of proof:

420.

That

That the evidence brought forward by the complainant was insufficient to warrant the committal of the case; and that the decision of the head assistant magistrate, dismissing it on the ground recorded, was therefore a proper decision.

4. As regards the third, No. 52 of 1849, in which Kistnamacharry, peischar of Villipoorum talook, and two peons acting under his orders, are charged with having put the complainant areatumbee, Gounden, and others, to the torture called ananthal, and pinched their thighs to enforce payment of an arrear of revenue, and in which the assistant magistrate convicted the defendants, and sentenced, under section 32, Regulation IX. of 1816, the peischar to pay a fine of four rupees, or in default to be imprisoned for the space of four days; and the peons, each, one of two rupees, commutable, if not paid, into a like period of imprisonment:

That the decision is in accordance with the evidence recorded; but the sentence awarded, in my opinion, is altogether inadequate to the offence, which appears to me to have been cognisable by the criminal court, and therefore one with which the assistant magistrate was not competent to deal under the Regulation quoted, and in the manner recorded.

5. As regards the fourth, in which a carcoon of the Tindevanum talook, and two peons, were charged with having put the ananthal upon the prosecutor, and beaten him, to collect revenue arrear, and which the assistant magistrate, under the sanction of the magistrate, dismissed on account of the discrepancies he observed in the statements of the several witnesses:

That, in my opinion, the evidence is amply sufficient, notwithstanding the discrepancies alluded to, to convict the first defendant of having struck the complainant with a stick and riding-whip, for resisting an attempt made by the second and third defendants, in obedience to his (first defendant's) orders to take from him his cloth, preparatory, as the witnesses supposed, and as in fact two of the peons admit, to putting him to the torture called ananthal, in order to collect from him an arrear of revenue, and such being the case, I am unable to concur with the magistrate as to the propriety of the assistant magistrate's decisions, but, on the contrary, look upon the case as one which ought to have been punished by him under clause 2, section 3, Regulation III. of 1819.

6. As regards the 5th, No. 36 of 1852. That it is simply a case of abuse of authority unaccompanied with torture, and having no relation to the collection of revenue, which need not here have found its way into the magistrate's list, and does not here call for review.

7. And as regards the 6th, No. 56 of 1852, also a complaint of torture by ananthal to collect revenue, inflicted by Bauboo Row, the tahsildar of Chellumbrum, and some of the peons and hangers-on about his cutcherry, and which the magistrate after a full inquiry dismissed on the grounds that the evidence to the ill-treatment complained of, spoken of by the complainant's witnesses, who were all, he observed, either the complainant's own relations or revenue defaulters, was unworthy of credit, owing to its being directly contradicted by that of three disinterested persons, who happened to be present upon their own proper business on the occasion specified in the charge, and declared that they saw all that happened, and that at that time and place no such ill-treatment as that deposed to was offered to the complainant; the complainant's person showing no marks of violence, and no attempt having been made to bring the matter to the magistrate's notice, though he was near at hand at the time; and that though it was necessary, seeing how easy it was to attempt evading payment of revenue arrears by getting up charges against the officers employed in their collection, that the evidence in all such cases should be supported by corroborative circumstances, such were altogether wanting in that under consideration:

That though there is nothing upon the face of the record to show that this case is of the kind contemplated by the magistrate in the above remark, but, on the contrary, a good deal to lead to the confidence that the complainant, though not absolutely put to bodily torture at the time stated by his witnesses, which in point of fact it seems scarcely probable, considering the locality in which the court is laid, should have been the case, must yet luring some period of his interview with the tahsildar on the occasion referred to have been treated with indignity, and otherwise ill-used by that officer, the magistrate's decision in so far as it dismisses the case on the ground above recorded, seems to me to be a proper one; since whatever may have been the real merits of the case, the evidence before him was not such as to lead to the belief that it would be found sufficient for conviction in the event of the case being committed to the criminal court.

8. And I have further the honour, in connexion with the said cases, to point out that from the above review, it follows that the committal to the criminal court of those alluded to as Nos. 1 and 3, viz., No. 66 of 1848, and No. 52 of 1849, can still be ordered, should Government consider such a course advisable, and instructions be received from higher authority; No. 1, as having been dismissed by the magistracy when there was evidence in the record to warrant its committal; and No. 3, as having been finally disposed of by an authority not competent under the regulations to deal with it in such a manner; though at the same time I would take the liberty to observe that it is within my knowledge that Reddy Row, the first defendant in No. 1, (the other defendants being mere underlings,) has since demised, and that as regards No. 3, the fines having been paid, and upwards of five years having elapsed since the disposal of the case as above, an order for the re-apprehension of the defendants, and their committal to take their trial before the criminal court, might be thought to wear an appearance of harshness, and is, moreover, scarcely necessary

necessary as an example, as since I had the honour to address the Government upon the subject of the existence of torture to collect revenue, a revenue officer has been committed upon a charge of the kind, and punished by the criminal court.

Cuddalore, Session Court,
11 January 1855.

I have, &c.
(signed) S. N. Ward,
Session Judge.

No. 16.—TANJORE.

No. 1.—*H. Forbes, Esq.*, Collector and Magistrate of Tanjore, in his letter of the 19th January 1855, writes as follows:

"The people of India draw a wide distinction between oppressive acts practised with a personal motive, and those which, however erroneously, they connect with a public duty; they will make complaint upon complaint, and appeal upon appeal, for the redress of a private wrong, when they will at the same time tacitly submit to a greater injury received in a public act; the motive of the one they see to be personal, and attach no personal motive to the other."

After abstracting the information he has received from Europeans called upon to state their opinions (separately considered by us) he proceeds:

"The above is the information of a positive nature which I have gathered in consequence of the Government orders; it is general in its character, and no tangible fact has been adduced, but my experience in the country will not allow me on that account to assert that harsh measures are never adopted in the collection of the revenue, or in the administration of the police, or that torture itself has not been sometimes resorted to.

"Even since the orders of Government were received, there has been in Tanjore more than one instance to show that torture is an ordinary practice with the Hindoos; that it enters into their domestic arrangements, and that therefore, when put in force for public purposes, its origin is, not in any part of our system of government, but solely in the native character. A few months ago, a man having lost some small article from his house, proceeded, as a matter of ordinary routine, to dip the hands of his three wives into boiling cowdung to induce them to confess if they had taken it; soon after another man branded a young boy with a hot sickle for an act of ordinary carelessness; later still, a man in the town of Vellum swung a young girl to the beam of his house by her hands and hair, beat her, and branded her face and arm with a hot knife, because she had taken nine pice from his room; and at this present writing, another young girl is under the medical treatment of the dresser attached to this catcherry, on account of a severe wound received when she was dropped down a well by a rope fastened round her neck, by a man who wished to force from her information as to what had become of an ornament lost by another child at play.

"But a stronger case can be adduced, and one which is worth notice, because it shows that such acts of cruelty will occur even when every principle is laid down by the superior, and every part of his practice are in direct opposition to them, and that under the very roof of the person most deeply interested in preventing oppression, cruelty may be practised, wholly unknown to him. A clergyman has lately told me that having missed a cheque from his table, he made inquiry among his servants regarding it, that no one knew what had become of it, and that in order to ascertain whether it had been taken by the only child on the establishment, his eyes were filled with red chillies by the other servants in order to force a confession from him.

"These cases have all happened since September in this immediate neighbourhood; they are wholly unconnected with any part of the system of administration, and no servant of Government is in any way concerned with them; in my opinion they tend to show that when oppression is practised in public matters by any servant of Government, it is not the system of administration which is at fault, or those who conduct the administration who are to blame, but that the Hindoo of the present day still follows the practice of his forefathers; that the origin of the evil dates many centuries back, and that the Government must look for its abolition more to the spread of education, and the diffusion of enlightened views, than to the enactment of new laws and the effects of local authority.

"Dacoits seldom commit a robbery without practising tortures, at the recital of which humanity shudders; but the origin of their reckless disregard of human suffering dates many ages back, and having learnt by tradition and experience that the Hindoo will part with his property only on the severest compulsion, it is extorted by relentless torture; and in this another national characteristic is apparent, for, although the owner knows full well that he has no mercy to expect from those into whose hands he has fallen, it is seldom that he will betray the secret of his treasure-house, until he has gone through almost as much as human nature can endure. So the ryot will often appear at the catcherry with his full liabilities in his possession, tied up in small sums about his person, to be doled out, rupee by rupee, according to the urgency of the demand, and will sometimes return to his village, having left a balance undischarged, not because he could not pay it, but simply because he was not forced to do so."

"Though oppression may sometimes be practised it is far less prevalent than formerly, and that each year that passes sees it gradually dying out.

REPORT OF COMMISSION FOR INVESTIGATING

No. 2.—*W. M. Cook, Esq.*, Sub-Collector of Tanjore, in his letter of the 31st January 1855, says:

That he had examined three complaints on revenue, in all of which no evidence was forthcoming in support;

But writes: "I have no hesitation in stating my own impression that the people generally are fully aware that no torture or any other injustice is willingly tolerated or allowed either by the Government or its officers; and in proof of this opinion, I would only refer to the records of this or any other office in this district, which will abundantly show that generally the people are not slow to complain of any acts of injustice, and that it is only from extreme timidity, or extreme ignorance on the part of the injured party, when any cases of torture or oppression are not represented to the European officer."

No. 3.—*J. Silver, Esq.*, Session Judge of Combaconum, says:

"That the existing regulations and positive and repeated injunctions of the courts and efforts of the magistracy have been beneficial in deterring the native police officers from the use of torture, I fully believe, although they may have failed to utterly eradicate the evil; and long experience has also satisfied me that the people generally know so well that the idea of torture is so abhorrent to the feelings of the European officers of Government, that a plea to this effect is often set up by a prisoner before the court when no grounds exist for it."

He sends up the cases in which remarks had been elicited.

No. 4.—*L. C. Innes, Esq.*, Acting Subordinate Judge of Combaconum, in his letter of the 30th January 1855, says:

"It is here unnecessary that I should state more than generally that I believe torture is practised, though from the extreme difficulty of divesting the truth of exaggerations, I should hesitate to say to what extent."

No. 4½.—*J. B. Stevens, Esq.*, Zillah Surgeon of Combaconum, reports of the existence of such a practice during the last seven years, and its having reached him from time to time, but cannot give particulars.

No. 5.—*Rev. A. Johnson*, of Tanjore, in his letter of the 2d October 1854, writes as follows:

"I am not aware of torture (strictly so called) being resorted to for the purpose of collecting the public revenues of the district, if by those revenues you mean the tax levied by Government on cultivated lands. However, from the inquiries which I have made, as well as from instances which I have heard, it appears that when petty *merasadars*, who have no respect for their character, become refractory, and delay the payment of the sums due by them from time to time, they are frequently abused, and sometimes even beat by the Government peons. Moreover, when they are taken to the *tahsildars* of the talooks to which they respectively belong, they are even whipped by their orders, though not in such a way as to inflict any grievous bodily harm, and detained in custody for a few days."

He does not think that the great body of the people suppose such practices in any way countenanced by the European officers of Government.

No. 6.—*Rev. Mr. Godfrey* states it has long been his impression that the practice of torture in the collection of the revenues is generally resorted to. He states he knows of many individuals prepared to assert the same publicly. (*Note.*—He subsequently names three natives whose cases are dismissed by the sub-collector as above mentioned for want of evidence.) He states that the practice exists more in Tanjore than any other district in which he has been, and is apprehensive that the impression of the great body of the people is that the practice is recognised by the officers of Government (which he subsequently explains to mean native officers).

No. 7.—*Rev. C. Ocks* has not paid much attention to the subject, as it does not lie within the sphere of his duties. During 12 years' residence he has not been impressed with an opinion that torture is made use of in collecting the revenue. The only mode of enforcing revenue of which he has heard is that of lodging a peon on the premises of defaulters, who have to pay him *batta*.

The people of his acquaintance have in general a high opinion of the European officers, and he has never heard them ascribe the wrongs and oppressions under which they suffer to them. But they dread the native officers, from whom they expect all kinds of injustice, vexation, and oppression.

No. 8.—*Rev. Mr. D'Spommere*, Roman Catholic Missionary, says that he has never paid so much attention to the subject as to be able to substantiate anything about it, and has heard many natives express a good opinion of the European functionaries, but not always the same of their subordinates.

No. 9.—*Reddy Row*, late Dewan of Travancore, says:

"I beg leave most respectfully to submit that I have seen and heard of many instances in which several tahsildars and other revenue officers in this district made use of torture generally towards the landholders who make delay or refuse to pay the kist, an act which is known to almost all living in every part of this province.

"The revenue officers abuse the landholders alluded to in the 5th para., and strike them with whips, place them under the surveillance of peons, and thus collect the revenue with great difficulty.

"The former rulers of this country used to cause the revenue defaulters to be placed in the sunshine, kitted applied to their hands, chaup applied to their ears, and large stones placed upon their heads; but in this British Government no such torture was made use of.

"I have to assert that the collectors of this Government did not hitherto and will not, as I and other meerasdars are impressed, admit or tolerate such practices, because they (collectors) always were and are inclined to render justice to all classes of people indiscriminately, to do right and punish the wrong."

No. 10.—*H. Nott*, Esq., Civil Surgeon of Tranquebar, says:

"I have the honour to inform you that no such act has at any time come within my personal knowledge, neither can I find from inquiry that such a system has prevailed in this district (Tanjore) or in that of my former station (Chittoor, N. Arcot); all that I have heard is that great difficulty has been found in obtaining the tax from the ryots by the tahsildars and others, even although the ryots had the amount due present with them, i. e., tied up in their cloths, and that detention has been threatened them, and occasionally put in practice, but only for a few hours, for when the ryot has found that he must be honest and pay the tax due, he has generally after short delay thought better of it, and produced the money."

No. 11.—From *W. D. Kohlhoff*, Esq., to *Sir H. C. Montgomery*, Bart., Chief Secretary to Government, Fort St. George.

Sir,

Tanjore, 26 September 1854.

I HAVE the honour to acknowledge the receipt of your letter of the 9th instant, giving cover to extract from the Minutes of Consultation of that date, and abstract of speeches made in the House of Commons on the subject of torture, and in reply thereto I have the honour to inform you, for the information of the Right honorable the Governor in Council, that from the commercial intercourse I have had with the natives of this district during a period of 26 years, I am led to believe that the practice of torture is maintained in both the subordinate revenue and magisterial departments, either for the recovery of Government tax, or elucidation of confessions in cases on inquiry. The modes of torture practised are various, and suitable to the fancy of the tahsildar or his subordinates, but whether any redress is received from higher authorities, it is difficult for me to tell, as all complaints are generally referred to the tahsildars for investigation and information. Besides flagellation with the rattan or lash, which is common, and the thumbscrew, which is pretty well known, the other sources of torture which are generally practised are the following, viz.:

1. Sharp pointed stones are put in the hollows caused by the bends of the knees, and the man is made to sit for hours together on his haunches.
2. Muskets are turned down by making the man support them with the muzzles resting on his great toes, and continuing in this position for hours together in the heat of the mid-day sun.
3. A man is made to sit out in the hottest part of the day with his head hair all loose, and made to undergo a curious operation of turning his head in a whirling position, which is known in the tahsildars' cutcherries as "extracting the devil," assisted with flagellation, if not performed quick, for the driving out of the evil spirit.
4. One man is made to support another, exposed to the heat of the sun, in the position of horse and rider for a few hours, and the rider dismounts and is ridden by the other for the same length of time.
5. One of the legs of a man is pulled, and tied to a tree as high as possible, while his body is secured to another in the heat of the sun, thereby allowing him to support himself on the other leg alone, and kept in that position until the tahsildar's compassion is moved to set him free.

There are other petty modes of torture, such as confinement, starvation, &c., just as it suits the fancy of the native official functionary, which are not so aggravating as those just described, wherefore as they do not come under the strictest sense of torture, it will be needless for me to speak about them here; and in conclusion I beg to observe, that though these several modes of torture have been practised up to very late times, still I have every reason to believe that it is not pursued to the same extent during the last one and a half year, on account of the strictness displayed on all occasions by our present Collector.

This is all the information that I can afford, and trust it will be found satisfactory.

I have, &c.
(signed) *W. D. Kohlhoff*.

Appendix (C.)

No. 17.—TRICHINOPOLY.

No. 1.—*J. Bird, Esq.*, Collector and Magistrate of Trichinopoly, says, as to revenue, that he has published a notification, but no complaints were preferred to him, and proceeds :

As to revenue.

"Of my own personal knowledge and experience I can with the utmost safety aver that throughout my service in the revenue department of now twenty years, not one single complaint of this kind has ever come before me; and although I have mixed most familiarly with the agricultural classes (having been nearly the whole of my service placed at lone and solitary places, and thus had good opportunity of gaining private information), I never heard of positive torture being used.

"I have never even seen the kittee or thumbscrew.

"Notwithstanding this absence of personal knowledge on my own part, I should be sorry to lead the Government to suppose that I assert that coercion does not exist. I cannot do that, for I believe that improper means are had recourse to by the native revenue officials, but not to that extent which existed some years ago. I question if absolute torture is ever resorted to at the present day. Certainly not in this district. The whip or 'sharlay' as a coercive instrument is now and then applied to the leg below the knees of a contumacious defaulter; of this there can be no doubt."

As to police.

He cannot ascertain that people think the practice "connived at."

In another of his letters he says: "From my experience and present inquiries I am of opinion that the effect of former orders, and the known certainty of punishment attending torture or coercion, has greatly deterred the native officers of police from its use, and I may safely state that the practice is not frequent in this district, and but seldom resorted to; and if resorted to is certain to be complained of.

"During my official career in the magistracy I have investigated and punished several cases of oppression and torture, but I cannot charge my memory of any case being brought before me personally during the last seven years."

No. 2.—*T. I. P. Harris, Esq.*, Civil and Session Judge of Trichinopoly, says as to revenue he cannot testify, but as to police, though the records of his court have no cases within seven years, yet he proceeds :

As to police.

"An instance of prisoners who evidently bore on their persons marks of violence came under my observation when I was employed at Bellary as subordinate judge, and a similar instance occurred here not long ago; in both instances, however, proof was wanting to tax any particular individual with the commission of such violence."

He thinks that a remarkable change for the better might be expected by the issue of stringent orders.

No. 3.—*Mr. J. Gordon*, Principal Sudder Ameen of Trichinopoly, in his letter of the 30th January 1855, says that the records present no case for seven years, and he is "therefore of opinion that the practice does not exist in the zillah, to such an extent at least as to require the interference of the courts for its suppression."

No. 18.—MALABAR.

No. 1.—*H. V. Conolly, Esq.*, Collector and Magistrate of Malabar, in his letter of the 14th October 1854, as to revenue, writes as follows :

As to revenue.

"In reply to the Minutes of Consultation of the 9th and 19th ultimo, I have the honour to inform you that I do not think that instruments of torture are employed in Malabar in order to obtain the Government tax.

"I have been collector of Malabar for fourteen years, and never had reason to suspect such a practice.

"The tax in Malabar is, as a general rule, light, and my jumabundy reports for the last fourteen years will show how regularly and easily it has been collected.

The Rev. Mr. Plety, living at Calicut.

"My disbelief as to the use of torture in Malabar to extract tax is shared by the gentlemen noted in the margin.

The Rev. Mr. Gundert, near Cannanore.

"I applied to them for information as being, in my opinion, the best fitted (from being long residents, &c.) of all the European settlers in Malabar to afford it. The letter I wrote to them and their several replies are appended.

Mr. G. J. Glasson, Wynaud.

"My sub-collector, on the whole, takes the same view as myself (and the gentlemen above quoted), though he seems to think in one part of his letter that persons may have been tortured at some indefinite time in view to the extraction of the moturpha tax.

Mr. Ormiston, formerly in Malabar, now in Cannanore.

"But the tax is so very insignificant, as regards individuals, that I do not think this probable.

Mr. J. C. Grant, Wynaud.

"No man would torture another to get a few annas out of him."

As to police.

As to torture in police cases he says: "I believe that torture, or at all events ill-usage, is sometimes resorted to in Malabar by the police for this purpose.

Munro's Life, vol. ii. page 443.

"I do not credit all I hear on this point. I believe that Sir Thomas Munro is right in the view expressed in his minute dated 30 January 1837, para. 14, and that charges of torture are frequently brought forward by prisoners to account for awkward admissions; but

but on the other hand I have myself had cases in which I was convinced that prisoners had been badly treated.

Appendix (C.)

"In a case which occurred in 1843, I had reason to believe that a prisoner had been so ill-used as to lead him to attempt suicide in order to escape from the hands of his tormentors.

"I could not bring home the charge legally to any of the police, except one peon, who was committed and punished by the circuit court with two years' imprisonment and hard labour, but I thought myself morally justified in dismissing or suspending from the public service a peshcar and a tabsildar whom I held to have been more or less concerned in the affair.

"In 1845 the Nedinganana sheristadar was punished on the charge of having (by ill-usage) forced a man to confess to a murder, which it was subsequently proved he was not guilty of. The sheristadar was punished first by my head assistant with a year's suspension, and then on review by the circuit court with three years' imprisonment and labour.

There was a difference of opinion as to the extent of his guilt.

"In 1846 I heard that a man under confinement in the cutwall's cutcherry on suspicion of theft, had been beaten with sticks to cause him to confess. I had the man before me on the moment, and as there were marks of beating on his body, committed the cutwall and six others to the criminal court, where five of them were punished.

"Within the last seven years, three parties have been committed to the criminal court on suspicion of having ill-treated prisoners. In one case there was a release for want of proof, in a second the charge was held to be false, and in the third case security was taken (from a petty officer) for a year's good behaviour.

"It may be hoped, I think, from what I have written, that the determination which has been shown to pass by no case in which torture can even be presumed, has not been without effect."

No. 2.—*T. J. Knox, Esq.*, Sub-Collector of Malabar, says: "I have the honour to report that in this division of Malabar there are no such abominable practices; one reason, no doubt, is, that the demands of Government are very light and easily paid, and another, that as there does not appear to have been any direct revenue from land levied by Government previous to the invasion of the Mahomedans, and their rule was not sufficiently established to introduce in any detail the rigour with which it was carried into force, the custom of this country has never been that there should be any force used to extract payment of Government dues; many of the people are too high spirited to submit to it, and I believe, not so cowardly as to inflict it."

No. 3.—*G. A. Harris, Esq.*, Civil and Session Judge of Calicut, in his letter of the 28th October 1854, and with ten years' experience of Malabar and Canara, writes as follows:—"It is my belief that in neither of these districts is ill-usage of any description had recourse to for the purpose of extracting the revenue. No case of such a nature ever came officially before me, and I never knew or heard of such having taken place. In Malabar more particularly, the custom of addressing anonymous letters to the authorities, charging either their native subordinates or those employed under other officials with acts of misconduct, is very common, but even in this mode no case of the above description has been mentioned.

As to revenue.

"In matters of police I believe the practice does exist. I am aware that the belief in its existence is universal, but I judge from the statistics which I have been enabled to consult, that the practice is not so common as is generally supposed, and when ill-usage is had recourse to, it must be in a mild form; for though it is almost the invariable rule for prisoners who have confessed before the district police to assert, when arraigned before the criminal courts, that they were ill-treated, and so obliged to confess, they do not exhibit any signs of having been ill-treated, while the intervening period has not been so very great but that some traces would have remained if any great degree of severity had been used towards them.

As to police.

"During the period to which I refer, no instance of torture by the police has come officially before me.

"That the practice is right and proper, is impressed upon the native mind, and it was defended in conversation a few days since by a principal inhabitant of this place, an intelligent active man of business.

"I regret to be unable to express my opinion that any beneficial change has been wrought in the feelings and ideas of the native police officers on the subject, but I consider that the increased vigilance and superintendence exercised over them has, to a great degree, the salutary effect of deterring them from the use of torture."

No. 4.—From *H. Frere, Esq.*, Civil and Session Judge of Tellicherry, to *Sir H. C. Montgomery, Bart.*, Chief Secretary to Government, Fort St. George.

Sir,

I have the honour to acknowledge the receipt of extract from the Minutes of Consultation under date the 9th instant, together with an abstract of the debate in Parliament, in the course of which it was alleged by several Members of the House of Commons, that torture is commonly employed in the territories subject to the Madras Presidency for the purpose of exacting the Government revenues.

2. In the course of sixteen years passed by me in the judicial service, principally in the ryotwar districts of Salem and Coimbatore, during which I have been in constant communi-

As to revenue.

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cation with all classes of the people, and have possessed the advantage of being well acquainted with the vernacular language, I have never met with a well authenticated instance of such a practice having been resorted to by the revenue authorities. The character of the magisterial officers, with whom my duties placed me in constant communication, the present Collectors of Salem and Canara, is the best guarantee that any such abuse of authority would have been inquired into and punished.

3. There is no doubt that in former times such practices commonly existed, and are familiarly known to the people by tradition of no distant date, derived from the government of Tippoo and others. The use of a single term "anathal" in the Tamil districts, to designate the mode of torture described by Mr. Bright, that of placing a person in the sun with a stone on his back or head in a bent position, is in itself a proof that such is the case; and it is not improbable that instances may still occasionally occur of a recourse to such practices on the part of an individual native official, when remote from European superintendance, and under circumstances which may render detection difficult, if not impossible. But to found upon such data so general a charge as that advanced by some of the speakers on this occasion, is, I conceive, highly unjust to the character of the native subordinates employed in the revenue department, as well as to the fiscal system of the British Government in this Presidency.

4. I would add, that during my residence in the district of Salem, which, as the Government are aware, is partly under a permanent and partly under a ryotwar settlement, I was induced to make some inquiries for my own private information, as to the relative merits in native estimation of the system followed by the officers of Government and by the native landholders respectively, with regard to their tenants, and I was assured that the feeling among the native community was greatly in favour of the former. My information on this subject having been collected from independent sources, unconnected with Government, I cannot but regard this preference as an indication that such practices as those referred to cannot exist in that district, at least to any extent; for it will not, I conclude, be affirmed by any one, that native landholders, not invested with police authority, can in the territories immediately subject to the British Government employ such illegal means for the realisation of their rents with impunity; and if the Government ryots were thus maltreated, it is reasonable to infer, therefore, that they would draw a comparison greatly in favour of the native landlord.

5. So far, therefore, as experience enables me to judge, I am disposed to consider the charge unfounded, as regards the districts above mentioned; at the same time I would not wish to be understood as controverting the assertions made by the same speakers with reference to the over-assessment of many parts of those districts. My opinion on this point, formed after long residence, is precisely in accordance with that expressed in the able article on "the Land Revenue of Madras," published in the "Calcutta Review" for June 1852, No. 34, with the writer of which paper I have frequently conversed on the above subject.

I have, &c.
(signed) *H. Frere*, Civil and Session Judge.

Tellicherry, Civil Court,
23 September 1854.

As to police.

As to police, he says:

"My experience in the Judicial Department has led me to the conclusion that the actual employment of torture in the strict sense of the word, for the purpose in question, is rare in the southern districts of India, though cases of maltreatment undoubtedly occur occasionally, especially in localities where the native police officers are remote from the supervision of an European officer; instances of this nature are, however, I am disposed to think, much less common than in former years."

Within seven years he has only tried one case, in which the duffadar was convicted and sentenced to 12 months' hard labour, and dismissed from his situation.

No. 5.—From *H. D. Cook*, Esq., Sub-judge of Calicut, to Sir *H. C. Montgomery*, Bart., Chief Secretary to Government, Fort St. George.

Sir,

In reference to the 9th para. of the extract from the Minutes of Consultation, dated 9th September 1854, I have the honour to state, for the information of the Right honourable the Governor in Council, that during the three years and a half I have presided over the sub-court of this zillah, no cases of torture of any kind have come within my knowledge, nor were any instances of torture ever brought to my notice during the four years I held the office of head assistant collector of Malabar, previous to my proceeding to Europe on furlough, and I am confidently of opinion that no such practice exists in Malabar, or the infliction of any kind of torture for the purpose of collecting the Government revenue.

I have, &c.
(signed) *H. D. Cook*, Sub. Judge.

Sub. Court, Calicut,
18 September 1854.

No. 6.—*E. J. Barker*, Esq., Civil Surgeon of Malabar, says that no case has come under his personal observation.

No. 7.—Rev. F. M. Fisty says that, during 14 years in Malabar, he has seen nothing of the kind. Appendix

No. 8.—Rev. Mr. Gundert says that he has resided on that coast for 15 years. No instance has come to his ears. The Malialli is not accustomed to suffer silently. He contrasts them with Southern Maliallies from Travancore, who complain of various tortures being had recourse to by the native government.

No. 9.—G. Ormiston, Esq., says that he does not recollect any specific instance, but had frequently heard of the use of instruments of torture.

No. 10.—From G. J. Glasson, Esq., to Sir H. C. Montgomery, Chief Secretary to Government, Fort St. George.

Sir,

Calicut, 4 March 1854.

I HAVE the honour to acknowledge the circular sent me by order of the Right honourable the Governor in Council, regarding the statements made in Parliament of torture being resorted to in this Presidency for the purpose of collecting the revenue.

2. Before the circular came to hand, our Collector, Mr. Conolly, had applied to me on the same subject, and no doubt he will forward you my reply. His name alone would be a perfect guarantee there are no such acts in this district.

3. If Mr. Seymour's information is no better generally than the specimen he gives in the following sentence, viz., "British merchants who knew it were afraid to disclose it, because they feared their position might be affected by the displeasure of the Indian Government," it is not worth much. I, as one of that body, totally deny the charge, not only verbally, but in deeds, as the records of the catcherry will prove; at the same time, of all the Collectors for the last 18 years, there is not one but has behaved to me with the greatest kindness, and honoured me with their friendship. In all Malabar I do not know one merchant who would not at once speak out his mind if he had anything to state against Government. As I told Mr. Seymour, only let us have sensible Collectors, and we can get on well enough; they are the mainspring to a district.

I have, &c.
(signed) G. J. Glasson.

Mr. G. J. Glasson, in another letter, says, as to revenue, that he is a resident in Malabar since eighteen years, mixing freely with the people, but has neither directly or indirectly heard of torture being used for the purpose of realising revenue.

As to police, he says: "That torture was very commonly resorted to in police cases in this district some years ago cannot be denied; moreover there have been instances even since our present collector has been in charge of the district, but his exertions and well-known abhorrence of all such acts has gone far to do away with it in all cases, and it is now some years since I have heard of a case. At the same time the seeds of disease are as strong as ever, and if Mr. Conolly was removed, and a less efficient collector, either from indifference or other causes, was not equally strict, the native officials would at once resort to their old tricks; he only looks upon the restriction at present as a sort of weakness on the part of the collector, and not at all for the good of the country; but knowing, so long as it is the positive order of the collector, and that his own promotion would be injured by not enforcing it, a native official would take good care that self shall not suffer. I have over and over heard native officials, when they required evidence and could not get at it, bemoan the good old times when they could at once bring a witness to his senses." As to police.

No. 11.—J. Pringle, Esq., says that no case has come under his observation, and that the people do not think that torture is countenanced by Government or its European officers.

No. 12.—P. H. West, Esq., states that no instance has come to his knowledge, and believes that if the practice has existed it must have been confined to a "few only of the most unprincipled and unfeeling."

No. 19.—COIMBATORE.

No. 1.—E. B. Thomas, Esq., says;

"The use of 'torture,' properly so called, has ceased to prevail. The rules of Government are too generally known to the people for them to entertain the idea that ill-treatment is permitted."

He proceeds: "I would beg with all deference to observe that the word 'torture' is a misnomer, an unfair and inapplicable term. That violence does still occasionally exist in all districts is not to be denied, but it is the violence not of the paid native officials, but of the natives towards each other, usually heads of villages, to extract a clue to crime which they know exists, but cannot otherwise discover."

And he considers it impossible for much violence to exist when the collector and his subordinates move freely about the district. They are inundated with petty complaints which prove the non-existence of grave cases.

No. 2.—*M. J. Walhouse, Esq.*, Acting Joint Magistrate, considers that his knowledge of facts enables him to pronounce the statements of the speeches circulated by Government pure fiction, as regards this district at least.

No. 3.—*T. B. Roupell, Esq.*, Civil and Session Judge of Coimbatore, says :

“ That he thinks the few recorded cases show, that so far as Coimbatore is concerned, the use of torture is not of that general prevalence which has been represented.”

He continues: “ I am not, however, prepared to assert that extorted confessions are unknown in the police department, or that coercion and ill-usage of accused persons are not occasionally practised by the native police. On the contrary, there is reason to believe that these functionaries do at times resort to those most improper means to get evidence, from the erroneous impression that to do so, on any terms, exhibits energy and activity in the discharge of their duty.

“ To apply the word ‘ torture ’ to such acts of abuse of authority and oppression, is, I apprehend, adopting an extreme term, and which has doubtless been employed to give greater force to certain sweeping assertions uttered in and out of Parliament for political party purposes.”

No. 4.—*H. W. Porteous, Esq.*, Surgeon, First District Coimbatore, says :

“ Having been upwards of twelve years in medical charge of the gaol at Coimbatore, I made it an invariable custom of examining and inspecting wholly clothless every male prisoner, on my morning visit that had been incarcerated in the course of the previous day, and in various forms registered and recorded any remarks regarding their make or general health. A copy of one of the forms, which, with the exception as to decrease or increase of weight by incarceration, are recorded at the time, and includes the number from 1st January; criminal No., prisoner's name, his age, whether vaccinated or not, had small pox, result of vaccination in gaol, his height, and weight of chains. I mention these facts that it may show that I have made no casual observation of the prisoners, but in such a manner that any injury to their person would have been instantly detected. I am able therefore most emphatically to state, that no case of the very slightest form of torture during the many years I was attached to the gaol came to my notice.

“ A tahsildar and sheristadar were incarcerated on separate charges, and convicted of torturing. One was sentenced to transportation, the other to fourteen years' imprisonment; death resulted to the parties from the means used to extort confession; these two cases terminated fatally before they could be brought in. The sheristadar, to extort a confession, enveloped the limbs of the person with cotton soaked in oil, which he set fire to.”

No. 5.—The Principal Sudder Ameen of Coimbatore says, that he knows nothing, and has never heard of torture in the districts in which he has served for seven years; and no case has come before his court since it was established.

No. 6.—*George Mackay, Esq.*, Civil Surgeon, of Coimbatore, says, “ that he has had little opportunity since his appointment, one month back, of making personal inquiries.

“ Every prisoner on being committed to the gaol is examined by the medical officer, and a record kept of any marks which he may present of bodily injuries received. On an examination of those records I find an entry opposite the names of several persons of their bearing marks of having been tightly bound, but no evidence of anything amounting to torture.”

No. 7.—*Rev. Joseph Little* says :

“ From personal observations made during a residence of some years in India, I am firmly of opinion that torture has been, and is still practised by the native officials of the Honourable East India Company's Government. Having lived longer in the district of Tanjore than in any other part, I am more qualified to speak of that locality. An impression that torture is practised obtains in many parts of that district, and is, I believe, fully credited by my brother missionaries.”

No. 8.—*Rev. W. B. Addis* says :

“ I have resided in the province of Coimbatore since 1830, which is of considerable extent, nearly, or quite equal to N. and S. Wales, containing about 8,000 square miles, with a population of 1,153,862; during the time of my residence here I have mingled freely with the natives of all classes, and in different parts, visiting their public places of resort, frequently sleeping in their midst in chutrooms and choultries, and also in their villages, for weeks together, and where unrestrained communications are common, and I flatter myself as possessing their confidence and friendship, but I do not recollect ever having seen torture applied for the purpose of collecting the revenue of Government, nor of hearing of its being applied for the purpose.”

No. 20.—MADURA.

No. 1.—*R. D. Parker, Esq.*, Collector and Magistrate of Madura, forwards statements of cases, and is disposed to think others occur of which no complaint is preferred, in consequence of the lightness of the violence, and the distance the complainants have to travel to make their complaint to the person competent to receive the charge.

And proceeds to say :

" I have conversed with the American missionaries, Mr. Fischer, and other persons on the subject, and conclude from their statements, that thumbscrews and such instruments of severe torture are not used in Madura, but that occasionally persons are made to stoop, and are beaten with a whip consisting of several thongs ; any common whip applied to the bare skin would make a mark, but this I am told is too slight to do this, and if such be the case, it is not difficult to understand why a person brought to comply with a just demand by a few strokes of such an instrument should put up with the irregularity of the mode, rather than proceed to a distance to prefer a charge which he would have great difficulty in proving, owing to the absence of all marks of violence on his person, and want of sympathy on the part of native witnesses, who, provided the requisition itself is just, do not feel the same abhorrence as Europeans to its being enforced by violence, particularly if that be slight."

He believes that the natives are fully aware that European officers disapprove of all violence, and concludes with the following observations :

" I do not think that extraordinary legislation is required to put down torture. It is the opinion of all with whom I have conversed, that it is dying out, and scarcely deserves the name. But I would suggest the modification of an order of the *Foujdaree Udawlut*, which is construed to reserve the reception as well as the investigation of all charges of this nature in the police department to the European magistracy. Some of the districts of this Presidency are very large, and the number of European magistrates therein very small in proportion. Supposing the prisoners brought before a distant police ameen to complain of ill-treatment from the peons who apprehended them, and to be told by the ameen that the magistracy alone could receive and investigate such a charge, is it probable that the man would go 70 miles for the purpose, knowing, as he would, that the persons summoned by him as witnesses would bear the strongest enmity against him for giving them so much trouble, and most probably therefore contradict his statements? The great obstruction to justice in India is the dislike of the respectable people to attend to give evidence. Any measure therefore bearing a tendency to decrease the trouble and expense involved in the performance of this duty is, in my opinion, what is requisite to put down torture, and all such irregularities in revenue and police proceedings.

No. 2.—*T. Clarke, Esq.*, Joint Magistrate of Madura, says as to police :

" Torture, I fear, is more common in police cases than in the collection of revenue, and it is, I also fear, more generally and extensively practised. The forms which it takes are, beating the joints with a soft mallet, or piece of wood, pulling out the hair on the upper lip, putting in the stocks, pounding the back with the fists, and tying the hands behind the back, and suspending the suspected by his arms from a tree. As to police.

" I do not think it is usual for the higher native officers of police to be present at or order these cruel practices, though I fear they are too often cognisant of them or sanction them. The torture is generally resorted to by the village officers on the injured parties with a view to recover stolen property, before the police are made acquainted with the perpetration of the theft.

" I believe, however, that these cruelties are now seldom resorted to, though there are, I fear, occasional instances of their occurrence."

He states that every measure has been taken to obtain information, both by issuing proclamations and inquiry from independent gentlemen.

He continues : " Ever since my appointment to this district in 1847, it has been the invariable practice, in every communication with the public servants on the establishment, and with the people of the district, which has been extensive, constant, and daily, to impress them with the knowledge that it is the earnest and sincere desire of the Government to improve and reform the condition of our native subjects, and to raise them in the scale of nations. Therefore, though it is with pain and shame I admit that instances of physical coercion have occurred in the collection of the revenue, I have no hesitation in declaring from conviction and experience, that its use has very much diminished of late, both in frequency and in violence. As to revenue.

" I believe the only forms in which physical coercion is used by fiscal officers are what is called *kuni*, that is, keeping the body in a stooping position, either with or without a rope tied round the neck and fastened to the toe, and by beating on the legs with a leather strap, or tamarind switches, and that these illegal modes of coercion are used only when parties doggedly refuse to pay, when able, their lawful dues, and in a few cases where relatives decline to make good the defalcation of their poorer relatives, and where means of detection are remote.

" The law, it appears to me, can do but little towards suppressing so baneful a practice, which, among the natives, attracts but little notice, and for a single case that is clearly and legally established, how many fail to come under cognisance? Even in cases which are brought forward, conviction can rarely be obtained, so that the revolting practice can obtain but

but little direct check from the law, and vigilance and strictness on the part of the European officer may do much towards suppressing it; but it will continue to prevail till natives rise higher in the scale of morality and intelligence than there is any immediate prospect of their doing, and themselves determine to aid the Government in resisting and putting a stop to so pregnant an evil.

"It may be further asked if it is possible that any collector can prevent the occasional occurrence of such condemned practices. If a native officer goes into a village in order to collect the revenue, being at the same time armed with police authority, how can the collector prevent his abusing that power? Moreover, after having made a complaint against a native revenue officer, the ryot, knowing that the European officer may shortly be removed, while the rapacious native officers are stationary, and enjoy the amplest leisure and opportunity for maturing their plans of revenge, could never expect any peace under his jurisdiction, and would therefore, in nine cases out of ten, for this cause, and the uncertainty, from the want of morality in the people, of proving his complaint, refrain from complaining altogether."

No. 3.—From *C. R. Baynes, Esq.*, Session Judge of Madura, to *Sir H. C. Montgomery, Bart.*, Chief Secretary to Government, Fort St. George.

Sir,

Session Court, Madura, 14 October 1854.

I HAVE the honour to subjoin answers to the five queries propounded by the 3d para. of the Extract Minutes Consultation, 19th September 1854, relative to the use of torture in the police department.

I have, &c.

(signed) *C. R. Baynes*, Session Judge.

Question No. 1.—What effect have the existing regulations, and the positive and reiterated injunctions of the Foujdaree Udawlut, as well as the frequent examples of punishment awarded, had in deterring the native police officers from the use of torture? *Answer.*—I should say very great; they must have convinced them that we are sincere in our reprobation of the practice, and that we set no value on truth itself obtained by such means. The police officers see that we entirely debar ourselves from a most natural and valuable species of evidence, in very dread of the possibility of its having been obtained by violence, or the fear of it, though in the particular instance there may be no reason whatever for suspecting such to be the case, and that we are prepared to punish severely any attempt of the kind; all this, I should say and hope, must have entirely suppressed the habitual use of any regular process of torture, in the ordinary acceptation of the term. Rougher treatment than advancing civilisation has now secured for accused parties in Europe, and various unwarrantable and illegal annoyances are, I am afraid, commonly experienced by parties in the hands of the police; such proceedings, however, must be greatly restrained by the knowledge on the part of the police officer, that a confession made to him is of no use, however obtained; while the same fact, which I believe to be extensively known among the class to whom it is most important, would naturally forbid their enduring any great severity, rather than make a confession, which they know they may do with the most perfect impunity. There is certainly one motive left remaining for the application of torture, viz., the extraction of "circumstantial evidence." If the robber be asked, "Did you commit the robbery?" he may safely reply "Yes." "Where have you hidden the property?" is a consequent question, which I do not believe any native, except under some degree of compulsion, or the fear of it, would ever answer truly, and if so, and if we had rather be without the answer than obtain it by any kind of violence or intimidation, I do not see that we should be worse off than we are in this respect, if we said we will not look at any property so discovered as furnishing any evidence against the party pointing it out. Burglars and highwaymen in England, I imagine, very seldom point out to the police where they have stowed away their booty, they commonly do so here; and the inference is, I think, irresistible, that a different course is adopted towards them.

Question No. 2.—Has any beneficial change been wrought in the feelings and ideas of the native police officers on the subject?—I should say certainly not the idea of dispensing with so obvious a means of extracting testimony. I have no doubt it seems and will seem to them as unnecessary and impolitic as it did in former times to old "doctors of the civil law."

Question No. 3.—To what extent does the practice now prevail?—This query I have partly answered under No. 1. I hope and believe that the actual use of instruments of torture has been rendered very unfrequent; but I strongly suspect that all parties apprehended on criminal charges are more or less subjected to annoyances, from which, according to our notions, they ought to be entirely free, and which very frequently are intended to induce confessions and revelations, and often do so. I am afraid no suspected gang robber is ever accosted by the police peons who capture him in the established style of an English constable: "I must trouble you to come along with me on a charge of—." I do not ask you anything about it, and I warn you that anything you say, it will be my duty to report, and will be evidence against you;" and that when brought before a native "head of police," he is ever treated with that considerate courtesy which a criminal receives from an English magistrate, who generally appears more anxious to prevent the accused from criminating himself than to discover the perpetrator of the crime.

Question.

Question No. 4.—Have any instances of the use of torture recently occurred and come within your personal or official knowledge?—No.

Question No. 5.—What punishment has followed conviction in each case brought to light during the last seven years?—No such convictions have taken place before me during that period.

No. 4.—*A. W. Phillips, Esq.*, Acting Sub-Judge of Madura, says: "I do not mean by this to deny that threats and unwarrantable means of (at all events) petty annoyances are resorted to by the native police to extort evidence, that it would be almost impossible to get in any other way. On the contrary, I fear that, to a certain extent, they are used, but at the same time I am of opinion that instances are by no means as numerous as it is generally supposed, and that if the torture amounted to any great infliction of pain, or even of annoyance, complaints would be more frequently made than they are."

No. 5.—*Captain W. H. Horsley, Civil Engineer, 8th Division*, says: "I have the honour to report, for the information of Government, that no specific instance of torture for the purpose of realising the revenues of the State has come within my knowledge during the last seven years, and, as far as I can learn, instruments of torture are not, at the present time, made use of for the above purpose in either of the two districts, Madura and Tinnevely, forming the 8th division.

"There seems to be no doubt, however, that though the native authorities may not have recourse to actual torture, they nevertheless countenance, in some instances, treatment near akin to it, in the case of defaulters who can pay and yet will not; such persons are brought to the talook cutcherries, and put in confinement for the day, or longer, if necessary, with a peon over them, who abuses them in no measured terms until they do pay the arrears due by them.

"I have also heard of a practice in Tinnevely of making the defaulter stand for some time in the sun, with his back bent, and a peon in charge of him, until the money is forthcoming."

He does not think that "torture," strictly speaking, exists, but a good deal of oppression is exercised by the subordinate talook servants.

No. 6.—*J. Colebrook, Esq.*, Zillah Surgeon of Madura, says, that he has been residing in the zillah for seven years, and that no case has come under his observation which could be attributed to use of torture, and, to the best of his belief, the practice does not exist in that district.

No. 7.—*Right Rev. A. Canoz, Bishop and Vicariate Apostolic of Madura*, writes, on behalf of self and missionaries, and says he has never seen any torture for land tax.

He says, "However, it is generally believed among the natives, and several of them have informed me that tortures are inflicted at times, though not equally severe nor frequent in each district, but less frequent at present than formerly."

"If the natives are backward in paying up the land tax, which is the cause of such, As to revenue. tortures, it is the general opinion that those taxes fall too heavy on the natives, and in fact I can say, from my own observations, that the people are totally incapable of paying it. Another species of grievance which the natives have to suffer, and which Government probably is not acquainted with, arises from the extortion of native men employed in collecting the tax, demanding even more than the law requires."

* As to torture in police he states, that he believes it is frequently used by native judges.*

No. 8.—From *Rev. S. G. Coyle, Missionary, S. P. G.*, to *T. Clarke, Esq.*, Joint Magistrate of Madura.

Sir,

I HAVE the honour to acknowledge receipt of your letter under date, Pulney, 1st October 1864, and in reply to state:

1. That to the best of my belief the practice of torturing witnesses in police cases, and for the purpose of extorting Government dues, both real and pretended, used not many years ago to be very extensively in vogue on these hills, and I think it still exists in some parts of the country where the chances of discovery are few.

2. Among a variety of methods adopted by cutcherry officials, those of which I have been most frequently informed are the following:

(a) The application to the fingers of the kittes kole, an instrument so well known that you can hardly find one out of ten ryots who is not able to describe it. There was a time when this instrument, like the stocks at present, used to be in the possession of every village authority; its use I hear is now chiefly confined to talook cutcherries.

(b) The violent plucking or singeing of the mustachoes, which besides inflicting physical pain, is by the natives considered a mark of great disgrace. The last time I heard of this practice was about two years ago, when I was informed that Thungamootha Pillay, the late jabsildar of Pulney, tried it on some witnesses in a case of burglary.

(c) Whenever

* We apprehend the writer must mean heads of police.

Appendix (C.)

(c.) Whenever arrears of rent have to be extracted, the usual practice is to make the person to be tortured to stand in a stooping posture in the sun, with a string tied to the great toes and neck, and a heavy stone placed on the back some time; also the top-knots of two men are so fastened together as to bring these in close contact, so that every attempt to return to the natural position increases the pain of the sufferers.

(d.) Inflicting smart blows on the ankle bones with a short thick stick is another species of torture which is talked of as not uncommon.

3. From my acquaintance with the state of things in the subdivision of Dindigul, at least in the neighbourhood of these hills, I am happy to be able to state that practices of this nature are rapidly disappearing. About seven or eight years ago, I hear, they used to be very common in these parts, and there are numbers of persons who can testify to their having been inflicted by the late natamghar of Parravoor, assisted by the catcherry peon.

4. I have never met with a native who is of opinion that such unjust and cruel doings are tolerated by Government, or encouraged by its European officers. The most that is usually asserted is something to this effect, "the men who inflict these cruelties on us are employed by Government for collecting the revenue. They have all the real power in police and revenue matters, they are the ears and the eyes of the collectors, and to complain against them would be certain ruin; we must therefore endure all things in patience." Yet I have often observed the natives attribute the suppression of such practices, wherever they are suppressed, to the ability and justice of the European authorities.

5. Whenever the probabilities of discovery are such as to prevent the infliction of any of these tortures, false imprisonment, a detention at the catcherry and village watch-houses, is adopted as a very effectual means of extortion. The individual thus detained from home (his village being, perhaps, some 15 or 20 miles distant), is necessarily involved in much additional expense, and exposed to great inconveniences, and is, therefore, easily compelled to purchase his liberty by yielding to the unjust demands of his oppressors.

6. I need not remind you how easy it is to give such practices all the appearance of legality, and how difficult it is, perhaps impossible, to exterminate them, so long as the ignorance of the sufferers keeps them from understanding their rights as British subjects, and the absence of all moral sense in the generality of native government officials, prevents them from perceiving the utility of justice and fair dealing in the discharge of their duties.

I have, &c.

(signed) *G. S. Coyle*, Missionary, S. P. G.

No. 9.—Rev. *C. F. Muzzy* says that, besides the cases which he has seen, before referred to, he is of opinion that violence is used to a considerable extent. He does not think it attributed by the people to the intentional acts of Government, but principally to the native officials.

No. 10.—Rev. *William Hickey*, S. P. G. F. P., says, that he has never personally witnessed a single instance, but that torture exists in the whole of Madura he has reason to believe; and the experience of twenty years shows him that it is not supposed by natives that Government or its European officers tolerate the practice.

No. 21.—TINNEVELLY.

As to revenue.

No. 1.—*C. J. Bird*, Esq., Collector and Magistrate of Tinnevelly, forwards seven English and 14 Tamil communications, addressed to him in reply to circulars; has never seen, or had reason to suspect that violence was habitually made use of by revenue or police servants of Government in collecting the revenue, or to obtain confessions, in any district in which he has been employed, though he has no doubt several cases have occurred every year, and is strongly disposed to think that such things will occur again, without the persons who may be objects of violence choosing to complain of it. He does not think the reduction of assessment will put an end to the evil, since it will produce a greater number of pauper farmers, from whom it is obvious that Government dues cannot be enforced by the regulation, and that unless they hold rent free, "their kist must be taken from them when they are known to possess the money."

This is done now generally by the heads of villages "rudely;" it may be supposed that the tahsildars are often "ungentle" too, but he cannot credit the habitual use of torture, and believes it is very rarely exercised to such a degree as to be felt next day.

As to police.

In police cases violence is not often used to extort mere confessions, and which have little weight with the courts; but when there is hope of restitution of the stolen property "torture of a severe description" is sometimes resorted to by the village police, but not commonly now.

No. 2.—*F. S. Child*, Esq., Head Assistant Magistrate of Tinnevelly:

From seven years' experience of the district, and familiar intercourse with the natives, states, that the statements made public as to that district, "are gross exaggerations, having the tradition of former times as a foundation."

He

He proceeds: "But though I feel confident that this statement is not true as regards the higher native officials, I am equally so that among the village officers and peons the practice of ill-treatment is but too common, and particularly in cases of robbery, to get the property stolen back from the parties against whom a very strong and generally correct suspicion may have arisen, and this is caused by the peculiar state of the people and country, and will always be the case till the police is entirely organised. As an example, there is now a man in hospital suffering from severe maltreatment, having been half roasted alive; but the native officials cannot be charged with the offence, which indeed was brought forward by the police ameen, the fact being that the man was caught robbing, and was a notorious thief, and the villagers took the law into their own hands. The village moonsiff is said to have been concerned, whether truly or not, it is not yet known.

"Had violence been resorted to habitually in the collection of revenue, I cannot but think that it must have been brought prominently to my notice, particularly as I have been always in the habit of receiving communications of all kinds by post, as well as personally, and there was nothing to prevent any party aggrieved giving the information."

No. 3.—*C. H. Woodgate, Esq.*, Acting Civil and Session Judge of Tinnevely, says:

"That instruments of torture are not, I believe, used, though the poorer classes are subjected to 'annoyances' by the subordinate native officers of revenue on non-payment of dues."

As to police, he says, "that no charge of the sort has been brought forward, and thinks the stringent orders of the Foujdaree Udawlut have deterred the police."

No. 4.—*Aroonachella Pillay*, Principal Sudder Ameen of Tinnevely, says:

"I am now aged 56 years. In my youth, or when I was 12 or 13 years of age, which elapsed about 43 years ago, I often happened to see in my way to school the torture being practised by the monigars attached to the nuttadars and tahsildars in the district of Salem, where I was born, by making the ryots, owing arrears of rent to the Government, stand in the sun with their bodies bent, and placing heavy stones on their backs, and by applying to their fingers the instruments of torture, which were in the form of flat rules, a custom handed down, as I heard afterwards, from Tippoo Sultan, or the Carnatic Government. From my long experience of the good morals of the British nation, originated, as I trust, in the inculcation of the best English authors, who treat tyranny and vices of the former princes, for the purpose of introducing reformation in their successors, I venture to say, that no man born to think would in his senses say that the European authorities would have ever indulged or connived at such an injurious practice.

"For 15 years, from 1828 to 1843, during which I was translator, accompanying the circuit judge, I never witnessed or heard of any torture, for the last seven years of which period I was for some years as district moonsiff at Trichinopoly; for some years sudder ameen of Combaconum; for some time as acting principal sudder ameen of Chingleput, and for nearly three years as permanent principal sudder ameen of this zillah, no instances of the torture by the revenue officers came to my notice."

As to police, he says the practice does not exist in that zillah, which he attributes more to the "revengeful spirit of the people," who are able to keep off all sorts of extortions, rather than to the measures of the controlling authorities.

No. 5.—*F. L. Clementson, Esq.*, Zillah Surgeon of Tinnevely, says that he is unable to afford any information on the subject.

No. 6.—*Rev. Stephen Hobbs*, Missionary, C. M. S., of Tinnevely, says:

That he thinks the practice generally discontinued, the kittee has disappeared for eight or ten years, and he has "reason to believe that of late years various modes of violence have been employed in collecting the taxes only in remote places, where the fear of the controlling authorities operates less powerfully upon the native officers, than in places nearer the abode of European magistrates."

He thinks that the natives "no more consider their English rulers answerable for the lingering remains of ancient bad usages in matters of government, than the missionaries answerable for the continued prevalence of idolatry."

No. 7.—*Rev. C. E. Kennet* says:

"I know of no instance of torture, strictly speaking, being applied for any purpose whatever; though I do know of instances of cruel treatment, in which a heavy whip has been used by peons, under the orders of the curnum or meeras, for the purpose of obtaining the taxes levied on the people with more speed, and less trouble to themselves. I shall mention one or two only out of many that have come within my knowledge during the eight years nearly of my stay in Tinnevely.

"Whilst I was in charge of the missionary district of Muodaloor, in the Punjamal talook, a man named Pekkianadhan, belonging to the congregation at a village called Tuckerparan, and a communicant, was seized in his field on a certain occasion, and subjected to a beating under orders of the curnum for some trifling dues; he was an infirm old man, and was certainly very mercilessly used. I called the curnum, and asked him on what authority he treated the man so. His reply was characteristic enough: 'We never beat the Christians

on account of their having ministers who care for them and protect them, but always use the whip to heathens. I thought this man was a heathen.

"Another case is that of a man belonging to the village of Veeravum, also in the missionary district of Moodaloor, who once came to me with the shins of both legs bleeding. He had been beaten by some Government officials; he was a very poor pariah, and what chance he had of being able to meet their demands I could not imagine. In fact, pariahs generally are treated with no consideration, and their condition is deplorable. Both these cases occurred in 1851 or 1852."

Does not believe that the natives generally have any idea that the European officers countenance or encourage the use of violence.

No. 8.—Rev. *John Dewasagayum* has been informed by the people of his neighbourhood of specific instances of the use of whips and strokes by peons for revenue purposes; and that they are often detained by the tahsildar for several days, during which time they suffer much ill-treatment.

Does believe that the people generally well know such practices are carried on without the cognisance of the European authorities, and contrary to regulation, but thinks the difficulty of proof, and the loss of time spent in complaining, is felt as the greater inconvenience of the two.

No. 9.—Rev. *Jesudasan* John fully concurs in the statement of the Rev. John Dewasagayum.

No. 10.—Rev. *F. Kearnes* states that no cases have occurred within his knowledge. He adds, "of course I except cases where the police peons use their whips to enforce the payment of the lawful dues; cases of this kind I have known to occur, but I do not think they can be placed in the category of 'tortures.'"

Does not think the natives believe the practice to be with the knowledge of the European officers; on the contrary, they seem satisfied if they can obtain a hearing of the European officials; the difficulty of getting a fair report from the village officials, and the expense of prosecuting the case, prevent their getting a hearing.

From inquiries among the Christians, some 2,500 in number, he believes that, with the exception of the occasional use of the whip, torture has not been used these last seven years.

No. 11.—Rev. *S. Hobbs* says:

"From the general information I have received, I am of opinion that those practices have been gradually discontinued in those parts of the province with which I am acquainted. The instrument called 'kittee,' formerly in common use for squeezing the fingers, seems to have entirely disappeared for eight or ten years at least, and I have reason to believe that of late years various modes of violence have been employed in collecting the taxes only in remote places, where the fear of the controlling authorities operates less powerfully upon the native officers than in places nearer the abode of the European magistrates."

The natives in general know it is the aim of the British Government and its European officers to suppress such practices.

No. 12.—Rev. *J. Thomas* says:

"I have no doubt, but that torture is resorted to for the purpose of enforcing payment of Government taxes in the province, and I am prepared to prove the same, if an inquiry be conducted by an European magistrate."

He adds: "With respect to the latter clause of your memorandum as to 'whether the ideas prevalent among the people, that such acts are tacitly tolerated by the Government or its European officers,' I think the people do consider that the practice is connived at."

No. 13.—Rev. *L. Verdier* says:

"With reference to your letter of the 19th September, whereby I was requested to translate into the French language a printed copy of extract from the Minutes of Consultation of the Government of Fort St. George, with its accompaniment, and to have the whole circulated amongst the Roman-catholic missionaries in this district, I have the honour to inform you, that on my having communicated to them the said documents, I am in return requested by them to tell you that their ministerial end being wholly to instruct people in Christian faith and morality, they decline, as much as possible, to interfere and speak with people about matters connected with Government. Of course many a time individuals came to complain regarding injustices and ill-treatments they say to have been committed by tahsildars and number carcoons; when the complainants are poor, the missionaries exhort them to patience; when they are able to take such steps as required to bring the matter to the magistrate's knowledge, the missionaries advise them to do so. They say such complaints are about exactions of the higher said officers, who in many places levy a great deal more than the regular tax, than about the supposed instruments of torture. The missionaries being ever in their houses or chapels, are unable to relate any specific instances as having been witnessed by them; however, they say it is a fact publicly known that flogging is used in many places. Once I have myself heard it from inside my house at Callicolum, in the look at Vulliyore, and it was so severe that I could hardly take my dinner on account of

of the sensation it caused me. It is about five years, the fact I relate now took place; from that time I have witnessed nothing, and I know flogging is used only by hearsay.

"With respect to the thumbscrew alluded to in Mr. Bright's speech, as related in the 'Evening Journal,' it appears it was anciently used to enforce payment; the missionaries have been unanimous to state that now they have heard of nothing alike being used in this district; it appears that the thumbscrew, when used now to enforce payment, is but bending of the body; the patient is not tied in that position, nor made to stand in the sun, nor is any large stone put on his back."

No. 14.—Rev. T. G. Barenbruck, Missionary in Tinnevely, writes as follows:

"In reply to your letter bearing date 29th January, and requesting me to afford you any information in my power as to the employment of personal ill-treatment, and even torture, by native officers in the discharge of their police and revenue duties, I beg to state that as far as my information and acquaintance with the country goes, the native officers of Government have been in the habit of resorting to means of coercion of more or less severity. The mass of the common people, I believe, have imagined that such acts were tacitly permitted by Government and its European officers. With regard to those who are better informed, the general impression among them has hitherto been, that it would be worse than a mere waste of time and money to complain of any such abuse of authority on the part of the native officials, as they would easily find means of frustrating any attempt to prove the case, and visit the unhappy prosecutor with tenfold severity whenever they again had him in their power. You would probably wish to have a few particular instances and facts; I therefore beg to mention:

"1. That I have, on one or two occasions, heard of the thumbscrew (kittée) being used in criminal cases by the native police authorities within the period specified.

"2. I have far more frequently been credibly informed of parties, even respectable persons, having been beaten at the talook, or placed in confinement for a given time, when they have not paid their taxes on demand.

"3. On mentioning the subject to native officers, I have found them inclined to vindicate such proceedings, on the plea that the employment of some severity was necessary to secure the due collection of the revenue.

"4. Most of the instances referred to it would be impossible to prove. One instance, however, of personal ill-treatment in connexion with the payment of taxes, which occurred within the last six months, can, I think, be substantiated.

"In conclusion I may add, that I now feel assured that the general publication made in this district of a notice on the subject, will tend to put down so objectionable a practice."

No. 22.—MADRAS.

H. Stokes, Esq., Acting Collector of Madras, says: "As regards the collectorate of Madras, I believe I may safely report that no such practices do, or ever have, prevailed, since the land revenue was on its present footing. I cannot find that complaints of such abuses have ever been made in this office; and the chief magistrate and superintendent of police, to whom I applied, informs me that he never heard of their being made in his department. The correspondence is sent for reference.

"In Madras, whenever property can be found on the land, or in possession of the proprietor, the law affords ample power to enforce payment of the quit-rent by the distraint, and sale, if necessary, of such property. There is therefore no pretext for resorting to unauthorised acts, and should they be attempted, the facilities for complaint, detection and punishment are too great to be lightly braved."

As to other districts, Mr. Stokes states, as the result of his general experience:

"So far as I am warranted in judging from much intercourse with the people in various districts of this Presidency during a revenue service of twenty-four years, I believe the idea that such acts are tacitly tolerated by the Government, or its European officers, is nowhere entertained by any class of natives. At the same time I believe it is very difficult, in some districts, to prevent the subordinate revenue servants from resorting, not to torture, but to personal molestation, or restraint, to enforce the payment of Government dues. The difficulty arises, I believe, from the different light in which such practices are regarded by Asiatics and ourselves. The former look upon it as more cruel and oppressive to sell a man's property under a legal process, than to subject him to some personal annoyance to extort from him an order on his money lender. The feeling is akin to that which prevails among the people of this country, on the subject of the police resorting to personal violence for the purpose of extorting information from suspected parties. Though the people are fully aware that all such acts are utterly repudiated by our Government and its European officers, yet there is reason to fear that the practice is not yet eradicated."

Appendix (C.)

No. 23.—FOUJDAREE UDAWLUT.

F. Lushington, Esq., Registrar, says, as to revenue :

"The experience of the Judges in the revenue line, I am directed to state, has been but limited, and they have no personal knowledge of the prevalence of torture by the revenue servants for the exaction of revenue, nor has any particular instance of torture, so called, been brought under notice; judging however from the character of the native officials, and the difficulty of obtaining from natives the payment of their dues, they see cause to apprehend that coercive means are not unfrequently taken to enforce revenue demands.

"Two cases only appear on record within the last seven years. One from Salem, No. 19 of 1852, which was dismissed by the session judge as a concocted case.

No. 20 of 1851,
on the file of the
Government Agent
at Kurnool.

"The other case is that of the tahsildar of Nundicoottoor, who was charged with having, in April 1850, caused four ryots to be publicly flogged in his cutcherry, on the plea that they were in arrears of revenue, one of whom, named Edamalo, expired from the effects of this ill-treatment three days afterwards; and on conviction of this crime, the tahsildar was sentenced by the Court of Foujdaree Udawlut to seven years' imprisonment with hard labour in irons."

(*Note*.—The case alluded to by Mr. Daniell.)

No. 24.—COMMISSARIAT.

No. 1.—Lieut.-colonel *A. M'Calley*, Commissary-General, Madras, forwards reports of commissariat officers, and says :

"My own opinion, after 36 years' experience and much intercourse with natives of all classes, is that the practice of torture is in a great measure merely a tradition, handed down from former times; that in the present day, in the provinces under our rule, it only exists in isolated cases; that the stories which have been circulated by the press are great exaggeration. It is impossible for me to believe that the ryots whom I have seen would for a moment submit to the tyranny which they are represented to do. They are impressed with the certainty of obtaining protection from any European gentleman placed over them, and as they never fail to make known their grievances even of a most ordinary kind, it is not likely they would be silent under such torture as they are represented to suffer.

"I have had numerous complaints made to me against police officers by malefactors who have confessed their crimes, for having coerced their confession, and it is impossible to suppose that such confessions would be made, except under the influence of fear or pain; but I have never been able to detect any signs of violence, which must have been evident if beating, as asserted by the complainants, was the mode of torture."

No. 2.—Lieut.-Colonel *Hill*, Oossoor, says that, during 33 years' experience, moving about the country, he has years ago heard ryots complain, but cannot call to mind a single instance of compulsion, much less torture, exercised to enforce payment of rent; nor do any of the intelligent European warrant and non-commissioned officers attached to the remount know of an instance, nor can he learn a single authenticated instance from any of the numerous attendants attached to the department, many of them connected with the ryots.

No. 3.—Captain *E. E. Miller*, Bangalore, has had necessarily much intercourse with natives of every caste and occupation, especially large gram dealers, merchants, and soucars.

"And I do most solemnly declare, upon my honour, that I have never during that lengthened period, either directly or indirectly, known or heard of a single instance in which torture had been practised in the Madras Presidency for the purpose of extorting revenue, or for any other purpose whatsoever."

No. 4.—Captain *E. Webb*, Acting Commissary-general, Secunderabad, says: "When the word 'torture' is made use of, there immediately passes through the mind an idea of the Inquisition, the rack, or the thumbscrew; but if any unauthorised coercion is made use of, it must certainly be done in so mild a manner as to leave no marks of personal injury; but I can obtain nothing satisfactory to enable me to state positively that even such is practised. The word 'tuzdeea' has been made use of by natives with whom I have communicated to express 'torture,' but this simply means annoyance of any kind, and should it be sometimes resorted to, I have little doubt that it is inflicted so mildly as not even to reach the ears of the officers under whose authority, but altogether unsanctioned, it takes place."

No. 5.—Captain *R. O. Gardner*, Acting Assistant Commissary-general, Saugor, says :

"No case of the kind has ever been known to me, or to any person with whom I have conversed."

No. 6.—Captain *J. Loulon*, Acting Assistant Commissary-general, Hoosoor, says :

"I never heard of any case of torture being committed on the Mysore Western Range."

No. 7.—Captain *W. Hutchison*, Deputy Assistant Commissary-general, Jaulnah, reports that no case has occurred in the last seven years.

No. 8.

No. 8.—Captain *W. T. Rolston*, Sub-assistant Commissary-general, Cannanore, has instituted most minute inquiries, examined the contractors, about 50 ryots who bring in gram, and 500 toddy drawers, and proceeds:

“It is with much gratification that I report not one single ryot had ever been personally tortured, or had even seen another man who had been thus dealt with. Some few of the traders and ryots remarked that they had heard of such practices existing many years ago, but they had never seen a person who had been subjected to torture. One and all ridiculed the idea of any cruelty being tolerated by the Government, or its European officers, observing, Who would dare to do such things where an European is present; should we not complain?”

No. 9.—Captain *F. L. Magniac*, Sub-assistant Commissary-general, Masulipatam, after minute inquiry from those under him, cannot find any one who has witnessed torture; although they have often heard of it, they are unable to substantiate it.

No. 10.—Lieutenant *J. Tireman*, Sub-assistant Commissary-general, Trichinopoly, reports result of examination of a native, who details the modes of violence in use; (but as they are precisely those which the numerous witnesses have deposed before us, it is unnecessary to repeat them).

Heard and saw a native undergoing torture; but when in the road department, he was thrown much among natives whom he frequently questioned, and one and all spoke of it as a matter of course.

No. 11.—Captain *C. W. S. Young*, Sub-assistant Commissary-general, Vellore, forwards a case before him, but expresses no opinion.

No. 12.—Captain *A. M. Campbell*, Superintendent of Police, Mhow, says, as to revenue; it does prevail in native states at this day, but cannot form an opinion as to tortures within British rule.

As to police, he proceeds: “I have not the slightest doubt that the use of torture, for the purpose of extracting confessions from persons accused of theft or other crimes, is almost universal throughout the country. At this station, it has always been a recognised part of the system of police, although perhaps not of very frequent occurrence. Very shortly after my arrival here, a servant of the riding master of the 8th Light Cavalry was suspected of having robbed his master, and the then cutwal asked my permission to torture him, in open court, without any attempt at concealment, evidently considering it as a matter of course. I need not say that I indignantly and peremptorily forbid anything of the kind; but he complained much, both then and subsequently, that I held him answerable for thefts and robberies, and that I would not allow him to use the only possible means either for the recovery of the property, or the discovery of the offenders. From inquiries I then made, and have now again instituted, I am satisfied, as I have already stated, that torture has always been a regular part of the police system here; I have ascertained that five instances of torture being used have certainly occurred within the last seven years or thereabouts. But I had some difficulty in getting even these five instances acknowledged, and it was only by examining the books for cases in which persons had been convicted of theft that I did so. In all these five instances the thief confessed and gave up the stolen property; but there is no record of any instances of its having been used unsuccessfully, and the police servants declare that such never was the case. I think, however, there can be little doubt that some such have occurred.

“The mode of torture was to make the prisoner squat, the posteriors to touch the ground, the arms were then placed under and inside the thighs, and he was made to take hold of his ears, one with each hand. A peon stood over him with a cane, and whenever he attempted to move, struck him. The constrained position, though not in itself to a supple jointed person very painful, becomes so after a short time, and when at all protracted, causes the most intolerable agony.”

No. 13.—Captain *R. A. Moors*, Sub-assistant Commissary-General Jackatalla, has never known, but three natives say they have seen it.

No. 14.—From Major *F. Harris*, Deputy Assistant Commissary-General, to the Commissary-General, Madras.

Sir,

Bellary, 23 December 1854.

I HAVE the honour to acknowledge the receipt of your letter of the 18th September and its accompaniments, regarding inquiries concerning the prevalence of torture for the purpose of extorting revenue.

1. I must confess I find the belief prevalent that, if a ryot is refractory, and will not pay his kist, illegal pressure of some kind is employed to make him do so. If this is ineffectual, that he is “torn from his home,” “imprisoned, turned out of his holding,” as related by Mr. Bright, is no doubt correct; but I apprehend much the same thing would happen to any one who systematically denied himself to the tax-gatherer in England.

2. In reply to the latter part of paragraph 6, I beg to state, as far as I can learn, that the general impression amongst the people is, that though systematic torture is not employed

ployed to raise (i. e. increase) rent, yet still, the just dues of Government must be collected, but as no native will pay anything unless he sees he can be compelled to do so, the subordinates are obliged to act as described in the first paragraph. They (the natives) think that the European officers do not go out of their way to detect the revenue servants, although they never refuse to investigate any charge of the kind, which, when it comes before a court, can rarely if ever be established, for lack of that clear evidence which is demanded.

3. The natives have no idea of any Government but a despotic one, and the best informed amongst them do not appear to me to rank the abuse of power, under discussion, amongst their chief grievances; the extent of cruelty employed is studiously exaggerated, and as to thumbscrews, and other instruments of torture, I do not believe any officer in this cantonment, either civil or military, has ever seen one.

4. In reply to the latter part of paragraph 14; during the six years I have been superintendent of police at Bellary, and for the first three of which I was well known to be engaged in endless antagonistic correspondence with the Collectors, no complaint of torture for the purpose of collecting the dues of Government has ever been brought before me, or has any instance ever come under my personal cognisance, or have I ever met any one who ever witnessed its infliction.

5. It may be as well to mention (for fear those gentlemen who have taken up the matter of torture in England, may think otherwise) that, in collecting the 50,000 or 60,000 *Ru.* yearly, as abakry rent, the commissariat department here never has or does make use of the slightest torture or coercion in any shape whatever; the contract is sold by auction much in the same way as a toll-gate is at home.*

6. With reference to the prevalence of torture by the police, I feel reluctantly compelled to express my belief that it is, or was rather, one of the chief agents in detecting crime, although I think the cruelty employed in the large military cantonments is seldom if ever carried to a greater extent than to cause mere momentary pain. I think the practice is getting into disuse year by year, for the native officials, seeing that the European officers will not, or cannot, even if they would, screen them, if caught in inflicting torture, care not to resort to it, and in consequence many crimes, petty theft especially, that would formerly have been detected, cannot now be brought home to the perpetrators. I am certain that in the Bellary police there is now no torture, but I think we are living on the credit of it; and I doubt if we shall be as successful as we are when all fear, not of it, but of detection by its agency, amongst the professional thieves, has died away.

7. The causes that lead to the use of torture, I conceive to be as follows.

Once let a police officer or establishment aim at acquiring a character for intense sharpness, and it must drive the subordinates to the use of illegal means to obtain proof of crime; nine times out of ten an efficient cutwal, after inquiring into all the details of a robbery, or other crime, knows pretty well who is the culprit, but is at fault in bringing the charge home, and to ensure a conviction and sustain his reputation, transgresses the law.

8. The European community foster the use of torture by the unreasonable eagerness with which they expect the detection and punishment of suspected parties, and the restoration of stolen property, and by sending whole establishments of servants (except the favourites) to the choultry for investigation.

9. The respectable portion of the native community encourage and will not expose the abuse, on account of their utter inability to comprehend any other system that would work as well, and give them an equal prospect of security for life and property.

10. The lower classes again, servants and others, profit by it, as it keeps them honest in the first place, and when honesty prevents their character being sullied by the misdeeds of the dishonest; to illustrate what I mean, household property is lost, the police are informed of it, suspicion falls on the servants, they are sent to the choultry, the cutwal has good reason to believe in the honesty of all, except one unfortunate, whose antecedents are against him; he is detained, sees himself suspected, hears disagreeable inquiries going on, dreads what he thinks may come, and nine times out of ten, I verily believe, makes a clear breast of it without further trouble. His fellow-servants are released without a taint on their character, which to them and their families is life and bread.

11. Thus I think the practice is tacitly sanctioned by society at large; this would not be the case if people thought actual atrocities were committed.

12. As regards the military police, I hope and believe they (atrocities) are unknown. There are two kinds of criminals, viz., what are called a pukka-choor and a cucha-choor; from the former, nothing short of downright cruelty will extort any confession or information; he is proof against all threats, and with him the military police cannot deal, but hand him over with what evidence they have to the civil powers; he is a marked man in the cantonments, and I have known one Ramasawmy, a notorious house-breaker, compelled to leave Bellary, simply by the police calling at his house every half hour, night and day, and

* The contractor, not the commissariat, collects the kist from the ryots.

and finding out if he was at home; if out, the peons immediately sought for him; this so disgusted him that he left the station. The *cucha-choors*, on the contrary, will tell all at the sight of a peon with a switch in his hands, and are those with whom the military police are most frequently brought in contact.

13. Since I have been here (six years, as above stated), to the best of my recollection, but two or three complaints have been made to me on the subject, all unsupported by a particle of evidence, and I then, as I make it an invariable rule to do, sent the complainants to be examined by the garrison surgeon, and on neither occasion were the slightest symptoms of violence perceptible on the person, and I submit any great amount of cruelty could not be perpetrated on any one without leaving marks sufficient to enable a surgeon to detect them within twenty-four hours of their alleged infliction.

14. To show that the military officials cannot exceed authority, without great risk and inconvenience at any rate, I will mention that, during the past two months, my second *cutwal* was sent before the civil magistrate, tried by the subordinate court, and I believe most justly acquitted for having illegally detained in the *choultry* and ill-used a person convicted of using false weights and measures.

15. I have now honestly told all I know, or can learn on the subject, and need not add that no effort of mine shall be spared totally to repress the practice, so truly said to "be abhorrent to the principles innate in every Englishman." With a view to that end I would recommend:

16. That a *choultry*, or place of confinement for prisoners before trial, be established in some exposed and central part of the cantonment away from the bazaars, the fort of Bellary, for instance; that it, and all the prisoners, should be under the control of a European sergeant, who should live there, and be an assistant to the superintendent of police: this would be an effectual guarantee that none of the prisoners were ill-used. There are many staff-sergeants in garrison who are not half the use this man would be, and he would prove, if he were active, and looked about him, a constant check on the cruelty which is inherent in every native who is vested with any authority.

17. That rewards and every encouragement should be liberally given to any one in the police, who, with a sagacious and patient exercise of legal means, traces out crimes, and succeeds in acquiring a reputation as a skilful detective; great care, of course, should be taken that to earn the reward, abuse of authority is not resorted to.

18. As our means of detecting crime are abridged, it will be necessary by increased vigilance, and, if possible, an enlarged establishment,* to throw additional obstacles in the way of its commission.

19. If convictions by the courts were more certain to overtake these criminals of whose guilt there can be not the slightest doubt, it would, I think, remove an incentive to torture, as the police officials would not be as anxious as they now are to cap a case with a confession, which they think makes all sure; of this I had a striking proof, my *cutwal* lately expressing great doubts as to a murderer being convicted, because he (the murderer) had not confessed, although he had stabbed a man in open daylight before some half a dozen witnesses.

20. On reading over this letter, I am afraid it will be thought that nothing else but systematic torture is resorted to here, and that I and the community at large defend and encourage it; such is not the meaning I intend to convey. I only wish to say, that I fear the police, failing other means, resort or did resort to torture, and, unintentionally, many classes of society foster it.

I have, however, known many instances in which my *cutwal* has waited patiently for months, and with a skill that would do credit to an English detective, secured convictions, and recovered property. Information from abandoned women, as in England, is one of their chief resources.

21. I fear this report will be thought very vague and meagre, but it contains all I know or can learn of the matter.

I have, &c.
(signed) F. Harris,
Depty.-Asst. Comy. General.

* An increase of peons was urgently recommended by Captain Webb, and I believe the matter was sent on to the Supreme Government six years ago.

Appendix (D.)

From Captain *Frederick Nelson*, Captain 2d N. V. B., Commanding Ongole, to Sir *H. C. Montgomery*, Bart., Chief Secretary to Government, Fort St. George.

Sir,

IN reply to the printed circular, dated 9th September 1854, in which I am called upon by the Right honourable the Governor in Council to state the particulars of any instances of torture employed by revenue officers for the purpose of collecting Government dues, should facts of the nature have ever come to my knowledge, I have the honour to enclose a statement which bears on the question.

I have, &c.

(signed) *Fred. Nelson*, Captain 2d N. V. B.,
Commanding Ongole.

Ongole, 18 September 1854.

A MAN called Goorooowi or Gooroo Saib, who for years past has held a few acres of land, and who in consequence of the last unfavourable season has been reduced to complete poverty, was, about two months ago, subjected to coercion by the curnum of the village.

I heard the fact stated some weeks since by a bullock-driver, his nephew, in my employ, and also from Gooroo Saib himself, who occasionally is employed in cultivating my field or compound. Yesterday I called the man before me to elicit the particulars of the case.

Gooroo Saib's Statement.

I hold a puttah of one goortoo and a quarter of dry land, the kist on which is 15 rupees, but as a tappal path runs through the field, the Circar have commuted my tax to 11 rupees. This year the curnum commuted the amount to five rupees on account of the last bad season.

I paid the amount to the curnum in February last, just before the sub-collector came here on jumabundy. About two months ago the curnum again applied for a further sum of three rupees and eight annas. I said to him I am poor, and have nothing to give, wait till I have sold my juice of indigo plants, worth five or six rupees, and I will then pay you the money; this was said by me in the cutwal's choultry. I was sent for there by the moodam; the curnum refused, and said, Give it now; I had it not, and so he took off my pugree, and tied my neck to my leg with it, keeping me in this stooping posture, striking me if I attempted to ease myself by sitting. They also brought a large stone, which was, they told me, to be put on my back if I still refused to pay. Besides me, there was Yenkoojee, a Maharatta, Tottoo Rungah, and Sooboojee, son of Yenkoojee, and Bundoo Ramasawmy; we were all tied except Bundoo Ramasawmy, who feared, became gabra, and trembled so much that they let him alone. We were tied at ten and let loose at twelve o'clock; when I attempted to sit a peon took off his slipper, and threatened to strike me on the mouth. I am a Musulman, and an old man.

Question. Are there any witnesses to confirm your words?—*Answer.* Every body saw it who passed through the street, the cutwal, too, and Shaik Ismael, a peon, was there and saw all.

You say you were threatened with a stone to be placed on your back; was it put on your back?—No, they would not like to put it on the back of a caste man, only on dain log pariahs.

Do you know what the kittee is?—Yes, it is a stick to bend back the fingers.

Was it ever applied to you?—No, never.

Did you ever see or hear of its being applied to others?—Not for the last 20 years.

Cutwal called.

Q. You are the new cutwal of Ongole?—*A.* Yes.

Did you see this man, Gooroo Saib, his neck tied to his leg in the cutwal's choultry, about two months ago?—I did not with my eyes.

Did you ever hear that this man was tied, leg and neck, for not paying kist?—No, I never did.

Did you ever see or hear of any one being tied or beaten for not paying kist?—No, I never did; I came here as cutwal on the 30th of August, 19 days ago; how could I possibly know anything of this matter?

Ramjee, Cutwal's Peon, called.

Q. Your name?—*A.* Ramjee, cutwal's peon.

Did you ever hear of the man Gooroo Saib being punished for not paying kist?—Yes; I forget how many days ago. It was in the choultry, about ten o'clock one day. The moodam had called him to pay his kist, three rupees; the curnum asked him for the money; he

he said he had not got it; then they tied his neck to his leg; he was let loose between twelve and one, when the curnum went home to eat; Gooroowri remained in the choultry and slept till evening.

Did you see other men tied on that day?—Yes; Totta Rungah, and an old woman.

Were these tied?—No, not while I was there; I had business in the town, and left the choultry.

Gooroo Saib re-called.

Q. Regarding that stone you told me of, did you ever see it on any one's back?—
A. Yes.

When?—The day we were tied, Nila Vera had the stone put on his back.

Who saw this, except yourself?—Every one; was it not in the cutwal's choultry, in the middle of the bazaar; who then could help seeing of the people going to and fro?

Nila Vera called.

Q. What is your name and trade?—A. My name is Nila Vera. I make cloth; I am a weaver, and pay Circar one rupee four annas a year.

Were you punished lately for refusing to pay kist?—Yes; I was tied before Gooroo Saib, and others were tied, and when they were tied I was let loose; but they tied me again next day. I was a fool; I paid my kist, one rupee and four annas. I paid eight annas four months ago. A month after I gave eight annas. After ten days more I gave six annas, and on the day I was tied I gave six annas. I paid the last six annas after I had been tied and had the great stone on my back. That was eight annas more than my moturpha. The next day I was taken to the choultry again, and was again tied, and wore the stone for four hours; then I gave security; a friend gave his name, and, after eight or nine days, we paid the money, another six annas, making in all two rupees two annas, being fourteen annas over and above my tax; when I asked for receipt, they called me "dain," and beat me. I had no receipt, and so they took this fourteen annas.

Have you ever been punished with kittee?—No, never; I never was punished in any way till this year.

Do you know any other man who has been punished with the stone?—Yes; Uller Kistaroo, another weaver, had it on the same day I had.

Uller Kistaroo called.

Uller Kistaroo and Shaik Ismael not appearing, I thought it would be useful if I cantered down to the cutwal's choultry before my intention could be devised, thinking that if this stone was a fact, it would probably be found among the furniture of the choultry.

On arriving at the choultry, I found forty or fifty persons in the street in front of the building, one of whom was just being released from the process described, of the neck being fastened to the leg. I took no notice of this, considering that probably the short examination I had held at my quarters had got wind, and that one man was showing to another how the process was inflicted; seeing no stone in the choultry, I asked the man Gooroo Saib, who at my request had accompanied me, in a bantering manner, where was the stone used in torture? He merely pointed across the narrow street, "There it is, sir," he said, "and those four men are now being punished; they were only untied as you rode up."

The curnums, who understood a little Hindoostanee, immediately stood up; they were writing in a corner of the verandah, and, to my great astonishment, acknowledged the fact, and declared before the crowd collected that the punishment inflicted was by order of Circar, and that they had written orders for what they did. I merely said such an order was not a Government order, and rode home faster than I came, ordering, however, the stone to be brought to my quarters; Gooroo Saib carried it thither on his head.

So far as Ongole is concerned, and the surrounding villages, I have no hesitation in saying, that "instruments of torture" are not used by the revenue officers, unless the term is taken in so wide a sense that the canes, ferules, kneeling upon a ruler, and all common methods of punishment in many English private schools are considered "instruments of torture."

The stooping posture enforced by the leg and neck being held in proximity, no doubt must be highly inconvenient, and to a plethoric Englishman might almost amount to torture, but to the supple cool-blooded native of this part of the world, I should hesitate in describing the enforced attitude as one of torture. Nevertheless, I deem it my duty to reveal what I have, being sure that personal violence, in however slight a degree, employed arbitrarily for the purpose of exacting revenue, is contrary to the spirit of British rule.

(signed) *Fred. Nelson*, Captain, 2d N. V. B.,
Ongole, 18th Sept., 1854. Commanding Ongole.

Ramapatam, Sub-Collector's Choultry,
29 September 1854.

Memo.—For Mr. Minchin's Report, see Appendix (C.), No. 7. 2.

No. 35.—From *J. I. Minchin, Esq.*, Acting Sub-Collector of Nellore, to Captain *F. Nelson*, Commanding Ongole.

Ramapatam, Sub-Collector's Cutcherry,
18 September 1854.

Sir,
THE attention of the Madras Government has been called to the alleged use of torture for the purpose of exacting revenue in parts of the Presidency, and orders have been issued for a searching investigation of the subject.

I trust that such statements do not apply with truth to this part of the country, but as you have far better opportunities than myself of learning the real state of the case, I shall be obliged by your favouring me with your opinion.

I would remark that the desire of Government is, not simply to obtain denials from its officers of the prevalence of any such practices, but really to discover the truth, and endeavour at once and vigorously to put a stop to anything of the kind that may be found unfortunately to exist.

If it is your belief that such conduct is carried on by the revenue officers in this division, and you have it in your power in any way to expose it, or to offer any suggestion for its detection, you will be rendering a public benefit, and I need hardly promise you my hearty co-operation in the task.

I have, &c.
(signed) *J. I. Minchin*,
Acting Sub-Collector.

No. 83.—From Captain *F. Nelson*, Commanding Ongole, to *J. I. Minchin, Esq.*, Acting Sub-Collector of Nellore.

Sir,
I HAVE the honour to acknowledge receipt of your letter, No. 35, dated 18th September 1854.

On the 16th instant I received a printed letter, together with extract from Minutes of Consultation, &c., &c., &c., from the Chief Secretary to Government, bearing reference to the subject of your letter, and yesterday transmitted to Madras a statement resulting from the inquiry I instituted.

I have, &c.
(signed) *F. Nelson*, Captain,
Commanding Ongole.

From *J. I. Minchin, Esq.*, Acting Sub-Collector of Nellore, to Captain *F. Nelson*, Commanding Ongole.

Sir,
I HAVE the honour to acknowledge the receipt of your letter of the 19th.
You will find, on reference to the printed circular, that Collectors are not to consider themselves precluded from obtaining information in those quarters where a direct report to Government may have been called for; and I shall be obliged therefore, by your supplying me with any information you have been able to obtain on the subject of torture, as used in this part of the country, for the exaction of revenue. It is not to be expected that you will be able to bring forward any proved cases of actual torture; but if, from your inquiries, you have been led to believe in the general practice of personal ill-usage, for the purpose of collecting kists, I shall be obliged by your giving me your recorded opinion to that effect.

My object is to arrive at the truth, and I trust you will not think it necessary to keep from me the information alluded to in your letter.

I have, &c.
(signed) *J. I. Minchin*,
Acting Sub-Collector.

From Captain *F. Nelson*, Commanding Ongole, to *J. I. Minchin, Esq.*, Acting Sub-Collector of Nellore.

Sir,
I HAVE the honour to acknowledge the receipt of your letter, without number, dated 22d September 1854.

I regret that I am unable to supply you with a copy of the letter and statement I had the honour to forward to the Chief Secretary to Government, which was written in my own handwriting, and no copy lodged in the records of this office.

Should you desire a copy of the letter in question, I would suggest that it possibly might be obtained by application to the Chief Secretary's Office, Fort St. George.

Although unable to supply you with a true copy of the inquiries I instituted, it is in my power to assure you that the practice of coercion obtains in the regular everyday transaction of business, by the curnums of Ongole, in the collection of revenue. Any person withholding Government dues is liable to be bound by his own pugree, neck and leg, and to have a stone of about 12 or 14 lbs. weight placed on his shoulders, to increase the discomfort of the enforced stooping posture.

By a mere accident I rode up to the cutwal's choultry when four persons were actually undergoing the first process described, and although all four persons were released as soon

as my approach was known, I arrived in time to see one of the defaulters released from the enforced posture above described. I, however, demur in describing those punishments as "torture."

(Appendix (D))

I have, &c.
(signed) *F. Nelson, Capt.,*
Commanding Ongle.

(True copies.)
(signed) *J. I. Minchin, Acting Sub-Collector.*

(True copies.)
(signed) *H. C. Montgomery, Chief Secretary.*

Appendix (E.)

No. 1.

The Statement of Seenoo Raugaviengar, an Inhabitant of the Village of Arimbaucom of the Arcot Talook of the Zillah of Chittoor, taken before E. F. Elliot, H. Stokes, and J. B. Norton, Esqrs., Commissioners for the Investigation of alleged Cases of Torture, on the 11th October 1854.

(Appendix (E))

I AM a meerasdar and monegar of the village of Arimbaucom. There are about 100 cawnies of land beneath the bund of the tank called Ana Taungul, which we meerasdars (7) have partially cultivated from the times of the Nabob. At the end of May we were taken to Arcot to see the naib serastadar, who had come for jamabundy; he asked us to sell the land in question to Mr. Potter; we refused; he said, You had better take the 150 rupees now, and you will get 100 rupees more hereafter; if not, we will at once take from you the 400 rupees (which we claimed as remission on account of the crops being withered), and drive you from the land. We were detained at Arcot for forty days, deprived of our own meals, prevented from performing our usual ceremonies; and when we still continued to refuse the money, which was shown to us, and to sign the deed of sale which had been prepared, I and my three partners, Sooboo Seenevass Iyengar, Vencataroyar, and Raugaviengar, were made to stoop, ropes were placed round our necks, and tied to our feet to keep our heads as low as our knees, and in this posture, with a stone as large as the crown of a hat on our backs, we were made to stand for four Indian hours in the sun in the public road, and this occurred to me four different times. This was in front of the naib serastadar's cutcherry, whose name is Soondara Pillay, and who was present at the time. On one occasion a peon named Chinnikistnen tied me, and on another occasion Mohamed Yacoob tied me. We were never made to stand all together, but one at a time. We were also ill-treated in various ways; pushed about by the peons by the neck, and pinched by the fingers on the thighs. Whilst we were still detained at Arcot, the Collector came there, and we complained to him verbally when we met him on the road, both of our grievances respecting the land, and the ill treatment we had received; after which we were taken into the presence of the Collector by the naib serastadar. On this occasion we were questioned about the security of the land, but we were afraid to repeat our complaint of the ill-treatment, and we were told that unless we got security within 15 days, the land would be given over to Mr. Potter. We refused to give the security, and the land was made over to Mr. Potter. We came down to Madras to make our complaint to the Board of Revenue. I have been treated in the same manner, but even more severely, four or five times before, within the last four or five years, by the tahsildar, Teeromali Royer, for not paying the kist. I being a monegar, it is my business to collect and pay the kist of the village when due; but I never complained of such ill-treatment to the higher authorities. I have seen others treated in the same way.

(signed) *Monevan Seenoo Ragavyungar.*

Read and explained by the Interpreter, this 11th of October 1854, before me,

(signed) *E. F. Elliot,*
Commissioner for the Investigation of alleged Cases of Torture.

Note.—We inspected the written complaint addressed by Seenoo Raugaviengar to the Collector, and found that it only stated that the tahsildar had troubled them, without giving any specific instances of ill-treatment.

Memo.—The parties named by the first witness were called in, and separately examined. They all corroborated the witnesses in all important particulars. One among them, Sooboo Seenevassa Iyengar, was the village moonsiff.

No. 2.

The Statement of Pragasa Pillay, an Inhabitant of Madras, taken before E. F. Elliot, H. Stokes, and J. B. Norton, Esqrs., Commissioners for the Investigation of alleged Cases of Torture, on the 18th day of October 1854.

I AM the head writer at the gunpowder manufactory. I usually reside at Royapoorum, but I have land of my own at Madavarum, in the zillah of Chingleput, and occasionally live there in my own house. On the 3d or 4th of September last, I was at the house of my mother, at Madavarum, which is next to my house; it was on a Monday night, when my brother, Savaroya Pillay, told me something that had occurred on that very day by the zilladar and ten peons coming for rent. Next day (Tuesday), about 9 a.m., my brother left home for Madras. At about 11 a.m. a duffadar, named Iyaloo, with about ten peons, all belonging to the Sydapet tahsildar, came to the house, and asked for my brother Seevaroya Pillay. I told the duffadar that he was not at home, but he insisted that my brother was in the house, and he sent one of his peons for the village carpenter. I was standing at a window of the house; the street door was shut. The duffadar ordered the carpenter to break open the door. At this period the zilladar, Veerasawmy Iyer, the moonsiff of the village, Runga Charry, taliars and gramattars came to the spot. The crowd remained till past four o'clock, when the people dispersed, but the duffadar and his ten peons continued on the pial; and after eight o'clock I heard the duffadar order his peons to watch the door of the house. There are four doors altogether, and some peons and taliars were placed at each, and wooden pegs were fixed in the haps, to prevent all egress. About nine o'clock, the wife of the contractor of the garden and her son returned from the bazaar, but the peons would not allow her to enter, and kept her and the boy in their custody. On the following morning (Wednesday), about eight o'clock, the zilladar came to the window, and I spoke to him, saying, Why all this bother, the house belongs to my mother, she will pay kist. I will write to her; she is at Cuddalore. But he would not listen. The duffadar said that he had a warrant against Seevaroya Pillay. The zilladar went away, and I remained shut up all that day, with the peons round the house. On that evening I wished to send one of my servants, named Naugan, who was at my house next door, with a chit to Royapoorum, for some medicine, but the duffadar would not permit it, and placed him in custody and kept him for two days. On Thursday I was kept in the same way. I was afraid to give admission to the peons in the absence of my brother, Seevaroya Pillay. On Friday, about 10 a.m., the duffadar and peons all went away without speaking to me again.

(signed) *A. Pragasm Pillay.*

Read and explained by the interpreter, this 14th of October 1854, before me,

(signed) *J. B. Norton,*
Commissioner for the Investigation of alleged Cases of Torture.

The Statement of Chowryaroya Pillay, an Inhabitant of Madavarom, of the Sydapet Talook of the Zillah of Chingleput, taken before E. F. Elliot, H. Stokes, and J. B. Norton, Esqrs., Commissioners for the Investigation of alleged Cases of Torture, on the 14th October 1854.

My late father, Appavoo Pillay, died on the 1st July 1851; he left a will in favour of my mother, under which she enjoys landed property at Madras, as well as in the Chingleput zillah. I have been residing in my mother's house at Madavarom, in the district of Chingleput, in the talook of Sydapet. On the 3d of September, in the afternoon, the zilladar Veerasawmy came to the house with three peons and three taliars, a vettyan, and the village moonsiff. They broke open the coach-house at the back of the premises; my bullock-coach was inside; they kept a watch over it, and then they came round to the front to me. The zilladar then told me that the tahsildar had ordered him, if I did not pay the quit rent of the garden, to enter my house, and distrain the property. I said the house was my mother's, and I would write to her at Cuddalore. I went to the back and discovered what had been done to the coach-house. On which the zilladar ordered the peons to push me. They hesitated, on which he cut a stick, and beat them with it, on which the peons shoved me. Near the coach-house there was a cart and mometies, belonging to the contractor of the garden, which they took away. Next morning I went to Posewakum. The duffadar and ten peons went to my mother's house to inquire for me, but were informed that I was absent. My brother, Pragasa Pillay, was in the house, and he can state all that took place.

(signed) *A. Savaroya Pillay.*

Read and explained by the interpreter, this 14th of October 1854, before me,

(signed) *J. B. Norton,*
Commissioner for the Investigation of alleged Cases of Torture.

No. 3.

The Statement of Narrainsawmy Pillay, an Inhabitant of the Village of Ugraharum of the Poonamallee Talook of the Zillah Chingleput, taken before E. F. Elliot, H. Stokes, and J. B. Norton, Esqrs., Commissioners for the Investigation of alleged Cases of Torture, on the 4th day of November 1854.

I HAD a dispute about a well with a Brahmin named Egatheecha Thurund; the case came before the late tahsildar of the Poonamallee talook, named Streeneevassa Row, to whom I paid a bribe of 15 rupees; but he spoilt my case, and I complained to the assistant magistrate, Mr. Wedderburn, who gave a decision in my favour; this was last year. On the 24th of July and 15th of August last, I wrote to the peishcar to ask him to return the money, as he spoilt my case; and on the 16th I went, to him personally at Poonamallee: he called me in, and produced the letter which I had sent the previous day; asked whether I had sent it, what I meant about the money, and told me to prove it. I answered I would not prove it there, but that I would go and complain of it to the gentlemen. On this he called the peons, and ordered me into custody; the peons led me into the verandah. I refused to remain in custody unless it was recorded in the diary: then the tahsildar came out, took the shoe in his hand, abused me in very indecent language; and, when about to strike me, the peons, named Chinnoo Naick, Vencatasawmy Naick, Vencata Row, Sheik Hoossain, and Ramsing seized me; and the peon Ramsing put handcuffs upon me; the peons struck me, and tried to pull me into the godown, where the prisoners are confined, but I resisted, and caught hold of the railings, when the tahsildar himself hit me with a slipper on the wrist, which made me let go; and the peons pinioned me by tying my arms behind my back with my own upper cloth, whilst my hands were secured in the handcuffs, and whilst in this state the peons lifted me up, and carried me into the godown; they took from me my turband, and other cloths, as well as my umbrella, spectacles, and ring, and thus tied they locked me in with two men charged with theft. I made a great noise, and the prisoners cried out that I was attempting to pull out my tongue; upon which the door was opened, and the cloth was removed from my arms; two peons then pressed my hands tightly to the ground. I was kept a prisoner in the same godown for eight days; they brought meals, but I refused to take the victuals, because I was shut up with pariahs, and the place was dirty. At the expiration of eight days the tahsildar, Streeneevassa Row, was relieved by Hanoomanjee Row, who released me from the godown, and I was allowed to go and take my meals, but I was still detained at the cutchery for nearly 20 days more, when the tahsildar, Hanoomanjee Row, told me that a takeed had been received from the Hazoor to fine me three rupees. I was refused leave to fetch the money, and, as I could not pay, I was detained in custody three days longer, when I was discharged.

I sent two petitions to Collector Smollett, by tappal, dated 4th and 10th September 1854; I received no reply. I then went to the cutcherry myself, but was not allowed by the peons to approach the Collector; four days ago I prostrated myself before him as he was about to get into the conveyance, but as yet I received no answer to my complaint. I have not yet got back my turband, upper cloth, umbrella, and ring. My witnesses are Kistna Royer the talook serastadar, Kistna Royer the javob nevis, Ratna Chetty the shroff, Appir the goomasta, Sawma Row the head goomasta, and Vencata Row the maramat moosharoff.

(signed) *Narrainsawmy Pillay.*

Read and explained by the interpreter this 4th day of November 1854, before me,

(signed) *E. F. Elliot,*

Commissioner for the Investigation of alleged Cases of Torture.

No. 4.

The Statement of Subapathy Pillay, an Inhabitant of the Village of Iyadoorgum, in the Talook of Callacoorchee of the Zillah of Cuddalore, taken before E. F. Elliot, H. Stokes, and J. B. Norton, Esqrs., Commissioners for the Investigation of alleged Cases of Torture, this 11th day of November 1854.

TEN months ago, in the month of Cartheegae, in Iyadoorgum, a Moreman and a weaver were going to Resheevandium, at eight o'clock at night; thieves attacked them and plundered them, so they came back to Doorgum. They told the tanadar and moonsiff, who asked them if they could identify the thieves; they said they could; they asked who they were; they told them the three following names, Rungasawmy, Raumon, and Permaul. The tanadar had these three persons brought and kept in the tanah, and then sent them to the talook cutcherry; and they called for my brother, Anniah Pillay, to write a cadjan report, he being the anacopillay of the village; he wrote, and went home. Four or five days before this, my brother had bought from a bazarman a plain cloth for five annas. Ten days after the three persons had been taken by the tanadar, the Moreman, who had been robbed, saw me in the street wearing the cloth which my brother had purchased, and said it was his, and had been taken from him by the robbers; he went and told this to the moonsiff. He and the tanadar sent for me to the chauvady; they then searched my house. Nothing

was found; they came out and asked where my brother was. I said he went to Seeroopaleom Curmauthrum ceremony: they sent a taliar with the Moreman to bring him. On his arrival at Doorgum, instead of taking him to the chavady, they took him to the traveller's bungalow, outside the village. I was taken there myself. There they asked him where he got the cloth; he said he purchased it at Sooboo Chetty's shop; they then told him that if he would confess that he and Sooboo Chetty stole the cloth they would let him go; they tied his legs, hung him up with his head downwards, put powdered chilly in his nostrils, and put an iron wire in his penis; they passed a strong tape round his waist, and tightened it. There was a crowd assembled; this was in the daytime; the windows were opened; many people could see; he called on two or three persons standing by to bear witness; he was then taken to the chavady. At night he was again beaten in the tana chavady. I was present; he did not confess at all; they then sent for the comity who sold the cloth; he had gone to Chinna Salem. The moonsiff sent a taliar with a cadjan chit to bring him; as they were bringing him he made his escape; my brother was kept six or seven days in the village; they then sent him to the tahsildar's cutcherry. I also was taken there. In the tahsildar's cutcherry they told him to confess that he had stolen the cloth, but he would not; then they wrote a paper purporting to be his confession, and themselves wrote his name under it, and got four persons to attest it as witnesses. The tahsildar then sent the case to the criminal court, where my brother was sentenced to seven years' imprisonment; the person who ill-treated my brother in the public bungalow are tanadar Gopaula Naick, moonsiff Iyacunnoo Pillay, and peon Syed Ally. I also was committed for trial; I was tried before the session court at Cuddalore, and acquitted.

(signed) *Subapathy Pillay.*

Read and explained by the interpreter this 11th day of November 1854, before me,

(signed) *H. Stokes,*

Commissioner for the Investigation of alleged Cases of Torture.

No. 5.

The Statement of Virdachellom, an Inhabitant of the Village Audombaucom, in the Talook of Sydapet, in the Zillah of Chingleput, taken before E. F. Elliot and H. Stokes, Esquires, Commissioners for the Investigation of alleged Cases of Torture, this 15th day of November 1854.

I AM without employ. In February of this year, I had occasion to go to Chingleput on some court business of my own, and visited the place several times. On one of these visits in the month of May, there was a trial of a party, consisting of six men and two women, charged with committing a burglary in the house of Moodookistna Reddy at St. Thomas' Mount. Three of the male prisoners, Awroomooga Moodely, Moorthy Pillay, and Allagheny, and one of the female prisoners, named Peria Naigom, complained that they had been assaulted and ill-treated in many ways by the cutwal Ramasah Pandai and his peons at St. Thomas' Mount. Judge Shubrick brought the matter to the notice of the magistrate, to whom he wrote, and sent the doctor's certificate, and at the suggestion of the vakeel I was appointed by the prisoners, Moorthy Pillay and Auroomooga Moodely, to be present at the inquiry by the magistrate, and I got a power from the said two prisoners for that purpose. On the 26th of June I presented a petition to the magistrate, Mr. Smollett, and filed the power of attorney. The magistrate directed the witnesses on behalf of the prisoners, and the cutwal and the peons, to be subpoenaed to appear on the 4th of July, on which day four witnesses for the prisoners were examined by Mr. Smollett, who fully proved the assault on the prisoners. The magistrate then asked whether I wished to question the cutwal and his peons; I replied that if he would take down their statements I would cross-examine them; he said he would do so on the following day, but this was not done; and on the 12th or 25th of July I presented petitions. On the 28th of July the magistrate told me that he had dismissed the case. The case in court was finally disposed of last month, when two of the male prisoners were acquitted, three were sentenced to hard labour, and one was directed to find security, as well as both the women. Moorthee Pillay, one of my clients, has been sentenced to hard labour, and the other, Aroomooga Pillay, is to find security. The prisoners were strangers to me. Auroomoogum had received injury in his wrists, and Moorthee Pillay in his arms, from the tightening of the ropes with which he had been secured; and the woman Peria Naigom had been severely burnt. The doctor's certificate will show that he had examined these prisoners. The names of the witnesses who were examined on behalf of the prisoners by the magistrate on the 4th of July are, Mrs. Kelly, Vencatamah Goroonauden, and Veerasawmy.

(signed) *Virdachellom.*

Read and explained by the interpreter this 15th day of November 1854, before me,

(signed) *E. F. Elliot,*

Commissioner for the Investigation of alleged Cases of Torture.

EXTRACT

EXTRACT from the Proceedings of the Acting Magistrate of Chingleput, dated the 28th July 1854.

"THE evidence before the court is contradictory and unsatisfactory, but on the whole no sufficient proof has been adduced to show that either of the prisoners were ill-treated by the cutwal, or by parties acting under his orders; the charge is therefore dismissed.

"Nevertheless, the fact remains on record, that two prisoners, sent to Chingleput from the Mount, were found to be suffering from ill-treatment on their arrival there, and it is sworn by the zillah surgeon that, in his judgment, the sores on the prisoners' person were not produced by the application of an acid, but by a rope.

"A short time previous also, a woman committed from the Mount, in default of security, was compelled to be taken to hospital on her arrival there, the cause of which was said to be ill-treatment in like manner sustained from the police of the cantonment.

"The frequency of these charges should lead the joint magistrate to watch over his establishment with increased vigilance, and to check any disposition evinced by them to extort confession by torture or ill-treatment. The acting session judge has observed, that the joint magistrate, in his defence of the cutwal, evinced a considerable spirit of partizanship; and this too is the impression of the acting magistrate. The joint magistrate is advised in future to inspect personally all parties committed for trial, to see that there is no complaint of ill-treatment, and to put a stop to charges of this nature, which tend to bring his establishment into discredit, and which the investigation before the acting magistrate has not wholly removed."

Mr. Ratton, the surgeon of Chingleput, notices three cases, one of a female, two of male prisoners, received into his gaol on the 12th May 1854, bearing marks upon their persons of ill-treatment, the woman suffering from "two severe burns, one in the inside in each of her thighs, high up, close to her private parts; the male from sores nearly encircling the upper parts of the arms, as if caused by a tight rope, the complainants saying that they had thus been suspended to a beam by order of the St. Thomas' Mount cutwal."

No. 6.

The Statement of Vydeelinga Moodelly, an Inhabitant of the Village of Aunundoor, in the Talook of Sydapet, in the Zillah of Chingleput, taken before E. F. Elliot and H. Stokes, Esquires, Commissioners for the Investigation of alleged Cases of Torture, this 15th day of November 1854.

I WAS a shroff at St. Thomas' Mount, and am a cultivator now. In February last there was a gang robbery in the house of Moodookistna Reddy, at St. Thomas' Mount; on the 17th of March, whilst labouring under an attack of small pox, I was apprehended by two peons, who tied my arms behind me, and took me to the police office, where Captain Smith, the superintendent of police, directed my detention. Four days afterwards I was brought before the cutwal at the office, and by his order the duffadar Yagamberom struck me with a stick, and desired me to confess that I had some concern in the robbery at the house of Moodookistna Reddy. I denied all knowledge of it, and was taken to the gaol. Yagamberom struck me twice on the head with a stick; this was in the presence of the cutwal. I was then taken back to the gaol. One evening a peon, named Bauboo, took me from the gaol to the stable, where Yagamberom Duffadar was sitting with two taliars from Madras. Yagamberom told me to confess; and when I said they might kill me, and that I knew nothing of the case, Yagamberom took a cane from the hand of one of the taliars and struck me on the head; upon which I cried out loud, and made a great noise, and was then taken back to the gaol. About fifteen days after this, Captain Smith committed the case to the court of Chingleput for trial, where I was tried, and acquitted and discharged on the 29th of May.

(signed) *Vydeelinga Moodelly.*

Read and explained by the interpreter this 15th day of November 1854, before me,

(signed) *E. F. Elliot,*
Commissioner for the Investigation of alleged Cases of Torture.

CALENDAR submitted by the Principal Sudr Ameen to the Session Judge of Chingleput.

No.	NAMES of the PARTIES.	Abstract of the Charge and Date on which it was preferred.	Date of the Apprehension of the Offenders.	NAMES of the Prosecutor's Witnesses.	Abstract of the Examination, Grounds and Date of Commitment.	
Criminal Case No. 86 of 1864, Session No. 13.	Moodookistna Reddy	Robbery by open violence.	The prisoners were apprehended, viz. the 2d and 6th on the 24th; the 4th on the 1st, the 3d on the 9th, and the 1st on the 31st Muroh 1864, forwarded by the joint magistrate of St. Thomas' Mount on the 11th May 1864, and arrived on the 12th May 1864.	1. Narrainsawmy, 2. Ambalavanam, 3. Appavoo Naik, 4. Chengummay, 5. Bauboo Naik, 6. Sabapathy, 7. Gopaul Sing, and 8. Ramasawponday.	The prisoners plead not guilty throughout. But before the joint magistrate the 1st, 2d, and 3d prisoners stated they were called to commit robbery, the 1st by the 6th prisoner in the house of the prosecutor,—the 2d and 3d by the runaway Chinnatombay, without mentioning the place where it was to be committed, but that they did not commit it. The 2d prisoner pleads the truth of the 2d and 3d counts of the charge. The prosecutor and the whole of the witnesses depose to the fact of the house of the prosecutor having been robbed by a gang of robbers, and in doing so, the prosecutor swears to having recognised the 1st, 2d, and 4th prisoners; the 1st witness, the 1st and 2d prisoners; also, one Chinnatombay, not apprehended; 1st prisoner having taken the jewels of the 4th witness from her neck, and the	
	versus	The prisoners are charged with having jointly with Chinnatombay and others (not apprehended), at 12 ½ p. m. of the 22d February 1864, proceeded to the prosecutor's house at St. Thomas' Mount, with lighted torches and sticks, &c., scaled over the wall into the court yard, and beating, wounding, and otherwise ill-treating the prosecutor and others there, broken open the doors and boxes, and dug up the floor, and robbed therefrom ready money, gold and silver ornaments, &c., all valued at Rs. 9,098. 8. 0.				
	1. Alaghery,	The 2d prisoner was in case Nos. 11 and 12 of the zillah of Chingleput, 1st session 1834, convicted of gang robbery, and sentenced to 14 years' imprisonment, with hard labour in irons, as appears by the warrant dated 2d September 1834.				
	2. Moorty,	This prisoner was also convicted of escape, and sentenced by the criminal judge, on the 27th October 1837, to receive 160 lashes with a cat-o'-nine-tails, and to be imprisoned for two years in addition to his former sentence.				
	3. Aroomooga Moodely, alias Appavoo Moodely,	22d February 1864.				
4. Chellen,						
and						
5. Caulun.						

2d having had a torch in his hand at the time; and the 2d witness recognised the 1st and 2d prisoners,—the 2d taking away the jewels of the 4th witness, and the 3d prisoner having had a torch in his hand.

The 3d witness states that he saw one robber among the gang very much resembling the 1st prisoner, but that he cannot positively say that he was the identical man; but that the 4th witness, just after the robbery was over, told him that the 1st prisoner was the man that snatched away her neck ornaments during the robbery.

The 4th witness, the wife of the prosecutor, recognised the 1st and 2d prisoners, and one Chinnatombay, not apprehended; that the 1st prisoner robbed her of her neck ornaments; that he and one Chinnatombay having had iron crow's, broke open the doors, brought out her husband, and broke the box; and that the 2d prisoner had a torch.

The 5th witness identifies the 4th prisoner, and heard also the 4th witness mention to him, after the robbery was over, that the 1st prisoner had robbed her neck ornaments, and the 2d witness mention the name of the 2d prisoner as having been one of the robbers that attacked the prosecutor's house.

The 6th witness, a police peon, identifies the 4th and 5th prisoners as having beaten him on the night in question, when he, hearing in his round that the prosecutor's house was being robbed by robbers, ran to the place followed by the other peons. ♦

The 7th witness recognised the 4th prisoner on the night in question, having been struck by him on his ankle, and swears to having seen him perfectly by the light preceding the rise of the moon, which was then about to be up.

The 8th witness, the cutwal of the Mount, swears that the next morning after the robbery, the 5th witness mentioned to him that he had recognised the 4th prisoner; that the 4th witness accused the 1st prisoner of having robbed her of her jewels; and that the 6th witness told him he had recognised the 4th and 5th prisoners.

The prisoners are committed to take their trial before the Session Court under Clause 3, Section 9, Regulation X. of 1816. The principal Sudr Ameen begs to notice here that the investigation held under the instruction of the acting session judge, dated the 16th instant, regarding the marks of ill-treatment on the arms of the 2d and 3d prisoners brought to his notice by the zillah surgeon, shows (*vide* deposition of the said medical officer in conjunction with that of the cutwal of the Mount, dated the 27th instant), that most undoubtedly the 3d prisoner had been severely ill-treated somewhere before his arrival at the criminal court.

The principal Sudr Ameen observing that the marks of the sores did not entirely encircle the arms of the said prisoners, but that a space of nearly two inches are left uninjured at the inner part of the arm, did, in the presence of the surgeon, hoist him up a little, tied with a rope, and found the result of the experiment perfectly to coincide with the manner in which the rope with which the prisoner had, as he said, been tied, had acted. The explanation which the cutwal offered in his deposition is not at all satisfactory, and the matter demands the serious consideration of the higher authorities; when this circumstance is taken into consideration, the declaration of the 3d prisoner before the joint magistrate loses its value, but the principal Sudr Ameen considers it safe to leave to maturer judgment the determination of the point.

(signed) T. Alaghiah, Principal Sudr Ameen.

(True copy.)
T. Alaghiah, Principal Sudr Ameen.

Chingleput, 29 May 1864.

No. 7.

The Statement of Singariah, an Inhabitant of Kottapaulom, in the Talook of Nayer, in the Zillah of Chingleput, taken before E. F. Elliot and H. Stokes, Esquires, Commissioners for the Investigation of alleged Cases of Torture, this 15th day of November 1854.

I AM a weaver; I have two looms of my own assessed at two rupees each. On the 32d of Chittri I paid one rupee and 12 annas, and in Audee two rupees and four annas in full. The first amount I paid to the zilladar, Locanauda Pillay, and the second to the puttonniem, Veerasawmy Reddy. On the 29th of Auvani, the Pymash peons demanded one rupee and four annas, which I had already paid, as stated above, to the zilladar. I explained this to the peon, Madar Saib, but he said that it had not been received, and that I must pay. When I refused, he tied my hands behind me with the palmira fibres now produced; and with the loop of coir now produced, my head was kept down to my feet from 9 to 11 o'clock, after which I paid the money a second time. I came to Madras on my own business, and having heard of this Committee, I have come to complain. I was never so treated before. I never saw others so treated. I did not complain, because they would ask me for money. I am a poor man; this is Circar business.

(signed) *Singariah.*

Read and explained by the interpreter this 15th day of November 1854, before me,

(signed) *E. F. Elliot,*

Commissioner for the Investigation of alleged Cases of Torture.

No. 8.

The Statement of Caringal Mootiah Moodely, an Inhabitant of Madras, taken before E. F. Elliot and J. B. Norton, Esquires, Commissioners for the Investigation of alleged Cases of Torture, on the 8th day of November 1854.

I AM in the service of Vellore Soobooroya Moodely, who has rented the Caringal zemindary. In July 1852, he sent Rs. 24. 3. 7., one of the instalments of his kist, by me to the tahsildar of the Nayer talook. When I paid the money to the shroff named Rungier, at the tahsildar's cutcherry, he said that he had never been paid the usual fees of one rupee since my master has rented the Caringal zemindary. I said I had no money for him; upon which he took me to the tahsildar with the money and a memorandum exhibiting the different items. The tahsildar objected to the memorandum for not being correct, abused me and my master, and fined me one rupee. When I said that I had no money, two peons took me by the back of the neck and pressed me down in a stooping posture, in which position I was kept for an hour and a half. This was inside the cutcherry, in the presence of the tahsildar. I told the tahsildar to take one rupee out of the sum I brought, and give a receipt for the remainder; but I got a receipt for the whole sum. I reported the whole circumstance to my master, who wrote a petition to the Collector, setting forth the complaint, but no answer has been received. For the last seven or eight years I have been in the habit of paying the kist four times a year; but I was never ill-treated except on the occasion stated above, though I have often been asked for the extra rupee, which I have always declined to pay.

(signed) *Muttiya Mudali.*

Read and explained by the interpreter this 11th day of November 1854, before me,

(signed) *E. F. Elliot,*

Commissioner for the Investigation of alleged Cases of Torture.

No. 9.

The Statement of Sasha Reddy, an Inhabitant of the Village of Amanumbaucom, in the Talook of Vunthavasee, in the Zillah of Chittoor, taken before E. F. Elliot, Esq., one of the Commissioners for the Investigation of alleged Cases of Torture, this 16th day of December 1854.

IN Aunee of the year Veerotheeroochoo (June 1852), I was taken to the cutcherry of the tahsildar at Vunthavasee, because I would not permit the moniem and the thurpoodar to reap my crop. I was kept there for 13 days; we were fined 15 rupees, and threatened that we should be ill-treated if we did not pay; we could not pay the fine, and by order of the tahsildar, named Seeneevassa Row, the peons Vencatopathy and Coopoo Naick pulled us backwards and forwards in the street; we were then released. My father has cultivated lands in that village upwards of 40 years; he is still alive. I assist him. In the year Keelaka (seven years ago), I first learned that they collected more assessment than they were entitled to. I then demanded a receipt for payments, but which was refused; for monies paid to the shroff receipts were granted, but for sums paid to the moniem no acknowledgments could be obtained: and from this period I resisted payment without

receipts; and ever since then we have been troubled and persecuted. We have given many urzees, but got no redress. I have never been to the Collector himself, because the distance is great, and we have got no money; I was ill-treated in the same way on two other occasions. They caused pariahs to take us in cumbles in the street. In Pungooni, last year, in a dispute with some toddy drawers, the taliar who was sent to the tope, tied me up with the assistance of the tottee and taliar, and the village taliar, named Nunjay, struck my father with a club; we complained personally to the tahsildar, but he took a bribe from the opposite party and fined us. The name of the present tahsildar is Syed Saib.

(signed) *Sasha Reddy.*

Read and explained by the interpreter this 16th day of December 1854, before me,

(signed) *E. F. Elliot,*

Commissioner for the Investigation of alleged Cases of Torture.

No. 10.

The Statement of Nynah, an Inhabitant of the Seeroovulpetta Village of the Nayer Talook, of the Zillah of Chingleput, taken before E. F. Elliot, Esq., Commissioner for the Investigation of alleged Cases of Torture, this 18th day of November 1854.

I HAD 28 cawnies under cultivation, with all the necessary cattle, &c. Last year the crops were destroyed for want of rain, and I could not pay my kist, amounting to 20 rupees. The zilladar, Locananda Pillay, and monegar, Alagappa Reddy, sent for me on the first Poorattasee last year, and they ordered the two vettyans, Kurryan and Chinnigaum, to place me in anundal; that is to say, they passed a rope round my neck, and tied it to my feet, keeping me in a stooping posture. I began to beat my mouth, when the vettyans struck me on the side, and I fell down. I lost my senses, and I remained there for about four hours, till I was allowed to go to my house. My lands were afterwards sold, and I have been deprived of the means of my livelihood.

On this occasion I was ill-treated because I did not pay my kist; but twice before I was subjected to the same treatment because I refused to pay baja expense at the rate of four annas per cawny extra. This is an unjust collection, taken by the canacopilay and monegar. All the villagers pay this extra fee, and I have also done so, but on one or two occasions I pleaded poverty, and then I was put in anundal; I have never seen others treated in the same way.

(marked by) *Nynah.*

Read and explained by the interpreter this 18th day of November 1854, before me,

(signed) *E. F. Elliot,*

Commissioner for the Investigation of alleged Cases of Torture.

No. 11.

The Statement of Cawder Saib, an Inhabitant of the Talook of Callacoorchee, in the Zillah of Cuddalore, taken before E. F. Elliot, Esq., Commissioner for the Investigation of alleged Cases of Torture, this 29th day of November 1854.

I AM a doctor. On the 11th of September last a peon, named Mohomed Hoosman, complained that I and one Coopoo Row, another peon, had stolen three sheep of his, and placed them with the flock of a cow-keeper. Baulajee Royer, the head goomasta of the tahsildar, sent for me and told me of the charge. He then took the deposition of four cow-keepers, who all said that I and Coopoo Row had brought and left the sheep with their flock; I was questioned, but I denied. Coopoo Row was not present, and I was detained in custody; that evening, after Baulajee Royer left the cutcherry, the duffadar, Moorath Saib, called me into the garden, which is at the back of the cutcherry; there the peon, Mohomed Hoosman, tied my arms behind me, and while thus tied, Mohomed Hoosman flogged me with his leather belt, by order of Moorath Saib, telling me to confess that I had taken the sheep with Coopoo Row. I cried out aloud, when Moorath Saib struck me four times, telling me not to make a noise. Several persons were standing there, viz., Seeneevassen, Peratomby Pillay, Ebram Saib, residing at Moorathbad, and others; I was kept in custody that night. About noon on the following day the tahsildar arrived, who investigated the case and dismissed it, saying it was a false charge. My complaint is against the duffadar and peon for binding me and striking me; I have not complained of this to the magistrate; I came to Madras the day before yesterday to lay my case before the Committee. I have never been ill-treated before. I left my village nine days ago.

(signed) *Cawder Saib.*

Read and explained by the interpreter this 29th day of November 1854, before me,

(signed) *E. F. Elliot,*

Commissioner for the Investigation of alleged Cases of Torture.

No. 12.

The Statement of Sambaseva Reddy, an Inhabitant of the Village of Rambaukum, in the Talook of Vellapoorum, in the Zillah of South Arcot, taken before J. B. Norton, Esq., one of the Commissioners for the Investigation of alleged Cases of Torture, this 16th day of December 1854.

I AM a cultivator of about 20 cawnies, for which, according to the quantity I cultivate, I pay a kist of 100 rupees. About six months ago, I had a balance of kist of five rupees. The tahsildar Vencataroyen, on his rounds, came to my village, and demanded payment. I said I was unable to pay; whereon he ordered his peons to run me up and down by the ears; I was subjected to the anundal, and then tied in a stooping position to the wheel of a bandy. My mother sold her jewels, and released me. I did not complain, because the tahsildar is both a magistrate and a revenue officer. To whom can I complain? When I heard your notice published in my village, I set out and came here.

(signed) *Sambaseva Reddy.*

Read and explained by the interpreter this 16th day of December 1854, before me,

(signed) *J. B. Norton,*
Commissioner for the Investigation of alleged Cases of Torture.

No. 13.

TAKED forwarded to Narraina Row, Tahsildar of the Talook Sheally.

Veerabudra Padayachee others, cultivators, in the village of Vellore the Athamaniam, having presented themselves at the Hoozor, with a petition, stating that with regard to their former address, in which they complained against the warden of the pagoda, Woolaganada Thumbooran, as distressing them to pay him in kind, while they used to pay in cash to the Circar for the land held by them under puttah, you, in making an investigation in your talook, summoned and examined only those who had given a moochelica (agreement) to measure grain instead of paying in money, and reported thereon to the Hoozor, but that you have not examined them, and they neither signed such a moochelica, and praying for orders to receive from them only a money-rent, according to the moochelica they had given to the Circar; your report, No. 1, of the 14th July, on the result of your said inquiry, and the papers which accompanied it, were considered, and it is found therein that the said Woolaganatha Thumbooran has deposed that he did not force the ryots, as the petitioners say, to pay him in grain, but received such a payment for the last two Fualies, i. e. 1261 and 1262, only at the request of the ryots, who said that they will be profited by paying in grain, and signed, and delivered an agreement accordingly, and that the above said petition was presented solely by the evil persuasions of his enemies, also, that you observe that, excepting the petitioners, the rest made deposition that they agree to pay in grain, and that, although the petitioner, together with the other ryots, had given a moochelica to the Thumbooran to make their payment in grain for five years, yet they now refuse to do so, and have formed themselves into a party against him and addressed the above said petition.

As agreements have been taken from the warden and punchayets, on the occasion of the pagoda villages being made over to them, that they will observe the rules established by the Circar, you will strictly instruct the said Thumberan that he may receive grain from those ryots only who consent to pay their kist in kind, but that from those who do not agree to pay so, he shall receive only a money payment in accordance to his agreement.

Station Mauryawaram,
16 September 1853.

(signed) *W. M. Cadell.*

Written and compared.

(signed) *Iyem Paroomapillay, Javob Neviss.*

(True copy.)

(signed) *W. M. Cadell,*
Acting Sub-Collector.

This copy, which was prepared in the division Hoozor catcherry, was delivered to Mootoosawmy on the 21st December 1853.

(signed) *Mootoosawmy Pillay.*
Head Javob Neviss.

No. 13.

The Statement of Mootoosawmy Iyen, an Inhabitant of the Village of Vydesweram Covil, in the Talook of Sheally, in the Zillah of Combaconum, taken before J. B. Norton, Esq., one of the Commissioners for the Investigation of alleged Cases of Torture, this 20th day of December 1854.

I CULTIVATE four valies (twenty cawnies), and pay a kist of 160 rupees. In 1850 the Collector ordered me to pay to the churchwarden of Vydeswarum Covil, as the village belonged to the pagoda. The churchwarden demanded to be paid in grain, which would
420. . U 2 make

- 2.) make an additional kist from me of 50 rupees; but as I refused to pay, he ill-treated me, and I paid the money. The same thing happened in 1852. In 1853 I complained to the Collector, who decided in my favour, and sent to the tahsildar, Narayana Row, to that effect, but he told his peons to beat me and get the money. They put the kitty upon my fingers, and beat me with leather straps, and compelled me to stoop, by forcing me down with the hand on the back of my neck, and beat me on the back. I refused to pay the money, and have not paid it. My kist is not due yet this year. I did not complain of my ill-treatment, because such complaints are not attended to. Your notice was published in my village, and I have come up to complain.

(signed) *Mootoosawmy Pillay.*

Read and explained by the interpreter this 20th day of December 1854, before me,

(signed) *J. B. Norton,*

Commissioner for the Investigation of alleged Cases of Torture.

No. 14.

The Statement of Paramautha Moodely, an Inhabitant of the Village of Cauray, in the Talook of Cauvarypauk, in the Zillah of Chittoor, taken before E. F. Elliot, Esq., one of the Commissioners for the Investigation of alleged Cases of Torture, this 20th day of December 1854.

I AM a cultivator. I live in the village of Cauray. In the month of Auvanee last, a Poojalee woman, named Akkee, who lives in my village, was robbed, but she did not complain to the authorities; some days afterwards the monyam Tapermall Reddy, his son Soondara Reddy, also a monyam, kurnom Veerasawmy Pillay, the talook peon Narrain Row, and tannadar Runganauden, came and took up my son, charging him with the robbery, and took him to an empty house, where he was put in the stocks. Four or five days afterwards the same parties came to me accompanied by talliers, named Cuddoopaudah Naiken and Codundasawmy, and said that my son had made a full statement, saying that he had given the property to me; upon which they took me to the same place where my son was still confined in the stocks, and placed me in the stocks by his side. I was taken into custody about 4 p.m., and at 8 I was put in the stocks, and kept there until 6 on the following morning. Some of the villagers recommended me to pay something to escape from the trouble. I had at first refused, and told them to take me in irons to the Collector, but afterwards I was persuaded, and I sent my eldest son Tonachellom to go and get the money; they had asked me to pay 30 or 40 rupees, but my son brought 25 rupees, which I paid to the kurnom Veerasawmy Pillay and peon Narraina Row. I was then released. My arms had been tied behind me, and I was beaten; the charge of robbery was never taken to the tahsildar or any other authority. I never complained of this to the tahsildar or the Collector.

(marked) *Paramauthay Moodely.*

Read and explained by the interpreter this 20th day of December 1854, before me,

(signed) *E. F. Elliot,*

Commissioner for the Investigation of alleged Cases of Torture.

The Statement of Ramasawmy Moodely, an Inhabitant of the Village of Cauray, in the Talook of Cauvarypauk, in the Zillah of Chittoor, taken before E. F. Elliot, Esq., one of the Commissioners for the Investigation of alleged Cases of Torture, this 20th day of December 1854.

I CULTIVATE lands with my father Paroomauthay Moodely. Since my childhood I have been in the habit of going to the house of one Akkee, a Poojalee woman. There was a robbery in her house, but she did not complain of it. Some days afterwards the kurnom Veerasawmy Pillay, monyam Soondara Reddy, Taperoomah Reddy, another monyam, peon Narraina Row, tannadar Runganauden, and talliar Cadoopandah Naiken, came and searched my house. Nothing was found, but they took me away to an empty house, to which stocks were removed from the tannah; and there I was put in the stocks at two o'clock in the afternoon, and kept for two whole days. The peon Narraina Row tied my arms behind my back, pinched my thighs, and struck me on the back, to make confess that I had committed the robbery. I did not confess. In the evening of the same day my father was brought, put in the stocks at four o'clock, and he was there till six on the following morning; but I was detained until the evening of that day. I heard the monyam ask my father for 30 rupees, and I saw my father pay 25 rupees into the hands of the kurnom Veerasawmy Pillay. He went home and got the money. I saw my brother Tonachellom there. I have not complained of this to the tahsildar or the Collector.

(marked) *Ramasawmy.*

Read and explained by the interpreter this 20th day of December 1854, before me,

(signed) *E. F. Elliot,*

Commissioner for the Investigation of alleged Cases of Torture.

No. 15.

The Statement of Vencatachella Rajalee, son of Maureemootoo Rajalee, and an Inhabitant of the Village of Harithwaramungalum, in the Talook of Valungimaun, in the Zillah of Combaconum, taken before E. F. Elliot, Esq., one of the Commissioners for the Investigation of alleged Cases of Torture, this 23d day of December 1854.

My father cultivated three quarter vales of land, the kist on which was 45 rupees. Last year there was a failure in the crops; and I requested that the land might be placed under amanie, but the tahsildar, named Veejandra Royer, said that he would not do so unless I paid at the rate of 10 rupees per vatee in excess of the regular kist; this I refused to do; for which he sent for me and my father; we were both placed in anundal; our legs were tied together; our heads were tied to our feet in a stooping posture; our hands were tied behind us, and a stone was placed on our backs, and we were made to stand in this manner from six in the morning until noon. I was then released by the tahsildar, but my father was taken in custody to the talook of Valungeemaun; this was in Viahsee last year. My father died in the following month. On the same day they took my father's signature to a paper placing our land under ejara.

Last month I was again ill-treated by order of the tahsildar for the non-payment of the kists, amounting altogether to fifty rupees, for which he wanted me to sign a paper binding myself to pay it in three years; but I refused; on which two peons struck me with a whip, I was placed in custody, my house was zufted, and I escaped from confinement to come and complain here.

In Chitree last I complained to the Collector, Mr. Forbes, at Puttoocottah, who said that he had nothing to do with it, but that I must go to the Sub-Collector. Accordingly, on the following month, I complained personally to the Sub-Collector at Cauvarypatam; I delivered no less than six urzees to him, and I saw him personally; when he told me that he would not take notice of the complaint, as the tahsildar had not reported the circumstances to him when he was at the Valungeemaun talook.

(signed) *Venkatachalama Sami.*

Read and explained by the interpreter this 23d day of December 1854, before me,

(signed) *E. F. Elliot,*

Commissioner for the Investigation of alleged Cases of Torture.

No. 16.

The Statement of Wooppalapanty Veerasawmy Naidoo, an Inhabitant of the Village of Edembadoo, in the Talook of Sutteevadoo, in the Zillah of Chittoor, taken before E. F. Elliot, Esq., one of the Commissioners for the Investigation of alleged Cases of Torture, this 23d day of December 1854.

I AM a cultivator in the village of Edembadoo; Iyepa Naidoo, who has come with me, is the village monyam, and Rangana Naidoo, who had come with us, belongs to the next village of Aulapaukum. About three months ago the peishcar, named Panchanandiah, sent for us, and said that a robbery had been committed at the house of Lingama Naidoo, of Aulapaukum, and that a Vencatagherry man, named Booggadoo, who was present there, had charged us three with being concerned in the robbery; there was an old feud between the inhabitants of the Aulapaukum village and ourselves respecting a watercourse; we denied all knowledge of the robbery, but the peishcar ordered us to be pinioned, by our arms being tied behind us; we were kept in custody that night, and were beaten, because we would not confess the robbery. On the night of the third day we were taken to a tope, near an indigo godown, some way from the village, where, by order of the peishcar, and in his presence, two men, named Yengalappa Naidoo, and Rauvoory Paupah Naidoo, wound a rope tightly round the thighs of myself and Iyepa Naidoo, to force the blood into the foot, which gave us great pain; and we were again desired to say what we had done with the property, and we said that we had the property, because we could not bear the pain. When we were relieved, we were again obliged to say that we knew nothing about it, upon which we were again tied up; we were kept in custody five days, four of which we were ill-treated in the manner described, and the peishcar said he would not release us unless we paid him; and Rangana Naidoo gave him 150 rupees, and was released, and I and Iyepa Naidoo sold our lands, a well which cost us 70 rupees; and Iyepa Naidoo also parted with his moonyamship; and I paid him 50 rupees, and Iyepa Naidoo 100 rupees, which has ruined us entirely. Fifteen days afterwards we three went to the tahsildar, named Lutchmee Narasiah, at Naugalapoolam, one Indian league from our village, to complain. He told us not to give any raujeenamah to the parties to whom we had sold our property, for that he won't go into our case, and we waited on him continually for one month, when he went to Chittoor without doing anything at all. We then heard of this Committee at Madras, and have come down to make known our grievances.

(marked) *Veerasawmy Naidoo, Iyepa Naidoo,
and Raugava Naidoo.*

Read and explained by the interpreter this 23d day of December 1854, before me,

(signed) *E. F. Elliot,*

Commissioner for the Investigation of alleged Cases of Torture.

No. 17.

The Statement of Teagaroya Moodely, an Inhabitant of the Village of Vyleek Kavoor, in the Talook of Woottaramulloor, in the Zillah of Chingleput, taken before E. F. Elliot, Esq., one of the Commissioners for the Investigation of alleged Cases of Torture, this 27th day of December 1854.

I HAD cultivated three cawnies. In Aunee last the zilladar Sashiar, Pareavausippoo Moodely the puttamoniam, and the peons, Sheik Emam and Moonyasawmy Naik, came to demand a balance of six rupees and odd. I had paid my kist in full, according to the puttah, and held the receipt; the puttamoniam told the zilladar to recover the money, and then the zilladar told the peons to get the money from me. I was then placed with defaulters in front of one Vadagherry Moodely's house, when the peons, Sheik Emam and Moonyasawmy Naik, pinched my thighs, pulled me by the lock of hair till I fell down; pulled me up again by the hair, made me run up and down whilst they pulled me by the lock; and Sheik Emam struck me with his hand on the face. I could not bear the ill-usage, and got one Chinna Vausippoo Moodely to become security for me, and next day I sold my only bullock and paid the money. I did not complain to the tahsildar Kistmier, because if we go further he detains us twenty, fifteen, or ten days without hearing us.

(signed) *Tiyaganaya Mudeliyar.*

Read and explained by the interpreter this 27th day of December 1854, before me,

(signed) *E. F. Elliot,*

Commissioner for the Investigation of alleged Cases of Torture.

No. 18.

The Statement of Chendrummah, an Inhabitant of the Village of Thundalum, in the Talook of Pareapaulum, in the Zillah of Chingleput, taken before J. B. Norton, Esq., one of the Commissioners for the Investigation of alleged Cases of Torture, this 27th day of December 1854.

My husband cultivated four cawnies of land up to three years ago. Since that time he has earned his livelihood as a doctor; he had also practised as a doctor before. He is not my husband. My husband died young, and I have lived with Ramasawmy, as man and wife, for sixteen years. About six months ago the village moonsiff, the puttamoniam, and three peons came to my house one night, in the absence of my husband, with a warrant from the tahsildar to make a search for goods stolen from a man whose name I do not know. They took away all the property in the house to the tahsildar's cutcherry at Trivelloor. Ten days after I went to the Collector at Sydapet with a petition. The javabnevis told me my complaint was referred to the tahsildar. I went to the tahsildar, and after some delay, the man who had been robbed was sent for, and in my presence examined the property, which he said was not his. Thereupon I asked that it should be given back to me, but the tahsildar said he would report to the Collector. The property has never been given up. About a month ago my husband returned home, when he was arrested and taken to Trivelloor. I went there; a peon, by name Adam Saib, came to me and said if I would give the tahsildar thirty rupees my husband would be released. I had nothing to give, and my husband is still in the tannah.*

This — mark is of *Chendra.*

Read and explained by the interpreter this 27th day of December 1854, before me,

(signed) *J. B. Norton,*

Commissioner for the Investigation of alleged Cases of Torture.

No. 19.

The Statement of Kaulceegadoo, an Inhabitant of the Village of Moothoocoor, in the Talook of Poonganoor, in the Zillah of Cuddapah, taken on solemn affirmation before E. F. Elliot, Esq., one of the Commissioners for the Investigation of alleged Cases of Torture, this 10th day of January 1855.

I AM a cultivator in the village of Moothoocoor, attached to the zemindary of Poonganoor, in the zillah of Cuddapah. The name of the zemindar is Sunkara Royer, who is the head of the police there, for which he receives a salary from the Circar. The zemindar has a relation, named Veeraygowdoo, who has great influence; this Veeraygowdoo sent for me on one occasion to weed his fields, which I refused to do, since which he bears me a grudge. About two years ago he charged me unjustly with having committed a robbery of plantains in his garden, when he placed me in custody, and kept me 21 days in goal at Poonganoor, where I was cruelly beaten by the peons. After 21 days I was taken to a mountain where there was a ceremony, where I was again ill-treated by the peons, and Veeraygowdoo asked me

* This is the case alluded to in para. 68.

me for 20 rupees. I said I am a poor man, and could not pay so much; but I sold my bullock, and paid eight rupees, when I was released. I complained of this to the zemindar, by means of an urzee, but no notice was taken. I therefore sent a petition to the Collector, Mr. Murray, who sent it to the zemindar for inquiry; upon which I was called to Poonganoor by two peons from the zemindar, where I was detained 21 days, but I never saw the zemindar's face; during this time I sold my cloth, because I was obliged to pay two annas daily to his peons.

After this I proceeded myself to Cuddapah to complain to the Collector. I was a stranger to the place, and did not know the practice. A duffadar of the Hoזור took me to a well, and told me that people there would get money out of me, and that if I would pay him two rupees he would get my case heard. Afterwards I was taken to Mr. Murray, who listened to all my representations, and told me to return to my village, and that he would send a peon for me in 15 days. I told him that I was a respectable man, paying 40 pagodas kist; that I had been ill-treated and disgraced; and that I would kill myself if he (Mr. Murray) would not do me justice. He advised me to go back to my village, as I had no batta there, and that he would send a peon to inquire; but he has not done so. This was more than a year ago.

(marked) *Kauleegaudoo.*

Solemnly affirmed at Madras, the contents having been explained by the interpreter, this 10th day of January 1855, before me.

(signed) *E. F. Elliot,*

Commissioner for the Investigation of alleged Cases of Torture.

No. 20.

The Statement of Venkiah, an Inhabitant of the Village of Cherookoorapudoo, in the Talook of Ponnalore, in the Zillah of Nellore, taken on solemn affirmation before E. F. Elliot, Esq., one of the Commissioners for the Investigation of alleged Cases of Torture, this 13th day of January 1855.

I HAVE a puttah for land which I cultivate in my own village, for which I pay 40 rupees; and I cultivated other land in another village in partnership with another man, named Voopalapatee Yanadee, who fell into difficulties, and he agreed to divide the land, and that I should continue to pay one half of the kist, namely, thirty rupees. To this the tahsildar, Elleethumdee Vencata Row, would not consent; but afterwards he said he would allow me to cultivate the portion, if I would allow him 20 rupees, which I refused to do, and said that I would go to gentleman. After this I attempted to cultivate the land, but was driven away by the kurnom and talliers, when I went again to the tahsildar, who said that there was a balance of eight rupees on account of the kist, but I maintained I had paid the whole, which was the truth. He then ordered me to be placed in anundal; my head was tied to my feet, in a stooping posture, the kistee was placed on my ears, and I was kept in this position from eight in the morning till noon, when I agreed to pay, and I was released. I then sold one of my buffaloes, and then paid eight rupees to the tahsildar, although it was an unjust demand, for the kist had been paid in full, not only for my portion, but also for that of my partner. I presented two petitions to the Sub-Collector at Ramayapatam, but no inquiry was made.

(marked) *Venkiah.*

Solemnly affirmed at Madras, the contents having been explained by the interpreter, this 13th day of January 1855, before me,

(signed) *E. F. Elliot,*

Commissioner for the Investigation of alleged Cases of Torture.

No. 21.

The Statement of Veerappa Chetty, an Inhabitant of the Village of Valavanoor, in the Talook of Veloopooram, in the Zillah of Cuddalore, taken on solemn affirmation before E. F. Elliot, Esq., one of the Commissioners for the Investigation of alleged Cases of Torture, this 17th day of January 1856.

I AM a hawker, and live in the village of Valavanoor. For the last 40 years I have been occupied in taking cloths for sale from village to village. About three years ago the puttanyam, the moonsiff and the kurnoms of my village were dismissed from the service for some fraud, and three thuridars were appointed to collect the revenue of the village. One of these, named Sashingar, soon after his arrival at the village, obtained some betel leaves from my house daily, and on his continuing to demand the same, I remonstrated, saying that the village talliar, the totee and others already take betel from us, why should you extort also, when you receive your salary? He then said that he would put sand in my mouth, and get a tax put upon me. He then persuaded two shopkeepers to charge me with selling tobacco, betel, &c., which Sashingar reported to the tahsildar, directing the usual tax for retailers to be recovered from me. I did not pay, but went to the tahsildar, Appaswamy Moodelly, who told me to pay the tax, and that he would come to the village itself to make inquiry into the business. Ten or twelve days afterwards the tahsildar came, and by this

time I had erected a hut on Circar land, where I was selling nuts, tobacco, betel, &c., according to the order of the thurfdar. The tahsildar, on seeing my hut, ordered me to remove it, to which I demurred, because I had been made to pay the tax. On this the tahsildar got angry, asking me how I dared to contradict him, and ordered two peons to pull me by the ears and to strike me; and he (tahsildar) also struck me; and then by his order the hut was pulled down, and all the things scattered, which the crowd picked up and took away. I complained of this personally to the Collector, Mr. Davis, who sent orders to the tahsildar to investigate the complaint, when the tahsildar reported that I had placed a hut on the public road, and that therefore he had ordered it to be removed. The Collector, on receiving this explanation, ordered the tahsildar to return the tax to me immediately. To this the tahsildar answered that the amount had been included in the revenue of the village already paid into the treasury, and that therefore he had not the power to comply. The Collector sent me by post his taukeeds, with the answer of the tahsildar, when I addressed the Collector again, pointing out that if he had come himself to make the inquiry he would be satisfied of the justice of my claim. On this last petition the Collector endorsed my statement, as well as that of the tahsildar, but issued no orders; I enclosed this petition, with the other documents received, in an address to the judge, who said that the course had been irregular on the part of the tahsildar, who had no right to remove the hut without his order, and that I might institute an action against him. Before I could do so, Mr. John Bird was appointed Collector of the district, and on the case coming to his notice he ordered the tahsildar to repay me the amount of the tax (3. 0. 2.), which was done accordingly. Soon after this I went to Conjeevaram, and on my return the village kurnom, Mootoosawmy, told me that he had been desired by the monyam Appiar to fix a tax on my dwelling house, which had never been done before, but that he would not do so if I would give half a rupee, which I paid to him. Notwithstanding this, a tax of one rupee fifteen annas and six pice was levied. Up to this period my house had never been taxed; I complained to the Collector, who said that he would inquire at jamabundy time. This was done by Mr. Banbury, three months ago, who issued instructions that my house should not be taxed in future. There was a balance of one rupee due of the tax which had been unjustly put upon my house, and six days after Mr. Banbury had decided the case, the two totees, named Veerappen and Iyencootie, took me to the monyams, Appoo Iyer and Putchasoobbooroy, who asked me for the balance; I refused to pay; upon which they told the two peons Nattoo and Naboos Khan not to let me go till I paid. Accordingly these two men caused the totee Iyencootie to place me in anundal, by tying my head to my feet with my own cloth, and Naboos Khan struck me with his leather belt on the leg; but I still refused to pay, and I was kept in custody till next day, when the peishcar Narrainsawmy came, who inquired of me the reason for refusing to pay, and kept me till eleven o'clock that night, when he sent me to the tahsildar. I had two rupees, which the peons Naboos Khan and Nuttoo took from my person whilst on the road. On the following morning I was produced before the tahsildar, I do not know his name, to whom I complained of the outrage committed by the peons, but he said that I spoke false; and because I did not pay the balance, he placed me in anundal in front of his cutcherry. I could not bear the ill-treatment, and said I would sell my ring; accordingly I was sent with a peon to some of my relations in that village, and I borrowed two rupees from one Angoo Chetty, on the security of my ring, and paid the money. This was about the 15th Kartheegay last (27th November). I proceeded to Cuddalore, and complained to Mr. Banbury, who promised to write to the tahsildar about it, and gave a taukeed to the tahsildar to give me a piece of land on which to place a shop, but the tahsildar has not carried out the order.

(signed) *Viraya Chetti.*

Solemnly affirmed at Madras, the contents having been explained by the interpreter, this 17th day of January 1855, before me,

(signed) *E. F. Elliot,*

Commissioner for the Investigation of alleged Cases of Torture.

No. 22.

The Statement of Aroonachella Moodelly, an Inhabitant of the Village of Teroovmanuilloor, in the Talook of Eleanasoor, in the Zillah of Cuddalore, taken on solemn affirmation before E. F. Elliot, Esq., one of the Commissioners for the Investigation of alleged Cases of Torture, this 17th day of January 1855.

I AM a weaver and cultivator. There was a robbery in the house of the Sudr Ameen at Cuddalore, at the end of September, last year; I was away from home, and on my way back, in a neighbouring village, I was told that the peons and talliards were in my house, and had maltreated my brother Narrainsawmy and the women of the family. I was, therefore, afraid to go home, but went back to Cuddalore, and complained to Mr. Maltby, the Collector, who referred me to the tahsildar. I went to the tahsildar, named Soobba Royer, whose cutcherry is about three-quarters of a league from my house, who told me to remain till the case came up. I stayed there one day when the dayalet came, when the tahsildar sent me with him to my house, and there I found dayalet Govinda Naiken, the talook peon Kistna Singh, one Narrainsawmy Naiken sent by the tahsildar, puttamonayan Moodroolanga Reddy, kurnom Gungdara Pillay, village moonsiff Vencataramanian, and other puttamonayan.

I was

† I was immediately pinioned, and then tied to a tree, where these people struck me with their slippers, after which I was untied, and placed in the stocks, and was again struck by these men till I fainted. When I recovered, I was told to say that the gold which I had in my possession had been given to me by a thief. I was then taken to the tahsildar, where I was kept in custody for 25 days, when I was taken before the tahsildar, who questioned me about the gold; and on my asserting that it was my own property, he observed that I would not speak the truth; handcuffs were put on me, and I was lifted up by my moustaches by a peon named Ramasawmy Naik, and one side of my moustaches were pulled out; my brother was then brought in custody; and he has been so much ill-treated that he said that he had seen me melting something. I was then committed, with several others, and tried at Cuddalore, and we were all acquitted; and the Sudr Ameen sent me and the woman, named Anghee, to the Collector, to give our statements respecting the ill-treatment; Anghee having had a kittee applied to her breast to make her confess. We both appeared before the sub-collector, I think his name is Banbury, who heard us, and our statements were taken down, and we were told to go away; this was, I think, in Kartheegay before last. My brother, who had been so ill-treated, was made a witness in the case; and one Vencatarana Naik, one of the witnesses, was tried for perjury, and sent to the roads for four years.

(signed) *Aruna Chella.*

Solemnly affirmed at Madras, the contents having been explained by the interpreter, this 17th day of January 1855, before me,

(signed) *E. F. Elliot,*

Commissioner for the Investigation of alleged Cases of Torture.

No. 23.

The Statement of Vanamoorthy Nada Pillay, an Inhabitant of the Village of Saurumnadavy, in the Talook of the same name, in the Zillah of Tinnevely, taken on solemn affirmation before H. Stokes, Esq., one of the Commissioners for the Investigation of alleged Cases of Torture, this 18th day of January 1855.

LAST year, as our peasanum (principal paddy crop) failed for the most part for want of rain, we were unable to pay as usual, and we had our fields examined by the Circar servants, who prepared an account of the produce. When the jamabundy was made, we claimed a remission on account of the losses, according to the terms of the agreement entered into in 1837 by us, when Mr. Eden was Collector. As this remission was not allowed, we refused to take our puttahs. The tahsildar, Appavoo Moodelly, then commenced to compel us to pay with great severity, from the month of June to August. I and others were placed in charge of peons, who used to take us out in the sun; sometimes to a rock on the north of our town, and at other times to the sand near the hill. There we were made to stoop, and stones were put on our backs, and were kept in the burning sand. After eight o'clock at night we were let to go to our rice. Such-like ill-treatment was continued during three months, during which we sometimes went to give our petitions to the Collector, who refused to take them. We took these petitions, and appealed to the session court, who transmitted them to the Collector, requesting him to institute an inquiry. Still we got no justice. In the month of September a notice was served upon us, and 25 days after our property was distrained, and afterwards sold. I have already sent my petition to the Commissioners, enclosing the documents; namely, three petitions; extract from the diary of the session judge; account sale of our distrained property, &c.; copy of our deposition before the session court; and account of our balance. Besides what I have mentioned, our women were also ill-treated, prevented from going to water, and kittee was put upon their breasts. On the 11th December I sent an English petition to the Government; a copy of this also I sent with my petition to the Commissioners. The following are the witnesses, Narasoo Ramien, Kistaien, Gopaulien, and Narasimmien.

(signed) *Vanamurtti Nada Pillai.*

Solemnly affirmed at Madras, the contents having been explained by the interpreter, this 18th day of January 1855, before me,

(signed) *H. Stokes,*

Commissioner for the Investigation of alleged Cases of Torture.

Nq. 248.—Sungarasadasewa Iyer's complaint is to the same effect as the above.

No. 24.

The Statement of Baulambal, an Inhabitant of the Village of Vythesware Covil, in the Talook of Seevasalee, in the Zillah of Combaconum, taken on solemn affirmation before J. B. Norton, Esq., one of the Commissioners for the Investigation of alleged Cases of Torture, this 20th day of January 1855.

I AM a widow. In August last, one Veera Pillay came to me and said that Woolaganauda Tambaran wanted me. I asked what for. He said that it was for bed purpose. I refused

to go. Ten days afterwards, Veerapillay, Veerappa Naick, Davaroyen, and another whose name I do not know, came to my house, and said that they were ordered by the tamberan, who is also the village moonsiff, to search my house on suspicion of its containing certain property which had been stolen from the third house from mine, about two years before. Veerapillay lived in that house, and they came without any warrant with them. They carried away 13 rupees from my box, an ear ornament, some stones, and so they delivered these to the tamberan. The property was never returned to me. I, too, was taken to the tamberan's house; he was not there. I was taken to a chutrum opposite. After lamp light, about six o'clock in the evening, the tamberan came to the chutrum, accompanied by about 12 or 13 people. I was taken to the covil. About half-past seven, the tamberan came there, and Veerasawmy Naick peon, Veerapillay, Davaroy Pillay, Comara Pillay, all servants of the Pagoda. My mother, who was with me, was told by Veerapa Naik to go to her house, and she went away. Then Veerapa Naik and Veerasawmy Naik took me to another part of the covil where the tamberan was. The peon told me to tell what I knew. I said I was innocent, and knew nothing. The tamberan then said "Take her in." I was taken into a large room, into the covil, by Veerapillay by the hair. Veerapilly then again asked me, "Will you say anything or not?" I said, "What do you wish me to say?" He said, "You seem a great rogue;" and abused me most indecently. I told him not to be so indecent. He slapped me on the head, and I fell down. When I got up again Veerapillay tied my arms behind me by a rope above the elbows. A rope suspended to a beam was then passed behind the rope which tied my arms, and I was hung up about a foot from the ground by Veerapillay and Veerappah Naik. I cried out. Davaroyen prevented my speaking by stuffing cloth into my mouth. Veerapa Naik and Veerapillay applied two kitties, one to each breast, and I fainted. When I came to myself, I found I was lying on the floor, near the gate of the covil. The tamberan was there during the whole of the time I was tortured. When I came to myself, he was not there. I then found only Veerapillay and Veerappa Naik by me together with my mother crying, together with some other persons who were in the covil. My mother bid them be witnesses; and my mother took me home afterwards. Four days afterwards, as soon as I was well enough, I and my mother went to complain to the peishcar. He said that Tamberan was a rich and powerful man, and we had better go to the Collector. We went to Mr. Cadell, the assistant magistrate at Cavarypatam, 15 miles from our village. The magistrate instituted an inquiry, took my deposition, and that of my witnesses, and, by order of the magistrate, my person was examined by a native dresser. I asked the magistrate to punish Tamberan and the others, but he said the case must be tried by the court. The case was afterwards tried in October. My person was again examined by an English doctor, but the tamberan was acquitted as well as the rest. As soon as your notice was published, I came up to Madras, and I beg that the records may be sent for.

(Marked) *Balambal*.

Solemnly affirmed at Madras, the contents having been explained by the interpreter, this 20th day of January 1855, before me,

(signed) *J. B. Norton*,

Commissioner for the Investigation of alleged Cases of Torture.

REPORT of a Case disposed of by the Assistant Subordinate Judge, in the Zillah of Combaconum.

No. of the Case.	NAMES OF THE PARTIES.	Crime.	Date of			SENTENCE.	
			Apprehension.	Leaving the Talook.	Arrival.		
100. By the joint Magistrate of Tanjore.	Valambal - - 1	Torture.				The prosecutrix deposed that, in consequence of her having refused to cohabit with 1st prisoner, a charge of having stolen property in her house was got up against her; that she was taken to the pagoda by the 5th prisoner, and there ill-treated, as set forth in the charge, by the 2d, 3d, and 4th prisoners. The prosecutrix has marks on her arms and breast, as if she had been so ill-treated. Concerning the marks, certificates of the joint magistrate's dresser, and the zillah surgeon's, have been furnished.	
	<i>versus</i> Oolaganad Tam- beeran - - 1		2d				
	Veerapanain - 2		2d				
	Deyvorayen - 3		2d				
	Veerapillay - 4		11th				
	Veerasamy Naik } 5		11th				
	Peon - - - - } 5						
	Coomarapillay - 6		11th	14th	16th		
	<i>Witnesses.</i> Vytelingapillay and 10 others.			September 1854.			

The depositions of the prosecutrix and her witnesses as to the number of blows she received, the manner and place in which she was ill-treated, agree tolerably well, but on all other points they greatly contradict each other; and the circumstances under which the witnesses

witnesses depose that they observed the ill-treatment are so improbable that the court entirely disbelieves their evidence, and orders the release of the first prisoner, who is a respectable person; the investigation against him is not at all supported. From the wounds on prosecutrix's person, there is no doubt of her having been ill-treated, and though the charge is not proved in consequence of the enmity between prosecutrix, her witnesses, and the prisoners from second to sixth, as proved in this case, and in Criminal Cases, Nos. 178, 179, and 180, of 1854, on the file of this court, there is strong suspicion that they did cruelly ill-treat the prosecutrix. The third prisoner is sentenced to find two securities in 50 rupees each, for his good conduct and appearance when required within one year, or to be imprisoned for that period, under clause 1, section 4, Regulation II, of 1822.

The fifth and sixth prisoners are released.

The second and fourth prisoners attempted to prove an alibi. Their witnesses' evidence not being considered satisfactory, they are ordered to find severally two securities in 50 rupees each, for their good conduct and appearance when required within one year, or to be imprisoned for the same period, under clause 1, section 4, Regulation II, of 1822.

By the Acting Subordinate Judge, 17th October 1854.

Combacorum Subordinate Court,
18 October 1854.

(signed) *V. H. Levinge*,
Acting Subordinate Judge.

To the Joint Magistrate of Tanjore.

(True copy.)
(signed) *W. M. Cadell*, Joint Magistrate.

o. 25.

The Statement of Soobucka, an Inhabitant of the Village of Colapally, in the Talook of Panoomoor, in the Zillah of Chittoor, taken on solemn affirmation before H. Stokes, Esq., one of the Commissioners for the Investigation of the alleged Cases of Torture, this 20th day of January 1855.

My late husband was putta manyam of Colapully village, and had a manneum (grant of land) with a dasabundum (a certain share of the produce under a channel); after my husband's death, my relation, Chengle Reddy, gave bribes to the curnum and others, and got the manyam land and dasabundum for himself; my son, Sidder Reddy, of twenty years old, used to ask Chengle Reddy why he gave bribes, and caused this injustice, for which Chengle Reddy bore him a grudge. Sometime ago (about two years) a robbery had been committed at Aroogonda, a village about half a day's journey from my village. About four days before the last Yoogaudy feast (29th of March 1854), some peons came to my village; our enemy, Chengle Reddy, told them something, what, I do not know, about my son; they came and said to him, Vencatarayadoo Reddy, of Poolloor, wants you; they then took him away with them from the field where he was with the ceettee; I was in the house. As my son did not come I went to look for him; I heard two women talking that the peons had taken away my son and were beating him; I went on inquiri z for him, and at last, when it was dark, I met two people who told me that the peons seem to be beating some one near a ruined pagoda, which is a little beyond Poolloor, which is near our village; I went there and heard my son's voice; he was crying out abba, amma; I went to speak to the peon; one of them struck me on the nose with his fist, and made it bleed; when I looked round to see my son, he struck me again on the chest with a stick which had an iron ferrule; I fell down senseless; one of the peons dragged me to some distance, they then put me in confinement. After beating my son much, they put his hands in stocks; the next day, as I was crying and beating my mouth, they let me go. I went to my house; they then searched all my house; there was nothing of stolen property, but they took one of the cloths that I had worn, my silver bangles, one brass plate, and my son's earrings. They took us all to the catcherry, and from that, sent us to the court, and from that to the session court, where my son was sentenced to seven years' imprisonment.

(marked) *Soobucka*.

Solemnly affirmed at Madras, the contents having been explained by the interpreter, this 20th day of January 1855, before me,

(signed) *H. Stokes*,
Commissioner for the Investigation of alleged Cases of Torture.

No. 26.

The Information of Audenarrainapah, an Inhabitant of Monja Kautopoor, attached to Poonganoor Zemindaree, in the District of Cuddapah.

I AM an inhabitant of Kautopoor, attached to Poonganoor Zemindaree of Cuddapah Zillah. I have two brothers, named Narasapah and Chengle Row; I and Narasapah lived together in a house of our own in Katepoo; and Chengle Row is the head of the district police of Chittoor talook. We have landed property at Katepoo, as well as at Palamanair, in the zillah of Chittoor; I and Narasappah also carry on traffic in sugar, which we buy in Katepoo, and send it for sale at Madras.

About five years ago Junnadee Shunkara Royal, the zemindar and head of police of Poonganoor,

2.) Poonganor, sent for me to his house, and asked me to make him a present of 245 rupees, which was the annual average amount of teerwa (assessment) on our lands, on the occasion of his marriage. This sum I refused to pay him, but promised to give him as much as our circumstances would permit. He not having agreed to this, I returned to Katepoory. A year after I proceeded to Chittoor, on account of a case then pending in the civil court, where I received a letter from my brother Narasapah, who stated that some parties were taken up by the said head of police for stealing some grain from the house of a woman named Bhagummah, residing in Katepoory, and that he had tried to persuade them to accuse me of being the plotter of the robbery; that they had refused to comply with his request, but that there was a warrant issued against me by the head of police. On this I forwarded an urzee to Mr. Cochrane, the then magistrate of Cuddapah, complaining against the head of police for concocting the false charge against me, and that gentleman sent a summons to me through the magistrate of Chittoor, directing my attendance before him at Cuddapah. A few weeks after this I returned to Katepoory, with the view of presenting myself before Mr. Cochrane, but on the very night of my arrival thither, which was on the 18th June 1852, my house was surrounded by torch robbers, who broke into my house, and I made my escape by the back door, having, however, recognised some of the robbers as belonging to a neighbouring village, who I was convinced were the party set up by the said head of police and his relation, Moottakooroo Veeriagowdoo, the village police officer, to plunder my house. On the following morning, the 19th of the said month, Veeriagowdoo came to my house and asked me to make my deposition regarding the robbery committed in my house, which I refused to do, telling him that my suspicions were against him. On the 23d the head of police himself arrived at Katepoory, seemingly to institute inquiries about the theft, and although he was satisfied from the evidence of my neighbours that robbery had been committed in my house, yet, with an intention of ruining me, he instigated the village people to put their signatures to a paper, in which it was stated that no robbery was committed. This the principal people refused to do, but some, who were friends to the said head of police and Veeriagowdoo, signed it. I was then asked by the head of police to give my deposition to the above effect. On my declining to do so he ordered me to be kept in custody; and I, on the same day (23d June 1852), sent an urzee to Mr. Forbes, the then magistrate, complaining against the above said injustice. No notice was taken of this complaint, and I remained in custody until the 25th of July of the same year, when I was released on bail; but while I was in custody, the above said head of police and Veeriagowdoo instigated Chinnanagunnagaaree Ramoodoo, who was one of the six defendants in a civil suit which I had filed in the moonsiff's court at Madanapully in the year 1851, to lodge a written complaint against me before him, the said head of police, stating that I had taken two men, giving them the appearance of the court peons, with a fabricated writ to his house about eight o'clock at night, and falsely representing it to have been issued by the said moonsiff to seize the property; that I had wickedly carried away the whole of his property about a month before. The head of police having tutored the five other defendants to give their evidence against me, conducted the examination of the case until the 17th of August 1852, when the head of police forwarded, as usual, his report on the case to the magistrate, to whom I also sent a petition, on the same date, complaining against the injustice, and requesting the magistrate to have the case re-examined, and the proceedings of the head of police called for. The magistrate, Mr. Wedderburn, re-examined the case, and dismissed it, as being trumped up and malicious, and I returned to my village. In the middle of 1853 decision was passed in my favour against the six defendants, named Chinnanagunnagaaree Ramoodoo, Chinnadoo, Chengadoo, Baleegadoo, Gungooloogaudoo, and Thimnee, by the moonsiff of Madanapully. The amount decreed not having been satisfied by the defendants, I, on the 8th July 1854, presented an urzee to the said court to recover it for me, whereupon the said court issued a warrant under date the 10th July against all the said six defendants, which warrant was executed by the peons of the said court, named Erra Khader and Sheik Hoossain, upon three of the defendants, namely Chinnanagunnagaaree Ramoodoo, Bauleegadoo, and Gungooloogaudoo, who were pointed out by my brother Narasappah on the 16th of the said month. Two other peons of the said court, named Sheik Eman and Sheik Meeran, seized two persons named Nagadoo and Condadoo in a civil case of another individual, and all these proceeded, on the 17th, to Punganor, where the remaining three defendants in my case were said to have gone. Not finding them there, the peons left the place with their prisoners, and on the morning of the 18th, on their return, near Mailaputta, the prisoner Gungooloogaudoo was attacked with cholera and became insensible, when the court peons sent the other prisoner, Baulegadoo, the brother of Gungooloogaudoo, to his village, to bring his two other brothers to have Gungooloogaudoo removed to his house in the village of Gornagoontah. This was done, and Gungooloogaudoo died in his own house on the same night (18th July), in the presence of all the court peons and the prisoners, as well as his relations. Gungooloogaudoo having died after he had been made a prisoner by the court peons, they, as customary in such cases, reported the death, on the morning of the 19th, to Veeriagowdoo, the village police officer, who prohibited the corpse from being buried until he received instructions from the head of police. On the 20th or 21st the head of police deputed Karcoon Rama Row to make his report touching the demise of the said Gungooloogaudoo. The karcoon accordingly went to the village of the deceased, and took down the statement of his brothers and relations, as well as a mahazurnamah of the villagers, and being satisfied that Gungooloogaudoo had died of cholera, ordered the body to be buried. Shortly after Veeriagowdoo arrived, and learning from the karcoon what had transpired, desired the body to be disinterred, because he entertained some suspicions about the death. On its being taken out of the grave, Veeriagowdoo stated that he observed some marks of violence

violence on the body, while there were none. The brothers and other relations of the deceased assured him that the deceased had died of cholera, but not otherwise, and in a word, confirmed the proceedings of the karcoom. After this, Veeriagowdoo ordered the corpse to be re-interred. On the following day he, Veeriagowdoo, returned to Gornagoontah with the head of police and the four court peons, and the body was, at the instance of the head of police, a second time exhumed, when he desired the said peons to make their depositions, accusing me, my brother Narasapah, and a servant of ours, of having beaten and murdered Gungooloogaudoo while in custody on the road. He also caused several respectable people to persuade the peons regarding the same; but they, the peons, sternly rejected. On this the head of police requested the prisoner Bauleegaudoo, the brother, and Nagee, the wife of the deceased, to charge us three with the maltreatment and murder of the deceased. They also refused to make the false complaint. Notwithstanding all this, the head of police and Veeriagowdoo took the said court peons and their prisoners Bauleegaudoo, Chinnaganunagauree Ramnadoo; Condadoo, and Nagadoo, as well as the said Nagee and Timmee, to Punganoor, where the head of police made Bauleegaudoo and Nagee as prosecutor and prosecutrix; and Chinnaganunagauree Ramnadoo, Timmee, Condadoo, and Nagadoo as witnesses against the said four court peons, and myself, my brother Narasapah, and a servant of ours, who were not present, on a charge of murder of the said Gungooloogaudoo, taking down the examinations for the prosecutrix falsely. This coming to the knowledge of my brother Narasapah, he despatched two urzees to Mr. Murray, the magistrate of Cuddapah, on the 23d and 25th July 1854, complaining against the perversion of justice, to which no reply was received. The head of police committed the four peons to the sub-criminal court for murder on the 27th July last, and communicated to the said court that he would also commit us three on the same charge as soon as we were apprehended. He, the head of police, accordingly issued a warrant of apprehension against us, but it was not executed, for reasons unknown. The sub-criminal judge, Mr. Hathaway, who tried the case against the peons, being satisfied from the evidence before him of the parties above-named, who declared that the head of police had taken down depositions maliciously in the case, in direct contradiction to what they had stated, and that Gungooloogaudoo had died of cholera, dismissed the case on the 17th August 1854.

I heard of all this at Madanapully, from the peons, who were acquitted, and myself repaired to Cuddapah, intending to lodge my complaint before the magistrate in person in the above matter. While there I was apprehended by Syed Sahib, a peon of the said head of police, by a warrant, under the charge of murder of the said Gungooloogaudoo. I refused to go with him to Poonganoor, apprehending danger to my life, and desired him to take me before the magistrate. He refused to do so, but took me before the town ameen of Cuddapah, who ordered the peon Syed Sahib to conduct me before the magistrate, which the peon promised to do; but he having threatened to beat and disgrace me, I was compelled to leave Cuddapah with him and his two companions the same night. We all arrived at Punganoor in four days, and I was produced before the head of police, who ordered me into custody in his own house, where he holds his cutcherry. There I was kept under restraint for 16 days. About a week after I was thus imprisoned, Veeriagowdoo was sent to me by the head of police, who asked me either to confess that I committed the murder, or to pay 100 rupees to the head of police to obtain my liberty. I refused to do one or the other. On this, Veeriagowdoo caused a rope to be twisted around my right arm from the wrist to the shoulder, and suspended me by the same to a beam for about 10 minutes, and he himself gave me five or six blows with his open hand on my back. This was about 10 o'clock at night, and in the presence of Kistna Reddy, Vencataramunnah, and Moneappah, who are cultivators in and near my village. Not being able to bear this ill-treatment I consented to pay 60 rupees. Veeriagowdoo asked me to pay the money forthwith, and I told him my inability to satisfy it on the spot, and promised to pay it on the following day. He said to me that if the above said three cultivators became security for the money he would liberate me. To this I agreed, and they stood security for me. On the following day I took my securities with me to Punganoor, and paid the 60 rupees into the hands of Veeriagowdoo in their presence. He, Veeriagowdoo, then took me before the head of police, and informed him of the payment of 60 rupees by me. The head of police then took a deposition from me to the effect that I had not murdered the said Gungooloogaudoo, and let me go. On the 12th of September last I sent my urzees to the magistrate of Cuddapah and the Honourable Government, but had no redress. On the 24th of November 1854, I forwarded a Teloo goo urzee to the Commissioners for the Investigation of alleged Cases of Torture at Madras, setting forth therein all the troubles to which I had been subjected as above described, and arrived at Madras about the 16th of December last to complain in person. The head of police, having learnt that I had petitioned the Commissioners against him, sent a summons against me in a case of assault, alleged to have been committed by me upon one Comairla Vencataramoodoo, about a year ago, which case had been dismissed by the then assistant magistrate, Mr. Græme, long before.

(signed) *Catypoory Audenaranapah.*

Taken on solemn affirmation before me, at Madras, this 23d day of January 1855, the contents having been explained by the interpreter, before me,

(signed) *E. F. Elliot,*

Member of the Committee for the Investigation of the alleged Cases of Torture in the Madras Presidency.

No. 27.

The Statement of Chellappa Reddy, an Inhabitant of the Village of Valoothalumbadoo, in the Talook of Nauyer, in the Zillah of Chingleput, taken on solemn affirmation before E. F. Elliot, Esq., one of the Commissioners for the Investigation of alleged Cases of Torture, this 24th day of January 1855.

I AM a cultivator, and own about 20 cawnies of land, a portion of which, viz., about one cawny and a quarter, I mortgaged to one Ramasawmy. On the 15th of Avanee last (29th August 1854), the tahsildar, I do not know his name, sent for me, and asked me to execute a raujeenamah, agreeing to sell the land to the said Ramasawmy, which I refused to do; upon which the tahsildar observed, that I appeared to be an obstinate fellow, and asked the kurnom, Nauga Pillay, whether there was any balance against me. On being told that four rupees were due, he ordered the peons present to get the money from me forthwith; accordingly the peons, named Cundappa Naik, Culliana Rajah, Permall Naik, and a fourth seized me by the ears, pulled my head down, thumped me on the back and sides, and pinched me on the thighs. I fell down, and even then they continued to beat me till I fainted; after which I was allowed to go home, and paid the money, ten days afterwards, to the monygar, Ramasawmy Reddy. I complained of this ill-treatment by petition to the Collector, but I have never received any answer. I had never been treated in this way before.

(marked) *Chellappa Reddy.*

Solemnly affirmed at Madras, the contents having been explained by the interpreter, this 24th day of January 1855, before me,

(signed) *E. F. Elliot,*
Commissioner for the Investigation of alleged Cases of Torture.

No. 28.

The Statement of Narrainen, an Inhabitant of the Village of Viviriscooppum, in the Talook of Teroovalen, in the Zillah of Chittoor, taken on solemn affirmation before E. F. Elliot, Esq., one of the Commissioners for the Investigation of alleged Cases of Torture, this 24th day of January 1855.

I CULTIVATE about five cawnies of my own land. Between four and five years ago I borrowed 60 rupees from one Vencatasawmy Naik, for which I was to allow him one-fifth share of the produce as interest. About 18 months ago my son, Ramasawmy, aged about 22, quarrelled with me, and left me. About this time, Vencatasawmy pressed me to pay the money, which I was not able to do, but told him that he might mortgage the fifth share. To this he did not agree, and shortly afterwards he and his brothers got me into a house, where I was asked to execute a deed of sale for the whole of my land. I became alarmed, and signed a cadjan which they prepared. After this I opened a shop at Daverseccooppam, where Vencatasawmy came, and tried to get a raujeenamah from me, but I would not sign it.

In Avanee last year (August 1854), there was a gang robbery committed at the house of Vencatasawmy Naik, during a marriage, when all his property and documents were carried off; he suspected me, and charged me with the theft. Buddoorodeen, the talook tanadar, came and took me to the monygar's cutcherry at Caveenoor, where he handed me over to the huzzoor duffadar Mookteesur; he took me to a tope south of the village, where the peons, named Ramsingh, and Syed Hoossain, Talliar Cavary Naik, and another, bound my arm with a rope from the wrist to the shoulder; they then tied my arms behind me, and the duffadar mookteesur, with a slipper, struck me several times, desiring me to confess. I was then placed in the stocks, and kept there for a day, when I was taken to my house, which was searched, but nothing was found; the magistrate's peon, named Hyderkhan, was present, and he threatened to ill-treat me again, upon which I paid him two rupees. After the search I was taken to Caveenoor, where I was replaced in the stocks, and two or three days after I was taken to the talook cutcherry, where the tahsildar took down the statements, and forwarded the case to Mr. Sullivan, the magistrate at Vellore, who dismissed the charge against me. In about eight days afterwards the robbers were apprehended in the Salem district with the stolen property. I went to Mr. Sullivan to complain of the ill-treatment I had received, when he told me that I might bring an action against Vencatasawmy if I pleased.

(signed) *Kadekkana Narayanan.*

Solemnly affirmed at Madras, the contents having been explained by the interpreter, this 24th day of January 1855, before me,

(signed) *E. F. Elliot,*
Commissioner for the Investigation of alleged Cases of Torture.

No. 29.

The Statement of Komuttanatha Nynar, an Inhabitant of the Village of Nenmaly, in the Talook of Tindivanam, in the District of South Arcot, taken on solemn affirmation before E. F. Elliot, Esq., one of the Commissioners for the Investigation of alleged Cases of Torture, this 26th day of January 1856.

I PAY 300 rupees kist to the Cirqar. In Viahsee last, the tahsildar and monygar demanded 20 rupees as a balance due, although I had paid my instalments regularly. I refused to pay; upon which the tahsildar, Daseeca Charry, and the monygar, Pareesanatha Nynar, knocked me down, and struck me with their hands; this was in the cutcherry, in the presence of all the people, about two Indian hours after lamp-light. I then paid the 20 rupees, expostulating with the tahsildar, for, in truth, there was five rupees due, and produced my puttah and the receipts for payments made.

My father was the meerasee monyam of the village; he died four or five years ago; when I asked the tahsildar to register me as his successor, he asked me to give him some money, and, on my pleading poverty, he reported that I was incapable of filling the office, and taking a bribe from another party, he got him appointed. I never complained about the assault before, but I went to the gentleman about the monyamship.

(signed) *Komattanatha Nayanar.*

Solemnly affirmed at Madras, the contents having been explained by the interpreter, this 26th day of January 1856, before me,

(signed) *E. F. Elliot,*

Commissioner for the Investigation of alleged Cases of Torture.

No. 30.

The Statement of Streenevaussa Iyengar, an Inhabitant of the Village of Thittay, in the Talook of Paupanausanom, in the Zillah of Tanjore, taken on solemn affirmation before E. F. Elliot, Esq., one of the Commissioners for the Investigation of alleged Cases of Torture, this 26th day of January 1856.

I CULTIVATE two vales of land in the village of Thittay, and pay 60 rupees kist to the Cirqar; there was a balance of one rupee due in December 1853 on account of this kist; when the peishcar Andeevaranappian demanded payment, I said that the money was not due for four days, but that I would remit it in two days; upon which, by his order, a peon, named Seagaroya Naick, pulled my head down by my hair, and struck me and thumped me, and pinched my thighs, and I paid the rupees on the following day.

I cultivate seven vales of land at Nayeedaloor, for which I pay a kist of 350 rupees. Last year the crops failed, and remission was granted by the Collector to some ryots in the village, but not to me. In May 1854, on my return from the Collector's cutcherry, where I had been to claim a remission, I went to a pagoda in the evening, when the puttamonyam, Sabaputty Iyea, kurnom Shashappien, and the peon, Segaroya Naik, dragged me out into the street by my hair, pressed my head down, struck me on the back, and demanded the payment of 350 rupees kist. I pleaded that I had made claims to the Collector for remission, and that I would act according to his decision; but the peon continued to strike me, and dragged me into the village. Next day I complained to the tahsildar Bauboo Royen, who placed me in custody, and kept me there three days. Ten days afterwards I presented a petition personally to the Collector Forbes, who asked me no questions, refused my remission, and tore up my petition. I have not yet paid the kist; I had never been ill-treated before.

(signed) *Srinivasar Iyengar.*

Solemnly affirmed at Madras, the contents having been explained by the interpreter, this 26th day of January 1856, before me,

(signed) *E. F. Elliot,*

Commissioner for the Investigation of alleged Cases of Torture.

No. 31.

The Statement of Adroomillee Vencatarovadoo, an Inhabitant of the Village of Valpoor, in the Talook of Gooroonadood, in the Zillah of Masulipatam, taken on solemn affirmation before J. B. Norton, Esq., one of the Commissioners for the Investigation of alleged Cases of Torture, this 27th day of January 1856.

I AM a cultivator. In the year 1853, 25 rupees were due by me for the kist. The tahsildar Veledanola Dasappa Puntooloo delivered me over into the custody of peons; I was kept three days in the cutcherry; I was beaten; chirathaloo (Telooogo for kittes) was applied upon me. Five of my buffaloes were sold at five rupees each. In 1854, I told the Collector that I could not cultivate, for my buffaloes were sold. The assistant collector said we must, and the tahsildar was directed to take an agreement from me that I would cultivate. The tahsildar put me in charge of peons, and I was taken into the cutcherry, where

the tahsildar ordered me to put my signature to the agreement; upon my refusal, I was subjected to gingiri (Telooogo for anundal); I was then kept in custody for two days; I said I would not sign the agreement, but that I would sign a raujeenama to relinquish my right to the said land; I was at last compelled to sign the agreement. In the same year I made a complaint to the Collector against the acting tahsildar, Covoor Lutchmanan Row, for having arrested and ill-treated certain of my relatives. Summons was issued and I returned to my village, on which Lutchmanan Row issued a summons, and I was taken to the cutcherry by two peons. I was again kept in prison for two days and was beaten. On the third day I was sent with the peons to the Collector, to whom I reported my ill-treatment, but no inquiry was made; I was kept in custody for 24 days, and then the Collector told me to go away.

(signed) *Adanumillee Venkatarayada.*

Solemnly affirmed at Madras, the contents having been explained by the interpreter, this 27th day of January 1855, before me,

(signed) *E. F. Elliot,*
Commissioner for the Investigation of alleged Cases of Torture.

No. 32.

The Statement of Parasoorama Gowndon, an Inhabitant of the Village of Nagatharooputtoor, in the Talook of Teroovuttoor, in the Zillah of Chittoor, taken on solemn affirmation before H. Stokes, Esq., one of the Commissioners for the Investigation of alleged Cases of Torture, this 30th day of January 1855.

I CULTIVATE land, both dry and wet, for which the annual rent to Government is pagodas 10. In 1852 I dug a well in my own dry land, and had cultivation on it. The rate for this dry land was one pagoda. The monegar Cothundaramoodoo and kurnom Coopiah Pillay asked me to give them one pagoda as present; I refused; they threatened to put mud in my mouth (*i.e.*, ruin me). In 1853, in writing the settlement account, they falsely charged my land with 20 rupees extra, saying that I had made use of an old unclaimed well. I complained to the Collector; he endorsed my petition to the tahsildar, who kept it without notice. I had refused to take my puttah; afterwards, in the month of Anee (June) 1853, they called on me to pay the money; I objected, saying that I had refused my puttah. I was then taken to the tahsildar's cutcherry at Teroovuttoor. The monegar told the tahsildar Venkier that I would not pay without being beaten. The tahsildar then delivered me in charge of peons; the name of one was Paupoo Naik, and the rest I do not recollect, as it was dark; the peons placed me in anundal, pinched my thighs, struck me on the back; I still refused to pay, and said that they might kill me. I then told the tahsildar that my petition had been referred to him for inquiry, and begged him to investigate it. The tahsildar sent the tarafdar Soobier to examine my land; he did so, and took the statements of the villagers, by which it was proved that my field had been irrigated for three months by my own well, and that afterwards, in the month of Pangoonee (March), rain had fallen into the tank. Tarafdar reported all these to the tahsildar, who sent all the papers to the Collector, who refused to remit the 20 rupees extra which have been charged on my land, but fined the monegars and the kurnom three rupees each, for having given false accounts of my lands, and I got no redress as yet. In November last I presented a petition to the Board, who sent it to the Collector, who promised to investigate the case. While I was thus waiting, the monegar, the peon and the taliar caused a warrant to be issued against me; they apprehended me, and demanded the payment of the kist due by me. I refused to pay, whereupon I was subjected to anundal by the monegar, the kurnom and the taliar, and oppressed by them in December. The witnesses for these Colla Gounden, &c.

(signed) *Parasurama Kavundan.*

Solemnly affirmed at Madras, the contents having been explained by the interpreter, this 30th day of January 1855, before me,

(signed) *H. Stokes,*
Commissioner for the Investigation of alleged Cases of Torture.

No. 33.

The Statement of Sooboo Naik, an Inhabitant of the Village of Keerumpaady, in the Talook of Arcot, in the Zillah of Chittoor, taken on solemn affirmation before H. Stokes, Esq., one of the Commissioners for the Investigation of alleged Cases of Torture, this 30th day of January 1855.

I CULTIVATE lands in two villages, for which I pay to Government 60 rupees a year; while so, in 1851, there was a complaint against the monegar and kurnom of the village that they had made excess collection. I gave evidence, and told how much I had paid, whereupon the charge was proved, and they were fined half a rupee each. For this they bore me a grudge. In the month of Thye last year they were collecting the kist for our village. They took us to Arcot. I and several others got money from a merchant named Lutchmana Moodelly, to pay our kist. I had before paid ten rupees; and on this occasion I paid eight rupees. I asked for a receipt, but the monegar and the village shroff's kurnom would

would not give me any receipt. I said I would complain to the tahsildar. They made the peon run before me, and tell the tahsildar that I owed 20 rupees. The tahsildar was then inside the house. The duffadar then made the peons to pinch my thighs and ears, beat me on my head; and the tahsildar came out and directed the peons to collect the money from me. And the peon Sheik Ally tied my cloth about my neck, and dragged me up and down for a long time. All these took place in the month of Thye 1853. The witnesses for these are Kistnappa Naik, Kistnen, Casavien.

(signed) *Sappunayakan.*

Solemnly affirmed at Madras, the contents having been explained by the interpreter, this 30th day of January 1855, before me,

(signed) *H. Stokes,*

Commissioner for the Investigation of alleged Cases of Torture.

No. 34.

The Statement of Naugadoo, an Inhabitant of the Village of Cavooloor, in the Talook of Panium, in the Zillah of Kurnool, taken on solemn affirmation before E. F. Elliot, Esq., one of the Commissioners for the Investigation of alleged Cases of Torture, this 30th day of January 1855.

I WAS the meerasee village talliar, as my ancestors had been before me. There was a well, the only one in the village, which the inhabitants used. Ramoo, the redy of the village, blocked up the passage to the well, on which we complained to the village authorities; but as there was no notice taken of it, we went to the gentleman, Mr. Conway, who examined the case, and fined the redy in 10 rupees; on which, he partly removed the hedge he put up, but not sufficiently. We therefore appealed a second time to the gentleman, who fined the redy a second time in five rupees. In consequence of my having complained, the redy bore me malice, and in about six weeks after this, he reported that property to the value of 550 rupees had been carried off by robbers, who entered the house by a hole made in the roof, and said that he suspected me and the other talliaris of the robbery. By direction of the amooldar or tahsildar, the carkone Soobba Royadoo inquired into the case, and I and eight others who were in custody were taken to the house, and each of us were made to go through the hole to try which filled the opening. On the tahsildar's report of the case, the gentleman, Mr. Conway, fined Ramoo Reddy in 30 rupees for making a false charge, and we were released.

There are 12 houses or families which perform the duties of talliaris, and for which there are enam lands. The quantity of land cultivated by us is 36 yakarars, for which we used to pay in the aggregate 10 rupees; but through the spite of Ramoo Reddy, he got the amooldar to set aside the enam, and called upon us to pay the full kist of 45 rupees upon 12 yakarars, which we refused to pay, when we were taken to the cutcherry of the amooldar, named Muddava Royoodoo, who ordered the peons to recover the money from us, and in his presence, and in that of Ramoo Reddy, I, as well as seven others, were forced to stand in a stooping posture, with our fingers touching our toes, and not allowed to get up for several hours. In the evening of the same day, one Siddoo Naik became security for the payment of the money, and we were then released. After this period, we were no longer allowed to cultivate 12 of the 36 yakarars, which were given to another party, and I and three other talliaris have been deprived of our meerasee talliarship. We want back our situations.

(marked) *Naugadoo.*

Solemnly affirmed at Madras, the contents having been explained by the interpreter, this 30th day of January 1855, before me,

(signed) *E. F. Elliot,*

Commissioner for the Investigation of alleged Cases of Torture.

No. 35.

The Statement of Pāvuday Padyachee, an Inhabitant of the Village of Chengalmadoo, in the Talook of Munnarcoody, in the Zillah of South Arcot, taken on solemn affirmation before H. Stokes, Esq., one of the Commissioners for the Investigation of alleged Cases of Torture, this 1st day of February 1855.

I CULTIVATE lands, paying annually 50 rupees to Government. In Fusly 1255, I gave gurkast for certain lands. When they wanted to take from me an agreement to pay for this land, I objected, because a certain field, No. 237 of dry land, was not entered in it. They insisted on my signing; and in the month of Arpisi, about the Dweepavali feast, the talook serastadar Anonka Royer caused the peons Peroomall Naik and others to beat me, pinch me, to force me to sign. I still refused. They then put me in confinement under the charge of a taliar. Afterwards, when the jamabundy came, the Assistant Collector, Mr. Banbury, came to distribute puttas. I objected to take mine. He ordered the tahsildar to institute inquiries, who told me to wait, and he would see about it. As the time for paying kist was

near, in the month of Viasee (May) I went to my village. When there, the putta monegar of another village, Chellaperoomah Pillay, ordered the station peon to collect the money from me. I refused to pay, when they put me in anundal; beat me on my back. This was in the morning. They then took me to the talook cutcherry at Munnar Covil; and the next morning, when the tahsildar was absent, the serastadar Aunonda Royer again ordered the peons to ill-treat me. The peons then took me inside the cutcherry, and two peons on each side pinched my thighs and ears, beat me on my back mercilessly, pulled me by my moustaches, which was very excruciating. I then took out the decrees of the Board of Revenue and the Court, placed them on the ground with money on them, and adjured the peons by oath on the Collector, &c., not to take it unless it was just; but they paid no regard to what I said, and took the money. Many of my neighbours know this to be true. If I name them they will not come; but if a peon is sent with me I will bring them.

(signed) *Pavadai Puji.*

Solemnly affirmed at Madras, the contents having been explained by the interpreter, this 1st day of February 1855, before me,

(signed) *E. F. Elliot,*

Commissioner for the Investigation of alleged Cases of Torture.

No. 36.

The Statement of Chenchoo Raumoodoo, an Inhabitant of the Village of Noocanapullay, in the Talook of Ravoor, in the Zillah of Nellore, taken on solemn affirmation before E. F. Elliot, Esq., one of the Commissioners for the Investigation of alleged Cases of Torture, this 1st day of February 1855.

I AND the party now present, named Yengul Reddy, cultivated one gorroo of land. In Fusly 63 we first raised a crop of paddy and paid the full kist; we next cultivated Nulanaree, for which the kist is but one half, which we also paid to the kurnom Soobbooroyadoo, but got no receipt from him. This kurnom embezzled some money, which was reported to the Collector by a former kurnom, and an inquiry was ordered to be made, and the tahsildar investigated the matter; he told us that he had examined the accounts of the kurnom, by which it did not appear that we had paid, and called upon us to produce receipts if we had done so; but he (Babakhan Saib) would not listen, and ordered the peons to place us in anundal by tying our heads down to our feet, and the peons beat us with their hands; this continued for four Indian hours. We were then released on our promising to pay the money in four days.

We proceeded to Nellore, where we saw the young gentleman (we do not know his name) who heard our case, and who sent a summons to the kurnom and the witnesses. Upon their arrival he commenced to examine the witnesses, at which time he received an urzee from the tahsildar to say that we had failed to pay our kist according to our undertaking; upon which he told us to go back and pay the amount, and that he would then go on with the case. We did as we were told, went to the village, and paid the balance demanded, namely 12 rupees, after which we returned to Nellore, when the young gentleman heard the witnesses, who made out a case; but the javob nevis deceived him, and the gentleman told us to go away; but we asked him to endorse our petition, which he declined to do. We then appealed to the principal Collector, Mr. Ratliff, who said that he would inquire into the case, and we stayed there eight days, during which period we asked him several times to hear us; at last he got angry and told us to go away, and we were shoved away.

(marked) *Chenchoo Raumoodoo,
Yengul Reddy.*

Solemnly affirmed at Madras, the contents having been explained by the interpreter, this 1st day of February 1855, before me,

(signed) *E. F. Elliot,*

Commissioner for the Investigation of alleged Cases of Torture.

No. 37.

The Statement of Appanda Nynar, an Inhabitant of the Village of Terooparumboor, in the Talook of Teroovuttloor, in the Zillah of Chittoor, taken on solemn affirmation before E. F. Elliot, Esq., one of the Commissioners for the Investigation of alleged Cases of Torture, this 1st day of February 1855.

I HAVE five cawnies of land, of which I cultivate portions, according to the quantity of water available. Of waste land there is about a cawny, part of which I also ploughed, to prevent others from getting a puttah for it, as there was not much water in the tank; for the waste land thus turned up by me the sheristadar prepared a puttah for one rupee and twelve annas, which I refused to pay, and presented the case to the Collector in a petition, which was referred to the tahsildar; but no inquiry was made. In Avunnee, three years ago, the tahsildar sent for me, and desired me to pay the money. I objected, on the ground that I had not signed the puttah; thereupon the tahsildar, Venkoo Iyer, told a peon to take me away and recover the money; the peon shoved me out, but I was re-called by the tahsildar

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tahsildar and asked once more to pay, but I refused; he then directed the peon to recover the money from me. The peon took me into the street in front of the cutcherry, where he pulled down my head by the cloth which was round my neck, and held me so for about two Indian hours, when I felt pain, and tried to rise, on which the peon struck me on the back of the neck. I was kept the whole of that day without food. I sent to my village, got the money, and paid the money, that is one rupee and twelve annas, and I was then released. I complained of this personally to Mr. Binning, the sub-collector, who said that he would refer the petition to the tahsildar, but I never heard whether he did. I have never been ill-treated on any other occasion, but all defaulters are treated in this way. I have seen great numbers, not only placed in anundal, but the kittee applied to the fingers; and there is a whip hung up in the cutcherry with three thongs, which is also occasionally used on Sudra defaulters, but not on Brahmans.

(signed) *Appanaday Nayanar.*

Solemnly affirmed at Madras, the contents having been explained by the interpreter, this 1st day of February 1855, before me,

(signed) *E. F. Elliot,*

Commissioner for the Investigation of alleged Cases of Torture.

No. 38.

The Statement of Putchiappa Naik, an Inhabitant of the Village of Condasamoodrum, in the Talook of Caroongoolee, in the Zillah of Chingleput, taken on solemn affirmation before E. F. Elliot, Esq., one of the Commissioners for the Investigation of alleged Cases of Torture, this 2d day of February 1855.

I HAVE three cawnies of poonjay land, my own property, on which I sunk a well, which cost me 30 rupees; after I had sunk the well they raised the kist and charged me for nunjay land on the cawny in which the well had been sunk, and I was persecuted into payment. Last year I cultivated some thillies on this land, which failed totally, and I claimed remission in consequence, but they would not allow it, and in May last year I was taken by the zilladar, whose name I do not know, to the talook cutcherry, where the tahsildar Ramasawmy Iyah questioned me on my objections, and on giving my reasons he ordered me to be placed in the sun for two Indian hours; and on the same day he made me over to the zilladar, directing him to recover the money. The zilladar took me on the same day to a village named Poodooputtoo, where I was kept that night; on the following morning the zilladar asked me whether I was prepared to pay the money. I begged for ten days' time, but he said that the time to pay the money into the treasury was already passed, and that I must pay immediately; and I was taken out by a peon, named Mohedeen Saib, and placed in anundal by my head being tied down to my feet. After having been kept so about an hour, I got the rope off my feet, and raised myself, when the zilladar ordered the peon to bring the kittee, but I begged very hard that he would not ill-treat me, and promised faithfully to pay the money in to-day. At last the zilladar said he would send me home by a peon if I would undertake to pay on the following day, to which I was obliged to submit, and I was taken to my own village by the same peon, where I sold one of my bullocks for seven rupees, and paid the balance due, viz., two rupees, to the shroff, and I obtained a receipt. I did not complain to the Collector, because I thought I was so treated by order of the gentleman; I had never been treated in this manner before, but I used to be kept in custody and threatened till I paid the kist.

(marked) *Putchiappa Naik.*

Solemnly affirmed at Madras, the contents having been explained by the interpreter, this 2d day of February 1855, before me,

(signed) *E. F. Elliot,*

Commissioner for the Investigation of alleged Cases of Torture.

No. 39.

The Statement of Kudasawmy Gowndon, an Inhabitant of the Village of Voithiathoor, in the Talook of Vellore, in the Zillah of Chittoor, taken on solemn affirmation before H. Stokes, Esq., one of the Commissioners for the Investigation of alleged Cases of Torture, this 2d day of February 1855.

IN Fusly 1260, Owcoilconda Jagheer was resumed, and the Collector ordered our lands to be assessed on an average of ten years. My land was charged too high; I complained to the Board, who referred my case to the Collector; an inquiry was made, and it was proved that my land was charged too high, and the excess was put upon other lands. Before I got redress I refused to take my puttah, for which the head assistant collector, Mr. Sullivan, fined me, had me put in confinement, and took me with him to Calastry, when I was let go. This happened in Fusly 1262. In the last year the crops everywhere failed; remission for withered crop was generally allowed, but none was allowed to me, so I refused to pay. At length, in the month of April, the Pullecondah tahsildar, Bauboo Row, had me brought to his cutcherry, placed in confinement for two days, when I paid the money. Besides the

above, in Fusly 1260, I owed a balance of 13½ rupees, on which the tahsildar sold my property to the value of 20 rupees, and also took away some of my property. In the month of Aunee they handcuffed me, and confined me in a room, and this was done by order of the tahsildar of Teroovalum.

(signed) *Kandasami Kaundan.*

Solemnly affirmed at Madras, the contents having been explained by the interpreter, this 2d day of February 1855, before me,

(signed) *H. Stokes,*

Commissioner for the Investigation of alleged Cases of Torture.

No. 40.

The Statement of Nullandy Naik, an Inhabitant of the Talook of Chingleput, in the Zillah of Chingleput, taken on solemn affirmation before H. Stokes, Esq., one of the Commissioners for the Investigation of alleged Cases of Torture, this 6th day of February 1855.

Six months ago, Jaganauthen, the tahsildar of Teerookkalicondrum, caused to be apprehended my son, Andyappa Naik, as he was in the house of his kept woman, on suspicion of having committed a robbery in the house of a certain Chetty in Chingleput. They then came and searched my house, but nothing was found. They then took my son, my son's wife, with myself, at night outside the village; at midnight they tied him up by his hands to a tamarind tree, and, while he was hanging in the air, they beat him with tamarind switches, and told him to confess. They kept him for one Indian hour, and let him down. They, also, in the same way, tied my son's wife, Yellumah, and urged her to confess, but she would not. They then let her go; she went home and died eight days after. My son was sent to the court, and, on the evidence of false witnesses, was sentenced to, as I understand, seven years' imprisonment. The tahsildar was present when my son was so ill-treated. I do not know the names of the three peons who were employed to beat my son. He mentioned to the judge that he had been tortured, but no notice was taken.

(marked) *Nullanda Naik.*

Solemnly affirmed at Madras, the contents having been explained by the interpreter, this 5th day of February 1855, before me,

(signed) *H. Stokes,*

Commissioner for the Investigation of alleged Cases of Torture.

No. 41.

The Statement of Mooneappa Moodelly, an Inhabitant of the Village of Coviloor, in the Talook of Vunthavasi, in the Zillah of Chittore, taken on solemn affirmation before H. Stokes, Esq., one of the Commissioners for the Investigation of alleged Cases of Torture, this 5th day of February 1855.

We are cultivators. About three years ago a theft had been committed somewhere. The police of the Vunthavasi talook, viz., Govinda Naik, the duffadar, tanadar Syed Hoossain, peon Soma Gooroosawmy Naik, and Ramasawmy Naik, and Sashachella Naik, out of employ, came to our village and at night seized me, Veerasawmy Moodelly, and another Mooneappa Moodelly, and took us all to a cow-shed in the village; they tied us all three by the hands, hung us up to the roof of the shed, and beat us, telling us to acknowledge that we had received the property, or else to give them 60 rupees. They kept us till midnight, when we agreed to pay 25 rupees, and they then let us down; and peon Gooroosawmy Naik went with Mooneappa Moodelly, who got 25 rupees, and we were let go; afterwards we complained of this to the magistrate and proved our statement, both as regards the beating and the extortion, but we got no redress.

(marked) *Mooneappa Moodelly.*

Veerasawmy Moodelly makes the same statements.

Solemnly affirmed at Madras, the contents having been explained by the interpreter, this 5th day of February 1855, before me,

(signed) *H. Stokes,*

Commissioner for the Investigation of alleged Cases of Torture.

No. 42.

The Statement of Kistniar, an Inhabitant of the Village of Arcot, in the Talook of Teroovooloor, in the Zillah of South Arcot, taken on solemn affirmation before E. F. Elliot, Esq., one of the Commissioners for the Investigation of alleged Cases of Torture, this 5th day of February 1855.

I HAVE 20 cawnies of land, of which I cultivated eight cawnies in the year 1850, the list for which is 80 rupees. In the year 1850 there was a balance against me on account of

of the kist of 20 rupees. At the instigation of the Puttamonyam, who is a cousin of my own, and with whom I am on bad terms, the tahsildar Pondoo Rungo Royer insisted on immediate payment, although I told him that I had sent my produce to Poudichery for sale, and that I would pay in four days; but he would not attend to this request, and, by his order, and in his presence, the peons first struck me several times, after which one of the peons, whose name I do not know, under the superintendence of the duffadar Kistnama Naik, placed a kittee on each of my hands, on which they stood till I fell down from pain; they lifted me up and pinched me on the thighs till I fell down again. I was taken close to the tahsildar with the kittees still upon my hands, who repeated his question whether I would pay or not; I was then obliged to sell a piece of land for 14 rupees, which was worth about 100 rupees, to one Ramoo Soobrama Bramin, who was then present; and for the remaining balance of six rupees, two of my buffaloes, which had been seized, were sold. I complained of this ill-treatment to the head assistant collector, Mr. MacDonald, who rejected my case by saying, that if I had paid the money the ill-treatment would not have occurred. I have never quite recovered from the effects of the injury I received on that day. On a year previous to 1850, I had met some ill-treatment.

(signed) *Krishnayan.*

Solemnly affirmed at Madras, the contents having been explained by the interpreter, this 5th day of February 1855, before me,

(signed) *E. F. Elliot,*

Commissioner for the Investigation of alleged Cases of Torture.

No. 43.

The Statement of Paupoo, an Inhabitant of the Village of Arcot, in the Talook of Teroocooloor, in the Zillah of South Arcot, taken on solemn affirmation before E. F. Elliot, Esq., one of the Commissioners for the Investigation of alleged Cases of Torture, this 5th day of February 1855.

I AND my brother Sevaroyen cultivate about 10 cawnies of our own. Three years ago an instalment of six rupees became due, for which instant payment was demanded by the puttamonyam, named Iyahyan and Ramakistman. I told them that my brother was gone for the money; but they would not give any time, and the peons were ordered to take me away. I was taken to a tree in the village, where my feet were bound, and a p-on named Daul Beg flogged me with his leathern belt till it went to pieces; and then the tottee Kistnen brought tamarind twigs, with which the same peon struck me on the back till I bled. At this time my brother came with the money; and because he remonstrated about my being punished, he was also struck with tamarind twigs till blood came. We complained to the tahsildar, Runga Row; but he dismissed us, saying, "What complaint is there, when you were flogged for not paying the Circar money?"

Subsequently I made an application to cultivate a cawny of land which had been lying waste for 20 years, one-fourth of which said cawny belonged to the puttamonyams. One day whilst I was ploughing, both puttamonyams, and a nephew of theirs, named Sashian, came to the spot with sticks, and assaulted me very seriously, and likewise they ill-treated my buffaloes. I received serious injury to my back, and one of my buffaloes died, from the blows inflicted by these men. I complained to the tahsildar, and I was directed to go on with the cultivation; but no inquiry was made respecting the severe beating I had received. I did not complain to the gentlemen, for the puttamonyams may say and do what they please.

(marked) *Paupoo.*

Solemnly affirmed at Madras, the contents having been explained by the interpreter, this 5th day of February 1855, before me,

(signed) *E. F. Elliot,*

Commissioner for the Investigation of alleged Cases of Torture.

No. 44.

The Statement of Ramasawmy Pillay, an Inhabitant of the Village of Wolaguncattan, in the Talook of Kullacoorchee, in the Zillah of South Arcot, taken on solemn affirmation before E. F. Elliot, Esq., one of the Commissioners for the Investigation of alleged Cases of Torture, this 30th day of January 1855.

IN June three years ago there was a balance against me for kist of 8 rupees and 12 annas, which I paid to the shroff Teroovengada Pillay, in the presence of one of the puttamonyams named Mootoo Woodyan, and received a receipt for the same. Ten days afterwards, another puttamonyam, named Vydiandaudoodyan came to the village to collect kist, on which occasion the shroff begged me to pay the money again, and that he would refund it; but I refused to do so. Yet notwithstanding that I had a receipt for the same, the puttamonyam insisted upon my paying, and directed the duffadar, named Narraina Naik, to recover the money from me, who took me to a tamarind tree, where I was made to stand in aundan, by my head being tied to my feet with a rope. I was then recommended to give a sheep to

the duffadar; and accordingly I sent one Vencatachella Woodyan to my house, where he got a sheep, and gave it to the duffadar. I was then released, and on the following day I was taken to the tahsildar Naranianagar, to whom I produced the receipts, but he told me to pay the money, and that he would then inquire into the case, which I refused to do, when he gave me a slap on the face, and ordered the same duffadar to get the money from me. He took me to the west of the cutcherry, where there are three trees, and there he and the puttamoniam Vydianaud Woodyan pressed my head down into a stooping position; the duffadar struck me on the face, and Vydeanaudon kicked me; and I was kept in this way from between two and three till sunset, when one Veera Pillay, the kurnum of the village of Nullattoor, undertook to pay the amount for me, when I was released. He paid the money, and still holds the receipt, as I have an account with him.

About the 12th of last month, whilst I was preparing to come to Madras to appear before the Committee, one Vencatachella Woodyan said to me, "You will not go, for there will be a complaint against you." There was a theft in the house of one Palany Moottoo Woodyan four days before, and he told me that Vydinaudon, the puttamoniam, had been directed by the tahsildar to charge me with being concerned. On the following morning, the tahsildar, the police moosaruff named Kistniur, duffadar Mooruth Saib, and peons Syed Ally and Mohomed Hoossain, came to the house of a Brahmin; and the peon Syed Ally and took me to the tahsildar, who told me that I was suspected of the theft, and that he will search my house, which was done by the duffadar and the peons, but nothing was found. The tahsildar then asked me why I was going to Madras, and I told him "To complain, and recover my money." Upon which he spoke to me tauntingly, shoved me by the neck, and the others took me to the tamarind tree, where my arms were pinioned behind me, and I was drawn up by a rope to a branch of the tree. I cried out very loud, which brought all the females of my family there, and they cried. I was then let down, and the peons and the others struck me and kicked me till I fainted. I was kept in custody the remainder of that day, the whole of the night. On the following morning, Aroonachella Woodyan, another puttamoniam, and Palany Moottoo Woodyan, the man who was robbed, advised me to pay 35 rupees to the tahsildar, and that I should then be released. Upon which, I spoke to one Nullaperoomaul Pillay, who undertook to pay the money on the mortgage of my ground, and I gave him a writing to that effect. He then went away with Aroonachella Woodyan and Palany Moottoo Woodyan, and about noon I was released.

I did not complain to the Collector about the second payment of the kist, and the ill-treatment I had received; for on two former occasions, when I appealed to the Collector, he referred me back to the tahsildar, and no inquiry whatever was made.

(signed) *Ramasami Pillai,*

Solemnly affirmed at Madras, the contents having been explained by the interpreter, this 30th day of January 1855, before me,

(signed) *E. F. Elliot,*

Commissioner for the Investigation of alleged Cases of Torture.

No. 45.

The Statement of Soobbanna, an Inhabitant of the Village of Codoor, in the Talook of Goodeevadah, in the Zillah of Masulipatam, taken on solemn affirmation before E. F. Elliot, Esq., one of the Commissioners for the Investigation of alleged Cases of Torture, this 31st day of January 1855.

I AND the five others now present, named Veeraragavooloo, Vencata Gopauloo, Veeranna, Pooliah, and Janakee Ramoodoo, are inhabitants of Codoor, in the talook of Goodeevadah, in the zillah of Masulipatam. We and several others of our village signed the petition now produced, and sent it to the Committee, to which we got an answer directing us to appear, and accordingly we have come from our village. We, now present, have all lands of our own in the said village, which we cultivate; in addition to which we generally cultivated lands in the villages of Roodrapauka and Golevapullee. In Fusly 1259 and 1260, the lands were all classified, and each cultivator was responsible for his own share; but in Fusly 1261 this was changed, and the village was held responsible in a body for the whole kist. In Fusly 1261 and 1262 there was a general failure in the crops from excessive rain, but we were called upon by the talook tahsildar, Valeedandla Dausappa Puntooloo, to pay the kist in full according to our agreement, and he threatened us with ill-treatment if we failed to pay. Some of the villagers, those who could afford it, paid at the rate of their share of the kist, and they were called upon to name the defaulters, and to point out their property, or they would be made liable for the balance. Veeranna (now present) was one of the defaulters, against whom there was a balance of 192 rupees. I was called upon to produce him, which I did, and he sold his land and cattle and paid 150 rupees; and for the balance, Veeranna himself being an old man, they took his nephew, Balooosoo Veerasawmy, and placed him in gingheeree, which is tying his head to his feet. This was in my presence; and I saw the peons beat him by order of the tahsildar; when he could no longer bear the ill-treatment, he gave security, sold his own cattle, and paid the balance. Others were treated in the same way. In Fusly 1263 the Kistna overflowed its banks, and destroyed the seed which had been sown by some of the villagers, and many of them left the village altogether for fear of ill-treatment.

ill-treatment. I and the others present declined to cultivate land in the villages of Roodrapauka and Golevaypullce, because we had suffered great losses, and no consideration was shown to us; but we intended to go on cultivating land in our own village of Codoor. This did not satisfy the tahsildar Valeedundla Dausappa Puntooloo, but he wanted us to sign an agreement to proceed with the cultivation in the other villages also; and because we resisted he sent for us, and made us follow him from village to village for more than a month; and at last we could endure it no longer, and signed the agreement. Most of the ryots were too poor to cultivate at all, and the few that did do so, suffered greatly from the want of rain, for the crops nearly all failed. I and a few others had a little produce. I used to cultivate five khuths in the village of Roodrapauka, but in Fusly 1263 I cultivated only one, and the produce from it did not value more than 60 or 70 rupees, but I was called upon to pay a kist of 200 rupees, and because I could not pay it, I was ill-treated by the tahsildar; my head was tied to my feet, and I was struck, and much ill-treated in several ways, and I was obliged to sell my cattle to pay the balance. Subsequently, at jamabandy time, the tahsildar wanted us to renew our agreement, which we positively refused to do, when we were produced before the head assistant, Mr. Holloway, who also asked us to proceed with the cultivation, and on our still refusing to do so, having explained the great losses we sustained, he directed the tahsildar to get the agreement from us, and I, with the five persons now present, as well as 12 more, were sent to the talook cutcherry, where we were all locked up in one room, and kept for two days, without being allowed to take our meals, and I and Veeraragavooloo were placed in anundal by peons, in the presence of the tahsildar; and we were thus again forced to sign a cultivation agreement. Soon after this the tahsildar, Valeedundla Dausappa Puntooloo became sick, and he was succeeded by Covoor Lutchmana Row, who ordered us all to be assembled in the village of Goodevaudah, where he oppressed us in the most cruel manner. He placed sand-bags upon all our backs; he applied a kittaa to my hands, also to the hands of Venkatagopauloo and Janakeeramadoo, now present, as well as to some others. This was done to recover 800 rupees, which was said to be the balance due by us on all cultivations; and they seized and sold the cattle belonging to the ryots. This was just before the commencement of Fusly 1264. On the 30th July 1854, we sent a petition to the principal Collector, Mr. Lushington; on the 2d August to the head assistant, Mr. Holloway; and, on the 5th August, to the Commissioner of the Northern Circars, but there was no answer to any of these appeals. We went on with the cultivation of our village only. When the acting tahsildar, Covoor Lutchmana Row, learnt that we had sent petitions, he sent a zilladar, named Brummajee, with four peons, who forcibly stopped our cultivation, and would not let us go on, and took me and twelve others to the talook cutcherry, at the village of Goodevaudah, where we were locked up in a room, and kept for three days. About seven o'clock on the morning of the fourth day, I and others were brought before the tahsildar, who asked us whether we intended to go on with the cultivation in the villages of Roodrapauka and Golevaypullce, or whether we meant to pay the kist immediately; he asked us what use there was in sending petitions to gentlemen. My head was then tied down to my feet, the kittaa was applied to my fingers, and I was beat, and the same was done to those present now, with the exception of Pooliah, who was not there; and we were locked up again, and altogether we were kept there for 11 days. Whilst we were thus under detention, one Adoosoomullee Venkatroyoodoo, and Appanna, went to Masulipatam on our behalf, and presented petitions to the principal Collector's head assistant and the judge, and the latter endorsed the petition, now produced, dated 25th of August, and one day two duffadars arrived from the Hazoor with a summons for us; the door was unlocked by the talook duffadar, and we acknowledged the summons by endorsing our names thereon, and we were taken by the Hazoor dalayets to Masulipatam, and we were detained under charge of peons at the Collector's cutcherry at Masulipatam for 26 days. On the first day of our arrival at Masulipatam we were brought before Mr. Lushington, to whom we stated all these things, and how we had been ill-treated, and assured him that we could not carry on the cultivation. We saw him frequently afterwards, till on the 26th day, when he sent for us, and told us that we had better return home and go on with the cultivation in the other villages as well as our own. We told him that we could not do so, more particularly as the time was gone by far. After being detained 11 days in the talook cutcherry, where we had been shamefully treated, he had himself kept us 26 days without reason, and without giving us any redress; and then he dismissed us, and told us to go home. We got back to our village towards the end of September, and found the crops in our own village spoilt from our long absence. After we received the letter from this Committee calling upon us to appear at Madras, the jemadar and peons from Hazoor came to the village in search of us, but we concealed ourselves. We left our village on the 7th January.

(signed) Subba.
Venkatagopalu.
Veraghuvalu.
Vara.

(marked) Pooliah.
Veeranna.

Solemnly affirmed at Madras, the contents having been explained by the interpreter; this 31st day of January 1855, before me,

(signed) E. F. Elliot,

Commissioner for the Investigation of alleged Cases of Torture.

No. 46.

The Statement of Yerra Caulastry Chetty, an Inhabitant of the Village of Chinnambadoo, in the Talook of Pariapauliam, in the Zillah of Chingleput, taken on solemn affirmation before E. F. Elliot, Esq., one of the Commissioners for the Investigation of alleged Cases of Torture, this 8th day of February 1855.

CHINNA CAULASTRY CHETTY, now present, is my son. We are weavers, and live together in my own house. I know Chengulroy Chetty, and recollect his sleeping at my house on the 6th of Margulee last (19th December); I think he came to my house on his way from Arnee to Madras, accompanied by a cooly named Jada Vencataramoodoo, who carried a bundle. Chengleroya Chetty slept that night in the same room with me, and my son occupied another room; the cooly and two servant boys slept in the hall; the bundle was left on a bench in the naday. On the following morning the bundle was missing, and a hole was found in the wall of the house. I and Chengulroy Chetty went together to report the robbery to the moonsiff; he directed the talliar Moottadoo to accompany us, with instructions to close the hole, and that he would come himself about ten o'clock; the hole was closed accordingly, with the assistance of the talliar. At one o'clock, Mylappa Moodely, Moottappa Ramasawmy Moodely, Aroonachella Moodely, the moonsiff, his son Vadachella Moodelv, the kurnum Vencatanaroodoo Pillay, with two more talliar, came and sat on the pial of, the house opposite to mine; the talliar Moottadoo came for me, and Mylappa Moodely questioned me about the robbery; and when I told him that the hole had been closed by the order of the moonsiff, he got very angry, and gave me a slap on the face, which knocked me down; and because my son remonstrated, he struck him also, and sent him to some distance by a talliar; he then sent for the two servant boys, whom he accused of taking the bundle, and struck them both, and threatened them to hoist them up to the beam unless they confessed that they and we had taken the bundle; as he was about to do so, the moonsiff interfered, and the boys were sent away; after this they all entered into my house to see the place where the hole had been made, and there Mylappa Moodely assaulted both me and my son again. Subsequently I was taken to the house of one Doddee Chengalee Chetty, where Moottappa Ramasawmy Moodely recommended that I should compromise the case, as the robbery had been committed in my house, observing that I was an old man, would be put to great inconvenience if I was sent to Chingleput to be tried, where I should be handcuffed and disgraced, and that I had better pay 200 rupees at once. I pleaded my circumstances, and said I could not pay such a sum; at last he said that 140 rupees would be taken, but that it must be paid forthwith, for Mylappa Moodely would not leave the place till he got the money. I then promised I would raise the money by mortgaging my house, and that I would positively pay the next day; upon which he (Mootta Ramasawmy) declared the four peons would come for me if I failed. I could not get the money by noon, on the following day, when those talliar came for me and took me to the place where Mylappa Moodely and others were assembled; from thence they all adjourned to the house opposite to mine. I then went and got the 100 rupees, which I borrowed from a Chettyman; when I brought back this 100 rupees they refused to take it, but wanted the whole 140 rupees, or security for the balance; I then sent my son to my own house to get a jewel, and he brought a reddy goondy addegay. I had already paid the 100 rupees into the hands of Mootteppen Ramasawmy Moodely before my son went for the jewel, and Mylappa Moodely was called in and the money was paid to him; when my son brought the addegay, he delivered it to Doddee Chengadoo, who handed it over to Moottappa Ramasawmy Moodely, who put it in his girdle cloth. After this the whole party assembled in the naday, where the kurnum wrote something which I was desired to sign; I told him to read it out; upon this Mylappa Moodely got very angry, and threatened to strike me, and I then told my son to sign it, which he did. I do not know what the cadjan contained; I did not read it. It was about ten o'clock at night.

(marked) *Yerra Caulastry Chetty.*
(signed) *Chinna Kalustri Setti.*

Solemnly affirmed at Madras, the contents having been explained by the interpreter, this 8th day of February 1855, before me,

(signed) *E. F. Elliot,*
Commissioner for the Investigation of alleged Cases of Torture.

The Statement of Chengulroya Chitty, an Inhabitant of Washermanpettah of Madras, taken on solemn affirmation before E. F. Elliot, Esq., one of the Commissioners for the Investigation of alleged Cases of Torture, this 8th day of February 1855.

I AM an inhabitant of Madras, residing at Washermanpettah. By trade I am a weaver, but I act as a broker for several houses of agency and merchants by giving orders to weavers for handkerchiefs in the piece in various places in the mofussil. In the beginning of December last I went to Arnee, to get from the weavers there the work which I had given them. I despatched from thence a bale of piece goods, and followed myself, accompanied by a cooly named Jada Vencataramoodoo, who carried a bundle, containing 26 pieces of handkerchiefs of merky pattern, of the value of about 85 rupees. We arrived at the village of Chinnambadoo Pettah, or Surumbadoo Pettah, in the talook of Pareapauliam, in the district of Chingleput, on the 18th December, and put up at the house of one Caulastry Chetty,

Chetty, a weaver and acquaintance of mine, who works for me occasionally. I slept there that night; and on the following morning, when about to continue my journey to Madras, the bundle of cloths was missing. The street door, which had been secured the night before, was open, and a hole through the wall of the house was discovered. It was evident that thieves had entered the house during the night. I and Cauilastry Chetty, the owner of the house, went immediately to the village moonsiff, Thombee Nynah Aroonachella Moodely, to whom we reported the robbery; and he sent the village talliar with us to the house to inspect the place, with directions to have the hole shut up, which was done, with the assistance of the talliar. At about ten o'clock, the moonsiff, Aroonachella Moodely, his son, Vadachella Moodely, a meeraseedar named Moottappa Ramasawmy Moodely, the nautan of the village, and the village kurnum came to the house. Mylappa Moodely abused Cauilastry Chetty, the owner of the house, asking him by what authority he had closed up the hole in the wall, and declared that he was the thief himself. I was standing close by. He then directed the talliar to bring out all the inmates of the house. He questioned two servant lads; and when they denied all knowledge of the transaction, he seized them by their hair, and struck them severely on the face, and threatened to tie them up to the roof, for which purpose a rope was thrown across one of the beams. Whilst the boys were crying, the party went into the house to view the place where the hole had been made, and there Mylappa Moodely assaulted Chinna Cauilastry, the son of the owner of the house; and because the old man remonstrated, he struck him also. The whole party then resumed their position on the pial of the house; stocks were brought as well as some ropes and tamarind twigs, and a carpenter was sent for to fix the stocks. At this time Moottappa Ramasawmy Moodely and Vadachella Moodely took Cauilastry Chetty into the next house; and shortly afterwards I was called there by the owner of that house, named Pitcheeka Baulee Chetty, and there he told me, in the presence of Moottappa Ramasawmy, Vadachellom, and another party named Doddee Chengalee, that they had settled that 140 rupees should be paid to Mylappa Nauttan by Cauilastry Chetty, but that he hesitated to agree, and told me to use my influence with him to pay that amount for the robbery which had been committed in his house, or the case would be sent to the court. I was so very much afraid of what I had already seen, that I advised Cauilastry Chetty to pay the money. Accordingly Cauilastry Chetty and his son went away together, and after an absence of about two hours they returned, and produced 100 rupees in silver, saying they could get no more. At this time, about five o'clock in the evening, the whole party originally named were again assembled on the pial of Cauilastry Chetty's house. When this was told to Mylappa Moodely, he said, "Don't tell me; if they keep faith and pay the whole, well and good;" and they were told to get jewels as security for the payment of the balance. Cauilastry Chetty then went into his house, and returned with a salver containing betel and 100 rupees, and a rettagoondoo addegay, which he placed in front of the four men; and the moonsiff took the money and the addegay, which he handed over to Mylappa Moodely, the nautan. When Cauilastry Chetty had given the money, Mylappa Moodely instructed the kurnum to write a cadjan to the purport, that, as the property of Chengulroya Chetty (meaning me) had been lost through them (meaning Cauilastry Chetty and his son), they had made good the loss. After this cadjan was prepared, I saw both father and son sign it. This Mylappa Moodely has the contract for the repair of the public road; he has a shotriam of four or five villages; he is rich, has great influence with all the village authorities, or rather they are afraid of him, as all other people are, for he is a very wicked man, and the terror of the surrounding villages, just like Annasawmy was. On my return to Madras I was taken ill; but about 20 days afterwards I presented a petition, stating the whole case personally to the Collector, Mr. Smollett, and remained there four days, but got no answer, and no notice was taken of me. This was last month.

(marked) *Chengulroya Chetty.*

Solemnly affirmed at Madras, the contents having been explained by the interpreter, this 8th day of February 1855, before me,

(signed) *E. F. Elliot,*

Commissioner for the Investigation of alleged Cases of Torture.

The Supplementary Statement of Chinna Cauilastry Chetty, an Inhabitant of the Village of Chinnambadoo, in the Talook of Pareapauliom, in the Zillah of Chingleput, taken on solemn affirmation before E. F. Elliot, Esq., one of the Commissioners for the Investigation of alleged Cases of Torture, this 9th day of February 1855.

I was present yesterday, when my father, who is a very old man, made his statement, which I signed as well as himself. The statement is correct, although it differs on several points from that given by Chengulroya Chetty. I mentioned yesterday that, subsequent to the transactions there described, we were persecuted. After paying the 100 rupees, as stated yesterday, Mylappa Moodely and the rest of the party came to our house to receive betel, and there he gave one rupee and a half to the tahsildar Kistnama Naick, one rupee to talliar Moottadoo, and one rupee to the kurnum; the rest of the money Mylappa Moodely tied up and took home.

On the following morning, at half-past six o'clock, the two talliar, named Moottadoo and Naugadoo, came to our house, and took my father, myself, and the two servant boys to Mylappa Moodely, who was waiting in the house of a Brahmin named Emma, from

whence we all went to the pagoda; there Mylappa Moodely read out the cadjan which we had signed the night before, in which he said we admitted the robbery, and then told us that unless we paid him 350 rupees more, he would send us for trial to Chingleput. We told him we had already paid him the day before all we had, and that our house alone was left to us, and that he might take that if he pleased; he went home leaving us in charge of two talliards, and returned to the pagoda about six o'clock in the evening. We then begged his permission to go to our meals, when he desired the talliards to take us home and bring us back on the following morning. On the following morning we were taken back to the pagoda, and kept there till the evening, when Mylappa Moodely came and we were allowed to go back to our house. On the third morning, on our way to the pagoda with the talliards, we met the moonsiff, to whom we complained, and he promised to come to us at the pagoda. When we were at the pagoda, Mootiappa Ramasawmy Moodely, Pitcheeka Bauliah, Chinna Baulee Chetty, and many others came to the pagoda; and Pitcheeka Bauliah and Chinna Baulee Chetty recommended us to pay the money to avoid disgrace, saying, that if we had not the money, to get Doddee Chengalee to stand security for us, that it should be paid on the 25th Thie (5th February). Then Doddee Chengalee executed a writing in favour of Mootappa Ramasawmy Moodely and Mylappa Moodely, promising to pay 250 rupees, being the balance due by me and my father to Mootappa Ramasawmy Moodely and Mylappa Moodely on settlement of accounts; and then Mootappa Ramasawmy and Mylappa Moodely gave us a cadjan which is now in my possession, that in future they would not bring a similar charge against us. We have never had any dealings with Mootaramasawmy Moodely or Mylappa Moodely, but the former owes us 22 rupees which we lent him, and on which account he has given us a pot of jaggery valued about two rupees.

Mylappa Moodely is the nauttan of the village; he is all-powerful; he is the terror of the country, for he can do whatever he likes.

(signed) *Chinna Kalustri Setti.*

Solemnly affirmed at Madras, the contents having been explained by the interpreter, this 9th day of February 1855, before me,

(signed) *E. F. Elliot,*

Commissioner for the Investigation of alleged Cases of Torture.

No. 47.

The Statement of Vengappa Iyen, an Inhabitant of the Village of Thundunthotum, in the Talook of Valungimon, in the Zillah of Tanjore, taken on solemn affirmation before H. Stokes, Esq., one of the Commissioners for the Investigation of alleged Cases of Torture, this 8th day of February 1855.

I LIVE in the house of my father-in-law at Thundunthotum. In Fusly 63, in the month of January 1853, the Valunginion talook tahsildar, Sooboo Royer, sent peons to my village for supplies, supposed to be for the Collector on circuit. I told the peon that our village was small and poor, and that if they gave us the money, supplies would be forthcoming. The peon would not listen, and made use of abusive language to me and to the females. I remonstrated; they told me to come myself and tell to the tahsildar, so I went to Valunginion cutcherry; when the tahsildar saw me, he said to the peon, Why have you brought this lad instead of bringing supplies? and he ordered me to be beaten. I received 25 stripes with the whip called chally; I said I could not stand more, when they beat me on the back and pulled my hair, and then let me go. In the following year, i. e., in March 1854, I went to the same tahsildar to pay kist on account of my father; he was angry, and said, Why have you brought the money after 25 days? I excused myself; then he ordered the peons to beat me, pinch my thighs, and put me in confinement; my witnesses' names I cannot mention; many were present there.

(signed) *Vengappa Iyen.*

Solemnly affirmed at Madras, the contents having been explained by the interpreter, this 8th day of February 1855, before me,

(signed) *H. Stokes,*

Commissioner for the Investigation of alleged Cases of Torture.

No. 48.

The Statement of Maurappah, an Inhabitant of the Village of Adoocooppum, in the Talook of Royadoorgum, in the Zillah of Bellary, taken on solemn affirmation before E. F. Elliot, Esq., one of the Commissioners for the Investigation of alleged Cases of Torture, this 9th day of February 1855.

I CULTIVATE a garden in the village of Adoocooppum: during my absence at Pooloocontah, where I was kept six days, an old woman named Lingammah, who was in the habit of coming

coming to the garden, to pick up sticks, &c., died in my garden, which I learnt on my return home. About 15 days afterwards, I had to go to Royadoorgum about my kist, when the kurnum Narasappah demanded payment; I told him that I would do so in a day or two; he then desired his servant to detain me there whilst he was away; on the following day he sent for me, and asked me why I had not informed him of the death of the woman in my garden, and made use of very abusive language; I explained to him that I was away from home, and that it was the duty of the village officers to report such a matter, and then, by his desire, Malloogandoo, his servant, struck me with a whip, and the kurnum himself struck me four times on the face; I was whipped till I fell down; I begged him very hard to let me go home with my four head of cattle, but he said he would not let me go unless I paid 30 rupees. I told him to take my cattle and do what he liked with them, but not to kill me. I was then sent with Malloogandoo to take the cattle to Royadoorgum, to sell them to the butchers, but on the road I sold one of my bullocks to a cowkeeper for 15 rupees; with this money we returned to the house of the kurnum, but when Malloogandoo said that he brought 15 rupees, the kurnum got very angry and struck him; I was then taken by Malloogandoo to Pooloocontah, where my brother-in-law, named Mauradoo, lives, and he borrowed 15 rupees from Chellyman, which he was to repay by service, which I took and paid to the kurnum.

I complained of the ill-treatment I had received to the assistant collector, Mr. Breke, when he came hunting to my village, and he told me to come to him at Bellary; there I was told that the kurnum has been fined in 15 rupees.

(marked) *Maurappa.*

Solemnly affirmed at Madras, the contents having been explained by the interpreter, this 9th day of February 1855, before me,

(signed) *E. F. Elliot,*
Commissioner for the Investigation of alleged Cases of Torture.

No. 49.

The Statement of Raugava Charry, an Inhabitant of the Village of Maloomah, in the Talook of Vundavasee, in the Zillah of Chittoor, taken on solemn affirmation before E. F. Elliot, Esq., one of the Commissioners for the Investigation of alleged Cases of Torture, this 7th day of February 1855.

I CULTIVATE about eight cawnies of land, the kist for which is 140 rupees. Five years ago, in the month of May, there was a balance against me of 10 rupees, for which instant payment was demanded, although I begged to have four days. The tahsildar Venkiah desired the peons to recover it from me. I was then taken outside the cutcherry, where I was made to cross my fingers, whilst two peons squeezed them, which caused great pain, and I cried out loudly. I was then placed in anundal, my head being tied down with my own cloth, and thus I was detained for about two Indian hours, when one Teroomala Charry became security for me, and I was released. I had never been treated in this cruel manner before, but I, like many others, had been made to stand in the sun, and persecuted in many ways; that is to say, my house had been sealed, and I was prevented from taking my cattle to plough. After the removal of the said tahsildar Venkiah about four years ago, I have not been ill-treated in any way; he was succeeded by one Syed Esack, a Mahomedan. The assessment is very heavy, and they collect the kist for two crops before we are allowed to reap the first crop, and this makes it very difficult, and causes us to fall into arrears. The first step that is necessary is to reduce the assessment, and then to collect after the crops had been reaped. I thought it useless to complain to the Collector of the ill-treatment I had suffered, because numerous cases of the same nature when brought to the notice of the Collector were always dismissed with the observation, "You had better pay the money." There are 15 houses or families in the village, or rather there are seven shares in the village, and these shareholders, according to mamool, pay 30 rupees per annum to the tahsildar for his expense. The monygars of the village are held responsible for this fee by the tahsildar, and they would undoubtedly lose their office through the tahsildar if they failed to collect the tax. However, the payment on the part of the villagers is voluntary; it is, in fact, to propitiate the favour of the tahsildar, that he may deal with consideration towards us in times of need. My individual share of this fee is one rupee and 12 annas, for which I have signed, in common with others, an agreement to the monygars. Besides this, the villagers pay in common a sum to the zilladar when he comes on his periodical tour to inspect the crops, otherwise he would misrepresent the true state of things, and we should suffer; the amount paid to the zilladar depends much upon the nature of the man. In addition, we pay in common a pagoda a year to the watching peon, or else he would keep us strictly to the time for payment.

The original measurement of the village lands was incorrect by nearly one-fourth as was fully proved by a re-survey of the lands 29 years ago; yet the village has been taxed on the

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original measurement, although we have repeatedly appealed to the Collector, the Board of Revenue, and the Government. The usual answer from the Collector was, "You will obtain a remission when all the country does." Last year we petitioned Government again, which came back to the Collector, and at last our just prayer was granted, and the land was taxed according to its true measurement. For this great boon the village paid 200 rupees to the naib sheristadar Soondara Pillay, that is to say, we were told that the remission would take place if we paid the amount of the first year's remission to the sheristadar.

(signed) *Raghava Achariar.*

Solemnly affirmed at Madras, the contents having been explained by the interpreter, this 7th day of February 1855, before me,

(signed) *E. F. Elliot,*
Commissioner for the Investigation of alleged Cases of Torture.

No. 50.

The Statement of Narraina Pillay, an Inhabitant of the Village of Casabah Seeyaalee, in the Zillah of Tanjore, taken on solemn affirmation before E. F. Elliot, Esq., one of the Commissioners for the Investigation of alleged Cases of Torture, this 2d day of March 1855.

On the 10th of November last my niece, named Streerungum, who was about 17 years old, died; she was unmarried. At about one o'clock p. m. the corpse was removed to the burning-ground, and placed on the pile; but the village kurnom, named Mahalinga Pillay, who had accompanied us to the burning-ground, refused to let us fire the pile, saying he had received information that the girl was four months gone with child, and that the medicine which had been given to her to procure abortion had caused death. This was in the presence of the whole assembly. He subsequently took me on one side, and offered to withdraw his objection if I would give him 25 rupees for himself and 50 rupees for the police ameen, otherwise he would send the case to court. He then took me, my brother-in-law, and my son-in-law, with three peons to the police ameen, leaving the corpse on the pile. In answer to the questions of the police ameen, named Ramasawmy Iyen, I said that the charge was a foul slander on the part of the kurnom, who owed me a grudge because I had refused to pay him the usual fee of 15 rupees, at the rate of one rupee per valy, which he was in the habit of receiving from me, but which I refused to pay last year on account of the failure of the crops. The police ameen then went to the burning-ground, and by his order, a peon named Soobben examined the body indecently before all the people, and afterwards the police ameen took me aside, and repeated the demand of the kurnom, namely, a sum of 50 rupees for himself and 25 rupees for the kurnom. I refused to pay anything at all, and told him to take the case where he pleased, upon which he struck me and my brother-in-law with his cane, and I, my son-in-law, named Vadamalay Pillay, and my sister, named Ageelandamah, the mother of the deceased, were placed in custody, and the corpse was removed to a choultry, the father of the deceased, named Sawmynauda Pillay, being allowed to remain with it. On the following morning, about six o'clock, the corpse was sent to the dresser, Veerasawmiah Pillay, with a letter to the village of Maunjarum, 13 miles off, accompanied by my brother-in-law and son-in-law, and I and my sister were detained in custody of the police ameen. On the second day my brother-in-law returned, and told me that the dresser had reported to the sub-collector, Mr. Cadell, that the deceased had died from disease, and that there was no ground for the charge; upon which the sub-collector ordered the body to be burnt, which was done at Mangavarom. On the return of my brother-in-law, he asked the police ameen to release me and my sister, but he got angry, and refused to do so; but the tahsildar Narraina Royer, who was present, advised him to do so as there was no charge against me, and I was accordingly released. Two or three days after our release we went to Mangavarom, and presented our complaint in petition to Mr. Cadell; he endorsed the petition, and told us that our remedy was by an action in a court for damages. We then presented a petition to the principal Collector, Mr. Forbes, who tore our petition, saying that Mr. Cadell would inquire into our case.

(signed) *Narayan Pillai.*

Solemnly affirmed at Madras, the contents having been explained by the interpreter, this 2d day of March 1855, before me,

(signed) *E. F. Elliot,*
Commissioner for the Investigation of alleged Cases of Torture.

Appendix (F.)

No. 1.

(No. 25.)

To *E. F. Elliot, H. Stokes, and J. B. Norton, Esqs.*, Commissioners for the Investigation of alleged Cases of Torture, Madras.

The humble Petition of *Soobroya Chetty*, a Shroff in the Civil Bazaar of Arnee, and residing in the Sharpanah Pettah therein.

Most honoured Sirs,

Your petitioner has embraced this opportunity of laying the whole of his grievances for redress under the protection afforded in your valuable notice, dated 7th October 1854.

Your petitioner cannot but state for the information of the Commissioners, that a complaint in English was forwarded by him, on the 29th June 1854, to *J. D. Bourdillon, Esq.*, who was then the magistrate of North Arcot, praying justice, and who referred it to *Mr. R. M. Binning*, joint magistrate, for investigation, which illustrates itself the violence,* and the several cruel acts of torture administered against his person, with the view of drawing a confession in a criminal case, otherwise called "Woonooporum robbery case," and how cunningly the sum of 100 rupees was exacted from him by the officers of the police establishment in the jaghire of Arnee; by a careful perusal and favourable consideration by your Commission of the documents, as per list annexed, which your oppressed petitioner solicits you will be so good as to call for from the office of the joint magistrate of North Arcot, he hopes they will themselves explain all particulars touching to the very object of the Commissioners, whose energetic operations, in considering all parts of the above papers, your petitioner is well aware that your honours will bring before your Court for a public inquiry, and demand satisfaction from all the parties, who abused themselves the authority entrusted to them, and extracted money from your petitioner after all sorts of ill-treatments, and who had escaped from the ordeal of the punishment, but three of them, viz., police duffadar *Ragava Naik*, first class police peon *Mahomed Esoph*, and police peon *Kistnamah Naik*, were very slightly reprimanded, the first by five rupees fine, and by reduction to a first class peon, and the second by a fine of four rupees, and the third also by fine of three rupees and eight annas, by the joint magistrate of North Arcot, who disposed of the case in a manner quite inadequate to the ends of the public justice, and without any relief to the loss sustained by your petitioner, under the score of the evidence of the witnesses, as shown in the said list (of whom two are his defendants, and three police peons, and two taliares, all of the Arnee police establishment), in the defence of the three police servants, who engaged in the discharge of the painful duty, assisted and abetted by their superior officers, viz., the police ameen, the cutwal, and the village moonsiff. The police ameen is far from the knowledge of any rule in the criminal law, and more particularly of the humane orders of Government, issued from time to time, in receiving confessions from parties under examination, and to commit them, if proved, to the criminal court within 48 hours, or as soon as possible, and to protect them from all sorts of violence while remaining under their charge, &c. &c.

Your petitioner begs, also, to request that the Commissioners will be so good as to call for the whole record of the proceedings of this case, as above stated, at their earliest convenience, with a view to a proper and final investigation, and an entire judgment may be passed as the law may award on all the parties, as below described, against whom his original complaint was made, and who were all concerned in the wicked act, and to restore your petitioner the sum of 100 Company's rupees, which was unlawfully exacted from him for their benefit, by causing it to be recovered from them.

Defendants.

* Abstract of the Charges of Violence and Ill-treatment.—Your petitioner was taken into custody at eight o'clock on the night of the 23d June 1854, by permission of the police ameen of Arnee (who left Arnee the very night on duty in his district), and assisted by the cutwal of Arnee, who followed with duffadar *Ragava Naik*, and peons *Mahomed Esoph* and *Kistnamah Naik*, under false-grounds, and without the necessary warrant, and was put in stocks in a place (called village moonsiff's cutcherry) situated in a corner of the village, closed its door; the village moonsiff, *Parasanyanar*, assisted in furnishing the place to them; he was thrown down by the neck by them; they used very bad languages, very much to the dishonour of himself and family, gave severe blows on the cheeks, creating all other sorts of torture over his person at any place they like; one of them held a slipper in his hand, stating that it will go to pieces over his head, permitted no meals to be taken in the night, all for the sake of voluntary confession in a criminal case to which he was innocent, to be repeated when taken before the police ameen; by the cruel treatments he was tired and fainted; after a while he was recovered; to save his life he was obliged to repeat as they wished him to tell, and he was kept whole night in the same place; next morning, 24th June 1854, he was shown to the public as prisoner, asking him, "Where is the property?" He explained that it was merely from the ill-treatments received from them the night before, and declared innocent; he was taken again inside the village choultry, door closed, binding his arm with a nar rope, dragged to the stocks, asking from him 1,000 rupees bribe; if not paid, threatened to take his life out; placed him against a wooden post of the house; one of the parties engaged in the wicked task held strongly the petitioner's privy parts, twisting them now and then, which was indeed a very cruel and dangerous action. The Commissioners would easily perceive to what state he must have been. All other sorts of cruelties and torture, and further proceedings thereof, and exaction of 100 rupees in the conclusion, may be conceived by the English petition, which is in the office of the joint magistrate of North Arcot.

Defendants.

- 1 Meer Abdull Ally, police ameen of Arnee.
- 2 Modeen Sherriff, cutwal of Arnee.
- 3 Parasanayanar, village moonsiff of Arnee, Sharpanapetta.
- 4 Ragava Naick, police duffadar Arnee, lately, now 1st class peon.
- 5 Mahomed Esoph, 1st class police peon, Arnee.
- 6 Kistnama Naick, police peon, Arnee.

Your petitioner begs in conclusion to state, that the first three defendants were neither called on for an explanation of their conduct in having so publicly allowed and assisted their subordinate servants to ill-treat your petitioner whilst under examination at the Arnee police office, nor punished either by the criminal judge or magistrate or joint magistrate of North Arcot, although your petitioner laid all parts of his grievance in person to those authorities praying justice.

Your petitioner now takes this opportunity to be a high time, that the above parties, together with the other three parties, who were very slightly reprimanded, as shown in the body of the petition, may be brought to a perfect and an entire punishment as the law may ordain. This will bear a model in the view of the future police officers of Arnee, when only the people in general therein will enjoy the fruits of the administration of justice.

By doing this act of kind charity (to the public benefit), your petitioner (as well as all others in Arnee), as in duty bound, shall ever pray for the health and wealth of the Commissioners.

Arnee, 18 November 1854.

I remain, &c.
(signed) *Subaraya Chetti.*

No. 2.

(No. 138.)

To *E. F. Elliot, H. Stokes, and John Bruce Norton, Esqs., Commissioners.*

The humble Petition of *Chellapa Modaly*, age 23, son of *Coluim Moottoo Modaly*, residing in a house situated to the west of the house of *Canakoo Valayooda Pillay*, in *Kilavembakum*, No. 87 in the Talook of *Cavarypauk*, in the Zillah of *Chittoor*, complaining against *Maligy Moottoo Modaly* (1), the Moneyagar of the said village, residing in the said *Kilavembauk*, his brother, *Angustappa Modaly* (2), another of his brothers, *Soobaraya Modaly* (3), *Cakela Venkatasa Modaly* of the said village, *Moonesawmy Naik*, a Tanah Peon, and *Cuttary Senganna Naik*.

In the month of *Pungoony* of the *Verootheroothoo* year, the second and third defendants came to *Cakkilva Modaly*, residing at *Minnul* in *Solungevaram talook*, and said to him, that the first defendant *Maligy Moottoo Modaly* wanted him for weaving cloths in his house, and he went, and was accordingly carrying on the said work; while so, he had with him the gold earring worth 10 or 12 pagodas, 1 attigi, 1 silver waist ornament, 1 moorogoo. The second and third defendants, aware of it, wheedled him and got possession of the said property. On his immediately demanding for the said jewels, they refused to give them to him, and from that time hatched schemes for his destruction. With this object of ruining him, the second defendant, *Agastappa Modaly*, took him by a bye-path as far as *Teroot-trancee*, within the limits of *Nagarum Samastanum*, and as there were several impediments for his executing his horrid design, he desisted from doing so. On the third day, the owner of the said jewels came to *Kelavunpauk*, and asked them to return his jewels. They only returned him pullany, pair 1, and when he asked them for the rest of his jewels, they denied their having received any from him, and asked him whether he had any witnesses for it, and by the arrogance of their being manygars, the second and fourth defendant directed the then peon, *Vallareyan*, who is since dead, to shove me by the neck. I complained of the same to *Valayuda Pillay*, the kurnum of the said village, and *Soondararama Sastry*, the meerasedar, but they with *Maliga Moottoo Modaly*, the manygar, my first defendant, instituted an inquiry into the case. At the investigation of the said case, it was alleged that the third defendant, *Soobaraya Modaly*, had tied in a cloth the other jewels, secured it in a pot, kept it in his bazaar, and locked it, and that at 10 o'clock in the morning it was missing, and falsely accused me of having stolen it away, and as to the extent it was proved, they transmitted a cadjan report and the pullany pair 1 to the talook, with the individuals concerned therewith, under the custody of the said *Vallaryan*, but apprehending that his brother (manegars) would be entangled in the charge in the course of the examination, prevented the cadjan report from being despatched; sent for the sixth defendant, *Cuttary Chenganna Naik*, bribed him, and persuaded him, and delivered me over to him. He then took me to the tank near *Angalummah Covil*, in *Teeromalapoorum*, at 12 o'clock at night, dipped me in that tank, beat me, and oppressed me in various ways. I am not aware of the circumstance of *Vara Moody* having brought the jewels. While so, when I questioned them of their unjustly oppressing me, they searched my house, handcuffed me, and delivered me over into the care of tana peon *Moonesawmy Naick*, my fifth defendant, who took me to *Soorappa Satrum*, where on the very night he beat me with his shoes about 100 times, when I said, I do not know anything about the jewel in question, why should you so mercilessly beat me without any cause whatever? On which he said that my house must be searched,

searched, and so took me to Kilavenpaukum, and in the presence of the gramattars, searched my house, but they did not find any of the stolen property in it. The tanah peon, Moonesamy Naick, being enticed by bribes, prevented the cadjan report written by the moneyagar, the jewels, and persons, from going to the talook, and got the pullany ornament, which was in the care of a certain peon, and returned it to Veera Moodly, owner of the jewel, and transmitted a cadjan report, alleging that the case was not proved by witnesses; afterwards Veera Modaly 1, myself the complainant 2, and Soobraya Moodaly 3, were delivered in charge of a taliar, and were directed to be taken to the talook. Even in this Ravana (march), we were taken as far as Venian Chuttrum, where the third defendant and Vera Moodaly, the owner of the jewel, took an oath to the effect that they had compromised the matter between them in the presence of the peon, and went away to their country, and I too followed them. Afraid of their having not despatched to the talook the cadjan report after having written it twice, they again directed the march. The tahsildar orally examined us and detained us 15 days without passing any sentence whatever, and delivered us into the care of taliars, who said that the tahsildar is going to Kelavenpauk, and that he had expressed his pleasure of investigating the matter there, so we were taken to the place in question. The tahsildar neither came to the spot, nor investigated the case. I first orally communicated the said circumstance, and afterwards wished to present a petition to the tahsildar, explaining the circumstances of my enemies trying to kill me by dipping me in the tank, beating me with shoes, handcuffing me, searching my house, and oppressing me in various ways without any cause whatever, and of their having falsely accused me, and requested him to send for Veera Moodaly, the owner of the jewel, and the six defendants, gramattars, Canicapillay, and the first cadjan report in the care of the peon, and to investigate the said case, and inflict an adequate punishment on the said defendants. The tahsildar refused to receive the said petition, and said that he would come to the said village and institute an inquiry on the spot. I then went away to my village, and no inquiry was instituted as yet by the said tahsildar. Therefore, charitable gentlemen, I humbly hope that this petition of this indigent man will meet with your approbation, and that you will institute a full and stringent inquiry in this matter, and that your honour will issue an order to my instituting an action for the damages sustained by me.

Cartheegy, 22d Aunonda year.

(signed) *Chellapa Moodely.*

No. 3.

To *E. F. Elliot, H. Stokes, and John Bruce Norton*, Esquires, Commissioners appointed by the Honourable Government at Madras.

The humble Petition of Soondarappa Iyer, a Seevavite Brahmin, aged 30 years, living on Meerassae Lands, and a Meerassedar of the Village of Thenpauthee, in the Talook of Seyalee, in the Zillah of Tanjore, complaining against Narraina Royer (1), Tahsildar, and the Peons named Madar Saib (2), Mustan (3), Seenevassen (4), Vencatarama Naicken (5), Surevi-Veerah Naiken (6), Veessareppoo Soobban (7), Acting Peon Soobramonean (8), Marootheray (9), and four other Peons, whose names are unknown, but who can be identified, all belonging to the said Talook of Seyalee.

On the 11th instant, the said first defendant, the tahsildar of the Seyalee talook, asked me and other meerassidars of my village, as well as those of the neighbouring ones, to give gratis planks, charcoal, firewood, &c., so that he might carry on the Coleroon Bridge work. We, one and all, said we could not afford to give them gratis, and told him to advance money to contractors out of the sum estimated by the engineer, and get the required materials. The said first defendant, the tahsildar, without asking any one of the meerassidars for his reasons for refusing to do what he wanted, caused the other defendants, 13 in number, to seize me, who was standing in front of him, by the lock, and keep me in a stooping posture, to strike me on the face and back with their hands, to pinch me on the thighs, to clout me on the head, and torture me in various ways. While the peons were ill-treating me in the manner above described, the said tahsildar told them to repeat (the following) and go on striking me. The sub-collector, W. M. Cadell, said to him (tahsildar), that if parties, who refuse to give materials for the bridge work in question are murdered, he will take no notice. Thus in divers ways, as stated above, I was troubled by the tahsildar.

2. In consequence of this, I was subjected to fever, convulsions, and pain, and was very ill, when my relatives took me to Mr. W. M. Cadell, sub-collector of the division, in a dolee, who finding me in a state of pain and sickness, sent me to the civil hospital in Maunoor, in order to get myself cured. The dresser of the hospital, named Veerasawmy Pillay, reported to the said gentleman the complaint under which I was then labouring, doctored me for eight days, and having cured me, sent me to the said gentleman with an urzee containing the particulars of the treatment I received. I presented a complaint to the sub-collector, Mr. W. M. Cadell, on the subject of my having been struck and oppressed in various ways by the said tahsildar, but he made no inquiry, and tore my complaint. Though the said collector is well aware that the tahsildar, who is one of the higher officers, struck and troubled me, who am poor, in divers way, he, out of favour to the latter, tore my complaint. If the gentleman who knows that an unjust act which is next to murder has been committed

mitted by one of the higher officers, towards one who is needy, does not hold any inquiry, we cannot but leave this country for another. As the said gentleman is desirous of completing cheaply the Coleroon Bridge work at the expense of the poor, and of acquiring a good name from Government, whatever may be the nature of the murder that may be committed by the tahsildar, he takes no cognizance of it. We, who are indigent, are about to be killed; I therefore request you, gentlemen, who are charitable, will out of favour upon me who am poor, be pleased to send for the said defendants and the hereunder named witnesses; to hold an inquiry concerning the said tahsildar having made the other defendants, who are persons under him, to torture me in such a manner as to make the whole matter look like murder, and inflict on them a punishment adequate to the injustice done by them. The sickness to which I was subjected by the assault on me by the said tahsildar, will be apparent to you, if you will call for the two urzees addressed by the said first dresser of Mauryoor to the said collector; the place of our residence is at the distance of 20 Indian leagues from your cutcherry, I wish you will soon send for the witnesses and defendants, and hold an investigation. When we appear before your honours, and when our examination is commenced, all the various acts of injustice perpetrated in this country will be made known. Though the meaning of this petition is not quite clear, I wish the interpreter will out of favour upon me, who am indigent, explain it properly, so that the gentlemen may comprehend it, and institute an inquiry in regard to it. I entreat that the witnesses also may be sent for soon. I request that the defendants may be sent for, and tried properly, as well as punished.

Witnesses.

Tenpauthee Ramian of the talook of	Poorooshotha Myan, of the said country	8
Seyalee in the zillah of Tanjore - 1	Appathoray Iyen, ditto - - - -	9
Ramasawmy Iyen, of the said country 2	Ramasawmy Iyen, ditto - - - -	10
Sawmy Iyer, ditto - - - - 3	Soobboo Royer, ditto - - - -	11
Coopparee Iyer, ditto - - - - 4	Tenpauthee Ganapathee Iyen, ditto - 12	
Sullanaudapoorum Gopaulasawmy	Mahalingien, ditto - - - -	13
Iyen, ditto - - - - 5	Ramian, puttamonym of three valeys,	
Vydenada Iyen, ditto - - - - 6	&c. - - - -	14
Sungarien Pattomonym, ditto - - 7	Raumian, meerasseedar of three ditto - 15	

That such is the treatment, is known to several parties. Even after the publication of your notice, it is continued; the gentlemen can easily conceive what it must have been prior to the notice.

(signed) *Soondarian.*

Drawn up by Tenpauthee Ramasawmy Iyen, of Seecaulee talook, of the zillah of Tanjore.
November 1854, Mauryoorum.

No. 4.

To *E. F. Elliot, H. Stokes, and John Bruce Norton, Esquires, Commissioners for the Investigation of Cases of Torture.*

The humble Petition of Meeraseedar Naunoo Pillay, residing at the Village of Pariavau-seelee, in the Talook of Saḷloocadee, in the Zillah of Trichinopoly.

IN the said village I have been making the following repairs for the Circar; viz., nauul-koottoo (growing a sort of long grass, called "naunal," on the embankment of tanks, &c.); koomeeleekuttoo (repairing sluices constructed on the banks of rivers, tanks, &c.); karay-kuttoo (repairing the embankment, &c.). As there was a sum of money due to me in the said talook on account of the repairs, the work was delayed. There was a sum of money due by me to the Circar on account of the kist, which I laid out on the work, and completed it. With a view of collecting the money due to me for the said repairs, and paying the same on account of the amount of my puttah, and getting it cancelled, I went to the talook tahsildar, named Vencatasawmy Naidoo, accompanied by Soondaram Iyer, the karkone (zilladar) of the said village, and asked him for the money due on account of the repairs, saying that I wanted to pay the same towards the liquidation of the amount of my puttah, and the said tahsildar directed me to receive the money due for the repairs, to pay it on account of the amount of my puttah, and get it cancelled. In pursuance with the order, I went to the said talook on Monday, the 24th July 1854, at three o'clock in the afternoon, and asked some people there where the tahsildar was; they told me that he had gone out to Conidian Pettah. In the month of September 1853, I presented a petition to the Circar, requesting that my nunjay and punjay lands might be measured, and that a reasonable assessment might be fixed on them. The village cancapillay, named Nannooivan, who came to measure the lands, asked me to give him five rupees, which I refused, and said that I should not pay the rupees for illegal purpose; in consequence of which, he has ever since entertained hatred against me. At the time when I went to receive the money due on account of the repairs, he saw me, and asked me why I had not paid the money due on the puttah. I said that the said tahsildar had made an order that I should get the money due for the repairs, and pay it towards the liquidation of the amount of the puttah. The said Nannooivan said that

that he would not care for the order, abused me in very indecent language, kicked me, and caused the peon, named Marymanon, who was standing by him, to put the kittle on my fingers, to seize me by the throat, to squeeze, and knock me down, to pinch my thighs, and strike me on the back and chest. In consequence of this oppression, I fell down senseless, and was not able even to move about my hands and legs; some people who saw me in this condition went and reported the matter at my house, and the people of my house came, accompanied by some other persons, and carried me to the house. To communicate the pain I suffered by this ill-treatment would be an endless task. After I recovered a little, I went to the said talook tahsildar, and complained of the oppression on the part of the said Nunoovien and Marymanon, but he made no inquiry. Afterwards I received from the talook the money due on account of the repairs, paid the same towards the liquidation of the amount of my puttah, and got it cancelled.

Agreeably to the notice which was sent calling on parties to complain of such cases of oppression, I have preferred this complaint, and am afraid very much that all the officers will combine against me and oppress me the more for doing so.

As myself and the witnesses here undermentioned are cultivators, we are unable to appear personally before your honours, who are at a great distance. I therefore humbly entreat the charitable gentlemen will be pleased to pass an order to the effect that the Collector may send for and examine myself and witnesses; that each man may, during the period of trial, be paid two annas a day as batta; that an adequate punishment may be inflicted on Nannoovien and Marymanon, and that I may not be ill-treated in this manner in future.

Witnesses.

Sawmy Mootoo Mootrian	-	-	-	1	Yassoo Mootoo Mooppen	-	-	-	5
Megale Ambalaunon	-	-	-	2	Sooveekiam Pillay	-	-	-	6
Chinnatombia Pillay	-	-	-	3	Taunappen	-	-	-	7
Dairia Moottrian	-	-	-	4					

21 November 1854.

(signed) by Nannoo Pillay.

EXTRACT of Letter from *S. Bird, Esq.*, Collector, in reply to a Letter from Commissioners, forwarding the above Petition, and requesting him to inquire and report.

“WEIGHING all the evidence adduced, and making every allowance for the discrepancies apparent in the statements of the deposing witnesses, I am of opinion that the petitioner did receive, some time during last July 1854, by order of the defendant Nunovien, a naut curnum of the talook of Laulgoody, maltreatment and coercive ill-usage, but not of high degree or seriousness; the ill-usage amounting to slaps on the back with the hand, forcing down of the person by the nape of the neck, and the compression of the hand by the squeeze of a man's hand. I am of opinion also that petitioner was subjected to this maltreatment to compel payment of certain balance of revenue due to the Government.

“Taking into consideration the whole circumstances of the case, and the length of time that has elapsed since the defendant committed this act of abuse of authority, I have decided that a sentence of suspension from office and allowance for the period of six months will meet the requirements of the case and the ends of justice.

“I have this day suspended naut curnum Nanovien accordingly.”

No. 5.

(No. 147.)

To *E. F. Elliot, H. Stokes, and John Bruce Norton*, Esquires, Commissioners appointed by Government.

The humble Petition of the undersigned Meerasedars of the Talook of Shealy, in the Zillah of Tanjore.

1. WHEN the Collectors of Tanjore and South Arcot were instructed by Government to proceed with the construction of a bridge over the Coleroon near Chellumbrum, at the point where the high southern road from Madras is intercepted by that river, according to the estimate, amounting to a lack and odd rupees, prepared by the civil engineer of the Sixth Division, it was decided that the meerasedars of South Arcot could not be got to assist the work gratuitously, and that the burden of voluntary aid must be put upon the shoulders of the meerasedars of Shealy, and of three other talooks, all included in the Mayavarum Division of Tanjore District. Accordingly the tahsildar of Shealy, named Narraina Row, instead of bringing up all the materials necessary for the work out of the money sanctioned by Government, illegally forced us to prepare and bring up to the banks of the said river, all the materials needed for the work, without any remuneration, under the pretence that an order had been received authorising him to make such a demand, and that

functionary also fixed the amount of expense and labour which each meerasedar about undergo, according to the extent of landed property severally belonging to them. Deeming it prudent to submit to the orders of the authorities for the first time, we subscribed 1,000 rupees, each of us giving two annas for every valy of land we had, and got ready each of us as many bamboos as our valies of land, twice as many plaited cocoonut leaves in the shape of mats, five times as many boughs of the cocoonut tree (which contain fibres for the manufacture of ropes), and poles 20 feet high for the construction of thatched houses. Thus we bought all these different materials out of our own money, and carried them to the banks of the Coleroon, and we have not received, as yet, from the Circar, even a single doody in return for all this expense and toil.

2. Again, the inhabitants of the talook were called upon to supply at their own expense, which amounted to the sum of 16,000 rupees, a certain length of timber, pestle, coal, fuel, cart, and ropes, and cocoonut mats, for the construction of thatched houses; the quantity or the number of these articles being regulated by the number of valies that each had. Thus we have been compelled to spend the said sum of 16,000 rupees in the purchase of the said materials, and deliver them to the Circar authorities at the banks of the river.

3. It is usual for the Circar functionaries, when public works, such as bridges and river channels, are ordered to be constructed, to receive from the Government Treasury the sum of money mentioned in the engineer's estimate and sanctioned by the Government, and either purchase with that sum all the materials required for the work, or to call in contractors, and get them to supply everything that is needed at the place where the maramut works are carried on.

4. Such being the rule and the established custom, the Collectors and the tahsildars unjustly force us to undergo the said expense of 16,000 rupees, and get ready the different things, such as building materials, tools, and instruments above adverted to, and when we on one occasion complained to Narrain Row, the tahsildar of Shealy talook, that we could not afford to undergo such an enormous expense, he did not choose to inquire into our circumstances, and, what was worse, he abused some of us in the most shameful manner, had us beaten most violently by his peons, put us in confinement, and even extorted fine from us.

5. A full estimate was prepared and sanctioned by the Circar for the erection of the bridge over the Coleroon, and the sum of 50,000 rupees has been forwarded to the talook cutcherry as an advance; notwithstanding this, not a single cash has been spent in the purchase of the needful materials, nor have arrangements been made with some contractors to supply them regularly. This circumstance evidently proves that some official or officials are preparing to swindle the sum sanctioned for the work, and that they have therefore cruelly compelled us, who are the meerasedars of the talook, to procure all the materials at our own charge.

6. It will take more than three years to complete the said bridge over the Coleroon, and as we, the meerasedars, have been thus ill-treated and tormented while the work has not been fairly begun as yet, we trust we will have to leave our homes and our property, and flee to other climes, till the construction of the bridge is over, rather than endure all the future and increased violence, pain, and privation.

7. Now as your honours have been appointed by the Government to protect all poor unfortunate people like ourselves, and as the notice which your honours have transmitted to the Hoozoor and talook cutcherries to be affixed at conspicuous places, informs us, among other things, that those meerasedars and ryots may address you personally or by letter, who have complaints to make respecting the use of personal violence and malpractices of various kinds, contrary to the orders of Government, we beg to bring to your notice the various acts of oppression, violence, and injustice exercised upon us by Narraina Row, the tahsildar of Shealy, and request your honours to order that officer to purchase all the materials for the bridge over the Coleroon out of the sum sanctioned according to the engineer's estimate, and carry on the work, and not force us to supply them for nothing, besides enabling us to carry on our cultivation and pay the Circar kist. We beg to entreat you also that the officials here may be instructed to the effect that we should for no reason be interfered with in our attempts to improve our fields by repairing our channels, and constructing other necessary maramut works, on account of the operations on the banks of the Coleroon.

8. The assessment saddled upon our lands is so heavy that the crops cannot cover it, and we have therefore sold or mortgaged time after time some of our merasee lands. The onsequent misery and distress to which we are now subjected may be evident to your honours if you consult the records in the possession of the court and the cutcherry.

9. When we consider the amount of annoyance and distress caused by the tahsildar, by demanding from us a labourer for every valy we have, for the purpose of working at the bridge, and by asking us to undergo an unnecessary expense of 10 rupees for purchasing the needful materials for the same, and when we think of the impediments thrown by the Circar people in the way of our carrying on the cultivation and paying the Circar kist without any difficulty, as well as the objections offered to our repairing the channels and the construction of other maramut works, we are certain we will have to quit this country altogether, and go away to foreign lands within a short time.

In

In conclusion, we beg your honour to take our case into your kind consideration, and render us justice, and free us from all acts of oppression and violence which the tahsildar and the other officials exercise upon us.

Many salams.

(signed)	Shealy Talook Thevayathy Meerasy Ramasawmy Iyer.	Meerasy Pariyen. Magalinguyen.
	Suthumthapoorum Meerasy Rama- sawmy Iyen.	Ramiyen. Iyahvien.
	Kyvalanjary Soobramaneyen.	Soobramaneyen.
	Chengamodoo Meerasy Vytheana- thien.	Thencoody Sawmyen. Kyvelanjary Navyen.
	Valooceody Meerasy Appienyeu- samy Iyen.	Valayutha Pillay. Sabapathy.
	Ganapathy Iyen.	Chocalingum.
	Vencatasoobien.	Moonju Pillay.
	Jagenathapoorum Meerasy Sawmy Iyen.	Thillay Moothoo Pillay, son of Nul- la Pillay.
	Sawmy Iyen.	Vythelinga Pillay.
	Kyvalanjary Meerasy Coopoosas- they.	Sooboo Pillay.
	Kyvalanjary Meerasy Mootoo- sawmy.	Thenpathy Ramasawmy Chetty.
	Thenumpathy Meerasy Vencata- ramyen.	Colaiyare Ramasawmy Chetty.
	Soonthrapyen of Keelvaly.	Thenthathy Iyathoora Chetty.
	Vulloovacoudy Moottoosamy Iyen.	Colanjarry Pethoo Chetty.
	Vulloovacoudy Amroothappyen.	Mootoo Chetty.
(marked)	Iyamoodly.	Seevaram Chetty.
	Gunapathy Moodly.	Vencatachella Chetty.
(signed)	Valayatha Pillay, son of Rama- sawmy Pillay.	Katha Chetty. Kivilcherry Katha Chetty. Kristnyen. Soobbyen.

Shealy Talook, December 1854.

No. 6.

(No. 202.)

To the Commissioners for inquiring into the Tortures.

Petition of Paupy Reddy, an Inhabitant of Chennai, in the Cusbah and Talook of Durmaveram.

IN 1853, Fusly 1263, I undertook the tillage, and received from the Circar, of a piece of land named Nadygeddagouchee, situated in the bed of the tank of Durmaveram, and having puttah No. 296, and dividing it into 56 shares, cultivated the same, after a bestowal of much labour. When the crops were about to yield ears, came one day Sashagery Row the cusbah carcoon, Statem Dasoy Neelacunta Row, the amanee, Mootsuddee, Garoodappagawmy Kristappa the goomastah of the carnom, and the toties, taliars, cutteobadies, sagajalies, sunkaleebuddars, &c., and examined the cultivation, and returned to the village; shortly afterwards took place the jamabundy of Fusly 1263, and accounts were prepared. A few days after, the said Neelacunta Row, the ameeah, Mootsuddee of cusbah Durmaveram, and the carnom, sent for me and five or six ryots, and in the village choultry asked us, accompanied by flattery and threats, to contribute at seven or eight rupees per share, besides two pootties of grain as marah, and one pootty as alms, in all three pootties. As the heads of the village were not on good terms with us, we went to the cutcherry, and inquired of the amount of money per share, and of the quantity of marah grain we had to contribute; we received no answer with respect to marah grain, but we paid Rs. 351. 6. 6., being the amount on 56 shares, at Rs. 6. 6. 5. per share, and got the payment entered as usual in the receipt book. A few days after they complained to the Circar with regard to marah grain, and sent for us; we went, and represented that if informed of the amount of the sum due as per accounts we would pay the same. The matter was then dropped; but we were afterwards sent to the authorities at Ananthapoorum, where they held out threats, and asked us to give three pootties of grain; thereupon we sternly refused to pay a single grain more than the quantity mentioned in the accounts, and they, without holding any inquiry, sent us away to our homes. Conceiving enmity against us because we refused to give them the excess of grain they demanded, they again brought with them two zilladars, and held an inquiry three months after the reaping of corn, on the ground that there was an abundance of produce, and that we had cultivated more lands, and oppressed and ill-treated us very much, and collected from us an extra assessment of Rs. 64. 2. 8., at Rs. 1. 2. 4. per share, which sum we paid, and got the receipt entered in the accounts; we gave also marah grain as they asked, and obtained a receipt. In the revajputty accounts these particulars are not entered.

We beg you will be pleased to hold an inquiry, and refund to us the sum and the grain due to us.

Wednesday, 6 December 1854,
2d Margasera Bahoolum.

(signed) *Toomalapully Royappah,*
for *Paupy Reddy.*

No. 7.

To *E. F. Elliot, H. Stokes, and J. B. Norton, Esqrs.,* Commissioners for the Investigation of alleged Cases of Torture.

The humble Petition of Parachoori Veerannah, Parachoori Vencannah, and Goomoody Cothundaramoodoo, Cultivators in the Village of Bathapoodi, in the Talook of Rapully, of the Zillah of Guntoor.

THE parties against whom we make our complaint are Thundavaroyadoo, Jagamulliah, and Lutchmeenarsiah; these three are curnoms of the aforesaid village of Bathapoodi, who are acknowledged by Circar. In Fusly 1260, they combined together, and reduced some of the ryots of the village to their subordination. They then received bribes from them, and on four or five different times lessened the kists due by them to Circar, by which nearly 150 rupees were lost to the Government, which was not entered in the account. In accordance to the circulars of higher authorities, we complained to the tahsildar in Fusly 1261, and proved to him the fraud practised by the curnoms as regards the lessening of the kists. The then tahsildar, Luckarazoo Baupiah, and the present one, Velagoopaudy Kistniah, are both near relatives of our defendants, the curnoms, and therefore, that the diminution of the kists we have shown and proved may not appear to the Collector, they laid by some of their proceedings and our depositions, and caused some of the depositions of others to be re-written; so that the curnoms were thenceforth free to defraud the Government by appropriating a portion of the kists to themselves. Although the tahsildars thus tampered, yet some fraud was observable in the records and proceedings.

2. The Circar was pleased to favour the poor cultivators, as we are, with receipt-books for the payments of the kists by them, but the curnoms retained with them such books of all the ryots for the Fuslies 1259 and 1260.

3. The curnoms received bribes from individuals of property, who were to pay an assessment of 800 rupees, and allowed it to remain unpaid until the close of the fusly. On this the superintendent came to sequester the property of those defaulters, when to evade the zuft, the first two curnoms concealed in their own houses the movables of them, such as grain bags, boxes, &c., and drove the cows to another village.

4. The curnoms defrauded 32 rupees, without entering in their books, out of collections, which were made without any difficulty.

5. When pymash (survey) was made of the Circar lands in Fusly 1258, they fraudulently increased the extent of their lands, which had been granted to them as an enam, in remuneration for their services of curnum, by the addition of five acres of assessable land. We have not only proved this diminution of kist and shown the hidden movable property, but we have also collected a sum of 200 rupees from those obstinate ryots, who have been so by the assistance and connivance of the curnoms. As these are evident by the records and proceedings, we preferred a complaint to the Collector, with a hope that in the re-investigation of the case by him, justice will be rendered to us poor people, and although we have for these three years, since the date of our first complaint, addressed to him several petitions, we have not been heard according to the Regulation of 1822, but he referred them all to the tahsildar, who, as before said, is nearly related to our curnum defendants. As the Collector has so unjustly acted towards us, the tahsildar and the defendants conspired, and destroyed the records wherein the frauds we complained of were evident. We used to have our petitions written by one Bathapoodi Punthiah, whom the three curnoms, the defendants, murdered suddenly, without any one's knowledge, out of malice and grudge. This was however rumoured by every person throughout the zillah, and a strong suspicion was entertained against our defendants, upon which the head assistant magistrate held an investigation in regard to the murder; but the proceedings of that inquiry also were destroyed by the tahsildar. As the Collector also has remained quiet, although so many atrocities have been committed, we and our poor family, consisting of young and old members, after the murder of Punthiah, have been, as it were, involved in a conflagration, and been almost dead persons. At last you, who are formed of justice, and who are punishers of crime, issued a notice to the effect that until the 1st February 1855 you will investigate cases of torture of any kind, and protect people, and we, hoping and trusting that now at least we shall obtain justice, address you with this petition.

6. We humbly beg your Commissioners will be pleased to call for, immediately, all the revenue records from Fusly 1262, the proceedings of the magistrate in regard to the murder of Punthiah by the defendants, and the mahazumamah of the villagers, together with all our petitions. From these it will be evident that the defendants received only partial payments from some ryots, took bribes from them, obtained recommendatory letters from high Circar servants

servants of Bundar, and murdered Puntiah; that the second defendant freely sold two boxes, which were under attachment for kist due, and appropriated to himself the sale proceeds; that the tahsildars are relations of the defendants, and that the list of attached property, as well as certain depositions, have been destroyed, and 88 rupees defrauded out of revenue collections, having been transferred to the head of outstanding balances. We shall also prove that some of our witnesses, out of enmity, have been expelled the village, and that although some ryots had fully paid their kist, yet, having fabricated a balance against them, the Circar servants compelled and distressed them to pay it, and on their refusing, sold their ploughing bullocks.

We request that you will have the pleasure to relieve us from the aforesaid distresses. For want of means to come down to your place of inquiry, we have written this petition, but if you would examine our case by summoning us to Madras, we hope you will also summon our witnesses, who are 11 in number.

(signed) *Veeramah.*
Vencannah.
Cothundaramoodoo.

25 November 1854.

No. 8.

(No. 121.)

To *E. F. Elliot, H. Stokes, and J. B. Norton*, Esquires, the Three Commissioners appointed by the Honourable Government, Madras.

The humble Petition, respectfully addressed by Gramny Abookara Saib, residing in Vathelykara (Betel Planter's) Street, Vallajah Pettah, in the Cavarypauk Talook, of the Zillah of Chittoor, and Lubbay by Caste.

Showeth,

THAT your petitioner, in conjunction with some other ryots, was for a long time planting betel garden in the village of Vunnevadoo of the above talook, and paid his portion of the Circar kist of every year in its due time, without any delay or any balance, and lived honestly, bearing a reputable character. While so, Vayoor Kutteah Moodely, one of the three maneyagars of the same village, used to receive a sum more than the kist amount, against the puttah (a deed of lease) granted by gentlemen, and against the regulation. He asked the petitioner to pay four rupees more, who answered him, that, it being a time of famine, and his demand being an unjust one, he will pay him the sum by part payments, after some days' delay, upon which the maneum Cutty Moodely was enraged with me, and began to revenge himself upon me. His unjust collection of the money was shared between Narana Row, a peon attached to the said village, Paravauneyan, a thotee of the village, Arjunan, Mundy Mash Saib, and Abdulraheman Saib, of Vallajah pettah, (these three) the intimate friends of the said maneyagar, and enemies to me. These the maneyagar assembled together, and at 12 o'clock a.m. on the 5th September 1854, the said Vunneyan came to my place, said to me that I was called by the maneyagar, and took me to the barren land at the said Vunnymadoo vilage, and, making me stand in the sun, told me that I should pay the four rupees before I can be allowed to go out, burst out into indecent expressions against me. I told him I cannot pay now, and called him to follow me to tahsildar, where I said I will pay on the moment, if he were to tell me that I should justly pay the money. Whereupon the maneyagar grew angry with me, and abused me without any regard to the caste and creed, and caused me to be placed by others in anunthal, with so short a rope as two cubits in length, applied kitty (thumbscrew) to my hands, screwed it so violently as the bones of the fingers may appear, and the blood may gush out, pinched my thighs so hard as their skins may be flayed, flogged, kicked, and boxed me; and for three hours I was kicked to and fro, and subjected to various kinds of tortures. This I went to report immediately, through a petition, to Sestharamier, the head of the police, who having delayed to receive it from me, I presented my urzee on the subject to Mr. Bourdillon, the Collector of the said zillah of Chittoor, who endorsed it, ordering the said head of police to investigate the case. The said head of police, having put off the trial of my complaint for the last three months, now summoned and called for the opponents and the witnesses mentioned in my complaint, and, through the intimacy that existed between him and the said maneyagar Cutty Moodely, he threatened, and promised my witnesses bribes, not to reveal what they have witnessed; but, as they refused to do so, he prevailed upon me, through some gentlemen, to withdraw my complaint, with my own consent, otherwise that he will spoil my case, and ruin me different ways, and he is accordingly intending to ruin my case.

I therefore hope that you, charitable gentlemen, will be gracious enough to call for the opponents and the witnesses hereinunder mentioned, to try them in your own presence, to see the scars of my cured wounds, and to award a suitable punishment to my injurers.

(marked) *Abookker Saib.*

Witnesses:

- | | |
|---|--|
| <ul style="list-style-type: none"> 1. Ramasawmy Moodely, Wauny Vadoo Manem. 1. Aroonagery Moodely, the ryot. 1. Ajoonan, talia. 1. Mathoeramattoor Moothosawmy, of the said village. 1. Mussulmen of Davathanum, whose names are unknown. 1. Moothookristna Moodely, of Walajapettah. | <ul style="list-style-type: none"> 1. Ramasawmy Naik, the proprietor of Kila. 1. Vujjera Chitty. 1. Athum Saib. 1. Kader Saib, of Cholavarum. 1. Fuckeer Mahomed Saib. 1. Vittul Row. 1. The eldest son of Vunnyvadoo Kurnum, Appavoopilly, name unknown. |
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4 December 1854.

No. 9.

(No. 91.)

To *E. F. Elliot*, *H. Stokes*, and *John Bruce Norton*, Esquires, Commissioners for Inquiry into the Tortures.

Petition of the Individuals hereunder signed, Toddy Contractors, residing at Mopidavi Lunka, and Maracanapully Lunka, Hamlets dependent on Aurookunkooloo, in the Talook of Devy, Zillah Masulipatam.

1st. TOWARDS the latter end of Fusly 1263, Cheroomanulla Sooriah, the tahsildar of the said talook, sent for and ordered us to produce a "khut" (security deed), and pay kist on the fruits, leaves, and boughs of palmira trees, in the grove in the village of Mellamadathy Lunka, in the said talook, planted about 160 years ago by the ancestors of the Yerlagudda Nagunnah, Yerlagudda Venciah, and Yerlagoodda Teroomalaneedo, which is still now enjoyed by them, and which paid no assessment under any government. We then represented to him (tahsildar), that no tax has been levied on the palm or any other trees in the said grove by any former authorities, that we would not therefore produce "khut," nor pay kist, and requested him to get the contract transferred to some other individuals that like to undertake it. Giving no ears to our request, and inasmuch as we were inhabitants of his talook, he confined us in the talook cutcherry for three days, without permitting us to go out to take our meals or drink, caused us to be severely flogged on the third night, had the currum of Cheroovala Lunka to write privately a "khut," assessing at 43 rupees the palm trees standing in the said grove, and set us at liberty, after having forcibly extorted our signatures thereto. Thereupon some of us appeared before the Collector of Masulipatam, and presented to him a petition, in July 1854, complaining of the said injustice; but, without inquiring into the facts of the said petition, he wrote something to the said tahsildar of Devy talook, referring us to him, and said that he (tahsildar) would render justice. We then proceeded to our homes. Some days afterwards, he (tahsildar) sent for us, ordered our necks to be tied to our feet, and obliged us to pay up the said 43 rupees, but he has not, till now, given any receipt for the sum we paid.

2d. As the Collector had failed to institute any inquiry into the matter of 43 rupees having been extorted from us, as above particularised, we thought of presenting a petition and obtaining redress from the Commissioner of the Northern Circars, as soon as he comes to Masulipatam. But in the meantime, about 20 days ago, the said tahsildar, Cheroomanullah Sooriah, sent peons, informing us that for Fusly 1264 a tax of 120 rupees was levied on the said grove; that he would cause Venka Mamygadoo and others, contractors of Maittee Lunka, to execute a security deed for 60 rupees out of the said sum, and directing us to file a similar deed for the remaining sum, namely, 60 rupees. The tahsildar thereby took us away from our work, confined us in rooms for four days, without permitting us to go out to take our meals, oppressed us in various ways, caused a security deed to be written as he liked against our will, got our signatures forged therein, and set us at liberty. We refrained from bringing this matter to the notice of the Collector, for fear that he would, as before, refer us to the tahsildar, without making any inquiry into the fact of our having been ill-treated and oppressed by him, and thought it useless and vain, because we knew from experience that he (tahsildar) would, through enmity that we had done so, oppress and annoy us still more in collecting from us the said 43 rupees. We therefore waited at Masulipatam for the Commissioner, to re-present him a petition, but he not having come here as yet, we being unable to bear the travelling expenses, were we to proceed to his place and present a petition, as we are very poor, and labour for our daily meals for ourselves and our families, and it being talked of here that the Gazette and other newspapers announce your nomination as Commissioners for investigating into the acts of injustice committed throughout the whole of the zillahs subject to the Presidency of Madras, to the helpless and poor as ourselves, that if petitions be within the 1st February 1856 addressed by tappal to your cutcherry, held on the road leading to the Mount, you would hold examinations and redress their grievances, we most respectfully beg to bring the following lines to the consideration of your upright and charitable Committee.

3d. The

3d. The commission of injustice and extortion of money from the poor and illiterate, like us, in matters of similar nature as above, since 1816, are owing to the transfer from the zillah judges since the above period, of magistrate's power to the revenue officers, namely, the Collector, the head of police, and others; whereby they (Collector and head of police) summon people like us to the cutcherry, and disgrace them in various ways for default of payment of kist, or of giving bribes to them. Unable to bear their ill-treatment and oppressions, some to save their lives, and some to maintain their honour, pay up the money. Your Committee will no doubt be easily convinced of the truth of our declaration, relative to the injustice done us by the tahsildar of our talook, if you will suspend or transfer him to any other talook, and then institute an inquiry. In proof of the said tahsildar having intended to unjustly levy and forcibly collect the tax, we beg to state that it evidently appears that neither the Mahomedan, French, or English, as also under the government of the zemindars who have had sway over this talook since the last 150 years, as well as the arrack and toddy contractors, had collected kist on the grove belonging to the said Yerlagudda Nannammah, Yerlagoodda Venkiah, and Yerlagoodda Teroomalanedoo; while so, without ascertaining why the said Cheromah Milla Sooriah now demands kist contrary to long-standing practice, the Collector consented to carry out this project, and extorted from us a security deed for 43 rupees on the fruits, leaves, and boughs of palm-trees standing in the said grove. Though we presented petitions, he made no inquiries, but sent us to the tahsildar who collects money from us. We do not enter into further details to prove the injustice done to the people, because we think that the above particular point will clear all doubts. We therefore beg you will be kindly pleased to take our prayer into your favourable consideration, order the restoration to us of the said sum of 43 rupees, which was unjustly exacted from us, cancel the security deed for 60 rupees, which had been prepared in our names, and protect us by passing just orders.

Inhabitants of Moopadavee Lunka :

(marked)	Rajoolapauty Chellamiah. Chelloovada Chellamiah. Oopala Verlunkiah. Rajlapaty Layoon. Balla Venetaramoedoo.	(marked)	Morla Venкатasee. Cheebonadu Layur. Thatha Nagoodoo. Ooppalee Condiah.
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Inhabitants of Maracanypulleny Lunka :

(marked)	Muttah Ramiah. Casava Chellamiah.	(marked)	Y. Sawmy. Veppoola Soroliah.
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25 November 1854.

No. 10.

(No. 109.)

To E. F. Elliot, H. Stakes, and John Bruce Norton, Esqrs., Commissioners appointed by the Honourable Government.

The humble Petition of Complaint of Venecataroyer, the son of Durumopory Sawma Royer, residing in the Talook of the same name, attached to the Zillah of Coimbatore.

1. The village of Cooneameootoor, in the said talook, the high land which goes by the name of Peremadoo, and which had never been and will not be irrigated by the Circar tank, was assessed with poonjay tax on the 31st October 1847; while so, instead of demanding the teerva (tax) due on poonjay cultivation, Solewaly Nsick, the monegar of the village, and others, and the talook tahsildar combined and demanded the full assessment due for nanjay irrigated by water from the Circar tank, and, on the 28th February 1848, at the talook cutcherry, caused me to be pinched on my thighs, and subjected me to various other pains which were very insufferable, and exacted from me 22 rupees, being the sum over and above the assessment due for poonjah. I forwarded a petition to the magistrate, explanatory of the said circumstances, and was waiting for an answer, but on the fourth day the assistant magistrate declared that no inquiry will be instituted for the oppression resorted to in the collection of the Circar revenue.

2. When the jamabundy came round in that year I cultivated the poonjah lands with grain, &c., and although poonjah teerva should have been levied upon it, yet it was not done so. The tahsildar and monegar declared that they will give credit for the extra assessment exacted from me, and will only levy the assessment due on poonjah; but without causing a just entry to be made for the legal assessment due, as contemplated in para. 17 of the orders of the Board of Revenue, they caused the entry of the full assessment due for nanjah lands, and also exacted from me the assessment in excess.

3. They oppressed me very much, that I could not endure the pain, and exacted from me the sum being over and above the tax established for deficiency in poonjah cultivation, in which case less assessment is levied. It is six years and six months since this circumstance happened, and in order to bring to your honours' tribunal all the witnesses,

1st. Of the persons who were present at the talook cutcherry when I was oppressed I do

not recollect the names of persons mentioned in my petition of complaint presented to the magistrate, or whether I inserted or not any names as witnesses.

2d. If we incur the displeasure of the tahsildar and magistrates, whither are we to go if we happened to have a case in future, quitting this country ?

3d. The witnesses who are employed in the Circar seem altogether to be indifferent of coming down to Madras to give evidence on my behalf, who is a poor man, giving up their present avocations and employing substitutes for them, and thus incurring the displeasure of their superiors.

4th. I am quite unable to defray the travelling expenses, the hire of conveyances, &c., for my witnesses, whether employed or otherwise, even in case of their expressing their wishes to me to come down to Madras. I have none who would be so kind as to furnish me the copies of the following documents :—

1. The petition of complaint sent to the magistrate by tappal on the 26th February 1848.
1. The petition of complaint sent to the magistrate for ascertaining the reason why my petition was unnoticed.
1. Ditto, addressed to the Collector, 4th May 1848.
1. The jamabundy settlement of Fusly 1257.

5th. On a deep consideration of the contents of the estihar (notice), it is not only ambiguous that whether the Commission has the power of inflicting an adequate punishment on criminals, and of directing the payment of the extra assessment exacted from me by thus oppressing me, but that whether this would be a case for the Committee. I have not the confidence and courage that I will in the least be advantaged by it, for the word "torture" is explained or interpreted in various ways in this country.

6th. I fully believe and hope that the Commissioners, who are so wise as to advise us not to lose the opportunity, will easily come to understand the unfair means resorted to by the Circar officers for the exaction of the revenue, and of their oppression.

I therefore most respectfully beg that your honors will be pleased to send for and inspect the documents in question, which would be a sufficient proof of my assertion, when it would appear that an exorbitant assessment had been exacted from me, for the payment of which I was very much oppressed.

(signed in Mahratta) *Vencata Rao.*

28 November 1854.

No. 11.

(No. 81.)

To *E. F. Elliot, H. Stokes, and J. B. Norton, Esqrs.*, Commissioners for the Investigation of alleged Cases of Torture, who met at the Polytechnic, Mount-road, Madras.

The humble Petition of the Merchants dealing in Cotton, &c., who have subscribed here below, Inhabitants of the Villages of Vaniembady and others, included in the Talook of Tripettoor, of the Zillah of Salem.

THE above said village of Vaniembady in this zillah, and another village, named Amboor, of the zillah of Chittoor, are adjacently situated. The police and tahsil cutcherry for Vaniembady is stationed at Tripettoor, a distance of 15 miles, and that for Amboor at Pullykondi, a distance of 17 miles. The police for these two respective villages being so distantly situated, they abound with robbers and other vicious people, who day by day commit the most violent acts, such as thefts, throwing stones upon houses by night, murders, &c. Considering this state of the village of Amboor, the magistrate of the district of Chittoor established a police in that village, by the vigour and exertions of which the village was rendered secure from those disturbances, and its inhabitants are free and happy; but the village of Vaniembady not being favoured with such institution, it remains in a worse condition than before, and year after year four or five murders are perpetrated in it. On this subject we addressed the Board of Revenue and the Government, and they were pleased to reply that the Collector will yield us our request. On this, and even before, we applied to the Collector, but no notice of our petition has been taken by him as yet, in consequence of which the village now labours under increased evils, and within the past five or six months as many murders have been committed, and numberless robberies attended with bodily tortures have taken place. If any person should go to the cutcherry and complain of such injuries, he is made to wait eight or ten days for the issue of summons against the complainant, meeting with great expenses, and his witnesses are detained for a fortnight or two without any investigation; and in the inquiry which takes place after so many days' delay, the honest are made rogues, and *vice versa*. Therefore, for fear of being kept away from their homes for days together to the damage of their livelihood, at the same time of being put to great inconvenience as regards their expenses, persons who are eye-witnesses to any mischief do not reveal the truth nor make any complaint. With great kindness and regard towards the ryots, the Government have been pleased to order for their security the establishment of tannah stations, and the moonsiffs for all small villages. The village of Vaniembady

Vaniembady and five or six others adjoining form an extensive division, and contain a population of eight or ten thousand. The roads from Madras to Bangalore, Salem, and the Neilgherries pass through these villages, and on them European gentlemen, regiments, merchants, exports and imports, and conveyances pass; also about four or five hundred post carriages halt here every day. Without the check of a police, peace is greatly violated in these villages, for which although one cutwal and three or four peons are appointed with little or no power, yet they are employed in providing gentlemen with supplies, and in seeking after their advantage. They in no way protect the villagers from thefts and the like. On the contrary, they are employed in assisting the curnoms in the collection of the moturpha tax and the cart tax, two or three of which are fixed on each head, by placing persons in anundal, and subjecting them to blows, &c. There is no security from the abovesaid evils. We therefore earnestly beg your Commission will be graciously pleased with mercy upon us, who are poor ryots, to bring about the end desired by us, by establishing a police office for our village, and relieving us from the aforesaid oppressive taxes.

(signed) *Valoor Isnava,*
Kunniambady Abdoolryman Sahib,
Yackrammadoo Sahib,
Chinna Baulzaimansa, and 62 others.

16th Carthigy 1864.

No. 12.

(No. 198.)

To the Honourable Commissioners, Madras.

The humble Petition of the Merchants residing in the Talook of Camoolapoorum, of the Zillah of Cuddapah.

THOUGH we had often submitted the following particulars to the Collector of the zillah, and twice or thrice applied to the Government respecting the grievances we suffer, our petitions were not countenanced, and no order was issued contributing to our safety. We were then continually praying to God that the Government, when moved by our distress, will appoint the gentlemen of your description to inquire into our grievances, and make us all live happy in our place; and in consideration of the notice published for the investigation of the uses of torture, we beg to state as follows. While the tax called veesabady is not at all levied upon the merchants in the other zillahs, viz., Chittoor, Neilore, Salem, and Madras, the people of Cuddapah and Bellary zillahs are put into a great loss in consequence of the veesabady tax.

Besides this, the head of the police of each talook used to take us to the talook cutcherry in every year for the clearance of veesabady tax; and he compels the headman of the respective houses to remain with the cutcherry for a month, two, three, or four, requiring him to pay the veesabady tax for such as died, absconded, or bankrupted; and by unreasonably refusing to allow him to go home, his house is visited and plundered by a gang of torch robbers, his merchandise interrupted, and he is oppressed with loss. The veesabady tax is levied both upon such of our body as are engaged in, or disengaged from, the trade, and we are constrained to supply the Circar servants with their requisite articles in an advance; and hesitating to make a strict demand of the prices of the goods they bought from us, we are left either to receive 5 rupees for the goods of 10 rupees, or to give them, if desired, a receipt for the unpaid money. In this manner the merchants are put to a great loss, while the men of other classes, viz., Brahmins, servants, and ryots, &c., carry on trades free from the payment of veesabady tax, and other troubles, in supplying the Circar servants with articles in advance. But we, though ceased trading, are still, as per habit of the country, involved in losses consequent on the levying of the veesabady tax and supplying articles in advance. You would perhaps think that since the Government have formed all regulations and orders with regard to the inquiry into all sorts of matter, we have no reason to be afraid of another for anything whatever. In spite of the enactment of all regulations, the reason why we are struck with awe at the sight of the Circar servants is, that whenever we are taken to the talook cutcherry for the collection of veesabady tax from us, and for other things, the servants there put such persons of our body as had not satisfied their petty requests into vain troubles, under some pretence or other; and that they beat, abuse, and trouble us, when they come to our village in their circuit, for our not supplying them with such articles as the place cannot afford. We cannot go against the Circar servants; we are obliged to listen to what they say to us, and so we are thrown into a great loss. It is unjust to levy the veesabady tax upon the two zillahs out of 14 for our purchase and the sale of goods, which are already taxed in their places of production. This unfairness would of course become evident to you.

Moreover, when the people are tortured by a gang of torch robbers, they were called for by the head of police, and were respectively asked of the names and the prices of the articles plundered away from their houses, and of the aggregate amount of the loss thereby sustained. Every one of them, through fear of him, tells him all what had befallen him when his house was visited by the robbers: such as the loss and personal violence, and others he endured. But the head of police used to say to them, that what they have lost is lost, and that there is no gentleman to distribute justice to them. Then none of those whose houses were plundered and drowned in loss could dare reveal their case, rather than hide it from the public, with the fear of being again oppressed by the same kind of plunderers.

plunderers. And as an instance we beg to say that on a certain night some 50, 60, or 100 wicked men conspiring together, got into a certain house, and plundered away the articles they chose; your honours should consider the amount of the loss the owner of the house might have incurred. Notwithstanding this, the reddie, kurnums, and the taliars appointed in the villages by the Circar, and the javans (outcherry peons), used to daily receive from us, the merchants, betel and nut, and the reddie and the kurnums are in the habit of giving any sum of pagodas, as a gift, to the gamblers, with whose games they were amusing themselves, by a subscription raised on each of our houses. They forcibly receive from us fees for the goods we bring in from other places; and all these tend much to bring loss upon us. Another reason for our being involved in loss is, that the washerman, barber, potter, carpenter, and iron smith, the meeraseedars endowed with the manium lands in each village, should be ready in the Circar's business, and well prepared to do to his villagers all what was required by them. But they asking us half a rupee instead of quarter, for doing our business, we are obliged to get workmen from other places to have our business done at a proper rate. The reddie and the kurnums siding with the meeraseedars, prevent other workmen coming, and persist, saying that all of our business must go through the hand of the meerasy workmen. Hence our affairs are greatly delayed, and we meet with a good loss.

We therefore hope that you would order them, who are bound to serve the Circar for their enjoyment of manium lands, not to prevent others doing our businesses for hire, allowing us at the same time to manage ourselves with employing any mercenary we choose. We hope that our grievances will be redressed, and your honours, on the due consideration of the case, issue order, either in the name of the Collector or the judge of the zillah, to adopt such measures as may relieve us, like the other zillahs, from the extortion of the veesabady tax, as well as from the supplying the Circar servants with the articles in advance, and from the dangers of the gang-robbers. If the above grievances were to be redressed, all of us would, without any more complaint, lead on an easy life. We pray to your honours that you will now alone favour us with the order, and protect all our lives. Hoping that this may be taken into your consideration.

Banion Merchants.

(signed) Ramasawmy of Gazoola- pullay. Gazoolapullay Chenna- pah. Pulliah. Tungtooro Chenchoo. Malay Narrapah. Athoolooroa Vencatasam. Tungtooro Chennabee. Malapatee Vencatara- moudoo. Chenapurum Machunnah.	(signed) Chunthoolooroo Naran- uppah. Narana Nagiah. Polapully Chenchiah. Gazoolapullay Pethacon- dappah. Chengoo Chenchoo. Gazoolapullay Vencata- soobiah. Bootelum Soobbiah. Veerannah. Roottah Kistnamah.
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2 December 1854 and of 1264 Fusly.

No. 13.

To *E. F. Elliot, H. Stokes, and John Bruce Norton, Esqrs., Commissioners for the Investigation of alleged Cases of Torture.*

The Complaint respectfully submitted by Dabbeeroo Chinna Kamunmah the Merasidar of Therapully, a Village attached to the Tannah Station of Survasiddy, in the Talook of Vizagapatam, against W. Robertson, Esq., the Collector and Agent at Vizagapatam.

1. WITH the view of promoting the ends of justice, and suppressing crime and oppression, the Government have appointed for the revenue and the judicial departments throughout the country, such officers as had an acquaintance with the languages of the respective districts, after having them sworn that they will exercise their power justly and impartially, without any regard to the wealth, influence, colour, or creed of the people under their pale, and ensure security and protection to the country at large. Now Her Majesty the Queen of England has been pleased to appoint your honours for the purpose of inquiring whether the revenue and judicial officers of the country do administer justice impartially. As your honours have accordingly transmitted notice to every village in the country, I beg to submit to your honours' consideration a statement of my grievance, and of the acts of injustice done to me, entreating your honours to peruse the following lines with patience, and to protect the poor family of one who has always confided in the protection of the Circar, and regularly collected the kist due to the state by the said villagers, without allowing even a small sum to remain in the hands of any party in the shape of balance.

2. In the aforesaid village the net quantity of corn reaped during the harvest of Fusly 1254, was 50 garces. The aumeen, named Vadalamoody Hanoomiah, sided with the ryots, and all of them were secretly preparing to carry to the accounts the kist for only 25 garces,

25 garces, giving out that much was all the produce for that year, and to embezzle the other half for their own use. When I happened to learn this, I put myself forward without any delay, entered into the accounts of the village the exact kist for the actual amount of produce, and collected the proper assessment for the year. On this account the ryots and the aforesaid Hanoomiah began to cherish an ill feeling towards me, and preferred a number of urzees to the then assistant collector, Mr. Mathison, to the effect that I encroached upon certain piece of Circar land in this Fusly, pretending that it was a portion of my manium lands already noted down in the circar registers. When they were called upon to establish the charges which were put forth in their urzees, they were not able to produce proper evidence; consequently they stated to that gentleman that they could not directly prove the charge, and thus withdrew their complaint. When the aforesaid Hanoomiah happened to learn this circumstance, he immediately wrote to Mr. Mathison that the piece of land which I cultivated belonged to Government, and that it was not a part of my manium lands. That gentleman, instead of examining any records or witnesses in connexion with the subject, blindly decided that I cultivated some 17 vees of ground not included under the head of my manium lands. I then appealed to Mr. Smollett, then the agent at Vizagapatam, who then administered justice impartially to all parties. This gentleman was pleased to return to me only 6 vees of land out of the 17 vees of ground in dispute, adding the remaining 11 vees to the Circar lands; and he also extorted from me a sunnud. I then appealed to the Board of Revenue in the hopes of obtaining redress, but they referred my case to the then agent, Mr. Robertson, my opponent. Finding that no justice could be expected from him, I preferred an urzee to Mr. Elliot, the Commissioner of Northern Circars, representing that the records bearing upon the case were in the Collector's cutcherry, and calling his attention to them, as well as the old and present accounts of the village, in order that he might satisfy himself as to whether the piece of land in question really belongs to Government, or comes under the head of my manium lands, and requesting him to redress my grievance by restoring the aforesaid 11 vees of land to me. I then addressed myself by means of an urzee to the Government, enclosing for their perusal copies of the aforesaid petitions to the different authorities, and the endorsement made by the Commissioners, together with the accounts of my village, past and present. I entreat your honours to send for and peruse with attention these papers, together with the accounts for cuttoobody lands, on which an excess of assessment is levied, to which paper the officials in the cutcherry of the assistant collector have affixed their signatures; the order passed on the subject by the agent, Mr. Smollett, in the year 1850, and the petitions, &c. preferred by me and the ryots of the aforesaid village; and pray for a speedy redress of my grievances.

3. I beg your honours will be kind enough to call upon the Collector, my opponent, to give full and satisfactory answers for the following questions:—What was done after the ryots withdrew their complaint against me? By whose permission did he class the said 11 vees of lands among the assessed fields, while they were rent free in reality? By whose order did he give me only six vees of land out of those that are mentioned in the hookum, No. 32? Why did he not examine the accounts of the village and call for witnesses, and institute a strict inquiry into the disputed points? While he could procure sufficient evidence to prove my enjoyment of the said pieces of land before any charge of encroachment was brought against me, on what grounds did he include them under the head of assessed lands? I trust your honours will obtain from the Collector answers to these questions, consider the merits of the case, and do me justice. The assistant collector and the head collector received my urzees, and referred them to the tannahs; and the assistant collector went on a hunting excursion in the woods, without disposing of the cases of parties waiting for decision from a long time. I then wrote an urzee to the assistant collector, requesting him to call for the urzees which he referred to the tannahs, and redress my grievances. He fined me two rupees as a punishment for having troubled him to decide my case. I hope your honours will be good enough to ask the assistant collector also to account for those proceedings, and relieve me from the oppression of the authorities. The annual kist for the said 11 vees of lands amounts to 106 rupees, and the amount of this revenue from Fusly 1255, is deposited in the treasury of the Circars. I therefore beseech your honours to call for the accounts of the village, and after examination, to refund to me the said deposit, and restore to me the land in question.

(signed) *Kamannah.*

25 November 1854.

Witnesses and Records of this Case.

1. The Head Seristadar at Vizagapatam, and the records respecting the rent-free lands of the district, together with the application by which the said ryots withdrew their complaint.
2. The Aumeen of the Tannah at Survasiddy.
3. Goday Prabacara Row at Vizagapatam.

Note.—Petitions 2 and 3. of No. 188, do not contain cases of ill-treatment or illegal punishment administered either by the revenue or the judicial authorities, and are not therefore translated.

(4 of No. 188.)

To *E. F. Elliot, H. Stokes, and John Bruce Norton, Esquires, Commissioners for the Investigation of alleged Cases of Torture.*

The humble Petition of Chinna Kamiah, a Meerassidar of Theervapully, a Village attached to the Tanah of Survasitty, in Vizagapatam Division.

THE Government servants used to treat the class of meerassidars with regard and respect; now-a-days they are invariably ill-treated, even worse than barbers, who are the meanest servants in a village. The peons in the cutcherry and other inferior servants of Government abuse them in the grossest language, and roughly handle their persons. Some of these unfortunate class put up with such practices; some, not habituated to be thus violently dealt with, go away from the cutcherry, leaving their upper cloths behind, and thus avoid disgrace; while the lives of others are often exposed to danger. In a word, the acts of violence and oppression exercised upon the meerassidars by the cutcherry people are so many and so insufferable, that it is not in my power to commit them all to writing.

The following circumstances will explain the reasons for which we, the meerassidars, are subjected to such a disgraced and violent treatment by the servants of Government.

They extort from each meerassidar a rupee or two when the accounts of the village are entered in the Circar registers; when applications are made for thucceavey (an advance of money for the purpose of cultivation), or when any public works are erected in any of our villages, or when any repairs are carried on, every one of our kurnoms is required by the cutcherry people to pay one anna for every rupee sanctioned for any of the aforesaid purposes. Those kurnoms that do pay down the required sum are treated kindly; while those that refuse to do so are not only abused and severely beaten, but are often thrown into the gaol on some false charge, and are tormented in the most cruel manner. Thus whenever we come in contact with the cutcherry servants, we or our dependants are subjected to such a disgraceful and violent treatment.

If the Government and your honours espouse the cause of the poor meerassidars, and put an end to the aforesaid oppressions and cruelties, we can assure your honours that you will be doing credit to the State, that the ryots will get on well, and that the meerassidars will be prosperous and happy; and what is more, we trust that the reputation of Her Majesty the Queen of England will be thereby augmented, and that she will herself become in a short time the queen of many nations. Again, it was usual for the late aumeen to go from village to village, and mark the places where repairs and other maramut works are necessary, to prepare an estimate, to get the sum of money which is mentioned in that estimate after sanction from the higher authorities, and to give the money into the hands of meerassidars for the purpose of carrying on the aforesaid works in their respective villages, and on their completion, to submit the maramut accounts to the higher authorities. On these occasions, we, the meerassidars, used to receive from the coolies an anna for every rupee that they obtain in the shape of wages. But now the maramut maistry at the Hoozoor, named Aloor Nagabashanum, directly gets the money mentioned in the estimate from the cutcherry, and distributes the wages to the labourers himself; consequently this man now contrives to extort from the labourers two annas for a rupee from every cooly. The result of all this was that the measurements, &c. were erroneous, the maramut works were mismanaged, and our crops became poor as a matter of necessity. It is not in our power to describe the extent of misery and distress to which we are now reduced in consequence of this failure of the crops. This address has not been written from any ill-will towards any party. The circumstances above detailed are all true, and I solemnly affirm that there is nothing like false statement in this my humble address. I solicit your honours therefore to take this into consideration, and pass such orders as you may deem fit.

(signed) *Chinna Kumunnah.*

25 November 1854.

*Witnesses:—The Meerassidars of Lingarajoo Pallayum.
The Meerassidars of Survasitty.*

No. 14.

To the Commissioners for the Investigation of Cases of Torture.

The humble Petition of Junga Soobbiah, an Inhabitant of Mulkapoorum, *alias* Paulagoodiem, attached to the Talook of Yellore, in the Zillah of Masulipatam, residing at present at Yellore.

ONE Covoar Lutchmana Row, the late tahsildar of the Yellore talook, but now transferred to the Rayekatawoo talook, receives bribes in all matters relating to this talook. He sends for some of the ryots, and having his own interest in view, coaxes them and exacts bribes from them. As I am a man of substance, the said tahsildar and one Gajavulle Gopaulrow, who holds the appointment of zilladar in the Yellore mittah, with a view of getting from me a separate large sum by way of bribe, sent for me and asked me for something. I refused to pay a separate sum, saying that I continue to contribute to the thapareck (an

extra

extra assessment, but here meaning an aggregate of extra sums paid by each cultivator in certain proportions, as a bribe to any man of authority raised on every village. Conceiving enmity at this, he meditated to involve me in difficulties, and to procure a bribe from me, and with this view he caused the nayacavaudy (a class of people) of Cautrumpoody to seize Goojoola Kristnadoo, the person cultivating my lands in the village of Yaloor, for working on the annicut of Kistna river, on the 25th of October 1853. This Kristnadoo and others merely reside in Cautrumpoody because it is close to the village of Yellore, in which my lands lie, but I have no cultivation in Cautrumpoody. The practice that obtains in the country is that the nayacavady of each village produces its under farmers for Circar works, and when labourers had to go to work at the annicut from Yaloor, Comadavaloo, Mulka-poorum, and other villages in which I carry on cultivation, I had without reserve sent my under cultivators for that purpose according to turns. I therefore sent for the nayacavady of the said Cautrumpoody, and asked him why he, an irresponsible party, had taken hold of my under farmer; no sooner had I made this remonstrance than the nayacavady withdrew. I do not know what representations had been made by them against me; and shortly afterwards certain peons and others came and told me that the tahsildar wanted me. I went to the cutcherry at five o'clock in the evening of the day in question, and seeing that the tahsildar was absent from it, I was about to return home, when the zilladar ordered the duffadar and others to prevent my departure, and set a guard over me. Then came the tahsildar to the cutcherry, and tales having been told to him against me, he, without even calling me before him or examining what the matter was, caused me to be dragged on, ordered a fine of two rupees to be levied from me, himself and the zilladar used gross abusive language to me, made the duffadars, peons and others to shove me by the neck, to throw me down and beat me, and placed me in guard the whole night. On the morning of the 26th, after the tahsildar came to the cutcherry, he called and told me that if I pay eight rupees to himself and two to the zilladar, I would be set at liberty, and if not, they would prepare and send to the Hazoor a mahazarnamah to the effect that I was guilty of resistance in the cutcherry. Being afraid that they might do even more than the threat held out to me, I paid to them as above, and went home.

2. I forthwith prepared a petition explanatory of the whole of the occurrence, and charging with it the head of police and other defendants, all ten in number. I forwarded it to the magistrate of the zillah; the charges were referred to the special assistant magistrate, who summoning and examining me and a few of my witnesses before the Hazoor, notified his intention of passing a final sentence in the case when he visited Yaloor on jamabundy settlement. This gentleman did go to Yaloor, but he not having conducted any examination in the case in question, I petitioned the head magistrate, when in Yaloor on the 7th of April 1854, representing that the complaint had been long pending, and praying that a decision be passed as to him appeared proper. He observing from the endorsement on my petition of the special assistant magistrate, under date the 29th April 1854, that a partial examination only was gone into, and that it has to be completed, ordered that the trial will be closed should he return to Yaloor once more, and the result of the same communicated to me.

3. When the special assistant magistrate came to Yaloor, I addressed to him and forwarded by tappal a petition on the 9th June 1854, setting forth that I was in attendance as required by the said endorsement, and requesting that a sentence may be passed on my complaint; but hitherto nothing has been done in the matter.

4. I have fully proved the charge preferred by me, the magistrate has not even put the defendants on their defence, nor did he record his opinion or sentence on the case.

5. It is for preserving the peace of the public and the helpless of our description, that you have appointed heads of police under Regulation XI. of 1816, section 26, but not to disturb their tranquillity, as detailed in the preceding paragraphs.

6. Your Regulations further declare that parties, such as ourselves, may bring to the notice of the magistrate cases of injustice on the part of the heads of police and other police officers, whose object may be to gain money, and that that authority may inquire into them and pass orders. My complaint is against those police officers, who, under section 5, Regulation IX. of 1816, are subject to the authority of the magistrate, but, for reasons not known to me, my petition is unsettled before that functionary.

7. It is a year since my complaint above referred to has been lodged. I have extensive cultivation in the villages of Aurohunkooloo and Yaloor, in the talook of Kycaloor, in this district, under the management of the Circar, as well as in Moolkaupoorum and Comadavaloo, dependent on the moottah of Umbaroopettah, attached to the zemindaree, and I regularly pay, per annum, a revenue of more than 1,000 rupees. I never meddled with cases of a litigious nature, but led an honest life. This being the case, the head of police and others have done me injustice from lucrative motives. I proved the fact by evidence, but the magistrate of the zillah, inasmuch as he neglected to punish the head of police and others, and left the case dormant, did also add to the annoyance which has deprived me, a respectable man, of tranquillity. All these circumstances I represented to the honourable Government by memorial, dated 17th October 1854, and posted in the Yaloor post-office. I therefore pray:

8. That you will be pleased patiently to consider this petition, call for and peruse the

record of proceedings had before the office of the magistrate of this zillah regarding my complaint, and award punishment on the head of police and others, the defendants.

(signed) *Jungasoobbiah.*

21 November 1854.

No. 15.

(No. 77.)

To the Commissioners for Inquiry into the Tortures.

Petition respectfully addressed by Valamanty Pudmanaboodoo, a Cultivator residing at Cawvaly Village, in the Talook of Yaloor, Zillah Masulipatam.

FROM the time of the Government of the Nizam and your Honourable Company, and under the zemindar of this talook, my ancestors and myself continued to cultivate 400 or 500 pootties of grain, and pay large sums of money as revenue to the Circar. I thus maintained the large family dependent on me, and led a respectable life in this talook as the head of this our village. In Fusly 1261, the Collector and Commissioner, when settling the jema-bundy, withdrew the cowl of 5,036 rupees which they had granted, and fixed an assessment of 7,000 rupees on our village. Being the head man, and the moonsiff of the village, I and the whole of the villagers complained to them that the above injustice subjects the ryots to great loss. Thereupon they (Collector and Commissioner) getting angry, received a fine of 10 rupees from me. I refrained from interfering in this matter, but the villagers brought this circumstance to the notice of the Board of Revenue. At the time of cultivation in last year, Cavour Lutchmana Row Puntooloo, the late tahsildar of this talook, and now the tahsildar of Cayacooloor, with the view to hinder the progress of my cultivation, sent 15 or 16 of my polaroo men (labourers) to work at the annicut. I raised therefore a produce of only 200 rupees, as I had no people to assist me in cultivation, and as the season was unfavourable, but the amount of revenue payable by me was 1,000 rupees. At the jamabundy time the Collector came to this talook, gave regular remissions for all the villagers in this talook on all waste lands, and lastly when he came to our village, he, through the misrepresentations of the tahsildar, gave no remission on waste lands, but only made a deduction of 264 rupees and odd. Having had no partners in my cultivation, I was obliged to make good 800 and odd rupees from my own pocket money, independently of the value of the produce I had, in satisfaction of the revenue due to Circar; but, however, managed to keep up my honour and respectability though I sustained loss as above stated. While so, I learnt that when I was away from the village, the whole of the villagers were summoned in consequence of one of them, named Vudlaputta Luchmiah, failing to pay his due, 60 rupees, while all others had paid their kists, but I being absent on the occasion, my son, a boy of 15 years, was taken away, and on the 2d May 1854, the tahsildar of this talook, Cavour Lutchmana Row Puntooloo, made use of language to him which cannot be decently described, delivered him to the care of peons, caused kitties (wooden screws), not previously known or heard of in this country, to be applied to his hands, and confined and oppressed him. I then went and asked the tahsildar why he had put kitties on my son, a minor, while I was present, and why he had oppressed so many individuals for default on the part of one whose property, I said, I could point out. On this, he caused me also to be put in kitties, and unjustly collected from us the said sum (60 rupees). Once on a previous occasion, when the workmen at the annicut ran away in consequence of the prevalence of cholera, of which many of them died, and when the Collector was here during the time of jamabundy, a report of the same was sent to that officer, who sent for the heads of villages, including myself, and asked them to go to the annicut and encourage the workmen. But we representing to him the inconvenience likely to arise in the collection of revenue, &c., he excused us from going there. The tahsildar then saying, that though the Collector had not sent us to the annicut on the said occasion, he would on the present send us to that place, delivered us over to peons, fined us in the sum of 12 rupees, wrote something to some one at the annicut, and sent us thither, and we were there employed to work in common with pariah people. Having been severely indisposed at that place, I returned home, and made an urzee on the 9th June 1854, to the assistant magistrate, with a mahzernamah, showing the injustice done by the tahsildar Cavour Lutchmana Row Puntooloo throughout all the Circar villages, and representing that he had put hand-screws on us for kist due by another person; that he had compelled us near the annicut to do the job of pariahs, which seriously defamed my character that had been long unimpeached; and that, in addition to this, my health was so much impaired by indisposition that I was scarcely able to appear before him. The assistant magistrate returned the urzee on the 16th June, with an endorsement that I should appear before him in person, and represent what I had to say. I thereupon forwarded a petition on the 2d July to the head Collector, complaining that my labourers were sent up in last year for work at the annicut; that no remission was granted on waste lands, but I was made to suffer loss; that I was degraded on account of kists due by others, and at the annicut, that I was so severely ill as not to be able to appear before him; that it was likely that my lands will not be cultivated at the approaching season, and that I did not therefore require them (lands). This petition also returned on the 28th August to the talook for delivery to me, with orders dated the 9th idem endorsed thereon, that I should appear before him in person, and make what representations I had; but he did not in any degree take my address

address into consideration. With respect to that part of my petition which declared my inability to go on with cultivation, the moozoomdar of the talook, who was acting as tahsildar, made known to me that he had orders from the Collector to see that I did not neglect my tillage, and to warn me that I could not evade payment of the kist, even if my lands remained waste. The time for sowing was already passed; I was suffering from disease, produced by the ill-treatment I was subjected to; my younger brother, who superintended and carried on cultivation, had demised; my sons were too young to be employed upon it; the labourers had left the village for fear that they would get the infecting malady prevalent at the annicut; the ploughing cattle died for want of care; and the veeabady system curtailed all profits, so that I used to dispose of my private property and contract debts also to enable me to meet the expenses of agriculture and pay the kists. Notwithstanding all the foregoing impediments and losses, I procured the services of a few labourers, after a great deal of difficulty, incurred further liabilities, and conducted cultivation in a portion of my lands, the produce of which is barely sufficient to cover the kist, 1,000 rupees, payable to the Circar for the current year. If you be pleased to examine and judge what I have to lay out under the head of charges, and how much will be left of the produce for my share, you will perceive that I have been a loser of 3,000 rupees in last year and the current year. On the 16th November 1854, I submitted a petition to Government, stating that I lost the reputation gained with reference to my caste, after paying large sums of kists in this district; that in obedience to your orders on the subject of ryots being tortured, the local authorities have only issued istyars, but that they have not commenced upon examination of the complaints already presented by me; with the above petition, I submitted the complaint petitions bearing the evasive endorsements above alluded to.

I have no hopes whatever of justice being done me at this place, of which the tahsildar is a favourite of the local authorities; I am myself sick, and I have been hand-screwed, an occurrence which I have never witnessed nor heard of; I pray that you will be pleased to order the evidence to prove the fact of hand-screws having been put upon me, to be taken before any authority without the interference of the department of the Collector of this district.

I earnestly beg that the loss of 3,000 rupees, incurred by me, as above-mentioned, may be refunded to me, that the said tahsildar may be visited with punishment according to the regulations, for hand-screwing, torturing, and degrading me as shown above, and that you will kindly order any other authority, but not the Collector of this district, to inquire into the case of torture in question.

30 November 1854.

(signed) *Pudmanabhoodoo.*

No. 16.

The Statement of Vencataramaniah, an Inhabitant of the Village of Malayanoor, in the Talook of Yalavansoor, in the Zillah of Cuddalore, taken this 7th day of December 1854.

I was the village puttamonvam. In Fasly 1248, I made a durkhast for some waste land containing 3½ grounds, which was approved of, and a puttah was issued in my name. In this land there is an old well, which I repaired by spending 45 rupees. In the beginning of January 1847, I went to Streerungum on a pilgrimage, and returned to my village about 15 days afterwards, when my wife told me that, during my absence at Streerungum, a man named Chinnacoola Padian had drawn water from the well for the purpose of irrigating his lands, which lie to the east of mine; that she had prevented him from doing so, by laying hold of the water-bucket, that he had therefore knocked her down, abused, and struck her, as well as cut and carried away an addegay (a neck ornament) which she had on at the time; and that she had witnesses to the truth of these circumstances. I preferred two complaints to the late tahsildar of the talook, named Streeneevassa Row, one regarding the addegay, and the other about the drawing of the water. The tahsildar inspected the well, investigated the second case, when it was clearly proved that my defendant, the said Chinnacoola Padian, had no right whatever to the well, and the said tahsildar ordered him verbally not to draw water from it, and went into the case about the addegay, and examined my witnesses, named Mahalinga Soobbiah and puttamonvam Soobbiah, who deposed that the said defendant had struck my wife, and cut the addegay from her neck. The tahsildar reported to the joint magistrate that it was proved by the said witnesses that the addegay had been cut and carried off by the said defendant; that one of the witnesses had stated that at the time the defendant cut the addegay, he was standing with his face to the east, while the other witnesses said that he (defendant) was facing the west; and that it was therefore doubtful whether the addegay had been lost during the quarrel, or whether it had been taken away by the defendant. This was in March 1847. The joint magistrate sent for myself and my wife, and the said defendant and witnesses, examined the latter, dismissed the case, and fined me in 20 rupees, as well as suspended me from my puttamonvamship for one year, saying that the case was not fully proved. I paid the fine. On the 23d December 1848, I sent a petition to Government by post, setting forth the said circumstances, and requesting that I might be restored to my puttamonvamship, and that the fine levied from me might be ordered to be paid back to me, and they, on the 10th December 1850, sent me an endorsement by post, stating that with reference to my petition, No. 2228,

they had called for an explanation from the Collector of South Arcot, and that they did not see sufficient grounds in my favour for interference. In the meanwhile, in March 1850, I appealed to the zillah session court, and stated that the fine which had been unjustly levied from me should be ordered to be returned to me, and that I should be restored to my puttamoniamship, but the Court gave me no answer. On the 11th May 1852, I sent a petition again to Government by post, acknowledging the receipt of the endorsement, and requesting that the Collector might be ordered to permit me to take copies of the proceedings of the investigation held by him, and of the report made by him to Government upon my case, and they returned it to me by post, annexing to it two printed* copies of the Tamil version of paras. 6 and 7 of Petition Rules. I then sent a petition to the Collector by post, requesting permission to take copies of the proceedings and report in question, but he gave me no answer. Afterwards I sent a petition to the Revenue Board by post, stating that the Collector had made no order on my last petition to him, and entreating them to send for and peruse the records relative to my case, and pass a final decision, but they also did not pass any order.

In February 1849, the said tahsildar referred my case about the well to arbitration, and the arbitrators held an inquiry, and published an award to the effect that the said defendant had no right whatever to the well; but that, as he was drawing water from it from a long time, he might now be permitted to do the same once a week. On the 22d of the said month, I appealed to the Joint Collector against this part of the award, and said that it ought to be struck out, because it was inserted out of partiality to the said defendant. In May 1849, during the jamabundy time, the Collector sent for me, ordered my deposition to be taken down, which was done accordingly, set aside the award, and said that he would send a taukeed to the tahsildar, but he did not do so.

In connexion with the said well there is a channel running through the lands of one Goldsmith Moorogadoo, and one Tondroyadoo, and leading to another piece of land belonging to me, lying at some distance from the well. The said Moorogan and Tondroyen, in 1847, objected, and said that the water should not pass through the said channel. I complained to the tahsildar, who examined my witnesses, and issued a taukeed that the said persons should no way interfere with the channel. On the 26th January 1850, I sent two petitions to the Revenue Board by post, in one of which I prayed that the taukeed in question might be confirmed, and in the other I requested that an order might be passed prohibiting the said Chinnacoolla Padian from interfering with me. Upon this, the sub-collector inspected the well, and went away without saying anything. On the 24th June and 2d September 1850, I sent two petitions again to the Revenue Board by post regarding the well case, and the then Acting Collector Ward sent me by post these two petitions, and the one addressed by me to the Revenue Board on the 26th January 1850, about the said channel, with an endorsement to the effect that the channel had been already decided to be my property, and that an order had been passed prohibiting the said Moorogan and Tondroyan from interfering with it. On the 16th August 1852, I presented a petition to the sub-collector, Ward, requesting him to issue a taukeed to the said tahsildar, to prevent the said Chinnacoolla Padian from interfering with the said well, when he spoke to me in Tamil, and said, "You have complained against me to the Government and the zillah session court; you want me now to act on the endorsement made by the Acting Collector, Ward," and ordered me to be detained in custody without any reason. Accordingly, I was kept in custody thirty days, but was sometimes allowed to go for my meals. By order of the Collector, I was then taken to the talook, where the said tahsildar detained me in custody ten days more, but permitted me to go home for my meals. I was then released. I sent a petition † to Government by post, complaining of the ill-treatment I received, and they referred me to the endorsement on petition, No. 1,257, of 1852; I complained to the session court, but they refused to entertain my case, on the ground that the time for appeal had expired.

On the 23d June 1853 I went to the present tahsildar of the talook, named Run-gasawmy Iyer, and desired him to enforce the orders contained in the endorsement on petition, No. 253, but he refused, and said that the said Chinnacoolla Padian would use the well. I said I would, in pursuance with the decision in my favour, prevent him from using it, when the said tahsildar ordered me to be detained in custody two days, abused me in very indecent language, and told me to pay a fine of one rupee, which I refused. Upon this he told me to remain in custody two days longer, which also I declined, and came down to Madras, and complained to the Revenue Board by petition; who referred me to the endorsement on petition, No. 253; I took this endorsement to the said tahsildar, who told me that as I had refused to pay the fine of one rupee and remain in custody, he had reported the matter to the Collector, and that a taukeed had been received to discharge me from my puttamoniamship; he gave me a taukeed himself to the effect that I had been dismissed, and committed me to the criminal court to take my trial for disobedience of orders. The court kept me in confinement four days, investigated my case, and dismissed it, saying that the tahsildar had, out of spite, committed me, and that he should be discharged from his situation, but that he was excused this time. The said court then released me, and made a report of the matter to the magistrate, who informed the said tahsildar of it, who sent a taukeed to the village, by order of the joint magistrate, stating that

* The petition, and the printed copies, produced.

† Petition and the endorsement produced.

that in consequence of my having refused to accede to the amicable arrangement proposed by him (the said tahsildar), I had been fined one rupee; that I had been committed to the criminal court for having run away while in custody, and that a memo. had been received from the said court, saying I was acquitted because the charge against me was not proved.

(signed) *Venkata Ramayana.*

Read and explained by the interpreter, this 7th day of December 1854.

No. 17.

(No. 176.)

To *E. F. Elliot, H. Stokes, and John Bruce Norton*, Esquires, the Honourable Commissioners appointed by Government.

The humble Petition of Complaint of Nagaswariah, Meerasidar, residing in the Village of Nadook Kavari, in the Talook of Teroovatha, in the Zillah of Combaconum.

My grandfather, Eswarappiah, and my father, Soobaroyer, were meerasidars in the said village of Nadookkavari, and had also in their possession certain lands in the said village; while so, my father died, and I from Fusty 47, was a meerasidar of the said village, and was enjoying my lands undisturbed, to which puttas were issued by Circar in my name. While I was thus enjoying the land in the year 48, as Mootoosawmy Royer, the tahsildar of the Teroovathee talook, was a great friend of Vencatasoobbiah, the head kurnom of the said talook, he wanted to get him all my estates. With this object in view, he sent for me by some of his peons, and asked me to divide my land to the said Vencatasoobbiah; on which I said, that the said Vencatasoobbiah was the nominal son of my father, and that he had in his infancy been adopted by another, and that by virtue of adoption he was the sole inheritor, and had an unquestionable right to the estate of his adopted father; and that as my father Soobaroyer and Vencatasoobbiah had separated themselves in their earlier days, and divided their estates between them, and that in pursuance to the established rules and the tenets of Shastras, I do not think that I should portion out my property to him. Whereupon the said tahsildar delivered me over under the charge of peons on the 10th August 48, and caused them to beat me in various ways, kept me in great restraint, and disgraced me, and prepared a stamped cadjan to the effect that I had portioned out to the said Vencatasoobbiah a part of my meerassee veesunkarakolla land, as well as 25 koolies in my house, and forced my signature to it, made some of my enemies witnesses to it, and caused the said stamped cadjan to be delivered to the said Vencatasoobbiah. The tahsildar, with the view of making the said Vencatasoobbiah meerasidar to the said veesunkara lands, delivered me over in the custody of peons, and oppressed me, and asked me to sign a deed relinquishing my right to the said land.

Particularising all these, I forwarded a petition of complaint on the 12th August 1848 to Mr. Bishop, the then Collector. As the tahsildar knew the said circumstances, he directed the kurnom of the village of Nadookkavari to prepare a raujeenama as soon as possible, and as I was altogether ignorant of what was done with my petition of complaint to the Collector, and as I was afraid that the said tahsildar would augment the severity, and as I wished to annul the stamped cadjan to which my signature was forced from me, I instituted a suit, on the 16th August 1848, in the moonsiff's court of Paupavinasum talook, appearing myself as plaintiff, and making the said tahsildar Mootoosawmy Naick and the said Vencatasoobbiah my defendants. The tahsildar, aware of the said circumstances, oppressed me every now and then, and asked me to withdraw my plaint. Unable to endure the pain, I was on my way to Combaconum to prefer my complaint personally to the zillah judge. While I was at Omayapoorum, on my way to the said zillah, I was waylaid by 13 peons, with Narasimmaloo Naick, the peishcar and friend to the said tahsildar, on horseback, and was prevented from going to Combaconum, and was oppressed, and taken to the tahsildar. On the 20th August, the said tahsildar tied me, beat me so severely as to wound me, kept me in a great restraint, and forced my sign to the agreement, and to certain papers which had been prepared, whereby Vencatasoobbiah was made meerasidar to the said land. I on the very day, the 20th, represented the said circumstances to the moonsiff's court by a petition, who referred it as well as the case, with his remarks thereon, to the civil court, who sent a writing to the effect that I should go and prefer my complaint to the magistrate, and that in case of my not obtaining any redress there, the case will be inquired in the civil courts, and which writing the moonsiff read to me, and returned my petition, with an endorsement, on the 5th October 1848. I again sent several petitions to the Collector, and as the gentleman had a great regard to Mootoosawmy Naik, the tahsildar, he neither examined my witnesses, nor instituted any inquiry into the case, in which great injustice had been perpetrated by the tahsildar; and the said gentleman went away to the Neilgherries. I again presented a petition to Mr. John Bird in May 49, but he, without investigating the case, sent an order to Mootoosawmy Naik, the tahsildar, asking him to forward him all the particulars of the case in question. The tahsildar transmitted a report, stating that it was not by force that I had affixed my signature to the raujeenamah, but by my own accord. Whereupon my petition was returned to me with an endorsement. I personally presented a petition to the Board of Revenue in December 1850, fully explaining the said circumstances; but they returned my petition with an endorsement, directing the Collector to institute inquiries into the matter. I preferred my complaint, as directed by the endorsement, to the then Collector,

Mr. Goodwyn, who said that, as Vencatasoobbiah has become the meerasidar to the lands mentioned in the stamped cadjan, and as the land is enjoyed by him, you better take a civil action against him, and obtain redress. I instituted an action in the moonsiff's court in November 1851, and the case is under investigation even to the present, and although justice is administered to me in the moonsiff's court, yet I fear that the defendants will keep the land in their possession.

While we were thus considering of the injustice done to us, and offering up our prayers to heaven to prevent such injustice for the future, God has been pleased to look upon us with a merciful eye, to deliver us from the injustice and troubles which we were subjected to heretofore, and sent you, the Commissioners, to administer justice for him. Although the tahsildar Moottoosawmy Naik and Vencatasoobbiah are dead, yet the persons who beat me, and kept me in a great restraint, by orders of the tahsildar, are still alive, as well as Ramiah, the head curmum of the village, and son of Vencatasoobbiah, who had forcibly taken possession of my lands, and who is now prosecuting the action as defendant. This case is within the scope of your investigation, being within the period stated in the istehar transmitted to our village by you. I was greatly troubled, and deprived of my land. As all my documents are at present filed in the moonsiff's court, and as the witnesses find many difficulties in their way, and as they are reluctant to come down to so great a distance on account of me, I most respectfully hope that the honourable Commissioners will, out of pity on me, who is a very poor man, be pleased to take this petition into their favourable consideration, and, without loss of time, direct the restoration of my lands, and also inflict an adequate punishment on the persons, who are now alive, and who beat me, and kept me under a great restraint; and also be pleased to let me know the result your august body come to, and issue orders for, and protect me.

(signed) *Naugaswariah.*

4 December 1854.

No. 18.

(No. 52.)

To *E. F. Elliot, H. Stokes, and John Bruce Norton, Esquires, Commissioners, Mount Road, Madras.*

The humble Petition of Macherazoo Vencatoroyadoo, an Inhabitant of the Village of Ganesa, in the Talook of Chandalore, attached to the Zillah of Nellore.

In Fusly 1261, your petitioner having held three goortos and 39 sixty-fourths of poonjah (dry) land for tillage, cultivated one goortoo and four sixty-fourths with paddy, and another goortoo with jonna (great millet), and the rest he ploughed and prepared for sowing aulloo (a species of grain). At the same time one Veeranna, who is the head ryot of the village, and another of the same name, son of Sashoo, the village moonsiff, were penning their sheep, to the number of four hundred, in the field of the former (which lay next to that of your petitioner wherein paddy had been sown), for the sake of collecting the cattle dung for manure, and on the night of the 12th August 1851, when the paddy of your petitioner had sprouted, drove the cattle into his field, by which not only the young paddy crops were all destroyed, but also doll, gogooloo, and other trees which had grown in the field. On this your petitioner complained to the tahsildar of Chandalore on the 14th, and sufficiently proved the truth of his complaint by his witnesses, and while it was pending undecided, the two Veeranas again drove their cattle, day after day, for the space of a month, on your petitioner's ploughed but unsown field, and prevented him from sowing "aulloo," whereby the field became hardened, and consequently unfit for cultivation, unless again ploughed. Of this also your petitioner complained to the tahsildar, who then ordered the peishcar of the division of Thuthoocooomeottoo to repair to the spot and report on the case; and although your petitioner showed to the peishcar the true state of his fields, and proved the trespass of the cattle, yet the tahsildar forwarded to him a takeed of decision on the 19th September next, in regard to both of his complaints, stating that though the cattle grazed on his field, as the paddy does not appear to have suffered he can obtain no compensation, and that he should acquire the friendship of the village moonsiff and the head ryot, and amend the state of his updown field. Being not a rich man, and consequently being unable to secure other's interest, your petitioner submitted a petition to the sub-collector, enclosing the aforesaid takeed of the tahsildar. The sub-collector retained the takeed with himself, but returned the petition with the following endorsement on it: "We referred the case to the tahsildar, and the tahsildar in reply states, that the sheep did not graze on petitioner's paddy field, nor trampled on his ploughed one, and therefore no fine has been levied, as desired by petitioner, and consequently the petition is returned to petitioner." On this your petitioner again petitioned the sub-collector four times, to peruse the proceedings of the tahsildar in regard to the case in question, and render him justice, and to return him the takeed, the retaining of which is improper, but no reply was favoured to your petitioner. At the time of the jamabundee, your petitioner was required to affix his signature to the settlement of his account, but he refused to do so, on which the sub-collector returned to him the takeed, saying that he will no more inquire into his case, the endorsement on his first petition being the only decision that can be made. Your petitioner then submitted three appeals to the Government, but they were returned with an endorsement that he should petition the Collector, and then the Board of Revenue, and if dissatisfied with their decision, at last appeal to the Government. Accordingly your petitioner applied to the Collector for redress on the 11th May 1852, but obtaining no reply, petitioned him twice more; and these petitions

petitions shared the same fate. He afterwards presented two petitions to the Board of Revenue, and the last, No. 1,911, was endorsed that "the trespass not being a revenue, but a police case, petitioner should apply to the magistrate of the district, and regarding the collection of excess teervah, address the Collector." In accordance therewith, your petitioner addressed the magistrate on the 8th December 1852. If the young paddy had not been destroyed by the grazing of the sheep, the field would have produced 80 murcals, whose price is 30 rupees, so that your petitioner has been a loser by that amount; and the Circar levied from him 11 rupees and 5 annas, as the kist of the field, which was uncultivated in consequence of its having been hardened by the sheep remaining upon it for a whole month, which sum also is a loss to your petitioner; and in 1846, a bull of the head ryot Veerana had grazed on my paddy field for twenty days, of which I had then complained to the sub-collector, but as yet no decision was passed, and the loss I thereby incurred was 10 rupees. These several sums amount to 51 rupees and 5 annas, for the recovery of which your petitioner having applied to the Collector without obtaining any reply, then addressed the Commissioner for the Northern Circars, who transferred the petition to the Board of Revenue. The Board of Revenue then endorsed that "the above amount may be recovered from the parties who had been the cause of the loss to petitioner," but if your petitioner could himself recover it from them, there is no necessity for his appealing to so many authorities. When your petitioner first complained to the tahsildar in 1846 of the damage he suffered by the bull's grazing, the village moonsiff and the head ryot being monied persons, secured to themselves the interest of the tahsildar and his javob nevis, and thus your petitioner obtained no redress; and when again, in Fusly 1261, your petitioner complained of the trespass of the cattle, then also they made use of their wealth against his obtaining justice. Your petitioner, as is shown above, not only derived no produce from the two (paddy and uncultivated) fields, but also from the third, which was cultivated with jannah, because the crops of it were damaged by a storm; and notwithstanding your petitioner incurred such losses, yet by the persuasion of the village moonsiff and the head ryot, the tahsildar demanded payment of the full kist in the month of April, while it was only due in July, and on your petitioner's refusing to pay, made him over to the charge of a penn, who annoyed and disgraced your petitioner very much, and received the full kist, together with five annas and two pice as his batta. As your petitioner has not anywhere obtained redress for the grievances above set forth, he most humbly requests that you, Commissioners, will be pleased to take into your favourable consideration the petition addressed by him to the Commissioner for the Northern Circars, and the two petitions to the Board of Revenue, with their endorsements, all which are herein enclosed, and render justice.

(signed) *Vencataroyadoo.*

22 November 1854.

No. 19.

(No. 22.)

To *E. F. Elliot, H. Stokes, and John Bruce Norton*, Esquires, the most Honoured Commissioners.

The humble Complaint of Oil Monger *Veerappa Chetty*, a Hawker in Curry Stuff, residing at *Valavanoor*, in the Talook of *Veelooporom*.

WITH a view to protect people from difficulties and dangers, and relieve them from the trouble of leaving their villages and going to remote places where gentlemen reside, the Honourable Government have appointed village moonsiffs, whose province is to report their (people's) grievances to tahsildars, who should immediately take cognizance of such cases as fall under their jurisdiction, and award punishments, and send up the rest to the magistrates. Thus the different gradations of power have been introduced. While things stand thus nothing contrary to this (order) should be done.

2. While Mr. John Bird was at this place, the kurnum caused a tax to be imposed on me, who earn my living by hawking about curry stuffs in the streets of the said village, and a puttah to be issued. I remonstrated with the kurnum, when he not only stated that he would get me exempted from the tax if I paid him four rupees, but used to exact from me daily 100 beetel-leaves, and two pullums of nuts and tobacco. The peon, the taliar, the thote, puttah manegar, and the moonsiff, used to force me to give the said beetel-leaves, &c., and forcibly take the same from me if I refused to comply with their demand. Why should such injustice be done? I made an application to the Circar, requesting permission to erect a shop on a piece of waste land adjoining a water channel, and they accordingly allowed me the land pointed out by me. I spent five or six rupees, and built a shop on it; and having purchased goods for about 15 rupees, and placed them in the shop, I was carrying on the trade. Because I refused to make a present of such of the articles as each of alien (the said parties) wanted, they all, through enmity, combined against me, and informed the tahsildar that the shop I had erected blocked up the passage, and that it was contrary to regulations, and he passed an order that it should be pulled down. Whereupon the maneyagar and others came to the shop, where I was with the goods, accompanied by some other individuals, pulled down the wall without any cause whatsoever, and threw away the roof, as well as the goods, which were plundered by the large crowd that assembled there. I presented a petition to gentlemen, setting forth the above-mentioned circumstances, and they passed an order that it was unjust that a tax should have been levied (from me) on

account of the shop, and that the tax already recovered from me should be returned to me. I accordingly received the money. The tahsildar was directed to inquire into the other circumstances, but he did not do so, and Mr. Bird went away.

3. Because the puttah for the shop was cancelled by gentlemen, the kurnum and others caused a puttah to be issued for my house for the last two years, which I brought to the notice of gentlemen during the jamabundy time, and they ordered the tahsildar to inquire into the matter.

4. To communicate to the tahsildar the injustice done by the headman of the village, and others, is a difficult thing, but when I did so, no notice was taken of my complaint, owing to the interference of the puttamonayagar, &c. If a complaint be presented to the additional sub-collector upon this point, he refers it to the tahsildar. If we go to the latter, he refers us to the former; one might as well live by begging, rather than to wander about in this manner from the tahsildar to the gentleman. If the gentleman receives complaints personally, one may state his case to him, but as he receives them through the medium of peons, I have not obtained justice while engaged in going to the cutcherry on account of my complaint; the said parties caused a Mussulman peon, named Nabodskhan, to strike me in various ways, and (themselves) having struck me with leather thonga, called jarbund, and made me bleed, recovered from me the tax on the house. I complained to the peishcar that my next door neighbour, gaining over to his side the puttamonayagar, gave a mameety to a totee, and caused a hind wall erected to strengthen and support the (main) wall of my house to be pulled down by him, and that he had caused the bricks to be thrown away, but he abused me. If the Circar people do injustice, and if the gentlemen do not hear us personally, where are we to go to state our grievances?

5. When any case is referred to the tahsildar, he leaves it unnoticed four or five months, and then, according to his pleasure, makes a plaintiff the defendant, and writes an urzee, which is approved of, and no further statement is admitted against it. Why should there be any cause of complaint in a place where there are five or six gentlemen? Inquire into this, and punish me if it be found to be false; but if it be true, award a punishment to the police officers. If the Government do not protect the people where are they to go? I, therefore, entreat the charitable gentlemen will be pleased to send for and peruse the complaints presented by me on these dates, 25th July, 6th August, 27th October, and 3d November 1854; to examine all the parties in their presence, and pass an order that I, who am poor, may live without fear.

Many Salams.

This complaint does not contain room enough to particularise the injustice done by the police officers, and it would be an endless task to do so, therefore I have, as far as possible, given a brief account of it. If I am sent for and examined by the governors (meaning the Commissioners), I will state everything in their presence. As the witnesses are employed in various avocations, they would refuse to come at my request. If the governors issue a summons, directing me to point out my witnesses, I will bring them along with me.

<i>Witnesses.</i>	<i>Defendants.</i>
Valavanoor Aroonachella Chetty - - 1	Vencatorowyer, tahsildar - - - 1
Hydrapakathem - - - 2	Narayanasawmy, peshcar - - - 2
Saulay Narayana Woodayan - - - 3	Cooppin, village moonsiff - - - 3
Veerabadra Woodayan - - - 4	Iyavier, puttamonayem - - - 4
Parties whose names I do not know, but who can be identified - - - 4	Bachavien - - - 5
Seenevassa Woodayan - - - 9	Napooos Khan, peon - - - 6
Anna Woodayan - - - 10	Talayar, and Tottee - - - 2
	Chinnapien, oil monger - - - 9
	Ramasawmy, son of Vencatachella Chetty 10
	Seenevasien, son of Thilly - - - 11

Drawn up by *Soobarayen Cuddalore.*

(marked by) *Oil Monger Veerapa Chetty,*

16 November 1854.

Residing at Coochoopalim of Valavanoor.

No. 20.

(No. 92.)

The Statement of Iyah Pillay, an Inhabitant of the Village of Malapadacum, in the Talook of Kilvaloor, in the Zillah of Tanjore, taken on solemn affirmation before H. Stokes, Esq., one of the Commissioners for the Investigation of alleged Cases of Torture, this 18th day of January 1855.

THREE years ago, in the month of July, I think on the 20th, Raugooviengar, the tahsildar of Kilvaloor talook, sent for me and demanded payment of six rupees which I owed, on account of my kist, to the Circar. It was in the talook cutcherry, about four o'clock in the forenoon; I had no money with me; but the tahsildar ordered his peons to beat me, put kittee on my hands, and tied my coodmy (back knot of hair) to that of Veethachella Pillay. All this took place in the presence of the tahsildar, and I was kept in confinement till the

next

next day. The peons that beat me and ill-treated me were Sooba Naik, Govinappa Naik, and Ramasawmy Naik. I never complained of this to the higher authorities, for fear that I will be referred back to the tahsildar; I paid the money the next day, and was released. The witnesses that saw me ill-treated are Colundya Pillay, Annamalay Pillay, Saumoo Pillay, and Ragoonantha Iyengar, the puttomoneygar.

(signed) *Ayar Pillai.*

Solemnly affirmed at Madras, the contents having been explained by the interpreter, this 18th day of January, before me,

(signed) *H. Stokes,*

Commissioner for the Investigation of alleged Cases of Torture.

No. 21.

(No. 170.)

The Statement of Mootoo Erolappa Pillay, an Inhabitant of the Village of Covilputtoo, in the Talook of Naugoonary, in the Zillah of Tinnevely, taken on solemn affirmation before E. F. Elliot, Esq., one of the Commissioners for the Investigation of the alleged Cases of Torture, this 6th day of February 1855.

LAST year there was a failure in the crops, and the village kurnum, Alwarappa Pillay, received from the ryots 12 annas for each kota of produce, on the promise that he would get us remission. My own land only produced 15 marcals of paddy. A meeraseedar, Soobbiah, complained at the Hazoor against the kurnum, for levying the fee of 12 annas, and he (the kurnum) suspected that I had joined Soobbiah in reporting against him, therefore he spited me; and he and a peon came, in March last, to demand the full kist on my fields, I had not reaped the little produce that was on the ground, by his own desire, and the cattle destroyed. They took me to an Umman pagoda, where the kurnum told me he had been directed by the peishcar to get the money out of me; and by his order, Pitchay Pillay, pushed me about, and gave me two blows on the back of the head, after which I was allowed to go. I did not go to gentlemen, because, if we complain about the collection of money, there is no inquiry.

(signed) *Mutyierulappa.*

Solemnly affirmed at Madras, the contents having been explained by the interpreter, this 12th day of February 1855, before me,

(signed) *E. F. Elliot,*

Commissioner for the Investigation of alleged Cases of Torture.

No. 22.

(No. 173.)

Statement of Soobboo Royya Iyer, an Inhabitant of the Village of Komaramungalom, in the Talook of Valungheeman, in the Zillah of Combaconum, taken on solemn affirmation before E. F. Elliot, Esq., one of the Commissioners for the Investigation of alleged Cases of Torture, this 6th day of February 1855.

I AM a goomastah of one Bangeom Ummal, the widow of one Raumananda Moodelly, who cultivates 20 valies of land. On the 5th January last year, I had occasion to go to the cutcherry of the tahsildar, named Soobboo Royer, when he said that there was a balance of 80 rupees due on account of the kist, of which he demanded immediate payment. I said that it was usual to pay the instalment on the 16th, and that I should be ready to do so by that date; on which he sent for the kistee, which was applied to my right hand. I said that I would kill myself if it was used, and therefore it was not tightened; but, by order of the tahsildar, the peon gave me ten cuts with a whip, made of some strong fibres of a tree, and I was then placed in custody, and kept in the cutcherry till the 11th instant, when I was released. On the 15th or 16th I paid the money as usual; my mistress advised me not to complain at the Hazoor, for we should only be obliged to pay bribes to the people there. I have never been ill-treated before on account of the kist; but I have been frequently severely punished, by being placed in a sunundal, tied up, rolled about, and struck, when I have failed to procure certain articles. Whenever the Collector or his assistants came to the talook, the tahsildar sends an order to the kurnom to collect sheep, fowls, grass, firewood, and other things, and we are told that they are to be paid for; but this is not done; and if we fail to have all things prepared, we are treated in the manner described by me, as I have myself suffered. The tahsildar, named Soobboo Royer, is a Brahmin as well as myself, and when I plead this, he desires the peons to strike me in his presence.

(signed) *Subbarayar.*

Solemnly affirmed at Madras, the contents having been explained by the interpreter, this 6th day of February 1855, before me,

(signed) *E. F. Elliot,*

Commissioner for the Investigation of alleged Cases of Torture.

No. 23.

(No. 76.)

* The Statement of Chenchoo Pillay, an Inhabitant of the Village of Rauncherry, in the Talook of Pareapauliam, in the Zillah of Chingleput, taken on solemn affirmation before E. F. Elliot and H. Stokes, Esqrs., two of the Commissioners for the Investigation of alleged Cases of Torture, this 6th day of January 1855.

I AND my elder brother, Soobokelany Pillay, are the meerausee kurnoms of the village of Rauncherry. One Runga Pillay, a cousin of ours, had kept the village accounts, but some fraud having been discovered he was discharged, about six or seven years ago, and his enam cancelled; since which, I and my brother have fulfilled the duties. On the 2c Peratausee, or 15th September last, the tahsildar, R. Streenevaussa Row, came to our village sent for us, and directed us to deliver up the village accounts to the said Runga Pillay. We said that we had received a takeed from the Collector, but would surrender the accounts if he (tahsildar) would furnish us with a takeed to that effect. Then the tahsildar ordered the peons, Carongoolee Narrainsawmy Naik and others whose names I do not know, to ill-treat us; they forced me and my brother into a stooping posture, pulled our ears, pinched us on the thighs, and struck us; blood came from my mouth. The accounts were then taken from us, and given to Runga Pillay. We wrote two petitions to the Collector praying for the restoration of the village accounts, but did not mention the ill-treatment which we were afraid to do, because the petitions will be referred to the tahsildar, and produce enmity against us. I was thus ill-treated in the open street, in the presence of the villagers.

* (signed) *Chencho Pillay*.

Solemnly affirmed at Madras, the contents having been explained by the interpreter, this 6th day of January 1855, before me,

(signed) *E. F. Elliot*,
Commissioner for the Investigation of alleged Cases of Torture.

No. 24.

(No. 282.)

To *E. F. Elliot, H. Stokes and J. B. Norton*, Esquires, Commissioners appointed by the Honourable Government.

The humble Petition of Parasoorama Moodelly, living in Meyoor, the Meerasedar of Voomery Meyoor, belonging to Sadras, in the Talook of Chingleput, of the Zillah Chingleput.

ON a day in the month of May 1851, the date of which I do not know, Ragavanthooryer, the tahsildar of the talook of Chingleput, came to Sadras. He sent for me on account of the kist I owed the Circar, and made me stop from the sunrise of that day to the evening of the next, without allowing me to go to food in the interval; and in addition to the torture he caused to be inflicted upon me by the zilladar and the peon, he used a very abusive language towards me. The following are the witnesses to the above facts. Sabapathy Moodelly, the proprietor of a punch house, Vadagery Pillay, the kurnum, Soobaroya Moodelly, and many other people.

On 22d June 1852, Naroyanasawmy Naik, the tahsildar of the said talook, came to Sadras, and having sent for me, kept me there without food from the time of sunrise to that of sunset. He also ordered the zilladar and the peon to torture me, and to put me in the gaol the whole of that night. The next day he made me go along with his conveyance to Therookalikoondrum, the station of the tahsildar's cutcherry, where he detained me in cutcherry up to the 20th July, in the custody of the peons, and tortured me. The following are the witnesses to the above statement; Soobbaroya Moodelly, the brother of Koolapah Moodelly, the puttamanimdar of Meyoor, belonging to Sadras; Unnoo Moodelly; Sabapathy Moodelly, the proprietor of a punch house; Ramalinga Chetty; Mooneyappa Naik, the cavul maniyakarun of the said village. The following are witnesses for the torture I endured in the talook: viz., Roothrakoty Pundarum, a warden of the temple of Therookalikoondrum, Sathaseva Pundarum of the said village. By means of these witnesses the said facts can be proved. If I ask them to come for your investigation, I am too humble to be obeyed by them; but they will no doubt readily come, if ordered to be there by the authority of the Circar. The tahsildar is always provided with six bearers to bring him on the palanquin; he is attended with six peons, javabnavis, and other servants, making five; with four private men; with one torch bearer; making on the whole 22 attendants. For all of these we pay a batta of four rupees per day, and thus sustain a loss; besides these, we pay to the tahsildar ten or seven rupees

* Several "Depositions" appear in this Appendix. They were either taken too late for insertion in Appendix (E.), or were the statements of parties who had been summoned by us in consequence of their written petitions.

rupees a year for each village, and at the time of jamabundy, we supply without being paid, raw plantains, ghee, curds, firewood, and hay; all these cost us five rupees on the whole. When the servants come to take the amount of the produce, we supply them with batta and ready money, which cost us five rupees. Thus if we make a total of all the expenses incurred in a year, it amounts to 30 or 40 rupees. We not only quietly bear these expenses, and lead a life of poverty, but are also made to starve during the time of the collection of the arrears, and are obliged to undergo the torture of "thodasavary and katoosavary" (the first means that a person is dragged to and fro by pinching the thighs, the second by pinching the ears), and several other kinds of torture. As you, the charitable Commissioners, sent your notice, ordering us to represent our grievances to you, I informed you of the injuries we are made to suffer by the tahsildar. The produce does not pay our labour; and to pay the arrears I am made to endure such tortures.

(signed) *Parasoorama Pillay.*

14 December 1854.

No. 25.

(No. 313.)

To *E. F. Elliot, H. Stokes and J. B. Norton, Esquires, Commissioners* that met in an Upstairs House, called the Polytechnic, on the Mount Road, Madras.

The humble Petition of *Soobbaroya Odayan*; 2, *Kistnappa Odayan*; 3, *Nauttaunjee Odayan*; 4, *Chinnaroodyan*; 5, *Veerappa Odayan*; 6, *Davasagaya Odayan*; 7, *Moottoodyan*; 8, *Mookappoodian*; 9, *Nullatombe Odayan*; 10, *Areabuttera Odayan*; 11, *Mootoo Odayan*; 12, *Chengaroodyan*; and others signed and marked hereunder, residing in *Nauttamungul Aghareem, of Minnampully Meettah*, attached to the Talook of *Cusbah Salem*, in the Zillah of *Salem*.

* AFTER the acquisition of this zillah by the Company, we and other ryots, as well as our ancestors, have been well off from 1795 to 1805; but the distresses under which we have been subsequently placed up to this day are innumerable, as follows:

When *Mr. M'Leod* came to our zillah and measured our zamens, he assessed the following villages, which are situated at the distance of one mile from our village, at the rates hereunder specified. In the village of *Mennampully*, for every acre of *poonja*, 3 $\frac{1}{2}$ rupees; in *Kareputty village*, for every acre of *poonja*, 3 $\frac{1}{2}$ rupees; in *Karoomapoorum village*, for every acre of *poonja*, 3 $\frac{1}{2}$ rupees; in *Velluputty village*, for every acre of *poonja*, 1 rupee; in *Kavundipoorum village*, for every acre of *poonja*, 1 $\frac{1}{2}$ rupees; and for every acre of *nunjia land*, at the rates of 5, 6 $\frac{1}{2}$, and 6 $\frac{1}{2}$; and for every acre of *garden land*, at the rate of 5 or 5 $\frac{1}{2}$ rupees. But in the village we inhabit, for every acre of *poonja*, 3 $\frac{1}{2}$; for every acre of *garden land*, 7, 7 $\frac{1}{2}$; for every acre of 1st sort *nunjia lands*, 19 $\frac{1}{2}$ rupees; 2d sort, 12 $\frac{1}{2}$ rupees; for every acre of 3d sort *nunjia lands*, 9 $\frac{1}{2}$ rupees. Besides the high assessment on our lands, we are tortured in the manner described below, of which we complained to this zillah Collector, who said that such a thing has been done under orders from the Board of Revenue.

2d. The lands under our enjoyment, for want of sufficient rain, for a long time yielded little produce. If there be the least delay in selling the corn, and paying *cundayum rent*, the *Circar* servants seize such persons as have delayed, place them in *annandall*, beat, and make them stand in the sun, and attach their property, keeping list of them. Notwithstanding the use of such torture, the revenue is seldom collected. Besides this, they force us to plant trees on the roads leading to the said villages, and pour water to them, and instead of getting the roads repaired by *voddars* and *convicts* as usual, they force us; the ryots, to dig out mud and repair them. If unable to do so, and though engaged in cultivation, they cause the servants to beat and annoy us, imposing fines on us; and further, during *jamabundy*, or when *battalions* and *troopers* come here, they forcibly carry away from us, *sheep*, *fowl*, *egg*, *firewood*, *grass*, *gram*, *pegs*, *torch-wood*, *rope*, and other things; still more, they take away *cows* from our houses, keeping them in the office, and milk them there. The officials who take away all these articles forcibly and unjustly from us, sell and appropriate to themselves.

3d. By allowing the above torture to be used towards us, and on account of heavy assessment on *nunjay* and *poonja lands*, we are subjected to want of good food and clothing, and other distresses, which are too many to be enumerated here.

4th. Under this just Government, while the inhabitants of some of the villages enjoy a moderate tax, we not only groan under the burden of a heavy assessment, but also under great many difficulties, such as working for nothing, and giving away things without any recompense. If you do not pay a particular attention to this and render us justice, by relieving us from the heavy assessment and the troubles above referred to, so that we may enjoy health and happiness at least hereafter, we are resolved to go away to any other zillah.

5th. We, therefore, request that you will be kindly pleased to attend to the above irregularities, and protect us by passing orders as we have requested.

Many Salams.

(signed)	<i>Soobbaroyavodian.</i>	(marked)	<i>Aunaviengar.</i>
	<i>Kistnappavodian.</i>		<i>Moottoo Vodian.</i>
(marked)	<i>Nauttanjeevodian.</i>		<i>Nullatember Vodian.</i>
	<i>Chinnarvodian.</i>		<i>Aromachilla Vodian.</i>
	<i>Areyavodian.</i>		<i>Nullatember, son of Cut-</i>
	<i>Veerappavodian.</i>		<i>teedian.</i>
	<i>Duvasagayavodian.</i>		<i>Ramacoweden.</i>
	<i>Moottoovodian.</i>		<i>Eullatumber, son of Pich-</i>
	<i>Mookappavodian.</i>		<i>eppodian.</i>
	<i>Nullatembervodian.</i>		<i>Chinnappvodian.</i>
	<i>Chengarvodian.</i>		<i>Chellamoottoo Vodian.</i>
	<i>Numasevaya Moodely.</i>		

Written on the 16th December 1854.

Note.—By an oversight, Appendix (F.), No. 26, has been inserted twice; and has already been printed as No. 14 in this Appendix. It is therefore not repeated.

No. 27.

(No. 43.)

To the Commissioners for Inquiring into the Tortures.

Petition of Ackinany Appannah, a Cultivator residing at Sanagoodum, in the Talook of Ellore, Zillah Masulipatam.

I PRAY you will be pleased to attentively consider the distress I was subjected to by Cavoory Lutchmana Row, the tahsildar and police officer of Ellore talook, and punish him, and protect me.

1. Gaurapathy Ramappa, a resident of Venupauthy, dependent on Vasaudavaudoo, and Vudlapettah Vencannah of Coovaly, carried on joint cultivation in Fusly 1263, that is, the fusly last past, and stored the produce, which was eight pootties.

2. The said tahsildar obtained a security bond from one, to the effect that the "kyloo" system of cultivation, which was in force in this district, has been abrogated, and each cultivator was left to the option of ploughing what he liked under the veesabady system, and that as Garapaty Ramapah, a stranger, had joined the said Vudlaputla Vencannah in cultivation, I should see that the former does not evade or defraud the assessment payable by him, and pay myself the amount of kist due by them.

3. Before the heaps of produce had been thrashed, they were attached under a warrant issued by the district moonsiff of Ellore, in satisfaction of the amount of a decree transferred to Moolapodee Govaya, brother-in-law of Dooggerala Davulraujooloo, curnum of Ellore, and which was due by the said Vudlaputla Vencannah.

4. At the time of collecting the assessment, the tahsildar sent for and ordered me to pay the amount, viz., 126 § rupees, due by the said individuals. On which I told him that he should write to the moonsiff, to have the heaps of produce thrashed, and selling the same, should debit the proceeds (to the demand against them), that I would make good deficiency, if any. He declined to write to the court, alleging that he had no occasion to get the heaps of produce thrashed, and that according to the terms of the security I should pay the money. I then told him that (general) orders declare that private individuals should have their claims liquidated only after the Government demands have been satisfied, and that the dues of several persons were recovered under these orders, and earnestly requested him to do the same with respect to the said individuals also; without listening to this, he lent himself to Shoogerala Tanebrunjo, curnum of Ellore, brother-in-law of the said Gooviah, neglected to seize the heaps for the amount due, employed peons over me, handscrewed me on the 2d May 1854; had me exposed through the bazaar, ordered his peons to beat me severely, and thus collected from me, without any cause, the assessment due by the said individuals, 126 § rupees.

5. Not only myself but other residents of the village of Kovalay were also harshly treated in a similar manner, and the amount due by them to the Circar for the same Fusly was collected. They and myself petitioned the Collector of this zillah on the 16th July 1854, stating the circumstance of the injustice done to us, and of his not having taken hold of the property of each defaulting cultivator, but he gave no answer, nor did he inquire into the matter at all.

6. I do not address the Collector again on the subject, because the said petition, dated 10th July 1854, has not been noticed, because our petition presented by the heads and other inhabitants.

inhabitants of the Cavalry village, complaining of the injustice and oppression to which they were subjected by the said tahsildar, the Collector by endorsement directed them to appear personally before the Hazoor, and no trial was held, and because I thought that in like manner I would also be directed to appear; and that in that case I would be unable to provide for my batta expenses, and will have to neglect my cultivation.

7. As you have notified that under the extract No. 922, from the Minutes of the Consultation, dated 9th September 1854, recorded in reference to rumours current in England, that instruments of torture are used in the collection of revenue from the ryots, you would render justice if any cases of tortures unjustly committed within the last seven years in all the zillahs subject to this Presidency be brought to your notice; it is of no use to present petitions to the Collector, because he merely issues circulars according to your orders, but does not hold any trial whatever in the cases referred to therein (circulars); the Collectors generally neglect to examine into the irregular actions of their native servants, from regard and favour. For instance, the Collector to whom we complained that the tahsildar had made use of handscrews, and committed other acts of oppression, in opposition to the orders prohibiting the use of handscrews, has neglected to institute any inquiry; the tahsildars of certain zillahs in the southern country have been severely punished for having used handscrews. We are mere ryots paying assessment to the Circar, but not criminals in any way. It is a heinous crime that the tahsildar should handscrew me, lead me through the bazar, and beat and disgrace me. I am in possession of the handscrews which the tahsildar had put upon me, and am further ready to prove the ill-treatment by many of the inhabitants of Ellore. Having obtained no justice, although I complained of this matter to the Collector, and hopeless of getting redress in consequence of the tahsildar being a favourite of the Collector, I beg to submit the injustice and distress experienced by me to the consideration of your upright Committee.

8. I therefore pray that you will, on an attentive consideration of the above circumstances, and with due regard to my complaint of grievances, be pleased, under the Regulations, to inflict a severe punishment on the said tahsildar Covoory Latchmana Row, for having, through the influence of Ellore Kurmum Dooggerala Davoolrajoo, refused to seize the produce of the last Fusly 1263, belonging to the said Vadaputla Vencanna and Gaurapauty Ramappah, and for having unjustly collected money from me, and caused me to be handscrewed, beaten, and disgraced, and to recover for me from him the said sum of 126½ rupees which he has unjustly extorted from me.

9. My witnesses who could prove the tortures committed by the said tahsildar, as above explained, are honest ryots and respectable merchants, but were they to appear before you, it would be injurious to their respective professions, and put them to inconveniences. No justice would be done me if the examination be held before the Collector of this zillah. I pray therefore you will refer the case to the commanding officer of Ellore for examination.

(signed) *Appanah.*

20 November 1854.

No. 28.

The humble Petition of Cholappa, Jocka Naik, and others of the Talook of Honnavar, in the Zillah of Canara.

We have presented several petitions to the Government, requesting to be relieved from the oppressions of the collectors, civil judges, and their native subordinate officials, but all to no purpose. While we were therefore wandering in a region of darkness, not knowing what course to pursue, your notification of the 7th of October last was put into our hands; the beneficial aim and object of which revived our drooping spirits, and encouraged us to hope for an amelioration of our condition. We therefore detail underneath the various oppressions which we experience from the hands of the Circar officers, with a belief that you will have the goodness to pay due attention to them, and grant us redress.

1. It is a well known fact, that God has endowed the person whom we call "king" with a sort of divine power, in order that he may be the guardian angel of the rights and privileges, as well as of the prosperity and happiness of subjects, and not to serve his self-support and self-interest and command self-respect.

2. While we were cultivating wet and dry lands, hill tracts, and low tracts, forests, &c., paying the light assessment fixed upon us, and thereby enjoying tranquillity and happiness, the then Circar servants, under the administration of "Ranee," Bhadur, and Tipoo, zuffed a portion of the lands which were in our possession, and levied an additional assessment under the designation of "shamiel," and included it with the general beriz. But we never paid the shamiel as demanded. It was entered in the Circar accounts, under the head of balance outstanding against us. That is all. We were not subjected to privations, oppressions, or ill-usages in collecting the revenue.

3. On the surrender of this country to the Honourable Company in the year Kalayuktachi, they devised all sorts of plans to squeeze out money from us, in order to derive and secure profit to themselves, as imperceptibly as leeches suck blood. With this pernicious object in view they invented rules, and framed regulations, and directed their collectors and civil judges to put them into execution. But the then collectors, and their subordinate native officials, paid for some time due attention to our grievances, and acted in consonance with our wishes. On the contrary, the present collectors, and their subordinate officials, desirous of obtaining promotion on any account whatever, neglect the welfare and interests of the people in general, turn their deaf ear to their grievances, and subject us to all sorts of oppressions.

4. Unlike the collectors and their subordinate officials at the commencement of the Company's rule in India, who treated us with generosity and reality, redressed our grievances with great leniency, the present collectors, &c., treat us harshly, and subject us to annoyances and privations. Under the order of the Government, issued in Fusly 1258, regarding the management of the forests, the collectors, &c., unjustly prohibit us from cutting trees, and making use of timber for our agricultural purposes, or as materials for constructing houses, &c., under severe penalties. We are forbidden from cutting the trees in the forests without their special orders. If we disobey their orders they subject us to all sorts of oppressions.

5. Our villages are situated amidst hills covered with thick forests, haunted by all sorts of wild beasts; in order to avoid the ravages of which we are obliged to fell trees now and then, and form a plain to allow our cattle to graze there. But now two different taxes are levied for these forests and hill tracts, under the denominations of "cumari and hackala," in consequence of which we feel it extremely difficult to cultivate our villages without the assistance of the forests surrounding them. A separate tax is levied from us on the timber exported to other parts of the country, besides these mentioned above.

6. The river Bharangy rises in Codahani, and passing through our villages, empties itself into the sea near Honnover. In the rainy season the river overflows its banks, and covers our lands and houses with water for a month or a fortnight. Our property, both movable and immovable, are in this manner damaged, entailing on us immense losses. In the years Sathorana and Pardhiva last, a calamity of the above description visited us with its full vigour; when we laid our difficult circumstances before the then collectors and their subordinate officers, who were peculiarly kind and benevolent to the people in general, they were generous enough to grant liberal remissions; to allow ample time to enable the injured ryots to discharge their kist, and in some cases to remit the whole amount of kist, &c., so forth. But when in the last year a similar calamity occurred to us, and covered our houses, lands, &c., with water for a month, and there destroyed our crops, houses, &c., we presented petitions to the new additional sub-collector, Mr. Silver, talook tahsildar Streenevassa Row, to the Collector, Mr. Maltby, as well as to the Government, praying that certain indulgences may be granted us in consideration of the calamity. The said tahsildar and Mr. Silver witnessed the ravages committed by inundation of the river, and encouraged us to cultivate our lands a second time, promising that liberal remissions would be granted at the time of jamabundee. We, then, placing confidence in their promises, borrowed money from sowcars, and cultivated the lands again. Mr. Silver was pleased to grant a remission of 12,000 rupees for the whole aggregate loss, and recommend to the Collector that the remission was too small when compared with the loss, and that the ryots could not maintain themselves without further assistance from Government. When the Collector, Mr. Maltby, came on circuit for the jamabundee of the talook of Bilage, we presented petitions to him, and showed him the lands injured by inundation. But he relentlessly replied, that as the ryots do not pay additional assessment to Government in the years in which they derive immense profit from their lands, they have no right to apply for remission for the loss they incur; subsequently, the then head assistant collector, Mr. Hudleston, together with his dull-headed sheristadar Govindya, of 80 years old, came over to the talook for making jamabundee, where we presented petition to him, praying for redress in the most submissive terms. But paying no attention to our grievances, Mr. Hudleston had us driven out of his catcherry, and placed a belted peon at the door not to let us in. He then granted certain remissions, taking into consideration the poverty or substantiality of each ryot. We then appealed to the Collector to grant us remissions in proportion to the loss occasioned to us; but, on the contrary, he confirmed the jamabundee made by Mr. Hudleston, and issued stringent orders to the officers engaged in the collection of revenue, to collect the kist in full, without even allowing the time. The tahsildar in consequence employed batta peons, and had our property unmercifully attached, and thereby collected the revenue to our detriment. We are now utterly destitute of all support, and we are nothing more than so many dead bodies. From this it will be manifest to you, since how harsh these collectors and their native subordinate officials are towards us the ryots. We humbly, therefore, beg you will be kind enough to relieve us from our miserable condition and grant us redress.

7. When we improve a piece of land and make it cultivable, assessment is levied upon it under the denomination of hosaagame.

8. In this part of the country a tax of an anna, and sometimes 7 pice, is levied on every cocoanut tree, besides abkarry rent through the abkarry rent in, and moturpha tax on the jaggery

jaggery made of, the toddy. In this manner these different taxes are levied on the products of a cocoanut tree.

9. The Government buy salt from the manufacturing ryots at a low rate of 6 or 12 rupees per garce, and sell it the consumers at an exorbitant rate of 120 rupees per garce.

10. When we have recourse to the civil courts for the adjudication of our claims, we find we are unjustly charged with stamp duty. It may be asserted that the stamp duty is levied in order to prevent the concoction of false documents, &c. If it is the real object of these stamp papers, a duty of 2 annas on every paper would answer the purpose.

11. Moturpha tax is unjustly levied on the shopkeepers, who sell the products of the land on which assessment is levied from the cultivating ryots, as well as on the professions and labour of the poorer classes.

12. If a ryot is found incapable of paying his kist, the Collector directs his subordinate to attach the produce of his land and sell it; and if the sale proceeds fall short of the dues payable by the ryot, his landed property is put up to sale, and the remaining kist is levied, together with interest, without leaving anything for his maintenance.

13. Not satisfied with the various taxes collected from us, the Collector, persuaded by his native subordinates, has, we hear, reported to and obtained the sanction of Government for surveying the lands, and for fixing the beriz a second time. The present native servants of this district are mean spirited men. They are so selfish that they always look to their employments and to their own aggrandisement. They are very indifferent about the welfare and interests of the ryots.

14. The Government, who once denied us all inquiry and justice, have now been pleased to appoint Commissioners to inquire into our grievances, and grant us redress. We have therefore sufficient reason to expect that our grievances will be attended to, and justice done us.

15. You hold your catcherry in a country bordering on the Eastern sea, while the truth of our statements is out of the land in the country lying in the Western sea. It is of course impossible for us to leave our families here, and come out to Madras with our witnesses. It is left for you to decide our fate.

16. We beg to subjoin a list of witnesses, and the records which are necessary to substantiate our complaints.

- | | | |
|---|-------|--|
| 17. Moonyarasaya of Honnover | - - - | } The testimony of these witnesses will prove the truth of our statements in the second and third person. |
| Selanauleya of - ditto | - - - | |
| 18. Surtippa, record keeper in the Collector's catcherry | - - - | } These have in their possession records tending to prove the truth of the statements contained in paras from 4 to 14. |
| Streenevassa Row, sub-collector's catcherry record keeper | - - - | |
| Vencataraya, record goomastah of Honnover | - - - | |
| | - - - | |

A list of Accounts to be referred to :

- | | | |
|---|-------|--|
| 19. Mr. Silver, additional sub-collector | - - - | } The testimony of these witnesses will prove the loss occasioned to us in Fusly 1263. |
| Sheshagiree Row, moonshee in the head assistant catcherry | - - - | |
| 20. Sayappa of Curnum | - - - | } The evidence of these witnesses will prove the truth of our having been driven out of the catcherry, in the jamabundee of 1263 Fusly, as detailed in the 6th para. |
| Ramachendra, son of Narraina Nina of Curnum | - - - | |
| | - - - | |

21. We humbly beg you will be pleased to abolish the taxes above detailed, and free us from all restraint regarding the forests, and protect us from being oppressed by the Circar officials.

(signed) *Jeemiah.
Anantaya.*

15 January 1855.

No. 29.

(No. 415.)

To *E. F. Elliot, H. Stokes, and John Bruce Norton, Esqrs.*

The humble Petition of the undersigned and undermarked Headmen, and the Ryots of Patamata Village, in Bejavada Purganah, of the same Talook, in the Zillah of Masulipatam.

It had been the custom prevalent in almost all the villages of this zillah, to allow the ryot to have his share of the crops, and to levy the assessment upon the quantity that comes to the share of the Government. The improvement in cultivation was followed by a corresponding

responding increase of the kist. Each year brought upon the villages an amount of the kist of the last year; or, in other words, if there be a kist of a thousand rupees in this year, it becomes two thousand in the next; and, as the advancement of the kist kept its pace with the improvements in cultivation, and with the price of corn, we were indifferent about the rising of the kist (whose payment might easily be made by us), and we lived a happy life, with the regular remittance of the assessment to the Circar. This system was neglected, and the kist was levied for some years upon the estimation of the produce over and above the actual quantity; and for one year the village was contracted for the same amount of the kist fixed upon the estimation over and above the actual produce. Afterwards, from the Fusly 1259, the kist began to grow higher than that of the preceding years; and the Circar, in the same year, forcibly levied upon our village a veesabady tax to the amount of 2,119 rupees, and gave us individual puttahs. There was not a produce sufficient to cover the payment of the veesabady tax; and when the proceeds of its sale fell short to the amount of the kist, the Circar extorted from us the assessment, with all kinds of oppressions. We submitted these things to the notice of the Commissioner, when he came to our place in the Fusly 1260. He found, from the records, that in the preceding years our village yielded a produce which amounted only to 1,000, 1,200, or 1,300 rupees; and, refusing to grant us a remission not more than 119 rupees, he gave us individual puttahs for 2,000 rupees, and went away. From that time to this year the jonna crops, unlike those of the low paddy fields, were rottened for a time with the excessive rain, and were, in another time, scorched with the immense heat; and such as escaped the severities of the rain and sun were blighted away. By several other causes the lands yielded no crops, and thus we were turned bankrupts. The present tahsildar, Cuddapah Kistna Row, for the last four years bursted into indecent expressions against us, in the course of collecting from us veesabady tax; delivered us into the care of the peons, who struck us, and applied handcuffs to us. He also fell upon us, flogged, and exposed us to all kinds of troubles. By the insufferable oppressions we are obliged to dispose of our houses and other things, and pay the kist even for the waste lands. When we lay our grievances before the Commissioner and the Collector, they referred them again to the same tahsildar, who tells us, "Go and lodge your complaint wherever you choose;" and continues his cruel treatment with an unusual vigour. We are in despair of obtaining any redress from the local authorities, who have fixed 2,000 rupees, the same amount of kist, for the current Fusly 1264. We tilled as much lands as can cover up the payment of the kist, and sowed seeds in them; when they sprung up into blades, they were rottened down with the excessive rain. We sowed seeds twice or thrice afterwards, but every time there was an immense rain to destroy the crops. The crops of the wet and dry lands, that is jonnaloo and other corns, were blighted; and though there was a loss of this kind in the preceding years, yet it can be far surpassed by that which has fallen upon us during the present year, and which is so heavy as to reduce us to a miserable condition, and so complicate as to require a detailed account, which the sphere of this petition cannot allow us to do.

2. As a consequence of the above loss, the price of the corn became so exorbitant, that we are the losers both in the purchase of the seeds and in cultivation of the lands. While so, we are forced and troubled to pay off the instalments of the kist. Thinking that no other means than the payment could relieve us from his exercise of cruelty, we borrowed a sum of 400 rupees from the sowcars, allowing them to enjoy an enormous interest of two rupees (24 per cent.), and the commission of four rupees per cent., and paid the amount to the Circar. Still there is a balance standing against us, and he shows upon us all the poignant effects of enmity in the demand of the same. One circumstance cannot allow us to pay the money, for the default of which the tahsildar will treat us shamefully; and the loss of our respectability will also occasion the loss of our lives. Our assertions will become true, if the present condition of our village be inspected; the blows we received, and the loss we sustained, are too much to be contained in this. We fear your honours would suppose, that for a mere exemption from the payment of the Circar kist, we clothed this petition with all fabrications. Let there be no scruple about the subject. The truth will become manifest, had the state of our village been witnessed by any of your appointment. No justice can be done to the case if you order the local authorities to give any report of the same. To convince yourselves of the fact, you should kindly send any one of your own selection to have an insight into the present state of the crops in our village.

3. When the "kuttoobudee lands," or lands on which a "fixed, invariable and favourable" rent is assessed, were held by their respective proprietors, and when they were not under our cultivation, the tahsildar extorted from us the sum of 80 rupees, the kist due upon the above lands by the enamdars (the holders of the enam lands), with menaces that, if we object giving the kist, when required by summons of the revenue authorities, he would produce summonses and warrants from the magistrate; and if failed there also to collect from us the above kist, he would try to commit us to the court.

4. The Circar for the last two years, without having any regard for our castes, creeds, and stations in life, and without discerning out the men who may pass for common bearers from those who would not, tortured us, the ryots and cultivators of the village, to supply our men as coolies, or engage ourselves as labourers in the erection of the anicut across the Kistna, near Bejavada. The poor and moneyless ryots were obliged to engage themselves as coolies; and others, who could not suffer the hardships, engaged the same coolies, each of whom is paid by the Circar four rupees per mensem, to work for them for an additional salary of the same amount. The tahsildar has struck us and extorted from us the sum of 240 rupees,

240 rupees, as the amount of hire due by us for our coolies for five months, in Fuslies 1262 and 1263, at the rate of 24 rupees per mensem for six coolies. They are unable to do the same in this year; to serve as coolies in the above work, is rather becoming to the pariahs and cobblers than to us; who are agriculturists, and never were coolies as to be engaged in the above work. Agriculture is a profession worthy of being pursued by Brahmins, Cummavars, Velamvars, and others of the noble class. By taking us or our men as coolies into the anicut work, we are obliged to neglect our agriculture, and to incur debts for the payment of the veesabady tax, and for expenses of managing our household affairs.

5. Our village being at a coss's distance from Bejavada, almost all materials necessary for the anicut building, such as dried cowdung, and different kinds of reeds, are forcibly taken from our place; their prices, as well as the hires for the bandies (that were loaded with the above materials) are never paid to us, but we are forced, either by the tahsildar, or the agent in the anicut work, to give receipts for the unpaid sums due to us by the anicut agent.

6. Nearly 2,000 trees, called thoommaloo, which were within our veesabady lands, were cut down and appropriated to the anicut work; and we should have a sum of 500 rupees as the price of the woods. We have reported this to the Collectors, as well as to the Commissioner, and we are favoured with no answer from them.

7. Whenever our coolies sent to the anicut work ran away stealthily, either by the hardships of the work, or by fits of fever, the tahsildar, in spite of our promises to him that we substitute persons for the coolies that ran away, and that we bring the collection money, if allowed to go to our homes attended with peons, took us to Bejavada, where he holds his cutcherry, and he led us through the streets, and publicly struck us in each of the streets. We were brought afterwards before his cutcherry, and heavy stones were suspended by ropes around our necks. We were beaten both before and after our being put into custody. This is the account of the cruel treatments we all receive at the hands of the tahsildar; we therefore beg your honours to order the payment of 900 rupees of the following particulars to be made to us:

	<i>Rupees.</i>
The sum due to us as the price of our trees cut down for anicut	- 500
Ditto, as the hire received from us for two years for the workmen	- 240
Ditto, as the price of the materials taken away from us, and as the hire for the bandies to carry them to anicut - - -	- 80
Ditto, as the kist received from us for the enam lands of others - - -	- 80
Total Rupees due to us - - -	900

and to fix a reasonable veesabady assessment upon our village; to grant us, in the time of jamabundy, remission for such crops as are accidentally destroyed by excessive rain or intense heat; to appoint just number of instalments for the payment of the kist; to send for us and the tahsildar, and on investigation of the case, to punish him for his ill-treating us out of revengeful motives; to caution him to discharge his duties not so irregularly and unjustly as he is now found to be, and at last to relieve us from defraying the expenses that might be required in future for the reparation of the anicut. When we see the course adopted for the erection of the anicut, we are led to suggest, that the work is to be accomplished by the charities of others, and not by the expense of the Government. Our suggestions are true, we believe; for, why should we, the cultivators, be drawn away from our callings of life, and compelled to serve as gratuitous coolies in the anicut-work, while mercenaries are thronged together to offer their services in the progress of the work, and thus to procure a temporary means of livelihood? If a reasonable assessment be levied upon the ryots, they will be put to no troubles, but happily pay the kist to the Circar. During the time of amany, we paid the kist without any danger to our respectability, and never suffered such blows as we are now served with. The tahsildar, in the course of his collection of the kists, causes dried brambles to be thrown across our gates, and the females to be dragged out in the absence of the males, and speaks indecently to them. When we see no redress obtained to our grievances laid open to the higher authorities, we are led to conclude that these wicked deeds must have been ordered by the Government itself, and we are at a loss to think what to do, and where to go away. You are now come to Madras, and have given us permission to submit to your notice the grievances of this kind, with a promise of redressing them. In a state of perplexity as this, we could not regularly detail our grievances. We have not the ability of arriving at your place. If we appeared there before you, the tahsildar will, on the information of our journey, kill those that will be left behind us in the village, and we have not the least probability of our living safe in our homes, had our case undergone your partial hearing, and the tahsildar been allowed to remain as he is. You are desired either to send for us and the tahsildar, and to investigate the case, or to favour us with your presence at Bejavada, so that we, as well as the whole inhabitants of the zillah, will personally prove almost all the misdemeanors prevailing in our places. If your honours do not render us justice in the way of extricating us from the above oppressions and cruelties, we must submit to our own fate, of being turned out homeless and helpless. We therefore solicit your honor, with profound respect and implicit

obedience, to institute an inquiry into our case, and to extend to us the benefits of your justice.

Hoping that this will be taken into your benign consideration,

(signed)	<i>Vullooroo Chinnabapiah.</i>	(marked)	<i>Nellore Para Rama.</i>
	<i>E. Vencynnah.</i>		<i>Chinna Ramunnah.</i>
(marked)	<i>Konaroo Reddunnah.</i>		<i>Kristnummah.</i>
	<i>Konaroo Chintunnah.</i>		<i>Vullooroo Petharama.</i>
(signed)	<i>Kadaly Soobbiah.</i>		<i>Kommah Sashunnah.</i>
(marked)	<i>Nellore Vencatappa.</i>		<i>Kanooroo Sathunnah.</i>
	<i>Chinaramoodoo.</i>		<i>Chunnoopaya Nagunnah.</i>
	<i>Vullooroo Venkennah.</i>		<i>Vullooroo Nagunnah.</i>
	<i>Kadaly Venkennah.</i>		<i>Charyah.</i>
	<i>Nellore Enkunnah.</i>		<i>Garegapatoo Vencatachellum.</i>
	<i>Enevundla Cotuppah.</i>		<i>Sungana Konduppah.</i>
	<i>Konaroo Chinna Soobbannah.</i>		<i>Chitoo Sommo Soobbiah.</i>
	<i>Erevera Soobbanah.</i>		<i>Venkiah.</i>
	<i>Achunnah.</i>		<i>Nellore Ramavary.</i>
	<i>Gungunnah.</i>		<i>Sunga Narasimhaloo.</i>
(signed)	<i>Vullooroo Ramannah.</i>		<i>Pullay Bhumiah.</i>
(marked)	<i>Vullooroo Appunnah.</i>		<i>Chulmiah.</i>
	<i>Goodooroo Kristnammah.</i>		<i>Garecapaty Baupunnah.</i>
	<i>Vullooroo Vencatadry.</i>		<i>Kacharoo Veerunnah.</i>
	<i>Rave Chulumunnah.</i>		<i>Pullay Vencatasawmy.</i>
	<i>Kameny Moosaluppah.</i>		

18 December 1854.

No. 30.

(No. 459.)

To the Commissioners, the Petition of Complaint preferred by Wally Khan, a Ryot of the Village of Coombhapullay, in the Talook of Chennoor, in the Zillah of Cuddapah, against Ramachendra Row, the Head of Police of Chennoor Talook (1), and Phutha Meathe Aumeen (2).

WHEN the 13th regiment left Cuddapah for Trichinopoly, the aforesaid opponents of mine, together with their respective peons, came up to my house while I was not at home, and while my son Kasim Sahib was engaged in ploughing the field, and forcibly took away, for the use of the regiment, my two ploughing bullocks, worth 70 rupees. I immediately reported to the magistrate of this zillah, who gave at that moment a kind answer, to the effect that he will get me the bandy hire for the bullocks' journey up to Trichinopoly and back again to Cuddapah. I relied upon his promise, and stopped quiet. I sent by post an urzee to the said gentleman on the 10th of November 1851, and he favoured me with an endorsement on the 20th of the same month, to the effect that I should go to Valoor, in the zillah of Chittoor (North Arcot), and seek redress from the authorities there. I therefore entreat your honours to peruse patiently this petition, and the enclosed copy of extract from the proceedings of the court of Cuddapah, and take notice of the police aumeen, who forcibly took away my bullocks, worth 70 rupees. I beg to call your honours' attention also to the loss of 75 rupees in my cultivation, which I incurred in consequence of the absence of my bullocks, and which loss must be attributed to the magistrate alone. I borrowed from a sowcar the money necessary for the purchase of the said bullocks, and the principal and interest now amount to 100 rupees. The sowcar troubles me for his money, and neither will myself nor my family enjoy any comfort or rest until the sowcar is paid and satisfied. I therefore beg to state, to the information of the charitable Commissioners, who have made known to the people generally that they have been appointed to do justice to the aggrieved, that I have been informed of the fact of there being a pair of bullocks at Vellore with the Collector there; that I gave my depositions before the head of police of this talook on two occasions, and that I am now waiting to obtain copy of those depositions before I address your honours in person. Should your honours be therefore pleased to hold an investigation, I shall soon appear before your honours with proper records and witnesses.

Many salams.

23 December 1854.

(signed) *Wally Khan.*

Appendix (G.)

No. 1.

STATEMENT of the Ex-Revenue Officer of North Arcot.

Honored Sir,

Tirvellum, 24 September 1854.

I beg to say that I have on the 21st instant received your instructions of the 16th instant, bearing the stamp of Palmanair post-office, of the 20th instant, in which I am directed to give you true and candid information to the questions, without least apprehension about insuring blame, when true confessions bring light upon my past actions liable to it, and also in which I am promised that you will be kind enough to take care of me. When I understand that you are willing to know of a thing in its true light, I think it my obligation to reveal it in full without concealment, and not to paint the matter in other colour than its true state.

Question 1. Is the use of annanthal, tying, or kitticole, a stone on the back, or any other mode of personal ill-treatment, in use as a mode of obtaining payment of balance?—*Answer.* Yes, sir, annanthal tying; stone on the back, 2; squeezing the thigh hardy, and continuing it for certain time, 3; to make the peon holding the back of the neck of the defaulter, and pushing him to run till the defaulter feel fatigued, 4; to let the defaulter to stand without slipper, in the sun, and in heat, sand, or dust, 5; not to let him go to his meal until evening, 6. These six modes of personal ill-treatment are very common for the collection of revenue. The kitticole is never used; but instead of which, to press without instrument the fingers of the defaulter. The mode of doing this is, after joining both palms together, to make the fingers of the right hand to let in the middle of left ones; when the fingers are so standing, to let the peon hold fast the fingers of right hand that are closely out of left palm, and so to the fingers of left hand, and pass them to join the fingers, which gives a pain, but without mark of violence. Such are the tortures in use.

2. If so, what persons or classes are usually or most commonly subjected to such treatment?—This personal ill-treatment is never used in respectable persons. From Brahmins to the lowest class, there are a few persons in a few villages of troublesome character, who have no view of paying the arrears on demand, and also consume their grain, and go away from place to place. Some spend their crops without reserving for the teerwah they are to pay; and some give whole of their grains to their creditors. Against such people, if they are not respectable, the above said ill-treatment is used.

3. At what time is it used?—No time is fixed for the ill-treatment; both in night and day, whenever the defaulters are brought before the tahsildar, it is done to them.

4. In what case, viz., is it common thing, or is it only resorted to in certain cases; as, for example, after the end of the fusly, when large balances are outstanding?—The ill-treatment is not common; but it will be much in use in the month of May, and particularly in June and July, and ends in August, and not afterwards. From April, tahsildar directs much attention to the collection, and when he sees the balance is large in the comparative statement of collections, and centage of collections are low, the ill-treatment will be foreible. In other months some monigars brings seldom one or two persons, complaining that they (the ryots) sell all of their grains without reservation for the Circar dues, against whom the tahsildar shows his authority by ill-treatment.

5. When used, is it in talook cutcherry, or in villages?—Both in talook cutcherry and in villages.

6. Is it done by peon or by monigar?—It is done both by peons and monigars; peishkars and turfdars also do command their peons as tahsildar does.

7. The tahsildar probably does not permit it in his own presence; but is there an understanding that, if he orders a man to be treated *cayidah pracaarum* (according to custom), or some words to that effect, he is to be subjected to such ill-usage?—The tahsildar does permit the ill-usage in his presence, and sometime in his absence. As for other points, I do not know any particular language used as a sign or permission for the torture.

8. To what extent is the practice common; i. e., is it resorted to in the case of every village and every defaulter, or only a few, and in about what proportion?—Not in every village, or in every defaulter ill usage is practised; but in average about 50 or 60 persons belonging to 20 or 30 villages will be subjected to it in a year.

9. Are the instruments for ill-treatment kept in readiness at the talook cutcherry, or in the village, or where?—Kitticole being now in this district out of use, the instrument for such torture is not kept in readiness. For annanthal rope is necessary. The usage of rope is out of use, instead of which, angavastrum or handkerchief of the defaulters were used at present. For other kind of torture no instrument is required, consequently no instruments are kept in talook cutcherry, or in villages. But in the village where monigar wants to use annanthal, he gets at the time by the taliyary the rope made by straw.

10. Is the practice more or less frequent now than formerly, and to what extent is the difference?—The torture of former time is more cruel than that of the present one; even after the assumption of the country by Government, there were formal kitticole and other instruments to press the ear, and also it was let to hang down from the ear heavily, striking with lashes and rattan, burdening with heavy stone on the back, and keeping stone on the forehead, turning the face against the sun; such and some other torture, many of them are now altogether forgotten.

The torture was common in all defaulters without any reservation of respectability. The number of persons so subjected were very large. No space of rest or time were granted. It often occurred the persons so subjected fell into continual sickness, and some even left their lives, either at the time, or in a few days after; such hardship is not at present.

11. Whether you have or have not ever authorised such acts, whether openly or covertly; have any complaints ever been made to you of such ill-usage, and if so, how have you dealt with such complaint?—I have authorised such acts many times, openly; many of those who are subjected to such acts had no idea of complaining against the persons who authorised, or against those who do it; no complaint was ever made against me, except only one instance that occurred in my case, which I hereunder beg to say.

There was a monigar, a Bramin, against whom there remained large balance; I authorised to ill-treat him in my absence; and when I found he agreed not to pay the demand, and failed the instalments, I again ordered to ill-treat openly, in the presence of some other people, who are his friends. This defaulter, leaving the village, went away to Chittoor, to give complaint against me, when I tried to appease the matter through other people. He did not agree to be quiet. I tried the witnesses not to assist the complaint, but all is no effect. In the meanwhile, the brother of the complainant told me he would appease the matter if I did agree to do certain cases he and his brother are long since troubled with. I promised him the request. In the third day he brought his brother, the complainant, or rather the man ill-treated by me; when I inquired of the complainant, Did he present the charge? he answered, He went and waited for the day in which complaints are received; in the meanwhile, after the advice of his brother, he returned without feeling the charges. In order to fulfil my promise, I took great pains, by collecting the money from his creditors, and also from those ryots who are cultivating his lands; making the complainants to give them deeds of loan; and, besides, I tried very much in getting for complainant certain extent of land, which his (the complainant's) opponent party took possession upon some grounds.

Though in my case no complaint arose against me, yet I heard that in case of one other tahsildar, when complaint was filed, the tahsildar gave presents to the witnesses, and made the charge unproved.

Generally, the people do not think that if they are ill-treated for collections they are disgraced; even the other persons who see the one so ill-treated for collection, advise him, saying, Try to give money, and no more; and never think one so ill-treated to be disgraced when he gains them.

Question 12. Have you seen marks of such ill-usage, in any case, on the person of parties complaining, or others; whether of kitticole on their fingers, or any other?—I have seen, several times, the marks of ill-usage, but not of kitticole, but bruises or pinches on the thigh of the parties.

13. Is there any opinion among the ryots that such acts are authorised or permitted by the Government or by the Collector; and are they on that account backward to make complaint?—The ryots do not think that the Government and Collector do authorise such acts; but they think that the Collector do connive at it, and that if any charge of this kind was given, the Collector will inquire into it formally, but at the end he will dismiss it on the ground that the charge was not proved. On this account the ryots are backward to make complaint.

14. If not actually used, are instruments of ill-treatment exhibited with threats to use them?—In the talooks of our district no instruments are kept; but threats are very common to many people, though they are not so treated. At a sign of a tahsildar, the peons will surround a defaulter, ready to push and drag, or to pinch the thigh, or something of this kind, though they do not actually do it; so that all the people will think that, in a minute after, the defaulter himself stands frightened, thinking that he is just about to undergo the treatment.

My informations, contained in the above said 14 answers, are not limited to the talooks in which I served, but extend to all. In Chittoor talook above, very rarely and secretly such acts are done; in all others the acts are both openly and secretly carried on.

When any tahsildar was dismissed for negligence in collecting the revenue, all other tahsildars are so enraged against the ryots of their own talooks, that they do not take rest from being engaged in ill-treatment, till the conclusion of the collection of the year.

I did not conceal any bit of the thing I know, nor add a word more than what I know all about our district.

I beg to say, in southern districts, such as Tanjore, Trichinopoly, Madura, and Coimbatore, the treatment is more hard than in this and Chingleput. Kitticole is much in use in those districts.

I beg to remain, &c.

(True copy.)
(signed) J. D. Bourdillon, Collector.

No. 2.

STATEMENT of a Government Native Revenue Officer.

Question 1. Is the use of anunthaul tying, or kitticole, a stone on the back, or any other mode of personal ill-treatment, in use as a mode of obtaining payment of balance?—*Answer.* Kitticole, or chertooloo, called in Telugu, is brought into use, and also persons are made to stand in the sun in bending position, with their necks and heels tied with their own cloth, and sometimes stones are placed on their back in obtaining the Government revenue.

2. If so, what persons or classes are usually, or most commonly, subjected to such treatment?—This treatment is not confined to any particular classes or persons, but those who are not able or willing to discharge the Government demand are commonly made the subjects of this treatment. Sometimes, if the head of the talook happens to be a staunch Hindoo, the Brahmin defaulter escapes such tortures.

3. At what time is it used?—There is no fixed time, it is used either day or night.

4. In what case, viz., is it a common thing, or is it only resorted to in certain cases, as, for example, after the end of the Fusly, when large balances are outstanding?—This course is resorted to whenever the ryot is found to be incapable to pay off his balances of kist; generally this happens in the end of the Fusly, the tahsildars being very anxious to show that there is no balance in their talooks at the end of the Fusly.

5. When used, is it in talook cutcherry or in village?—In both of the places.

6. Is it done by peon or by monegar?—By either of them.

7. The tahsildar probably does not permit it in his own presence. But is there an understanding that if he orders a man to be treated according to custom, or words to that effect, he is to be subjected to such ill-usage?—There certainly exist some such given words between the tahsildar and peon, on which given words the ryot is taken apart from the presence of the tahsildar and subjected to ill-usage; for example, if a man pleads his inability to pay, the peon is immediately ordered to take him away and bring him again with the money, if not his belt will be taken away, or such other given words, which is considered by the subordinate as license for torturing the man.

8. To what extent is the practice common; i.e., is it resorted to in the case of every village and every defaulter, or only a few, and in about what proportion?—I do not think this practice prevails in every village, but some of the defaulters only are subjected to ill-treatment. It is impossible to state with precision of the proportionate number of persons so ill-used, but I should think it is very limited.

9. Are the instruments for ill treatment kept in readiness at the talook cutcherry, or in the village, or where?—Jerbunds, or any such thing, are always ready with the peons; kitties are sometimes kept in both talooks and villages; if they are not forthcoming in places where they are required for use, the village carpenter is immediately ordered to procure the required number of kitties, which order is implicitly obeyed.

10. Is the practice more or less frequent now than formerly, and to what extent is the difference?—The practice at present is much less than formerly; the difference I believe will be 80 per cent.

11. Whether you have or have not ever authorised such acts, whether openly or covertly; have any complaints ever been made to you of such ill-usage, and if so, how you have dealt with such complaint?—To the best of my conscience I had never authorised such acts either openly or covertly, but complaints of ill-treatment have been brought to my notice, and they were told to pay the money first and then bring the complaint. After having paid the balance they never appear again to make the complaint.

12. Have you seen marks of such ill-usage in any case on the person of parties complaining, or others, whether of kittetole on their fingers, or any other?—I have never seen marks of ill-usage during my incumbency in the talooks, but since, I have seen the marks of kitties and jurbund.

13. Is there any opinion among the ryots that such acts are authorised or permitted by the Government, or by the Collector; and are they on that account backward to make complaint?—I do not think that the ryots believe that these acts are permitted either by the Government or the Collector, but the general knowledge that the talook servants and the Hoozoor establishment are combined together, and the Collector does nothing without the advice of the ministerial officer, and the general fear of offending the tahsildar, to whom the next kist is to be paid, principally keeps the parties from coming forward.

14. If not actually used, are instruments of ill-treatment exhibited with threats to use them?—Already answered.

Appendix (G.)

15. State how long you have been employed in revenue or police duties in Tamil, Telooogo or Canarese countries respectively, and in what capacity.—I have been employed in the revenue and police duties since these last eighteen years in Tamil and Telugu countries, as talook goomastah, and boozoor assistant javabneiss, police ameen, tahsildar, naib sheristadar and head sheristadar.

16. State also fully what you know about torture in police cases.

17. And what is your own view of the whole matter, and what remedy could you suggest ?

No. 3.

To *Hudleston Stokes*, Esq., Member of the Torture Committee, Madras.

The humble Report of Accalamannaty Tirvancatacharloo, Head Sheristadar, Collector's Cutcherry, at Madras.

Honored Sir,

Para. 1. YOUR HONOR was lately pleased to order me to give my opinion in writing regarding the prevalence of torture throughout the several districts, and the measures to be adopted for suppressing this evil.

2. May I beg to observe first, that my limited experience in such cases gives rise to a fear whether my opinion would be of much value. I have, however, in obedience to your orders, considered it no harm to lay before your honor what I had really heard, and what has occurred to me, in the confidential hope that it would be perused with the same affection as parents would listen to the sweet words of their children, though meaningless and devoid of signification.

s to revenue.

3. I have to state, without hesitation, that the torture is not prevailing to the extent complained of in the newspapers, in the Guntoor district, where I resided for a long time; neither have I heard of any iron instruments like those declared in the papers to be used in realising the public revenue in that district.

4. It may not be considered that the ryots in every village are all honest and punctual in discharging their dues. Those who particularly mind their respectability alone, do not look after their savings or impoverished circumstances. They are, as far as their means permitted, always punctual in the discharge of their dues, though the crops produce well or otherwise. In the latter case they pay either from their stock or by contracting loans, while others, having previously obtained possession of the produce, will try in many ways to procure remission, and so evade the payment of their dues, either partly or, if convenient, the whole. They at the same time take much care by concealing their cattle and other property from being attached in satisfaction of the amount due to the Circar. Their vicious habits always occasioning a great trouble, not only to the Circar servants, but also to their creditors; the latter not finding any alternative were at last obliged to look at the civil courts for the recovery of their debts. Ryots of the latter class are to be found to a great number in every village; were I to state in detail of their habits, this report will no doubt be too long. As the revenue officers who resided for a long period in the districts knew well their general conduct and stratagems, and the consequent trouble befallen on the heads of the revenue servants in collecting the revenues, it is here unnecessary for me to dwell much upon that head, but leave the same to their judgment.

5. It may be remembered that in Guntoor district much relief was afforded to the ryots by issuing circular orders at different periods to the tahsildars not to interfere unnecessarily with their produce, or enforce demands before the kists are arrived; a great difficulty was found to enforce strictly these orders at once against the long prevailing custom. In cases where these orders were disregarded, the tahsildars and their subordinates were punished by transferring them to lower situations. In certain cases the sanction of the Board of Revenue was also obtained to that effect.

6. Section 4, Regulation XXVII. of 1802 authorises the peons who may be deputed to serve demands, to draw batta or subsistence money, according to the customs prevailing in the districts. These provisions were abused in many ways, by sending volunteer peons with dustucks to receive batta from the individual ryots. When this was brought to notice, it was not overlooked; but due notice was immediately taken by your honour, by issuing circular orders to the tahsildars. In cases where tahsildars strictly adhered by means of promotion.

7. Notwithstanding the required relief was thus shown to the ryots as before mentioned, yet I am sure the ryots were ungrateful in many instances.

8. It is true that complaints were now and then received against certain tahsildars and their subordinates in the Guntoor district, of their having used forcible means in collecting the

the revenues from the ryots. These undue measures were pursued in many cases where the ryots are dull, and may resist in fulfilling their obligations with the Circar.

Appendix (6)

9. In all cases where a tahsildar as revenue officer found it difficult to induce the ryots to come to a settlement, he used to trouble them by exercising and abusing the powers vested in him as a police officer. This practice, I doubt not, is prevailing everywhere.

10. In Guntoor district, charges against the tahsildars, and particularly against the officers below their rank, that they had oppressed the ryots by tying their legs and necks with cloths or ropes, or exposing them to the sun; or in other cases by loading their backs with lumps of mud or stones, were in many instances proved, and the defendants immediately visited with punishment.

11. I recollect that complaints were received against some of the tahsildars, that certain respectable ryots were obliged to undergo many hardships by their unjust and illegal treatment; and that in cases where the ryots have not yielded to their requisitions, they used to receive false charges against them in the police department, and disgrace them in public in different ways, by inducing them at the same time to be absent from their homes for a longer period, and to travel with them throughout the villages. Whenever there were reasons to believe that such general complaints were preferred through malice, and wherever difficulty was found in procuring satisfactory evidence, no minute inquiry was made by summoning the defendants from the public business, under an impression that it would give way to other ryots for bringing false complaints, and that it would at last ensure no good result, but throw impediments in the way of the tahsildar in managing his business. In similar cases notice was, however, taken by calling upon the tahsildars for explanation of their conduct.

12. In Masulipatam, and other districts under the Northern Circars, I believe forcible measures or oppressions are, in like manner as detailed in paras. 9 and 10, prevailing to the same extent in realising the public revenues. It is known that in Madras the case is entirely different. The revenue officers here are in fear of the police authority.

13. As for police, I have to state that the circumstance of torture being used had come to notice in many instances. It was practised not only by the police officers, but also by the principal head men of the villages. In cases where they feared that witchcraft was practised by any person, the villagers being combined together, extracted the teeth of the latter, and in some instances they used to brand his body. In cases of thefts or robbery, they used to carry the suspicious characters into the gardens, or any other secret places situated far from the village, and to commit extortion or oppression, by suspending or binding them to the trees, and by beating them with stones or other instruments, so that the marks of the blows may not be visible. The police officers, with the aid of the principal head men in the village, were in the habit of committing similar oppressions. In certain instances, lead having been melted, was threatened to be put in the ears of the supposed offenders.

14. When such grave offences were committed and brought to light, they were duly investigated, and punished in several cases where there was ample evidence. These were in many instances duly noticed by the Foujdaree Udalt.

15. In regard to the Collector of Revenue, I have to observe that, in seasons where the crops yield a good return, and when there are good prices, there is no difficulty in realising the revenues; but in other seasons, it is very difficult for the public servants to attend to the orders of their immediate superiors. It is true, the poorer ryots, from their impoverished condition, are unable to discharge their dues with punctuality, particularly in bad seasons. Seeing this, the rich ryots also try their best to withhold part of their dues, in hopes of getting remission in common with the poor. In such cases, both the poor and rich are oppressed by the revenue officers, with a view to show their abilities to their employers. At the same time, the servants who are deputed on such occasions, if not honest, look out for their own benefit by using unlawful means, and by promising to get remissions in their kist. Again, the salaries authorised to the inferior servants not being adequate in several cases, they, although placed under the control of an honest head servant, always try to make up the deficiency by receiving bribes in ready money, or other things, according to the circumstances and condition of the ryots. Some servants receive the same by subjecting the ryots to unnecessary inconveniences, and others by begging them in a friendly manner under the name of alms.

16. In consideration of all the foregoing difficulties, the revenues have never been collected without balance within the Fusly, nor the accounts of arrears settled in due time, according to the standing orders of the higher authorities.

17. To remedy the evil prevailing throughout the districts, I propose as follows:

1st. In villages where there is reason to apprehend that the kist or assessment is too heavy, it ought to be reduced and fixed as moderate as possible, after duly considering the results of the former years.

2d. In bad seasons, or in cases where crops fail entirely or partially, and in cases where any loss appears to have been sustained by any particular ryot for causes beyond his power, a remission, after proper investigation, should at once be granted without exception, though the ryot be rich or otherwise.

3d. There should be a standing order that no ryot should appropriate to his own use the produce in the field until he has given security to the collecting officer for the payment of his dues.

4th. There should be a sufficient number of peons in each talook catcherry, and moh-tauds in the villages, and thereby relieve the ryots from the trouble and expense of paying batta to the volunteer peons deputed with dustucks for collecting the assessment.

5th. So long as the ryot may be punctual in the discharge of his dues, his farm will remain undisturbed. But in cases where he, without any justifiable grounds, wilfully infringes the obligations of his caboliyet, there should be some rule that he should, after obtaining the permission of the local authorities, be at once relieved from his farm without the necessity of waiting for his razeenamah.

6th. The emoluments of the curnums, or village canecopilies, and the wages of the samuldars or zilladars, as well as of the peons, should be fixed to a reasonable amount, the present scale not being at all sufficient in many divisions.

18. If such a relief is shown to the ryots, and if ample bread is bestowed on the public servants, the former, in the hopes of getting profit, would, as far as their means may permit, extend their cultivation, and the latter, for fear of losing their handsome livelihood, act generally with honesty. Notwithstanding this, should any ryot or servant misbehave himself, the former would lose his farm, and the latter his bread, in addition to the punishment awarded, as the case may be.

19. As already observed, the revenue officers in managing their revenue matters were obliged to abuse their police powers too. By uniting these two offices together, a great inconvenience, and consequent trouble and delay before disposing of any matter, has been occasioned at all times, both to the tahsildars and the ryots, in their respective talooks. The tahsildar cannot possibly pay his due attention to those two duties respectively.

20. In cases where murders, or gang robberies, or other heinous offences occur, the tahsildar is bound to proceed direct to the place where they were perpetrated and give his personal attention to every single point according to the several circular orders issued for his guidance, and at the same time, when necessary, he should pursue the offenders. His time in these important duties will occupy him in some instances for weeks, while in others, for months. Can he at this very period conveniently attend to any other important matters in the revenue line? I dare to say, not at all. Moreover, the attention of the tahsildar is also directed to public works. This, likewise, is to be considered as one of his important duties; all these duties he would not well manage himself to their full extent. On the contrary, he throws them partly into the hands of others, and when questioned as to the particulars is unable to answer satisfactorily.

21. In certain talooks, the tahsildars, I am well aware, are quite ignorant of what are their proper duties, either as regards the revenue or police. This may be ascribed not only to their inexperience, but also to the want of sufficient time for perusing or hearing the orders of the higher authorities as well as the Regulations.

22. The Government in transferring the office of magistrate from the judge to the collector in 1816, have shown very good reasons. At that period, and subsequently for some time, the police powers in zeminary districts were, in every talook, placed in the hands of a distinct officer, and at last when the estates were either temporarily or finally brought under management, both the revenue and police offices were united together, with a view, I suppose, to reduce the cost establishment, and to afford convenience to the amildars in realising the revenues, and the police was thus entrusted to them. But if the above duties are hereafter separated, and amildars and heads of police, aided with sufficient establishment, employed to conduct them respectively, allowing them at the same time a handsome * pay, it will I undoubtedly say, afford a great relief not only to the servants, but also to the subjects of the State both in revenue and police matters, and, moreover, these two officers will be too much afraid of each other to commit any irregularity in exercising their powers. Torture may thus be suppressed entirely.

23. It is here proper to observe, that in making the above proposal, it is not intended that the magistrate's power should be withdrawn from the hands of the collectors. It is wished that it ought to be continued as heretofore; otherwise it will for many causes occasion great inconvenience and unnecessary trouble in managing the affairs.

I remain, &c.
(signed) A. Tiruencatacherry,
Head Sheristadar.

* See Correspondence between the Collectors, Messrs. Bruce and Stokes, and the Board of Revenue, regarding the usages of police and revenue officers.

No. 4.

From *A. Nulla Moothoo Pillay*, Quit-Rent Amildar of the Madras Collectorate, to *E. F. Elliot*, *H. Stokes*, and *John Bruce Norton*, Esqrs., Commissioners for Inquiring into the alleged use of Tortures, in the Collection of the Public Revenue of the Madras Presidency.

Gentlemen,

HAVING been for many years, and still being desirous of doing some good to my fellow-countrymen, whom I have seen suffer the most cruel treatment from their fellow natives, that are employed in the Government service, which reduces the poor ryots to the most miserable beggary; and being one of those that collect the public revenue, against whom the alleged charge stands, and having a desire of rendering some service to Government, who are still deceived in the mofussil, in collecting their revenue; I most respectfully presume to write this statement of facts to your Commission, that you may be pleased to bring to light and suppress it, that some good may be done, both to Government in their revenue and to the people in their circumstances in life, as the good Providence may direct.

2. The humane feeling of the people in England, being excited towards the poor ryots of this Presidency, that suffer cruel tortures and oppressions from the Circar servants placed over them for the collection of the public revenue, considering that the Madras Government might have sanctioned that their revenue should be collected by this most cruel and inhuman treatment, I humbly consider it my duty to come forward and state the naked truth of the facts, which I have learned from experience in all my travels, both in the Tamil, Telooogo and Canarese countries, for the space of 15 years, during which I became closely acquainted with the character of almost all conditions of men, that although the most cruel tortures and the basest treatment were sustained by the poor ryots of this Presidency from their own countrymen, yet it is not at all for the collection of the public revenue, as the people in England consider it, nor did the Government allow it that the tortures might be, or may be used in the collection of their revenue, but it is by the overplaced Circar servants in order to realise their own self-interest; they use the most cruel tortures towards the poor ryots, and throw the blame thereof upon the Circar, as well as they commit embezzlement in public money, so dexterously as it may entirely escape from the vigilant eye and notice of the authority, under the shade of plausible and specious appearances, which I consider, from my own experience, to be at variance with the supposed notion of the people in England. Consequently I could not see any weight in their supposed accusation that, as if this Government should have sanctioned torture for the collection of the public revenue.

3. In the first place I have to inform you of the excuse (reason) with which the revenue collecting servants justify their conduct before those whom they have cruelly treated, that, they being underpaid, they were obliged to oppress the ryots for bribe, and deceive the Circar in collecting their revenue; that they be enabled to bribe those that are placed over them, lest they should bring them into trouble; and also to keep themselves in easy circumstances. For instance, the talook servants are included, from the tahsildar up to the last thalayaree in each village, who are concerned some way or other in the collection of the public revenue; and all these say, that as they are not paid enough even to keep them in the necessities of life, it is very hard with them. The tahsildars are paid from 70 to 100 rupees per month, and a few a little more, but their necessary expense, incurred by keeping two or three conveyances, and at least half a dozen servants, as well as the other maintenance, in one-third of the year at home, and the other two-thirds on circuit, would cost them 120 or 150 rupees per month; and, notwithstanding, they are obliged to purchase the favour of those that are in the Huzzoor, that they may well speak of them to the Collector, and keep them safe from all the complaints which would be brought before him (the Collector), and for this every tahsildar should distribute annually amongst the Huzzoor servants at least 4,000 rupees, according to their influence with the Collector. In the same manner, a collecting peon is paid three rupees, and in some districts three and a half rupees per month. Being a family man, he has to maintain six or eight people, besides his being obliged to carry his booties (meals) whenever he goes to other villages on duty; as well as he is obliged to please his immediate superiors with some things, either in money or articles; all these would cost him at least 200 rupees per annum, while he gets 36 or 42 rupees, consequently he must get the remainder of the expense by other means.

4. In order to defray the expenses incurred by keeping them well off, both in circumstances and life, as well as their bribing those that are placed over them, both in the talook and in Huzzoor, lest they should be brought into trouble, the revenue collecting servants adopt the following measures and schemes that they might embezzle the public money, and realise bribes from the ryots.

I. The putta monyagar and village kurnums appropriate to themselves and for others some portion of the taxes after being realised from the ryots, telling them that the money realised, having been appropriated to the Circar expense, they should repay the sum, and demand from the people the money already paid, as well as the unpaid balance. Should they find

any refusal from any party, they keep their keen eye upon them, and write the accounts so dexterously as to prove that the amount really paid was not paid at all. Consequently they use tortures and baser treatment in order to realise the pretended balance from the refusing party, which they have once actually paid. Independent of the above scheme and frauds, when the bribe refusing ryots were to complain to the tahsildars of the talook, who receive a good portion of money thus realised, he affirms the accounts of kurnums and puttamonneyengar, and abusing the complaining ryots, bids them to pay. On their declining still to pay the sum once they have actually paid, the tahsildar orders them to torture doubly, and puts them in confinement, strictly charging the peons that guard them to distress the confined ryots, that they should pay the money in question. In consequence of this treatment, if the relations of the confined ryots were to complain to the Collector, he refers the urzee, upon the misrepresentations of the sheristadar and jevobnevis, whose favour the tahsildar has already purchased by bribe, to the same tahsildar against whom the complaint is made; and, on the complainants declining to do so, and insisting for redress, the Huzzoor peons, upon the orders of the sherishtadar and others, ill-treat the complaining party. In this manner the poor ryot, who was tortured and ill-treated, is pressed to repay the money, which once he has actually paid. But most part of the ryots, who are simple, being dreadfully afraid of the Circar servants, will repay at once, either by selling or mortgaging some of their property or cattle, which they never will be enabled to redeem.

II. It is ordered that the Circar tax should be collected in eight kisties or vaitha (instalments), from November to June included, that the accounts should be closed on the 11th July, for one revenue year or Fusly. But the puttamaneyagar and kurnums, in order to realise bribe, demand from the people that the whole tax should be paid at once, or at the most in three instalments, *i. e.*, within January; whosoever purchased their favour by bribe, are not molested, but all the others are put into the most cruel tortures and base treatment, and are even prevented from attending their cultivation. In consequence of these insufferable treatments and tortures the poor ryots are constrained to pawn the produce of their fields, and make a discount at more than four and four and a half per cent., and borrow the wanted sum, and pay the Circar demands; and, in harvest time, the creditors come and take the whole produce according to the engagement, and leaving a mere trifle or nothing to the poor ryots (who hardly laboured for the whole year) which would scarcely keep them a month. Agreeably to the Circar order, should the puttamonnyagar and kurnum collect the tax in eight instalments, the ryots in no wise should lose their whole maintenance for the year, as above stated, but would sell advantageously their grain at fitting time, and pay the Circar demand, thereby they could have the whole gain realised by selling at the proper time, and save for themselves the 40 or 45 per cent. which they were constrained to give to their creditors for merely gratifying the Circar servants. By this I beg you will be pleased to consider, that whether or not these tortures and base treatments are used for the collection of the public revenue. But the Circar wolves who rob the Government and their subjects, only pretend that they are obliged to use torture for the collection of the public revenue.

III. Whenever any European or native regiment passes through the district or talook, all the ryots are pressed to bring provisions, as sheep, fowls, straw, grass, gram, &c., for nothing, and should any of them ask for the prices of the articles, which they did, or may bring, they are severely tortured, and at last the Circar servants appropriate to themselves the whole amount which they received from travelling party in full price, as regulated by the Collector of the district, and in the same manner the ryots are plundered to supply provision to the Hoozzoor servants while on circuit.

IV. Whenever the ryots wanted thuckavey (advances) for buying cattle, or in any way to help themselves in cultivation, the half of the amount which they applied for would be appropriated amongst the talook servants, and the other half will be given to the ryots, who applied for the whole; but when they demand fully the advanced sum, they (the Circar servants) use the most cruel torture towards those that resist or hesitate to pay the amount which they have received only in part.

V. Whenever the ryots refuse to comply with the request of the Circar people, to avenge those that offend them, even in trifling matters, either by plunder or assault, the poor ryots are tortured under any pretension, that the cause thereof might be thrown upon the Circar.

VI. Whenever the chanee (withered crops) happen, either by excessive dry season or excess of rains, the ryots are obliged to apply that some person should be deputed to inspect their cultivation, and remit the tax thereon. At such time as this, the tahsildar deputes a person that is clever enough to carry on their aim, and when the deputed person comes into the village, he orders that he should be treated like a prince in every respect. In his inspecting the cultivation, he writes his report to this effect: For all those fields on which the produce could be realised in full, three-quarter, and half, he takes the half of the Circar tax due from those fields, but writes to the tahsildar as if entirely or almost all had been lost, and recommends the taxes thereon to be remitted; and as for those whose fields are entirely or almost lost, the deputed person demands the quarter of the tax due upon those fields, that he may write the real state of their crops; but, as they have already sustained a great loss, they cannot by any means pay him unless they sell their ploughing cattle. Consequently

sequently the deputed person writes, that those persons not having sustained any loss, as they stated in their application, the full tax due from their fields should be collected. These miserable ryots, together with their wives and children, are tortured in such a horrible manner, that even a person that has a stony heart and devilish spirit would decline to see the treatment. Upon this, the poor and helpless ryots are obliged to sell their cattle and all, and pay the Circar demands, whereby they are at once reduced to beggary and starvation; and for the next year they are not at all to go on with their cultivation; but go to work to another man, or emigrate with their families to some distant lands.

VII. Whenever the sanctions, to whatever amount it may be, for the marahmut repairs are received, one-fourth of it is always divided amongst the Huzzoor people, and another quarter amongst talook servants, and inspecting party, and the other half is expended in getting materials and paying masons; but, as for all other works, the poor ryots are pressed and tortured to go five, six, or seven miles, to carry their own meals, and do the works for nothing. In this manner the work is completed, and the accounts are written as though every item was paid fairly and correctly, as mentioned in the valuation statement.

VIII. Besides all these things, the tahsildar, while on circuit, selects one or two declamatory persons, who are qualified to project fitting stratagems, by whose means he encourages the vileness and mischiefs of the puttamonnyagar and kurnums to exact a thabrick (the unauthorised sum) from every village, from 10 to 100 rupees, according to the condition of the villages, as well as he (the tahsildar) commits embezzlement in disbursement of devasthanums fund. In this manner, while he returns from the circuit of his talook, he would be the master of a sum of from 5,000 to 8,000 rupees, and independent of the money and articles plundered from the poor ryots by his followers; and in failure of this, the tahsildar orders the poor ryots to be basely treated and tortured, under some shape, that the cause thereof should be thrown upon the Circar.

5. The chief instruments to all these mischiefs carried on towards both the Circar and the people, are the persons who are entrusted with the responsible situations of sheristadar, without regarding their real character and respectability. During the time of the annual settlement of jamabundy, they particularly exact a bribe of at least (4,000) four thousand rupees from each talook, through the tahsildars, from all the puttamonnyagars and kurnums of talooks, for settling the accounts, with the omission of a good part, or sometimes the whole of the public resources of the talook, which could be realised, of such items as sagoopady dittum, puldie cheeked, turinburtie, turinlieb drial, idumpire dettum, nunjatharumpunjay, jareebjasty porumboke, hunger sagoobady, &c., and carry on nothing or a part to the accounts of settlements, but talk much of these merely to show or threaten the talook owners, and divide the so exacted amount among the head and naib sheristadars, revenue jevobnevises, head and other sumprathies, &c., in proportion to their situation, for the purpose of palliating the same from the notice of their employers, as well as they keep (in some of the districts) the dubther accounts in Hinthoovee language, avoiding the mother tongue of the districts, in order to cover their infamous accounts, though it is contrary to the regulations. In case of any puttamonnyagar, or kurnum, or ryot, who is much oppressed by their monstrous bribe, objecting to the plan of unjust exaction, he is treated so violently as to compel him to consent to it; and, should he still object, alas! the full and more theerva of the alluded items is carried against him to the accounts, quite reversely to the real state. This stimulates him to prefer complaints to the Collector about it, who, after requiring explanation from the same sheristadar, who is already the author of these mischiefs, feels to be at a loss how to proceed; and then the sheristadar comes near the Collector, and proposes that it would be well, for settling the case of the complainants, to send an azmayshdar to inspect the villages, and report the real state of the case. The Collector, not having known how to settle the complaints which stand between sheristadar and the ryots, that formally touches the interest of the Circar, readily approves of the proposition of the sheristadar, and orders that an honest person should be selected. Then the sheristadar recommends a person fully inclined to carry on his projects to be a well suited person, who, once in the village, not only earns his own interest from the afflicted poor people, but also writes the reports according to the previous instructions of the sheristadar, stating the actual omissions are not conformable to the complaints (quite contrary to the real state), and after which the Collector orders that the said items be carried to the accounts, under the head of chapawancee (embezzlements), and the amount should be entered and collected from the poor ryot who has already paid the lawful tax through puttamonnyagar and kurnums, to whom the offence and the false entry is to be imputed, agreeably to the regulations provided for that purpose. Upon this, alas! what could be written or stated regarding the tortures used against the poor villagers, their wives and children, distraining their cattle and property, even the seed which they keep for sowing for the next season; thereby there will be in the whole village lamentations of the people and crying of the children, as though the village itself was on fire, the sight of which will move at once even the hearts of highway robbers. By this calamity, most of the villagers are reduced at once into beggary, and obliged to leave their own land waste to go to some other village and serve the other cultivators the very next year. Now I most respectfully beg you to consider this, that whether these tortures, &c. could be attributed, as those that are used towards the poor ryots for the collection of the lawful revenue of the Circar, as the people in England consider it?

6. There are confidential messengers employed between head sheristadars, revenue jebob nevises, &c. in the Huzzoor, and the tahsildar, police ameen in the talook, in order to convey immediately the intelligence of forcibly taking bribes, extorting over-collection from the ryots, and embezzling the public money, and those in Huzzoor immediately after receiving such intelligence as this, project those schemes that it may well suit the Collector to reject the complaints brought against the tahsildar, &c. Thus the Collector being obliged to put his confidence in his sheristadars and jebob nevises, and those in the Huzzoor and talook being chained together in these vices, there is no check that could be instituted for the frauds in the public money and over-collection and bribes from the people.

7. Should any one of their colleagues in the Huzzoor, who are faithful and honest, object to their practising frauds of this nature, which causes the ruin of hundreds, perhaps thousands of their fellow-countrymen, they use every means to prevail on them to be reconciled to them, and partake of their spoil. In case of his refusing to comply with their request, they at once form a conspiracy against him, and adopt every measure that it may well suit the innocent Collector to dismiss him at once, or to degrade him to a situation of lower rank in another department, which is far from admitting his access to the one where all these fatal schemes of frauds are framed. By these acts the authors of these frauds are dreadfully afraid of all other cutcherry servants, even in speaking to one another regarding these mischiefs.

8. Should any tahsildar be an honest man, that is, correct in the execution of his duties, he does not keep any messenger to convey intelligence to the sheristadar and jebob nevises, nor offers them bribe; consequently the sheristadar in accounts, and jebob nevises in reading urzees, always look for an opportunity to insinuate him in the bad opinion of the Collector, and cause at the same time some misrepresentations to be made against him through kurkara or dalauyet, who are the first villains in producing the means of extortions, and by this and other means make him liable to frequent punishment of fines, and, if possible, to dismissal. Besides this, they use very ill and mean words in writing takeeds, as though ordered by the Collector, while he is not aware of the takeed being so written, and contrive to pretend themselves to have great influence over their employer.

9. Under these circumstances, I beg to inform you that those poor ryots that are suffering torture, &c. under the tyranny of these self-interested Circar servants, thus chained, as above stated, with each other, would, I doubt not, be dreadfully afraid to come forward and make complaint of their suffering, &c., considering their inability of proving it to you, so as to get their oppressors punished; and even in case of proving it, and get the party punished, they still are more afraid of those that should succeed the punished ones would be more cruel than those that preceded them. By this hesitation and cowardliness of these poor people, we could not at all events conclude that they are not suffering tortures though not allowed by Government. Consequently, I humbly think that only a very few cases could be brought before your Commission, and if any of them be proved, it would be seldom.

10. As I have written the following lines regarding the circumstances carried on under the revenue lines, according to my own knowledge and experience, and being desirous of telling you what measures could be adopted to suppress these inhuman tortures, used towards the poor people, as well as the bribe receiving and over extortions from the people, and frauds and embezzlements committed in the public revenue, I am obliged to omit entirely the things which could be said under the magisterial line.

11. I beg your particular attention in this place. I doubt not but you are well aware that 20 years ago, or in the beginning of the last charter, the minds of both the Madras and the mofussil people of this Presidency were in a gloomy and benighted state, with very little understanding between right and wrong. But since then, you know by experience, the daily improving state of their enlightening both in judgments, manners, and customs, which elevate them to a far more superior state, in every respect, than of that of 20 years ago, as well as you see their independency is in an advancing state, together with their improvement of mind; consequently the enlightened minds of these people and the growing independency thereof induce them to hesitate, and resist to submit themselves now to such treatments as above stated, to which they used to submit while in a benighted state. This reflection, several years since, in all my travels, both in Tamil, Teloogoo, and Canarese countries, often struck my mind, and when I have seen the people treated so basely and cruelly as to lessen gradually their confidence in their rulers, and create the bitterest feeling and aversion in their hearts towards them, which the ruling party (Europeans) are very little aware of. Should the Government still be ignorant of the cruel and base treatment sustained, as above stated, by their ryots, who are in a progressive state of both enlightenment and independence, without doing something that should gain the confidences and affections of their subjects, with which they stand in a great need, I beg you will be pleased to think and consider to what great serious resistance it would lead the people? For I have heard the people's aversion and bitterest feeling towards their rulers, which I humbly anticipate would tend to serious struggles within a few years to come, unless the Government would be pleased to adopt measures to rectify those evils, which cause all these bad feelings in the hearts of the people. If Sir T. Munro wisely thought it better for the interest of Government, that the people of India ought not to be irritated in his Government, in which they were most simple, how much more now our present ruler, Lord Harris, should be pleased to consider

consider regarding the interest and welfare both of Government and their ryots, in such a time of enlightenment and independency as this? With the same view, I have written an address to the Commissioners of Mysore, in January 1860, copy of which I beg to enclose, but to which I have received no answer.

12. There being much talk, both in England and India, regarding the ryotwarrie system, which exists now under this Presidency, which is thought by a good many to lead the collecting parties to use tortures, &c., towards the poor people, I humbly beg to give you the following observations on the point in question, as one Hindoo revenue promoter said.

I. The increase of the public revenue, and the comfort and welfare of the individual ryots, generally owe to the system of better management of the revenue affairs, and of arrangement of the necessary plans peculiar to the country, in such a degree as to enforce the improvements of the fundamental tendency of cultivation, and the check of abuses and corruption in all cases, by the immediate exercise of the superintendency over the ryots and kist.

II. It is evident that the advantage of the increase of every branch of revenue is expected equally in proportion to the extent of cultivation. The extent of excessive cultivation owes to the prosperous circumstances of the ryots. The prosperous circumstance depends on the impartial production of crops, and on the security of their property. The impartial production owes to the fertility of the soil, and the security to the political attention of the Government. The fertility of the soil is expected from the manual labour and industry of the husbandman, and the political attention from vigilant checks of the system, by which the immediate superintendency may be obtained over them.

III. As the observation in the preceding paragraph shows the successive effects which appear to be the real cause of the advantage of the increase of the resources, it might be easily apprehended that the manual labour and industry of the cultivators and the system of immediate exercise of the superintendency are the primary causes and solid foundation of the building of revenue. If foundation is not strongly laid, no solid building is expected to be erected upon it, without danger of its being subjected to the fall.

IV. To strengthen the alluded foundation or primary causes, the requisite plans would be considered indispensable to be adopted as circumstances would admit, although the essential and progressive interests to which they particularly give rise are scarce to be noticed, when viewed from the summit of the affairs only.

V. The various labour and husbandry which tend to fertilise the soil to such a degree as it may yield a full and impartial produce, should be brought under the superintendence of public servants, and also a check preventing speculation being committed from the amount jery tuckavee, and the marahmut disbursements, should be particularly preserved, as well as the expediency in distributing opportunely the same.

VI. In rendering efficacy to the better arrangement of the revenue affairs, the real effects of the modes by which the several systems (waraput amanie, lease-settlement, and ryotwarrie settlement) have been conducted, should be weighed, how far they tend to the increase and decrease of the public revenue, and the welfare of the ryots.

VII. That although the system of waraput amanee, paying in kind at 60 or 70 per cent. of malevarum, after the deduction of calavaseam at 10 per cent., and other sundry charges, seems to attend with much labour and expense; yet the vigilant superintendency and exertion on the part of the Circar may tend to the interest of accruing by a progressive increase a larger portion of revenue to exceed that of the two other systems, without being proved oppressive to the ryots, should the particular causes by which its full effects are deteriorated be only removed.

VIII. Although the system of letting ezarah seems to save much labour and expense in the collection of settled rent, yet there are some losses to be likely expected both by Government and ryots in consequence of certain causes.

IX. The system of ryotwarrie amanee is though, in some degree, considered to be advantageous in causing the progressive increase of revenue from the exertions of the Circar, as in the waraput amanee; yet there is some difficulty to bring it under the same footing with waraput, although the revenue would exceed that of the lease settlement.

X. The collection of revenue in kind, under the term of waraput amanee, is a system originally framed with a view to improve the progressive increase of the public revenue, and the general welfare of the subjects. The modes of this system are salutary, and they undoubtedly induce every ryot to exert beyond his ability to carry on excessive cultivation, in the hope of reaping larger portions of coodevarum, from the encouragement of his being held to pay malevarum on the produce of his crops only, whereby the public resource is also equally expected to enhance. But there are two particular causes to occasion a decrease; one is their apprehension of a stated rent would be probably fixed to their lands by an average calculation on the extensive produce; the other is their embezzlement of grain from the thrashing floor, in privy with the public servants deputed to estimate the value of the crops and oversee the measurement of the grain.

XI. This system of renting on lease seems to facilitate the collection of the settled revenue, and render the circumstance of the landholders prosperous; but in the event of the failure

of their crops for want of rains and by other events, it renders them unable to pay the amount of their kists, and in realising the same, their property is distrained and exposed to public sale. If arrears being found still due, the defaulters are kept in duration on subsistence of the public charge until the payment of the arrears. In this case the Government are not only obliged to incur considerable charges in addition to the loss of their demands, but the extent of cultivation would also be diminished, owing to the impoverished state of the ryots.

XII. This system of ryotwarrie settlement is in some measure equal to the waraput amanee in exerting to cause an increase of the extent of cultivation, but it would not attain its full effect in consequence of the causes. The one is their discouragement that they would, even in the case of the failure of their crops, be obliged to pay the settled rents of the lands engaged to be cultivated by them; the other is the fear that an excessive cultivation would, in the event of lease settlement, cause monstrous rents to be established for their villages. The third is abuses and corruptions.

13. By these foregoing observations, I must conclude that the ryotwarrie system that exists at present in this Presidency is rather a good one, and well suited on its present scale, that is, after deducting the 25 per cent. of former fixed taxes, than the zemidary meeadary, villagedary systems, for the ryotwarrie on its present scale would encourage the people to go on vigilantly in their cultivation so as to take extensive land every year for husbandry; that within a few years almost all the lands of this Presidency would be under irrigation, should Government be pleased to adopt measures to rescue these poor ryots from the devouring mouth of the Circar servants, who rob both the people and the interest of their rulers, and cause thuckavy money to be distributed correctly to the poor ryots that they should be helped forward in their industry, and marahmut works be rapidly executed for irrigating the land. Then is the time to see whether the public revenue is trebled or not by the excessive cultivation.

14. Although the Government be pleased to deduct not only 25 per cent., but also even 50 per cent. on behalf of the ryots, yet if they do not adopt suitable measures to suppress those dishonest people that devour both the public money and almost the whole maintenance of the people, to what a serious resistance it will lead the people in such a time as this. Consequently I most humbly think it would be much better for Government to consider what measure should be adopted for the purpose in question than to inquire into the tortures towards the poor people for the past seven years, which I doubt not would give needless trouble and delay both to Government and the people.

15. Should it please the Government to approve of the following plans, and accepted on experiment, which I most respectfully suggest, on one hand it would be the most beneficial to Government in their revenue, and on the other hand it would be most encouraging to their ryots in their cultivation, whereby the Government could gain the confidence and affection of their subjects.

I. The code of Regulation published both in Calcutta and Madras Governments, some way or other tolerates the bribe receiving of these people, and dooms them only to their being dismissed from their employment. Thereby good many sheristadars and tahsildars, &c., after they have plundered and filled their boxes from 50,000 to 100,000 rupees and more, have been dismissed, but their dismissal does not affect in any way either the minds of the dismissed party or their successors; consequently it is needed much for the welfare both of Government and these subjects of this Presidency, to get an enactment passed against bribe-receiving, under any pretension, by the Legislative Council of India, which should be executed with the same force as the one which is against robbery and burglary. This I humbly consider by my experience, is the very chief thing needed in this Presidency to be adopted and enforced, for the rectification of this bribe-receiving vice, and for the moral renovation of the people in general, whereby the Government and subjects may be benefited almost in every respect.

II. As those that are employed in the Circar service, both high and low, in offices, being long buried in this grand vice, they are not to be entrusted with the carrying on of the proposed act into execution, which would tend to no other good, but still, their own self interest; and the Collector of the district, who is surrounded by these knaving wolves, not being enabled to carry on the said Act personally into execution, it is necessary that Government should be pleased to appoint well principled and honest non-covenanted servants, both natives and East Indians, at the rate of one over three or four talooks of the districts; that they vigilantly look and carry on the Act into execution, and see the ryots safe and unmolested in their industry of cultivation, and pay them well lest they should be induced to join those against whom the act is proposed. The extra expense incurred by the appointment of those non-covenanted agency, would be repaid to Government in the space of two or three years in a tenfold ratio, by the excessive cultivation of the ryots which is anticipated thereby.

III. As there is truth in the exculpatory saying of the talook servants, that they being under-paid, they are obliged to earn something by other means, it is needful also that the Government should be pleased to increase the wages of the talook servants, lest they should be induced to oppress the people, and embezzle the public revenue, as above stated, and punished severely according to the dictation of the Act.

16. Before getting such an Act as this passed, and appointing the non-covenanted agency for the execution of it, I most respectfully beg you will be pleased to recommend to Government, that they will be pleased to appoint one of the sub-collectors, now in the southern countries, to make an experiment of my humble suggestion for one year (Fusly), in three or four talooks of the Tanjore districts; and if Government be pleased to make this experiment, which would tend to the great interest and welfare of both Government and their ryots, I would humbly take the liberty of naming the gentleman whom they should appoint for the experiment; as well as I most respectfully offer my humble services for the same.

17. Before I conclude this, I humbly solicit your attention towards those poor ryots (who are about 10,000 population) that are suffering the most cruel treatment under the heaviest yoke of Tondiman's absolute power over Poodoccottah, whom I have seen with my own eyes. Oh what a happiness the poor people would feel, were they to be rescued from the heavy yoke of the Tondiman at such a time as this, in which the general good of the Madras Presidency is surely expected. May the Author of every good towards his creatures lead and direct your Commission, and our Lord Harris, and his Lordship's councillors in every respect, that you may be a blessing both to Government and their people, and especially to be the instruments of His own glory, before the eyes of these millions of Hindoos.

I beg, &c.

(signed) A. Nulla Moothu,

Madras, 20 October 1854.

Amildar.

Note.—The Commissioners are most respectfully requested to excuse the amildar all the errors that are to be found in this in language, considering him but a Hindoo.

(signed) A. N.

Explanation of the Revenue Terms used in the foregoing Statement.

Azmayshdar	- - -	Inspector.
Boothes	- - -	Meals carried for travelling.
Bunger Sagoobady	- - -	The cultivation extended on waste land.
Chicked	- - -	The nunjay land ploughed but not sown.
Colavasum	- - -	The donation of ploughmen.
Idumpire Dittum	- - -	The land which may be engaged to be cultivated upon the tender of proposals after the conclusion of jamabundy.
Jareep Jastee	- - -	Excess included in the land above stated measurement.
Kists or Voitha	- - -	Instalment.
Kurnum	- - -	The village accountant that writes the village accounts.
Marahmut	- - -	Public works or repairs.
Putta Monigar	- - -	The head of a village that is empowered to collect the Circar revenue from the ryots.
Puldie	- - -	The punjah land ploughed but not sown.
Poorumboke Sagoobodie	- - -	The cultivation extended on land which is deducted as unfit for cultivation.
Sagoobodie Dittum	- - -	The extent of land which is fixed to be cultivated in each Fusly by ryots.
Nunjaytharem Poonjah	- - -	The punjah land appropriated to nunjay cultivation.
Thabrick	- - -	Unauthorised sum.
Turmbartie	- - -	The high rent of land which may be thrown up by a ryot is collected on cowle land cultivated by him.
Turmtubdrial	- - -	The clandestine alteration of the classes of land.

No. 5.

To the Commissioners of the Torture Committee, Madras.

Gentlemen,

In obedience to your verbal instruction of the 4th instant, I most respectfully beg to state, that from 1839, I have made several trips from Madras for the religious instruction of the people throughout the Tamil, Telooogo, and Canarese countries, during which I have not only addressed the people, who assembled in many places, but also to individuals, by friendly conversation, both at the daytime during their occupation and work in their fields, &c. and in the evening on their pials and choultries. Whenever I talked or conversed with them, I always began by asking their respective occupation, and the nature of their work, and lead their attention from it to the Good Providence, His love, mercy, &c. towards his creatures who have rebelled against him. In this manner I have ad many thousands of opportunities in villages, towas, talooks, and districts of hearing

their distresses, viz., torture, oppression, extorting bribes, &c. by Circar servants, which they (the Circar people) did practise, even in the name of the collectors of the districts. When I heard them say these things, with the heavy and bitter hearts, and curse the ruling party, I have tried my best to explain to them, that it is their bounden duty to pay the Government the established demand of the public revenue, that they (the Government) might be enabled to defray the expenses incurred for keeping a large army for the defence of their country, and the safety of their subjects (both in person and property) from every human danger, and establishing judicial tribunals for the administration of justice to parties asking redress, as well as the expenses incurred by public works for the irrigation of land, and easy roads for the travellers, works inestimably beneficial for the welfare of the people at large. For this the people readily told me that they are willing to pay the Government half of their produce (in value) realised by their industry during the year, but they are oppressed by various kinds of torture, and almost all the produce which they realise by their labours during the year is taken away from them by extortion, bribes, corruption, &c., and sometimes more, for which they were obliged to mortgage or sell their property. But I always tried to impress on their minds, that all these corruptions, mischiefs, &c. are caused only by their fellow-countrymen employed by the Circar, and not by the European rulers, as their religion, enlightenment, freedom, and national principle would not allow them to practise such corruptions, tyranny, &c. upon the people whom they govern. But whatever strong argument I used to defend the principle and freedom, especially the religion of the British Government, yet it availed nothing, as I have found almost all of them to have been injured to the utmost by the revenue collecting party, and prejudiced against their rulers. They used to leave me, gnawing their teeth, and cursing the British Government. Being a Christian who fears the Lord, and having a desire for both the spiritual and temporal good of my fellow-countrymen, and wishing to render my humble services to Government, I have addressed voluntarily a brief statement of the circumstances in question to the Commissioner of the Mysore Territory, in January 1850, and now to your Commission, as I have been encouraged to it by your notice of the 7th October last.

Being a native, my travels and adventures would seem to you rather too extraordinary instead of a common one, but I assure your honours that they were really so.

Gentlemen, you see me, not a sufferer of torture; consequently, I would not have exposed the character of my fellow-servants in the Circar offices, but stopt silently, like the others, had it not been for the gratification of truth, and for the welfare of my fellow-countrymen at large, as well as for the interest of Government. Therefore, according to your instruction, I would state those things which I have myself seen done to the people as far as my memory could help, during my last trip which I made from Madras, from March 1849 to May 1853, in which I returned to Madras.

1. From April to July 1849 I resided at Gooroozall, of Tumarakotta talook, of Palnaud country, in the Guntoor District. A man by the name of Luckraj Bubiab, was then the tahsildar of that talook. I do not recollect the names of the peishcar and kurnums of Gooroozal. A peon, by the name of Jemboo Sing, was stationed at that place to look after both the revenue and magisterial purposes. This peon always carried with him a cane and a strap of black leather, about two yards in length and an inch in breadth, well smoothed and oiled. The revenue authorities of the place used to assemble under a large tree, which stood in the heart of the village, from 7 to 11 o'clock, a. m. As several adjoining villages were included under the jurisdiction of Gooroozal Peishcar, the collecting parties used to assemble under the said tree for about 10 days in the month. Every morning I used to go to preach and converse with the people in other villages, and return home by that tree at about 10 a. m. On all such occasions I have seen at 10 different times reddies and shepherds tortured by being beaten with straps of leather, and made to bend in the heat of the sun; and sometimes boxed between their shoulders when they offered any resistance. But a good number of the tortured party seemed to me to have objected to the demand of the Circar people, as being unjust. Although I have on many occasions avoided the sight of such ill-treatment, yet I could not help being drawn to that spot one day by the unusual cries and sufferings of the people, who were screwed up in consequence of a takeed being received from the tahsildar, with instructions for the speedy collection of the Circar revenue. On approaching the place I saw some poor and helpless shepherds, who were made to stoop in the sun, after being severely beaten, and who told me that they have paid the lawful tax assessed upon their flocks, but as they (the Circar people) demanded tax for the kids and lambs also, in the same proportion as they do for large yielding goats and sheep, and they refused to pay, that therefore they were subjected to all those cruelties. Then I told them to go to the tahsildar and appeal against this, but they, nodding their heads, told me that the tahsildar and others were much worse than those that tortured them. The Circar people who heard me speak this being displeased, told me not to interfere with them; thereupon I left the place. While another morning returning from my usual work, although I was told not to go and interfere with the collecting party, yet I was obliged to go there, seeing the collecting party threatened by a fakeer, who stood with a dagger in his hand, terribly looking at them, and offering to stab them if any dared approach or touch him any more. After drawing near to them, and finding him to be the same person that has often been employed by me in fetching fish, and duly rewarded, I kindly asked him the cause of such outrage. In the presence of all that were there assembled, he told me that about six or eight months ago one of the kurnums

kurnums (pointing out to the man) had said that his young cow should be assessed, and should he (the fakeer) pay him (the kurnum) one rupee as bribe, he would let him off; that he (the fakeer) had in answer told him, being a beggar, he could neither pay him the demanded bribe, nor the Circar tax which was to be assessed upon his young cow, and that now the Circar people demand from him half a rupee, although he has begged to excuse him from paying it in consequence of his poverty. "Notwithstanding they have maltreated me," said he, "and made me stand in the sun, I have now therefore determined to kill these fellows, if they dare to come to me any more, and stab myself also." Then I tried to appease him by my kind words, and told him to go to the tahsildar and get the tax remitted, as these subordinates could not do it themselves, as well as I told the peishcar to send the fakeer to the tahsildar. On the same day the fakeer was sent to the tahsildar along with the report of the peishcar, regarding the conduct of the fakeer. On his return from the talook I inquired of the fakeer what was done with his case. He told me the tahsildar let him go unmolested, without pronouncing any decision upon his case.

I have heard from many, that thousands of ryots of the Masulipatam district have left their houses and lands waste, and went over to the Nizam's territories, in consequence of torture and extortion, &c., to which they have not obtained redress from the Collector thereof, as the Huzzoor and talook servants were combined together against them. I have also heard that complaints regarding this have been preferred to the Commissioner of the Northern Circars.

2. From October to the end of December 1849, I remained in the pettah of Bangalore. Having been employed as vakeel in the Commissioner's cutcherry on behalf of one missionary gentleman of that place, in a case in which the most infamous tricks were played by the Circar people to defeat the endeavours of that gentleman for purchasing a house for the use of a charity school, I availed myself of that opportunity of exposing all the tricks combinedly practised towards that gentleman, both by the servants of the Commissioner, the superintendents, huzzoors, and of the town moonsiff's courts, from which the missionary appealed to the former two courts, and got the redress he needed. The town moonsiff's court also having occupied the same building in which the talook cutcherry was held, I had good many opportunities of beholding the tortures of different kinds used towards the ryots by the talook people whenever I went to the court.

3. In February, March and April 1850, I remained at Cuddub talook, of the Chittledroog division of the Mysore territory. The tahsildar thereof was one Hatchapah, and his deputy, one Venkata Row, who was the brother-in-law (wife's brother) of the head sheristadar of that collectorate. Having been proposed that a private English school should be opened in this place, I opened one, into which I received a good many boys, but my mornings, and some of my evenings, were devoted to my usual preaching of the Gospel. As I lived behind the talook cutcherry, I used to go to my place by the side of the cutcherry, in the yard of which I could see persons suffer, and hear them speak. During my stay at that place I had at many times seen ryots abused, beaten with sticks, and boxed between their shoulders, that they might bend in the sun. At several times I have seen good many gowdas (heads of the villages) assembled on the pial of a pagoda there. Upon asking them why they have not paid the Circar demands, and thereby subjected themselves to torture, they told me that they had paid regularly the nagatheyathoo (fixed tax), in which the Circar servants could not play any tricks, but in the battayee of koolkee and turry (tax on job cultivation of both nunjay and punjay), in which the Circar people play the most infamous tricks towards the Circar and the people, and when the ryots opposed their tricks, and refused to pay the unjust demand, they (the Circar people) treated them in the manner above described. I then told them to appeal to the superintendent of the division, whom I knew to be very just, and ready to redress their grievances. In reply to this, they told me that they also know him to be of such character, but their deputy tahsildar being the brother-in-law of the head sheristadar, and as the talook people bribe those that are in the Huzzoor, they could avail nothing by their appeals.

A few days after this, some of the gowdas came to my school, and voluntarily offered me their gowdicas (the headmanship), on the condition of my rescuing them and their villages from the tricks and oppressions of the Circar servants. And within a few days more, the gowdas and villagers of 14 surrounding villages came to me with the same offer, and resigned to me in writing their gowdicas for the term of five years, styling me their ongoothagathara (temporary contractor). The talook people, as I heard, being annoyed by these things, immediately wrote to their friends in Hoozoor about my ongootha, requesting them to try their best to get it disapproved. When I sent in my application to the Huzzoor, together with all the writings of the said gowdas and people of 14 villages, in Canarese, they were misrepresented to the superintendent of the division, who made the following answer, which was transmitted to me by another gentleman, through whom I had sent my application to be confirmed by the Circar. The answer is as follows: "The gowdas have not made over the gowdicas to Nulla Muttu, but have agreed that he should be landlord over them, that is, that he should take the place of the Circar over the ryots, a power which is not possessed by themselves, and which is objectionable, and contrary to (some) systems. Nulla Muttu's proposition, in fact, is to rent a number of villages for five years, to be a zemeendar." In consequence of this I did not make any further endeavours, but kept beholding with disgust the tortures, &c., sustained by the poor ryots. There lies a high road on the west of Cuddub,

through which regiments, detachments, and European gentlemen often travel. On one occasion, when a native regiment passed by that way, the poor ryots of that place were severely beaten for bringing supplies, and I have seen people carrying bundles of straw, firewood, fowls, pots, and grain, both in bags and baskets. About 10 days previous to the arrival of that regiment at that place, I have also seen peons bringing a good number of sheep from different directions of the talook. On the arrival of the regiment to that stage, the stored provisions were sold to them, while the remainder of the store was portioned by the talook servants. Afterwards, many people told me that they did not receive even a single pie for the articles which they were so much pressed to supply.

From May 1850 to November 1851, I remained at Toomkoor, as the schoolmastership of the Circar school there was conferred upon me. In this place the Huzzoor cutcherry also is situated. When his Excellency the Commander-in-chief passed by this place for Hurryhur, I saw many people bring provisions of the above kinds for about 10 days, but after his Excellency's camp's departure (after stopping there two days), the remainder of the provisions was divided among the servants of both the Huzzoor and talook. Some of the people, whose fowls were taken away on that occasion, demanded the prices of their fowls from the tahsildar of the talook, named Linga Gowda; but having met with refusal and threatening, they came and told me all their grievances. As I had a wish in the interest of those people, I made a verbal report of it to the superintendent, and got them redress; but as for the other people, good many of them told me that they received nothing. And on another occasion also, when a detachment of European regiment passed that way, a similar loss was sustained by the people, but the people for whom I have interfered were not molested during my stay there. Whenever I went to the talook cutcherry to see the tahsildar, whose son was under my instruction, I have seen at several times people tortured there. The superintendent of that division, being one of the just, vigilant, persevering, and well-knowing gentlemen, he investigated many complaints, and convicted the tahsildars of the talooks of Chickaneeken Hully, Cuddub Koratagherry, Coonjall, and of two other talooks, of corruption, extortion, &c., and dismissed them according to Regulation IX. of 1822. This gentleman has very wisely employed different sects of people, as Moodely, Christian, Mussulman, Gowdas, and Brahmins, in all the influential posts in that division, that one might be a check against the other, and discover the tricks that might be practised towards the Circar and their ryots.

In January and February 1852, I remained at Hassen talook of the Ashtagram division. Having hired a house purposely in front of the talook cutcherry, I have seen at several times people tortured as above stated, and heard similar complaints from the people.

In part of March, April, and May 1852, I remained in Mysore. Having obtained permission from the Circar for a piece of ground, at certain tax, for erecting a building, I was often obliged to go to the talook cutcherry to get the titles executed. Almost all the times I have been to that cutcherry, I had the most distressing sights of torture used towards the poor ryots.

From September 1852 to March 1853, I remained at Munnaroogoody talook, of the Tanjore district, and other surrounding villages. The tahsildar of this place was then one Rungiah Naick, whose own younger brother was the head huzoor jevobnevis, and who is still the most influential person, holding the reins of the whole district in his hands. At the distance of about eight or ten miles south of Munnaroogoody, there is a village named Mailnuttum, in which there are a good number of Christians, to which I have often repaired to instruct the people, and in December, as I recollect, a peon was sent from the talook cutcherry, in order to urge the puttamaneyagar and kuruum for the collection of revenue. This peon I have seen torture the poor people, both Christians and heathens, for two or three days, by flogging them with a large whip made of rope, and making them stand in the sun with a stone on their hands, as well as abusing them. Among those that suffered on this occasion, I recollect was an elderly woman, the wife of Koorobadam Saindapam; as I do not well recollect the names of the people, I cannot particularise them. Subsequent to this, in the month of January, I recollect one Aroolanda Mungundan and some others told me, that the kurnums and puttamaneyagar have refused to give them receipts for the money they had paid towards their tax; telling them that the sum paid was appropriated to the Circar and village expenses, and therefore they must pay the same sum again. Upon my telling them to complain to the tahsildar thereof, they told me a long history, which I have briefly stated in the 1st section of the 4th para. of my first address to your Commission. They have also told me, that when Mr. Carver resided amongst them, he wrote to Mr. Kindersley, the Collector of the district, regarding these corruptions, &c., upon which that gentleman permitted the missionary to collect the Circar revenue himself from the Christians, and sent the sum to the talook; but a tahsildar, who was appointed to that place several years afterwards, objected to such practice, and ordered that the tax should be collected by the Circar people. At the latter end of February, the villagers having sustained a loss in their crops by excess of rain, they were obliged to apply to the tahsildar, that a person should be sent to inspect their cultivation. Accordingly one of the tahsildar's relatives in the Circar employ was sent to the purpose in question. I have myself seen the man, having been in the village, to whom a subscription of about 100 rupees was rapidly raised. For this purpose some Christians came to me to get a loan of some money, whom I asked why they required the money. To this they told me that if they do not pay it to

the inspector, he will report that we have sustained no loss in our crops, though it be quite reverse to the real state, so that we will be obliged to pay the full amount of 300 rupees by selling our cattle, &c. I then asked them why they did not complain of such shameful practice as that to the Collector, but they told me there would be no use of their complaints to the Collector, as the tahsildar and the huzoor head jevobnevis, who holds the reins of the government of the whole district, are brothers. So the sum was paid to the inspector, and the tax was remitted.

In the talook cutcherry also, to which I used to go occasionally, I have seen at several times people flogged with whips by the order of the tahsildar. One Paul, the mission gardener, was flogged 18 lashes with a whip, by the orders of the tahsildar. I did not see this, but was informed of it by him afterwards.

I have also heard from many people at Munnaragoody, that a complaint was made by several ryots to the collector, representing that the tahsildar had received an extortion at the rate of 3 rupees on every nunjay vally, and 1 rupee on every punjay vally. There being 12,000 vallyes of nunjay, and 3,000 of punjay, the sum of tabrick amounted to 39,000 rupees per annum. This unauthorised tax he received from the talook for three or four years. Having obtained no answer from the Collector, I also heard that an appeal was preferred to the Board of Revenue, but do not know the result thereof.

I have also heard of another complaint made against the tahsildar to the Collector from complainants themselves, that the tahsildar had pressed many people to do the public works as betty, (for nothing), and most cruelly tortured them on their declining. No redress having been obtained from the Collector, they have appealed to the Board of Revenue; and many other complaints of different kinds also have been made against that tahsildar. But all these have availed nothing, as his own brother is still holding the reins of the district.

I have heard at Tanjore, from many creditable persons, that one Muttusaumy Naik, tahsildar of Teroovathy talook, used the most cruel, and even such a horrible torture as applying chillies to the private parts of both females and males, in order to exact confessions from the suspected parties in the magisterial line, as well as in the collection of tax in the revenue line. This very man, in the midst of his tyranny, was visited by the dreadful vengeance of the Almighty God, and hurled away from this world, after having been subjected to the most cruel and horrible pains, much more severe than those he had inflicted upon his own fellow-creatures and countrymen.

Having summed up, in my former address to your Commission, the result of my long experience and knowledge, derived in my four trips in the space of 16 years, I have herein stated only some of the instances seen and heard in my last trip from March 1849 to May 1853, as the others do not come under the limited time of seven years.

Now I most respectfully beg to call your attention to Regulation IX. of 1822, which is intended for the suppression of all these corruptions, &c., stated under the second section of this Regulation, which has effected, hitherto, very little or almost nothing, for in the Madras Presidency, these corruptions, &c. are still in a prevailing state, and unless a more secure one than this be adopted for the suppression of these corruptions, and cause it to be faithfully executed by a well paid non-covenanted agency, the Government could not get their revenue safe, nor the ryots could be encouraged in their industry, which is, in fact, the very source of the public revenue. Consequently, I most humbly consider it necessary that something like the following penalties should be substituted in the place of those that are already stated in the regulation.

Should the amount of sum received in bribe under any plausible shape, or extorted either directly or indirectly from the people, both in judicial and revenue lines, be either in articles or in value under one rupee, the penalty should be imprisonment, with hard labour, not upwards of six calendar months.

From Rupee 1 up to	10 Rs.	imprisonment for	1 year.
" 10	" 50	" "	" 3 "
" 50	" 100	" "	" 5 "
" 100	" 500	" "	" 7 "
" 500	" 1,000	" "	" 10 "
" 1,000	" 5,000	" "	" 14 "
" 5,000	and upwards transportation for		life.

Begging to be excused for the liberty I have taken in suggesting to your Commission the above,

I beg, &c.
(signed) A. Nulla Mutthu,
Quit-Rent Amildar.

Madras, 11 November 1854.

Sworn before me on the 12th March 1855.

John Bruce Norton, Commissioner.

Appendix (H.)

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Appendix (H.)

No. 1.—GANJAM.

APPENDIX showing the Cases of Torture brought to Trial.

Number.	CHARGE.	PURPORT OF EVIDENCE.	SENTENCE.	Date of Sentence.
55 of 1851	1. Koomiah, 2. Sunneay, Wadada police peons; 3. L. Kistiah. The defendants are charged with having struck the complainants, applied pincers to their hands, and kept them with their heads bent down.	-- The evidence is not conclusive. There are contradictions in the statements of the complainants; the statements of the witnesses are likewise contradictory.	-- For want of proof, the case was dismissed by the principal assistant magistrate.	18 Oct. 1851.
58 of 1851	1. S. Boothiraue, Teekaly police peon; 2. S. Appalarua. The defendants are charged with having assaulted the complainants, and endeavoured to extort fees on the amount of kist paid by them to the Circar.	-- The evidence against the first defendant is conclusive; as far as a slight assault against the second defendant, nothing is proved; the charge of extortion completely failed.	-- The first defendant is fined one rupee; the second is only admonished by the principal assistant magistrate.	14 Nov. 1854.
40 of 1851	S. Jaggiah, massooldar, is charged with having beat the prosecutors, in order to force them to pay a larger amount of moturpha than was legally due by them.	- - - - -	-- Fined four annas by the assistant magistrate.	14 Nov. 1854.
1 of 1853	1. Stree Pooroohottama Chotroidavoo Garoo, 2. Patra Savoo Veerannah. Are charged with having imprisoned prosecutor, and kept him in confinement for three days, because he refused to pay an alleged arrear of revenue.	The evidence is conclusive - - -	-- Fined only five rupees each, as the assistant agent remarks that they seemed to have erred in ignorance.	14 Nov. 1854.
25 of 1854	1. G. Seetannah Puntloo, carcoon of Mohery, and three peons. Are charged with having applied wooden pincers to the hands of the complainants, for the purpose of recovering public revenue from them as Jeroyette ryots.	-- The second and fourth prisoners confess that they applied bamboo pincers to the hands of the prosecutors, to compel them to pay their kists. The other defendants deny it. It is clearly proved that the chengees or bamboo pincers were applied to the hands of the prosecutors, and that all the prisoners acted under the immediate orders of the carcoon. The witnesses also speak of a contribution of 25 rupees raised among the ryots for the purpose of paying the carcoon, in order to get relieved from the torture. The proof with regard to the payment of the money to the carcoon is not as consistent as could be desired, but there can be no moral doubt about the matter. The first prisoner, just at the time of passing the sentence upon him, came forward, and asserted that this practice is universal, and that he is to be exempted from punishment on that score.	-- The first prisoner is sentenced to six months' imprisonment with hard labour, and to pay a fine of 30 rupees, or in default to be imprisoned for a further period of two months, and the fine, if levied, will be paid to the prosecutors. The second, third, and fourth prisoners are sentenced to imprisonment with hard labour for two months each.	6 Sept. 1854.
29 of 1854	Comboopais Patnaik, carcoon of the village of Barinaspoorn, in Goomsoor, is charged with having applied bamboo pincers to the fingers of the complainants, and made certain money exactions from them.	-- The witnesses depose that they know nothing of the matter.	The charge is dismissed - - -	7 Oct. 1854.

Number.	CHARGE.	PURPORT OF EVIDENCE.	SENTENCE.	Date of Sentence.
29 of 1854	Cumboopain Putnoik is charged with having made certain money exactions from the complainants, and ordered a peon, named Lingannah, to apply bamboo pincers to their fingers.	-- The evidence is, that the exaction of money was made by a talook nalk (now dead), and that the bamboo pincers were applied to the fingers of the complainants by his order. The prisoner Cumboopain Putnoik, being curnum of the village, remained a passive spectator of the business, as by his presence he tacitly was a party to the commission of the crime, and as he was a village authority, there is no reason to doubt of his participation in it.	-- The prisoner is sentenced to be incarcerated for one month, and to pay a fine of 10 rupees, to be given to the prosecutors. In default of payment, the prisoner will be imprisoned for a further period of one month. (signed) <i>T. Prendergast</i> , Agent to the Governor.	7 Oct. 1854.
Prin. Asst. Magistrate's File, 16 of 1854.	Corranginza Chalamiah is charged with having extorted 2½ rupees from the complainant, threatening to strike him; and, secondly, with having afterwards, on the same day, assaulted the complainant, by forcing him to remain with his head bent down, holding his toes about half an hour.	-- The charge of extortion is not proved, the second complaint for using torture is proved.	-- The following case contains the sentence.	6 Sept. 1854.
Prin. Asst. Magistrate's File, 18 of 1854.	Corranginza Chalamiah is charged with having shut up some of the ryots of a village called Pratapoor for a night, and extorted two rupees by threatening to apply squeezers to their fingers.	-- The case is fully proved; the assault was petty. The prisoner is a peon deputed to collect revenue from the complainants.	-- The prisoner is sentenced to four months' imprisonment and labour in irons, and to pay a fine of five rupees; two rupees of which to be repaid to the complainants, the fine being commutable into one month's imprisonment.	27 Sept. 1854.

Ganjam District, Collector's Circuit Office,
Berhampore, 16 November 1854.

(signed) *W. Knox*,
Acting Collector.

No. 2.—RAJAHMUNDRY.

ABSTRACT Memorandum of Cases of Torture which have occurred in the Subdivision of Rajahmundry, during the last Seven Years.

No. 1.

No. of Case.—No. 40 of 1848, session court file.

Prisoners accused.—*Versus* Police peshcar, police duffadar, and six peons, village curnums.

By whom Committed to the Court.—Head police officer of Tadimulla under orders of the joint magistrate.

Charged with having been concerned in the murder of one D. Vencatachellum at Yernagodem, in the talook of Tadimulla, by beating him with sticks and pegs, and kicking him while he was confined in the stocks near the police cutcherry.

Sentence.—The prisoners were released by the sessions court, who considered that the charge was not established against any of them, and recorded that the deceased was a violent madman, and as his relations neglected to take charge of him, the necessary coercion used towards him by the police officers, in no way criminal. There may be some ground to think that his coercion and restraint may have helped to bring on his death, which, from his delirium and refusal of food, must naturally have ensued.

Date, 17 January 1849.

No. 2.

No. 3 of 1849, session court file.

Versus Head police officer of Woody, one duffadar, two peons.

Committed by the magistrate.

The duffadar and peons are charged with having beaten with mallets the prosecutor's elder brother, P. Gungunnah, on the 2d July 1848, in the police cutcherry at Veeravasurum, and with having tortured him to extort a confession, in consequence of which violence, the said Gungunnah languished, lingered, and died on the 15th idem.

The head police with aiding and abetting, and with having written a false report, stating that the deceased had died a natural death.

Sentence.—The complaint in this case was first used by the relations of deceased to the joint magistrate, Mr. Forbes, before whom it was stated that deceased was already dead on the 7th of the month, whereas by the head police officer's subsequent report, it appeared that he was still alive, and that he afterwards died on the 16th, from the effects of an ulcer, and the case was therefore dismissed. The prosecutors carried their appeal from the magistrate to the sessions judge, who ordered a reinvestigation. This was accordingly made by the joint magistrate. On a second appeal to the sessions judge, the latter officer saw reason to suspect the evidence, and ordered the trial to come off again, from the beginning, before the magistrate, who pointed out that as all the evidence procurable had been given on oath before the joint magistrate, no proof could be obtained unless the witnesses perjured themselves; the sessions judge replied that the witnesses should not be tried for perjury if they corrected their former statements.

The inquiry accordingly took place, some of the witnesses spoke to the truth of the charge, and the case was committed to the court.

In his review and summing up of the whole of the evidence, the session judge concludes by stating that he concurs with the law officer in considering the charge not proved, and he accordingly releases the prisoners, and in justice to them declares his conviction that they are innocent of the crime laid to their charge, which he now considers to be groundless, though the opposite opinion appeared to be very reasonable previous to the trial. The whole of these police officers were dismissed however, and have never been re-employed.

2 March 1849.

Nos. 3, 4, and 5.

No. 51 of 1849, 52 and 53, session court file.

Versus Verdineedy Iyapah Naidoo, head police officer of Gootallah, and four of his peons.

Charged with having tortured the prosecutor in Pata Putteshm of the Gootallah Division, by causing earth worms, confined in cups, to be placed on their navels, and blood suckers within their garments; and by squeezing their hands, &c., between wooden crackers, and also with having extorted bribes from them, amounting altogether to 160 rupees.

The same parties were charged with extorting by violence 292 rupees from other individuals and relations of the family.

Sentence.—The late joint magistrate, Mr. Forbes, considering the evidence complete against the prisoners in all three cases, committed them for trial to the sub-court, whence they were committed to the sessions. After a long and elaborate review of the evidence, the session judge winds up his decision by recording his concurrence with the law officer, that not one of these cases is proved, and that he is further of opinion that all the charges are entirely false and malicious, and that the accused are entitled to a perfect and honourable acquittal, and are therefore all released.

In consequence of the receipt of a petition from the accused head of police, who had been suspended during the trial, the session judge ordered the restoration of that officer to his situation; but on the subsequent appeal and representation of the joint magistrate, the Court of Foujdaree Udawlut confirmed his dismissal, and prohibited his being again employed in the public service.

15 January 1850.

No. 6.

Collection of Revenue.

No. 2 of 1854, joint magistrate's file.

Versus A pettandar, a samuldar, and peons of the proprietor of Gootallah.

Charged with having, about two months ago, beaten and otherwise maltreated the prosecutor, in order to compel payment of an instalment of kist.

Sentence.—The defendants are ministerial officers of the proprietor of Gootallah; the prosecutor states that on the date referred to in the charge, the first defendant came to his village to collect arrears of kist; on representing his inability to meet the demand against him, he was beaten by the second defendant, and compelled, by order of the first defendant, to stand for about an hour in a painfully bent posture, with a heavy weight on his back, until released by the witness.

The

The only witness named by the prosecutor does not corroborate his statement, and the defendants affirm that he was merely put in charge of a peon for a short time as a defaulter. The joint magistrate however entertains no doubt, from inquiries made on the spot, that torture, as above described, has been not unfrequently resorted to by the agents of the Gootallah and other zemindaries in this part of the country. He has therefore warned the defendants in the present case, and has intimated to the proprietor his determination to put a stop to this cruel and disgraceful practice.

4 February 1853.

No. 7.

No. 3 of 1854, joint magistrate's file.

Versus Abdool Nabee, duffadar of the proprietor, N. Vencanah, pottendar of Tergudimettah.

Sentence.—This case is precisely similar to the last, and there is no proof to the actual commission of the offence. The remarks recorded in No. 2 apply to this case also.

4 February 1853.

No. 8.

Collection of Revenue.

No. 15 of 1853, session court file.

Versus Three peons of the proprietrix of the estate of Tejampoody, in the Tadimullah talook, her samutdar and moonsiff, and curnum of the village.

Committed by the head police officer, under orders of the joint magistrate.

The prisoners are charged with the murder of one Polliah, by beating and ill-using him for the extortion of arrears of revenue until he died, when they dragged his corpse to a well, and threw it in.

Sentence.—The prosecutrix in the first instance charged the proprietrix herself with having been present when the murder was committed; and her witnesses confirmed her story before the head police officer. As it was a well known fact that the female in question was many miles away at the time, and that she never accompanied her servants for the realisation of her rents, the police officer referred to the joint magistrate for orders, who directed him to commit the case to the court, as against the servants only, because it was clearly proved that the deceased had been beaten by them, to induce him to pay his kist, and his body was found in the well the following morning. Owing to discrepancies in the evidence, several witnesses adhering to their statement that the proprietrix was present, and others affirming that she was not, and that no torture or violence was used, the session court acquitted all the prisoners. In summing up, the session judge remarked: "It is very consistent with probability that the deceased, who had to pass the well on his way home, may have fallen in, as the night was rainy, and therefore very dark, and the ground without a wall about it. There is no evidence or reason to suppose the death was not accidental. It is established by the most trusty part of the evidence, that deceased was asked, like the rest, to pay what he owed, and obtained four days' grace, and left the catcherry, many other ryots going long after he did. There is no doubt he was found drowned in a well the next day, but the entire story of the murder, and of the violence which might lead to suicide, is overthrown by the most consistent, trusty, and numerous part of the evidence."

On these grounds, the judge entirely concurred in the finding of the futwah, that the charge was not proved, and was moreover convinced that it was entirely false and malicious as regards the murder and throwing into the well. It is possible that some harsh words, or even blows may have passed, but the evidence is utterly worthless, and the session judge desired its assertion.

The prisoners were therefore released without punishment.

17 September 1853.

With letter to the Chief Secretary
to Government, dated 30 November 1854.

(signed) G. N. Taylor,
Joint Magistrate.

No. 3.—GUNTOOR.

EXTRACTS from the Calendars of Persons punished by the Magistracy of the Zillah of Guntoor, from the Year 1847 to 1859.

Number.	NAMES.	OFFENCE.	PUNISHMENT.	DATE.
THIRD QUARTER of 1847:				
7	Peneogonda Narrain Row, tahsildar of Guntoor talook.	<i>Abuse of Authority by Police Officers (Petty).</i> -- The prisoner is charged with having, on the 17th August 1847, abused and confined the prosecutor from four o'clock p.m. till one o'clock a.m. in the talook cutcherry.	-- The prisoner is sentenced to pay a fine of one rupee, commutable to two days' imprisonment in the cutwal's choultry, under clause 2, section 3, Regulation III. of 1819. Passed by the assistant magistrate.	24 Aug. 1847.
FIRST QUARTER of 1848:				
13	Roopsing, revenue peon	<i>Petty Assault, or Affray.</i> -- The prisoner is charged with having, at about eight o'clock p.m., on the 24th February 1848, used unnecessary violence in the discharge of his duty in entering the inner apartments of the prosecutor, and dragging him from his house.	-- The prisoner is sentenced to pay a fine of eight annas, commutable to five days' imprisonment in the cutwal's choultry, under section 32, Regulation IX. of 1816. Passed by the head assistant magistrate.	7 March 1848.
SECOND QUARTER of 1848:				
1	1. Yenereddy China Nara Sannah. 2. Casoo Ramanah. 3. Podaparty Veeranah. 4. Colly Veerunnah. 5. Jakkereddy Soobanah. 6. Onakooray Soobanah, village moonsiff. 7. Carroomooray Cotanah. 8. Ditto Veersuah. 9. Audem Sahab Motand. 10. Danda Saib. 11. Pitchegadoo Vetyyman.	<i>Abuse of Authority by Police Officers (Petty).</i> -- The first five prisoners are charged with having, at about seven o'clock p.m., on the 7th March 1848, abused and beaten the prosecutor, near his house, for not telling the names of two persons who had stolen janna straw from the field of one Casoo Ramanackah. The sixth prisoner with having confined in his house the prosecutor the whole night on the 7th March, and caused the ninth and tenth prisoners, on the 8th, to maltreat him with tamarind twigs, and after confining him and another, Colloor Nursegandoo, in stocks for 15 guries, through the 11th prisoner, and extorting from them, at one rupee respectively, released them. The seventh and eighth prisoners with having been concerned in the above.	-- The sixth prisoner is sentenced to pay a fine of one rupee, or be imprisoned for 18 hours, and the ninth and tenth prisoners to pay each a fine of four annas, or be imprisoned for six hours in the cutwal's choultry, under clause 2, section 3, Regulation III. of 1819. The other prisoners are released. Passed by V. S. Nesbitt, Esq., assistant magistrate.	7 April 1848.
13	1. Parsaly Seshagerry, curnum. 2. Ankereddy Venkatareddy, village moonsiff.	<i>Abuse of Authority by Police Officers (Petty).</i> -- The prisoners are charged with having, about six days ago, caused the prosecutor to be beaten with a stick, &c., by Motand and the peon of Banputhalalook, under pretence of his having stolen certain soap nuts belonging to the prisoners.	-- The first prisoner is sentenced to pay a fine of eight annas, and the second 12 annas; in default thereof, to be confined for 12 and 18 hours respectively, in the cutwal's choultry, under clause 1, sections 3 and 32, Regulation IX. of 1819. Passed by Mr. Nesbitt, assistant magistrate.	7 April 1848.
THIRD QUARTER of 1848:				
2	1. Dinekola Abbaya, village moonsiff. 2. Ditto Mullaya. 3. Lingala Cotaya. 4. Bollaneran Pattaya, curnum.	<i>Abuse of Authority by Police Officers (Petty) and Petty Assaults or Affrays.</i> -- The first prisoner is charged with having, at about one gurry, on the night of the 6th June 1848, beaten the prosecutrix with a stick, and caused the second and third prisoners, with certain others, to drag her into the bazaar, and beat her with sticks, and after tying her arms with ropes, confined her the whole night, and until one jaum or eight o'clock of the following morning. The fourth prisoner with having prepared a false report to the tahsildar in the above case.	-- The first prisoner is sentenced to pay a fine of two rupees, commutable to two days' imprisonment, and the fourth eight annas, or 12 English hours' imprisonment in the cutwal's choultry, under clause 2, section 3, Regulation III. of 1819. The second and third prisoners are acquitted by Mr. Nesbitt, assistant magistrate.	7 April 1848.
17	Cooppanla Banplah, village moonsiff.	<i>Abuse of Authority by Police Officers (Petty).</i> -- The prisoner is charged with having, through hatred, abused and severely beaten the prosecutor with a stick, at about 7 p.m., about seven days ago (15th March 1848), under pretence of his having stolen a bundle of grass from the prisoner's field, and forcibly taken four rupees which were tied in his head cloth.	-- The first part of the charge of abusing and beating having been proved, the prisoner is sentenced to pay a fine of one rupee and eight annas, commutable to two days' imprisonment in the talook cutcherry, under clause 2, section 3, Regulation III. of 1819. If the fine be paid, half of it to be paid to prosecutor. Passed by Mr. Sandeman, assistant magistrate.	29 Sept. 1848.

Number.	NAMES.	OFFENCE.	PUNISHMENT.	DATE.
SECOND QUARTER of 1849:				
5	Pasumury Bhojungalaidoo, curnum of Tungadabullee,	<i>Abuse of Authority by Police Officers.</i> -- The prisoner is charged with having illegally confined one Annatum Cotaya in the stocks, on the night of the 21st March 1849, and until the following midday, in the village of Tungadabullee, under Nursarompetta talook.	-- The prisoner is sentenced to pay a fine of two rupees, commutable to one week's imprisonment in the cutwal's choultry, under section 3, Regulation III. of 1819. Passed by the head assistant magistrate.	14 April 1849.
THIRD QUARTER of 1849:				
2	1. Soharann, revenue peon 2. Nagarum Achena, revenue peon. 3. Mahomed Hussain, revenue peon.	<i>Petty Assault and Affray.</i> -- The prisoners are charged with having, in the morning of the 17th June 1849, abused the prosecutor, and maltreated him severely, at the Coorupad talook cutcherry, for the purpose of compelling him to pay a sum due by him to Government on account of poultry tax.	-- It being proved that the prisoners roughly handled the prosecutor, they are sentenced: first prisoner to pay a fine of three, the second, two, and the third, one rupee, commutable to ten, five, and two days' imprisonment respectively in the cutwal's choultry, under section 32, Regulation IX. of 1816. Passed by the magistrata.	4 and 16 July 1849.
6	1. Ganapatyanne Casavarauze, amootdar. 2. Ditto Dasaya. 3. Chengalraido. 4. Sillaur Motaud, and Ghaty, peon. 5. Cheerala Shek Faresed, revenue peon. 6. Dareyal Beig, destak peon.	<i>Petty Assault or Affray.</i> -- The prisoners are charged with having, at 10 o'clock a. m., on the 20th June 1849, unjustly demanded of the prosecutor a certain tax, called Compati Pannoo, abused and beaten him severely with slippers, sticks, &c., and after tying his arms confined him in the stocks for about four ghurries in Jaandrapet, an hamlet of Cheerala, under the Bauputia talook.	-- The second, third, fourth, fifth, and sixth prisoners are each sentenced to pay a fine of eight annas, commutable to 12 hours' imprisonment in the talook cutcherry, under section 32, Regulation IX. of 1816. The first prisoner has not been summoned, there being no proof against him. Passed by W. S. Nesbitt, Esq., assistant magistrate.	
SECOND QUARTER of 1850:				
4	1. Panumakah Mullish, samootdar. 2. Postranco Sashiah. 3. Copully Venkatadry. 4. Mangum Venkiah. 5. Shaik Mully. 6. Rajahabee. 7. Reddy. 8. Mohataad Yerrum Setty Shashaya. 9. Shaik Joono.	<i>Assault.</i> -- The prisoners are charged with having, on the 22d April 1850, under pretence of a debt due by the prosecutor, beaten him severely so that he vomited blood, and after having also suspended him to a tree, thrown him into a well and thereby caused his death, at Goodemadab, in the talook of Tenally.	-- So much of the charge as respects severe beating, tying to a tree, and vomiting blood is not proved, and seems to be false; but it being proved that the deceased was roughly handled by the peons, and detained many hours to compel payment of a sum of 10 annas, which he disputed, under the direction of first prisoner, the first prisoner is sentenced to pay a fine of five rupees, and the second, sixth, and ninth prisoners, each two rupees, or in default to be imprisoned 10 days respectively in the zillah gaol, under section 32, Regulation IX. of 1816; the other prisoners are released. Passed by H. Stokes, Esq., magistrate.	
THIRD QUARTER of 1850:				
12	1. Candoola Ammah 2. Candoola Cotiah. 3. Ditto Venkiah. 4. Ditto Peda Coonyah. 5. A. Venkataroydoo, moonself. 6. Curnum Venkatroydoo. 7. T. Cotadoo. 8. T. Ankadoo. 9. T. Moottadoo. 10. C. Ankadoo. 11. C. Chintadoo. 12. C. Paupadoo.	<i>Abuse of Authority by Police Officers (Petty), and Petty Assaults.</i> -- The prisoners are charged with having, at four o'clock p. m., on the 6th June 1850, attacked the prosecutor in the field between Moolooocodooroo and Chintalapoody, while he was on his way to Nundoor, and after beating him and taking from him a silver girdle, valued at 20 rupees, together with 25 rupees in ready money, forcibly conducting him to Moolooocodooroo, and there confining him in the stocks till the following day.	-- The fifth prisoner is sentenced to pay a fine of five rupees, commutable to 15 days' imprisonment in the cutwal's choultry, under clause 1, section 3, Regulation III. of 1819. The other prisoners are acquitted. * Passed by W. S. Nesbitt, Esq., assistant magistrate.	
FOURTH QUARTER of 1850:				
9	1. Faresa Ramannah, head of police of Bauputlah. 2. Vurza Gopunkristannmah, police muddatgar. 3. Mahomed Baig, police nak.	<i>Abuse of Authority.</i> -- The first prisoner is charged with having, 90 days ago, sent for the prosecutors, unnecessarily confined them in stocks, and after having them beaten by the third prisoner in a garden beyond the travellers' bungalow at Bauputla, caused false confession in their names to be written by the second prisoner.	-- The charge of beating is not proved, but it appearing from the first prisoner's own defence, as also from the record forwarded by him, and from the present inquiry before the assistant magistrate, 1st. That the tabildar had the prisoners without sufficient cause placed in the stocks. 2d. That he sent for and put on their defence the prisoners and other persons before any deposition had been taken from the prosecutor. 3d. That although the prosecutor arrived at Bauputla on the 14th September, no deposition was taken from him till the 17th, and no satisfactory explanation has been given for the delay which occurred either in examining the prosecutor or in taking depositions from the prisoners. 4th. That the attesting witnesses to the alleged confessions were not, as has been specially ordered by the circular orders of Foujdaree Udawint, present during the whole time of their being seduced to writing at the dictation of the prisoners. The first prisoner is sentenced for the above abuse of his powers as head of police to pay a fine of (90) thirty rupees, commutable to 15 days' imprisonment under clause 1, section 3, Regulation III. of 1819. The second and third prisoners are acquitted.	9 Dec. 1850.

REPORT OF COMMISSION FOR INVESTIGATING

Number.	NAMES.	OFFENCE.	PUNISHMENT.	DATE.
FIRST QUARTER of 1851:				
4	1. Mahomed Kausim, cutwal - 2. Nagaram Sashoo, naigue. 3. Mahomed Kausim, sib- bandy police peon. 4. Mahomed Kausim, police peon of the Guntoor talook.	<i>Abuse of Authority.</i> -- The prisoners are charged with having, at about 12 o'clock p. m., on the 9th September 1850, entered the prosecutor's house at Guntoor, the third and fourth prisoners having previously got in by jumping over the wall, and opened the door by taking off the hasp thereof, and carried away the prosecutor and confined him in the cutwal's choultry. The second, third, and fourth prisoners further charged with having bound the prosecutor, and the second prisoner with having taken a box containing ornaments valued at 46 rupees belonging to the prosecutor.	-- The first prisoner and others, who are his agents, were actuated by zeal for the public service, but as they exceeded the limits of their authority, and as the complaining party is shown to have been unnecessarily aggrieved, the first prisoner is fined in the sum of 10 rupees, the second, third and fourth prisoners in the sum of four rupees each, or in default to be imprisoned 20 days in the zillah gaol without labour, under clause 3, section 3, Regulation III. of 1819.	
SECOND QUARTER:				
10 Revenue.	1. Aumodalapully Nursiah, curum. 2. Vemaku Banpaya, village moonisiff.	<i>Assault.</i> -- The defendants are charged with having, on the 6th June 1851, when requiring payment of a balance of revenue, assaulted the prosecutor, the second defendant using a stick, by a blow from which the shoulder of the prosecutor was dislocated.	-- The defendants are sentenced to pay a fine of seven rupees each for the assault; in default of payment each to be imprisoned 15 days in the zillah gaol, under section 32, Regulation IX. of 1816; eight rupees of the fine, if realised, to be given to the prosecutor, under clause 2, section 39, of the above Regulation.	
THIRD QUARTER:				
29-16 Revenue.	1. Tauty Ramiah - 2. Mahomed Ismayel. 3. Syed Voonner.	<i>Assault (Petty).</i> -- The second and third defendants are charged with having, at the instance of the first defendant, ill-treated the complainant to induce him to pay a balance of revenue outstanding against him. The first defendant with having authorised and directed the second and third defendants to ill-treat the complainant.	-- The first defendant is fined 10 rupees, second and third in default of payment to be imprisoned respectively ten, six, and four days in the zillah gaol, under section 32, Regulation IX. of 1816.	20th August 1851.
38-25	2. Canlooa Rungasayee, police jemadar. 3. Gopaulsing, police naigue. 4. Syed Bady, police peon. 6. Copparssoo Soobaya, revenue peon. 7. Kaseymally.	<i>Abuse of Authority by Police Officers, and Assault.</i> -- The second and third defendants, with having at the instance of the first defendant (released), caused the other defendants to ill-treat the complainant to induce him to confess in a matter in which he was under examination.	-- The second defendant is sentenced to pay a fine of 15 rupees or to be imprisoned for 15 days, the third defendant to pay a fine of 10 rupees or to be imprisoned 10 days, the fourth defendant to pay a fine of four rupees or to be imprisoned eight days, and the sixth defendant to pay a fine of three rupees or to be imprisoned seven days, all in the zillah gaol, under clause 2, section 3, Regulation III. of 1819. The seventh defendant is sentenced to pay a fine of two rupees, or in default to be imprisoned five days in the zillah gaol, under section 32, Regulation IX. of 1816.	24 Oct. 1851.
FOURTH QUARTER:				
90-35	1. Condoorn Gooravareddy, vil- lage moonisiff. 2. Nallsjoondah Janakarama- do, curum.	<i>Abuse of Authority by Police Officers, and Assault.</i> -- The defendants are charged with having, at Gollaspud, in the talook of Narasarrowpettah, about one month ago, abused complainant and caused him to be tied to a post.	-- The first defendant is sentenced to pay a fine of three rupees, or eight days' imprisonment; second defendant five rupees, or 12 days' imprisonment in the zillah gaol, under clause 2, section 3, Regulation III. of 1819.	
FIRST QUARTER of 1852:				
19-18	2. Chulla Abbiah, curum - 3. Ditto Paupiah, ditto. 5. Ditto Colaya, ditto. 6. Fakeer Amed, revenue peon.	<i>Extortion.</i> -- The defendants are charged with having, about four months previous to 24th January 1852, confined the complainant in stocks for four ghurries, and extorted from him and his brother-in-law the sum of Rs. 1. 4. each, in the village of Chilkaloopaud, under the Martoor talook.	-- The second, third, and fifth defendants are sentenced to pay a fine of five rupees each, in default to be imprisoned 10 days in the zillah gaol; and the sixth defendant is fined two rupees, in default eight days' imprisonment in the above gaol, under clause 2, section 3, Regulation III. of 1819. Rs. 2. 8. of the fines, if paid, to be given to the complainant, under clause 2, section 39, Regulation IX. of 1816.	1 March 1852.
18-18	1. Muddekar Tripooreddy, vil- lage moonisiff. 2. Colagottah Cotaya, curum.	<i>Extortion.</i> -- The defendants are charged with having, about four months previous to the date of complaint, confined the complainant from morning till evening, in the village choultry at Colagottah, under Fimmerscottal talook, on a charge of pig stealing, and released him after extorting a sum of three rupees.	-- The first defendant is sentenced to pay a fine of five rupees, and the second eight rupees; in default to be imprisoned for 10 and 15 days respectively in the zillah gaol, under clause 2, section 3, Regulation III. of 1819. Three rupees of the fine, if paid, to be returned to the complainant, under the provisions of clause 2, section 39, Regulation IX. of 1816.	1 March 1852.

Number.	NAMES.	OFFENCE.	PUNISHMENT.	DATE.
30-2	1. Poloor Venecataroydoe, cur-num. 3. Ragsavarapoo Kotappa, police peon. 4. Mahomed Casim, mootand.	<i>Extortion, attended with Assault.</i> -- The first prisoner is charged with having, in company with the second in case No. 2 of the calendar of persons discharged, caused the prosecutors to be beaten by the third and fourth prisoners, and irregularly collected from them 15 rupees, at the rate of 12 annas each, at Annavaram, in the Paultlepaud talook. The third and fourth prisoners with having beaten the prosecutors as above mentioned.	-- The first prisoner is fined 27 rupees, the third five rupees, and the fourth three rupees; in default to be imprisoned for 15 days in the zillah gaol, under clause 2, section 3, Regulation III. of 1819. In case the fines are paid, the sum collected from the prosecutors to be returned to them, under clause 2, section 39, Regulation IX. of 1816.	1 March 1852.
SECOND QUARTER of 1852;				
40-13	1. Sedumby Lutchiah, samutdar. 2. Pooleparay Caumiah, cur-num. 3. Canajem Reddy, revenue peon. 4. Teroomalassetty Nangaloo, revenue peon.	<i>Assault.</i> -- The first two prisoners were charged with having, on the 13th May 1852, in demanding a balance of revenue due by the prosecutors, caused the other two prisoners to maltreat him in the village Bejappooram, under the Gunttoor talook. The third and fourth prisoners with having, under the orders of the first and second prisoners, beaten the complainant.	-- The first and second prisoners are sentenced to pay a fine of eight annas each, and the third and fourth four annas each, or in default to be imprisoned two days, under section 32, Regulation IX. of 1816.	21 June 1852. -- Considering the punishment inflicted on the prisoners in this case to be inadequate to the offence proved against them, the assistant magistrate has directed the same to be augmented as follows: -- First prisoner to pay a fine of 3 rupees, or 10 days' imprisonment in the zillah gaol; second prisoner 2 rupees, or 7 days' imprisonment in the zillah gaol; third and fourth to pay 1 rupee each, or 5 days' imprisonment in the zillah gaol, under section 29, Regulation IX. of 1816.
41-51	1. Cateky Veeranah, village moonsiff.	<i>Abuse of Authority by Police Officers.</i> -- The defendant is charged with having, about a month previous to the date of complaint, summoned the complainant on a charge of forgery, caused him to be kept in handcuffs from morning till afternoon, and then releasing him after receiving from him a bribe of three rupees, in the village of Swernal, under the Banputia talook.	-- The charge of bribery is dismissed for want of proof. It is clear that the complainant was most unnecessarily handcuffed, and for this abuse of authority the defendant is sentenced to pay a fine of 10 rupees; in default to be imprisoned 15 days in the zillah gaol, under clause 2, section 3, Regulation III. of 1819.	
FOURTH QUARTER:				
77-27	1. Komenady Pichanah, village moonsiff. 2. Pauparase Soobiah, cur-num.	<i>Abuse of Authority by Police Officers.</i> -- With having, about two months previous to the 25th October 1852, exacted Rs. 1. 4. from the complainant, on the pretence that he had been sentenced to pay a fine of that amount in case of assault before the tahsilidar, in the village of Gowpoody, under the Nersarowpitt talook.	-- The first defendant is sentenced to pay a fine of two rupees, or in default to be imprisoned five days; and the second defendant three rupees, commutable to 17 days' imprisonment in the cutwall's choultry, under clause 2, section 3, Regulation III. of 1819.	
SECOND QUARTER of 1853:				
24-19	1. Mickely Venecastaha - 2. Sheik Abdoolah, revenue peon. 3. Vullumassetty Rudrapah, havildar. 4. Calapatapoo Mudhaswarow, peishcar. 5. Sheik Fareed, police naigue. 6. Heeramaun, police peon. 7. Dalvoey Venkoo, revenue peon. 8. Coochepoody Catadoo.	<i>Abuse of Authority by Police Officers, and Assault.</i> -- The first, second, and third prisoners are charged with having, on the 28th April last, assaulted the complainant; the second striking him a blow on his forehead shortly after he was apprehended on a charge of murder, in the vicinity of the village of Bauputia. The remaining prisoners are with the second, charged with having at Bauputia, on the 29th and 30th April 1853, tortured and ill-treated the prosecutor in various ways, with a view to induce him to confess having been a party to a murder.	-- The first prisoner is sentenced to pay a fine of five rupees, or in default to be imprisoned 10 days in the zillah gaol, under section 33, Regulation IX of 1816. The second prisoner 20 rupees, or 20 days' imprisonment. The fourth prisoner 25 rupees, or 30 days; the fifth prisoner 50 rupees, or 30 days; the sixth 15 rupees, or 15 days; the seventh 20 rupees, or 20 days; the eighth 15 rupees, or 15 days; and the ninth 3 rupees, or seven days in the zillah gaol, under clause 2, section 3, Regulation III. of 1819.	17 Nov. 1853. -- The defendants, with the exception of the first two, not being officers of police, should have been sentenced under section 32, Regulation IX. of 1816.
FOURTH QUARTER:				
51-10	1. Yalady Crietnamah, village moonsiff. 2. Vuddavully Pithchiah, cur-num. 3. Allah Ramaswabh. 4. Ditto Venecastaranah. 5. Cotah Veerspah. 6. Bonta Peddabramiah. 7. Bonta Chinnabramiah. 8. Cotapully Cotiah.	<i>Abuse of Authority by Police Officers, and Assault.</i> -- The first and second defendants, who are the village authorities of Vuddavully, in the Crosscor talook, are charged with having, at about midnight of the 21st October 1853, gone in company with other defendants to the house of the complainant, and removed therefrom a sheep; and further with having then and there intimidated the complainant by saying that they would put him into the stocks, and exacted a bribe of four rupees.	-- The first and second defendants are sentenced to pay a fine of 8 rupees each, in default to be imprisoned 15 days in the zillah gaol. The third, fourth, and fifth defendants 6 rupees each, or in default 10 days' imprisonment in the zillah gaol. The sixth, seventh, and eighth defendants 5 rupees each, or in default eight days' imprisonment in the zillah gaol, under clause 2, section 3, Regulation III. of 1819. The charge of extortion is not established.	17 Nov. 1853.

(True extract.)

(signed)

J. Rohde, Session Judge.

No. 4.—NELLORE.

MEMORANDUM of Complaints brought before the Magistracy of *Nellore*, of extorting Confession of Crimes in the Principal Division from 1847 to 1853.

Number of Case.	Names of the Prosecutors and Defendants.	CHARGE.	By whom Examined.	How Disposed of.
1847:				
18	Chinta Polooomdoo, prosecutor - Defendants: 1. Ham Sing, goomastah of Chittaty Poligar - 2. N. Paupiah - 3. C. Nairidoo - 4. S. Vengannah - 5. N. Venectiah - 6. Nangapah - 7. V. Chenchoo -	-- Defendants are charged with having pinioned and ill-treated the prosecutor to find out the traces of offenders who committed a crime of house-breaking in the house of N. Andepareddy, inhabitant of Vujjivarepoottem, a hamlet of Chittadoo.	-- By Mr. G. Smith, magistrate.	-- The defendant was fined two rupees, and the second, third, fourth, fifth, and sixth defendants at eight annas each; seventh defendant was released.
28	Caraty Yadadoo, prosecutor - Defendants: 1. P. Ramachendrareddy, village moonasiff of Tallapollem. 2. C. Ramaswamy. 3. C. Parareddy. 4. B. Parareddy. 5. P. Pariah.	-- The defendants are charged with having taken the complainant into the jungle, tied his arms behind him, beaten him with hands and stick, kicked and put him in stocks, in order to extort confession regarding a theft which had been committed in the house of the first defendant, and to show where the stolen property was hid.	-- By Mr. Sutherland, head assistant magistrate.	-- There is no evidence to show the complainant was ill-treated in the jungle, but it appearing that the first defendant had abused his authority in not reporting to the head of police his having confined the complainant in the stocks, and searched his house on suspicion of his having committed the theft in the first defendant's house, he was fined five rupees; in default to be imprisoned for 10 days.
1848:				
8	Lutchmegadoo, complainant - Defendants: 1. D. Seetaramiah Vuntoo, peishcar of Buttanaoood. 2. A. Unkadoo. 3. N. Venkadoo.	-- First defendant is charged with having, about the 9th of February 1848, assaulted the complainant, and extorted from him a confession of having, with the first, second, and third witnesses, committed a robbery in the first defendant's house on the night previous, and with having aided and abetted the second and third defendants in assaulting complainant, in order to extort a confession as to where he had put the stolen property, and with having obtained, by extortions from complainant, a bull, valued about 12 rupees, under a promise of releasing him, and with having kept complainant, and first, second, and third witnesses under a guard for four days, and then sent them to the head of police.	-- By Mr. Haggard, assistant magistrate.	The charge is dismissed.
9	Y. Unkee, prosecutrix - Defendants: 1. D. Seetaramiah Vuntoo, peishcar of Buttanaoood. 2. Cassim. 3. Venctygaoodoo. 4. Ramoogaoodoo.	-- First defendant is charged with having caused the prosecutrix's arms to be tied behind her back, caused her to be beaten with jilladoo burgaloo by the second, third, and fourth defendants, in order to extort confession from her as to a robbery committed in his (first defendant's) house.	-- ditto -	This charge was dismissed.
10	Y. Poolareddy, complainant - Defendant, D. Seetaramiah Vuntoo, peishcar of Buttanaoood.	-- Defendant is charged with having caused the arms of the prosecutor to be tied behind him by the maratadoo, and placed him in custody for four days, in order to make him admit having received six rupees, said to have been given to him by one Yamsudy Ramooodoo, the same forming part of the property stolen from his (defendant's) house.	-- ditto -	-- The defendant being concerned in case No. 11 before the assistant magistrate, is sentenced under that case.
11	N. Chinnah Subiah, prosecutor - Defendant, D. Seetaramiah Vuntoo, peishcar of Ballapaoo.	-- Charged with having, about the 18th of February 1848, caused complainant's elbows, the hair of his head, and his feet to be tied together by the third witness, and made him (third witness) kick him, in order to extort confession as to where the stolen property was hid.	-- ditto -	-- Defendant was fined ten rupees, or to be confined in goal for 15 days, and also dismissed from his situation.
29	Prosecutors: 1. E. Ubbolooreddy - 2. P. Nurasinha. Defendants: 1. A. Jughunnautharow, head of police of Sungum talook. 2. Seevalingum. 3. Shaick Ebrahim, peon of Sungum talook.	-- First defendant is charged with having ordered the second and third defendants to ill-treat the complainants for having denied all knowledge of certain bonds being stolen away from the house of one E. Pedakismareddy, inhabitant of Paramanah, in the Sungum talook. Second and third defendants are charged with having tied complainant's hands behind them with their cloths and otherwise assaulted them.	-- ditto -	-- First defendant was fined ten rupees, and the second and third defendants two rupees.

Memorandum of Complaints brought before the Magistracy of Nellore—continued.

of Case.	Names of the Prosecutors and Defendants.	CHARGE.	By whom Examined.	How Disposed of.
1849:				
1	U. Condoocaudoo, prosecutor - Defendant, G. Narsapah Naidoo, village moonisiff of Basavapollem.	-- Defendant is charged with having sent for the complainant, and in order to extort confession of the robbery committed in the defendant's house, caused his hands to be tied behind him by one Maala P. Raumoogudoo, and further, with having caused him (complainant) to be laid with his face to the ground, and in that situation placed a stone on his back, made Maala Raumooodoo stamp upon the stone, and further beat him.	-- Mr. Haggard, assistant magistrate.	-- This part of the charge was not proved, but the defendant was fined ten rupees, in default to be imprisoned for 15 days, for having apprehended the complainant without any sufficient reason, and having detained him an unnecessarily long time previous to forwarding him to the head of police.
1850.—None.				
1851:				
7	Inolla Chintalooandoo, prosecutor 1. S. Nuraimloo Vuntoo, peishcar of Buttapadoo. 2. Paupereddy, 3. Mullareddy.	-- Defendants are charged with having severely beaten the prosecutor in order to make him criminate the caupoos of Apparowpollim and M. Chenchooandoo, in a theft which had been committed in the house of the first defendant, and put him in stocks.	-- Mr. Bird, acting head assistant magistrate.	-- This charge was dismissed for want of proof.
1852:				
3	M. Calappah, prosecutor Syed Nooroodden Cauderry, head of police of Naidoopeett Division. B. Lutchmenurao, peon of Naidoopeett Division.	-- Second defendant is charged with having assaulted the prosecutor in order to extort confession of his having stolen certain money belonging to a cattle dealer, and the first defendant with having kept him in custody for the same purpose.	-- Mr. Morris, assistant magistrate.	-- This charge was dismissed for want of proof.
1853.—None.				

(True extracts.)

(signed) J. Ratliff,
Acting Magistrate.

CHARGES of Violence brought before the Head of Police of *Paumoor* Division against the Servants and Village Servants of the Calastray Zemindary, by the Ryots of Villages attached to that Zemindary, to have been used in collecting Money, from 1847 to 1853.

E.A.R.	No.	Names of Complainants.	Names of Defendants.	CHARGES.	How Disposed of.
1847	45	V. Venkiah of Ramanoojapoorum.	1. T. Paupiah, aggraherumdar, and eight sib-budhy peons of the Rajah.	-- The defendants were charged with having, in order to realise a balance payable by complainant, prevented him from thrashing the aurooga crop, sitting in front of his house, and neither allowing his cattle to go out, himself to bring water, or to dress food.	-- Dismissed for want of proof.
	80	Comarasetty, Pooliah, &c.	1. Moottarasoo Subiah. 2. Appiah. 3. Peddereddy Nura-reddy. 4. Saumereddy, caupoos and curuums of Saankoonalappully.	-- Charged with having, with a view, both on the part of the defendants and servants in the catcherry of Paumoor talook, to extort additional kist, abused and bent down complainants' heads towards their feet, placing stones upon them, and further with preventing irrigation of their crops, ordering the washerman not to wash their cloths, and breaking the pots taken by their women to the wells.	Rauzenamah.
1848 1849			None.		
1850	138	C. Singara Charloo, Cottapully.	Cundookoor, Kasavooloo, &c., of Cottapully.	-- Charged with having, under the pretence of the complainant owing a balance to the Circar, abused and annoyed him, by placing a cot across the door of his house, not allowing him to dress food from sunrise to sunset, to bring water, or any one soever to come out of, or go into the house.	Ditto.

REPORT OF COMMISSION FOR INVESTIGATING

YEAR.	No.	Names of Complainants.	Names of Defendants.	CHARGES.	How Disposed of
1851	-	-	None.	-	
1853	127	Cundoogoor Kasavooloo	Chemata Ramiah, amuldar, and caspoos and curnums of Cottapully.	-- Charged with having, in order to realise an additional kist from the complainant, prevented cultivation of his lands by loosening the ploughs, threatened him that his house will be burnt down, ordered him not to reside in the village, and further threatened to burn the sides of his body with a brand.	Rauzenamah.*
1853	-	-	None.	-	

* Compromise.

(signed) J. Ratiff,
Acting Collector.

CHARGES of Violence preferred before the Head of Police of *Calegherry* Talook, by the Ryots of the Villages in the Calastry Zemindari against the Zemindar's Servants, used in collecting Money during the past Seven Years.

Year.	No.	Names of Complainants.	Names of Defendants.	CRIME.	Date of Charge.	How Disposed of
1848	87	Tanta Venkatesetty, inhabitant of Vinjamoor.	-- 1. Y. Lutchminursoo Comaty. 2. Chendalarazoo Venkatanarsoo Vuntoodar. 3. Dawdabhaiyee, son of Shaik Womer, peon attending on the village of Vinjamoor. 4. P. Sublah, comety of Vinjamoor.	-- Charged with having brought the father of the complainant to the rucha, fastened his neck and leg, and ill-treated him; also with having bent the complainant down, and beaten and kicked him.	18th "	Rauzenamah
1853	108	Mullungy Venkatanursoo of Goodladona.	-- Mulogoo Veriah, amuldar of Goodladona Vuntoo.	-- Charged with having grossly abused the complainant, given him two blows on his cheek, and otherwise ill-treated him, on demanding a Circar balance.	28th October 1853.	ditto.
1854	35	Coona Venkatarreddy Paikoor Pauperedy, &c.	-- 1. Moologoo Tippaligum, sheristadar of Paunoor talook. 2. S. Seetaramiah, amuldar of Vinjamoor Vuntoo. 3. Vobiah Raucha, curnum. 4. Chendularazoo Venkatanursoo, curnum of Vinjamoor. 5. Singarazoo Ramiah, curnum of Vinjamoor. 6. Caukootoor Vausoodamoodoo, curnum of Vinjamoor.	-- Charged with having placed peons round the complainants' betel gardens, not allowing them (complainants) to go in, preventing their irrigation, driving away their bullocks and people, and abusing them whenever they approached defendants to represent their case.	-- 17th March 1854.	ditto.
1854	68	Paukeem Ramanojooloo Catapully.	-- 1. Moologoo Tippiah, sheristadar of Paunoor talook. 2. Sinkarazoo Seetiah, amuldar of Vinjamoor Vuntoo, residing in Vinjamoor. 3. Voncaurum Gooravarauz, village moonsiff. 4. Bundy Condareddy Pedda Caupoo. 5. Caukootoor Baalliah, curnum. 6. Andiah, curnum. 7. Goodesay Ramooda Mahatad. 8. Bada Saiba. 9. Vetty Paroozandoo. 10. Madega Soobadoo. 11. Yerravandoo. 12. Nagadoo, of Catapully.	-- The defendants are charged with having, in order to realise motorpha tax from the complainant, come to his house en masse together with some other peons, moodam vetty, and chucklers, ordered him out of it, and threatened that his loom should be thrown outside by vetty and madegas, and further, with having entered the complainant's house, pushed about both him and his people, and taken forcible possession of his paddy, nat-cheny, and anjaloo, grain, loom, &c.	-- 24th May 1854.	-- Complainant withdrew charge, stating his inability to prove it, as witnesses condescended to the defendants.

Prosecutors:
D. E. Ubbeloor
P. P. Narasimh

Defendants:
A. Jughunne
Ice of Sung
walingum
k Ebra.
alook.

(signed) J. Ratiff, Acting Collector.

STATEMENT of Cases of Personal Ill-usage inflicted by the Police Officers to extort Confessions from Suspected Parties, disposed of by the Joint Magistrate of *Nellore*, during the last Seven Years.

number.	NAMES.	CHARGE.	DATE of Charge.	Apprehension, or Appeared.	DECISION.	Date of Decision.	REMARKS.
12 1847.	Government prosecutor, <i>versus</i> 1. P. Cunduppa, village moonasiff. 2. P. Venkatanarasem, son of first defendant. 3. P. Subbaya, of Bitvaguntis, in Davagandur talook.	<i>Assault.</i> -- With having tied, beaten, and put the complainant in stocks, in a case of theft.	18th June 1847.	28th June	-- The second defendant was fined three rupees, and in default to be imprisoned in the zillah gaol for five days, under section 32, Regulation IX. of 1816. The others were released from want of sufficient proof against them.	30th June, 1847.	
1 1849.	Candeti Venkatanarasem, prosecutor, <i>versus</i> 1. C. Venkatanarasem. 2. A. Viranna, peishcar. 3. Fakker Mahomed, peon. 4. Sheikunja. 5. S. Appaya. 6. Shick Peer, of Tetto, in Buddapody talook.	<i>Assault.</i> -- With having beaten the complainant, and tied him up, on suspicion that a certain stolen ornament was in his possession.	6th Nov. 1848.	-- 1st and 2d on 8th Feb., and the others on the 9th Feb. 1849.	-- The first and second defendants were sentenced to pay a fine of five rupees, and in default to be imprisoned in the zillah gaol for 15 days respectively. The others were released for want of sufficient proof against them.	12th Feb. 1849.	
14 1849.	C. Aukadu, prosecutor, <i>versus</i> 1. V. Narayanabhote 2. Seshareddy. 3. A. Lakshunarsen. 4. N. Lakshunarsen: villagers of Palur, in Buddapody.	<i>Assault.</i> -- With having tied up the complainant, and beaten him on suspicion that he committed a theft.	18th Nov. 1848.	-- 29th March 1849.	-- Released for want of proof against the defendants.	10th April 1849.	
17 1849.	C. Roseghdu, prosecutor, <i>versus</i> 1. E. Mavedappa 2. Cotappa. 3. Aukannus. 4. J. Condappa. 5. P. Vengulu. 6. P. Fitchegadua: villagers of Annambrolu, in Ennamanelur talook.	<i>Assault.</i> -- With having beaten the complainant, on suspicion of his having stolen grain from first defendant's grain pit.	28th Mar. 1849.	-- 4th April 1849.	- Ditto - - -	20th May 1854.	
1 1850.	G. Chennama, prosecutrix, <i>versus</i> 1. V. Petchaya, head capoo. 2. V. Cotappa. 3. V. Bapanna. 4. V. Lakshundevi, of Sakavaram, in Chandy division.	<i>Assault.</i> -- With having beaten the complainant, on the suspicion that she had committed a theft, and obtained from her the supposed lost ornament.	26th Nov. 1850.	-- 1st on the 26th, and others on 31st Dec. 1850.	-- The first defendant was sentenced to pay a fine of 15 rupees, in default to be imprisoned for 15 days in the zillah gaol. The second to pay five rupees, in default to be imprisoned for 10 days, under section 39, Regulation IX. of 1816: 10 rupees out of the fine to be paid to complainant, under section 39, Regulation IX. of 1816.	8th Jan. 1851.	

(True extract.)

Ramapatam, Joint Magistrate's Office,
26 October 1854.

(signed) James Innes Minchin,
Acting Joint Magistrate.

Cases come before the Acting Joint Magistrate during the Year 1854, on account of Ill-usage for Exaction of Kist.

No.	Names of Prisoners.	Abstract of the Crime or Charge.	Date of Charge.	Date of Apprehension.	Decision.	Date of Decision.	REMARKS.
11 of 1854	1. Ongole Subbaya - 2. P. Venkataramania. 3. O. Ramaya. 4. G. Venkatasubbaya, cur- num. 5. C. Subbaya, peon.	<i>Abuse of Authority.</i> -- With having on various occasions, date unknown, about two months back, tied the prosecutors by their necks and knees in the sun, placing stones on their backs, for the purpose of collecting from them alleged arrears of moturpha tax, in the cutwal's choultry in the cusbah of Ongole.	26th September	-- From 1st to 4th on 26th, and 6th on 27th Sept.	-- The prisoners being implicated in the following case, no separate sentence has been passed in this case.	-- 27th September 1854.	These are the cases reported by Captain Nelson.
12 of 1854	Ditto - - - -	<i>Abuse of Authority.</i> -- With having, on the 17th September 1854, tied up four individuals by their necks and knees, and placed them in the sun for the purpose of collecting from them alleged arrears of moturpha tax, in the cutwal's choultry in the talook of Ongole.	26th September	Ditto - - -	-- The first four prisoners were fined ten rupees each, and in default of payment to be imprisoned for one month. The fifth prisoner was fined five rupees, and in default of payment to be imprisoned for fifteen dnys, under clause 2, section 3, Regulation III. of 1819. The fines were paid.	-- 27th September 1854.	
14 of 1854	1. O. Cottappah, curnum 2. O. China, Cotaya cur- num. 3. N. Rajanna, peon.	<i>Abuse of Authority.</i> -- With having, date unknown, about two months previous to complaint, tied up the prosecutor by his neck and knee, and placed on his back a portion of a mud-wall, weighing about three viss, for the purpose of enforcing the payment of his moturpha tax, in the village of Oclichee, in the talook of Enamunamelly	2d October	5th October	-- The prisoners deny having tied up the prosecutor, but state that they were obliged to use the threat to obtain payment of the morturpha dues; they also state that the transaction took place before the end of June. There is satisfactory proof that the prosecutor was tied up, and the weight placed on his back by the prisoners. The transaction probably took place at the time stated by the prisoners; the lapse of time that has passed without complaint, renders this not a case to be dealt with severely, and the prisoners are each fined three rupees, and in default of payment to be imprisoned for ten days, under section 3, Regulation III. of 1819.	-- 9th October 1854.	

430.

21 of 1854

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22 of 1854

16 of 1854 -	<p>1. M. Venkatappa, curnum 2. C. Venkatramdu, moonsiff. 3. M. Subberayadu, curnum.</p>	<p><i>Abuse of Authority.</i></p> <p>-- With having, at twelve o'clock on a certain day, date unknown, about a month previously, tied up the prosecutor in the bazar of Tettoo, and then lifted him up and let him fall violently, to exact payments of kist, in the village of Mocharla, in the talook of Buddupudy.</p>	-- 10th October 1854.	-- 11th October 1854.	<p>-- The charge is proved so far, that the prosecutor was subjected to the treatment described, on the orders of the prisoners. The case clearly occurred long previously to the complaint, and as the defendants have the disgraceful custom of the country to urge in extenuation of their conduct, and as the complaint appears to have been brought forward on account of animity, the demands of justice will be sufficiently met by a fine of three rupees from each prisoner, and a sentence of ten days' imprisonment in default of payment, under clause 3, section 3, Regulation III., of 1819.</p>	-- 11th October 1854.
21 of 1854 -	<p>1. G. Rangarow, semindar's ameel. 2. B. Cotappa. 3. Sheik Eman, semindar's peon.</p>	<p><i>Assault.</i></p> <p>-- With having, on the night of the 4th October 1854, after keeping the prosecutor two days standing at his outcherry in the charge of the second and third prisoners without food, assaulted him, by dragging him about the outcherry, in order to exact payment of kist, in the village of Coodiohedu, in the police division of Darsi Chendalur.</p>	7th November	7th November -	<p>-- There is no proof of the assault, and the case is dismissed.</p>	8th November.
22 of 1854 -	<p>1. G. Rangarow, semindar's ameel. 2. Pedda Emam, 3. Onnoor : peons.</p>	<p><i>Assault.</i></p> <p>-- With having, on the 10th October 1854, surrounded the prosecutor's house with peons, and prevented all egress or ingress for that whole day for man or beast, depriving the people in the house of water, and preventing them from cooking their meals, in order to exact payment of kist, and with having tied one T. Venotachellam by his neck and leg, on his attempting to escape from the house towards the evening, for the purpose of complaining to the village moonsiff, in the village of Peddavaram, in the police jurisdiction of Darsi Chendalur,</p>	7th November	7th November -	<p>-- The first prisoner, against whom the offence is clearly proved, is fined ten rupees; in default, five days' imprisonment, under section 32, Regulation IX. of 1816; the other prisoners are released for want of proof.</p>	8th November.

(continued)

Cases come before the Acting Joint Magistrate during the Year 1854, on account of Ill-usage for Exaction of Kist—*continued.*

Number.	Names of Prisoners.	Abstract of the Crime or Charge.	Date of Charge.	Date of Apprehension.	Decision.	Date of Decision.	REMARKS.
24 of 1854	1. G. Condaya, village moonsiff. 2. N. Appaya, curnum. 3. A. Ramaya, curnum.	<i>Abuse of Authority.</i> -- With having, date unknown, about the middle of the month of October 1854, caused the prosecutor to be tied up by his neck and knee for the space of two native hours, for the purpose of collecting from him certain arrears of pullary tax, in opposition to the recent stringent orders on the subject, in the village of Manneticota, in the talook of Buddapudy.	6th November	8th November	-- The prosecutor was tied up by a volunteer sent to make collections in the village, in the presence, if not on the orders of the prisoners. It is clearly proved that the ill-usage took place after the orders on the subject were generally known, as the prisoners were addressed on the subject of these orders while the ill-usage took place; the prisoners are therefore sentenced to pay a fine of ten rupees each, or in default, to be imprisoned for one month, under clause 2, section 3, Regulation III. of 1819. The prisoners were all dismissed from their appointments of village officers.	8th November.	
25 of 1854	Sheik Adam, volunteer peon.	<i>Assault.</i> -- With having, date unknown, about the middle of October 1854, tied up the prosecutor with a cloth by his neck and knee, and struck him while in that position, for the purpose of collecting from him certain arrears of pullary tax, the prisoner being employed to collect revenue by the orders of the tahsildar, though not in Government employ, in the village of Manneticota, in the talook of Buddapudy.	6th November	10th November	-- The charge is fully proved against the prisoner, who is sentenced to pay a fine of ten rupees, or in default, to be imprisoned for fifteen days, under section 32, Regulation IX. of 1816.	10th November.	
10 of 1854 on the calendar of Cases disposed of under the provisions of section 54, Act VII. of 1843.	E. Venkadu - versus Mohomed Raza, peon.	<i>Abuse of Authority.</i> -- With having, date unknown, towards the beginning of September, tied up the prosecutor while suffering from fever, by his neck and leg and hands, and thrown him down backwards in that state, when he was released on the interference of the peddacapoo, and with having again tied him up in the same manner on the next day, until he was again released by the peddaca-poo, for the purpose of collecting from him a balance due to Circar of two rupees, both acts of ill usage being done near the village choultry in Allur, belonging to the Ongole talook.	10th November	10th October	-- The facts of the charge are proved by the vettymen who tied up the prosecutor, and other witnesses, but as the prisoner is concerned in the following case, the decision will be found under that number.	--	

11 of 1864 -	A. Venkareddy <i>versus</i> Mohammed Reza, peon.	- - With having in the early morning, date unknown, towards the commencement of September 1864, tied the prosecutor by the wrists, his arms being drawn round a margosa tree, and kept him in that position for an hour, and after releasing him from the tree, with having tied him neck to knee, and kept him thus for another hour, and then struck his head, while so tied, against the head of another man, and finally tied them together by their back hair, when they were released by the peddacapoo, on account of a balance due by the brother of the prosecutor, the ill-usage taking place near the village choultry in Allur, in the talook of Ongole.	16th October	16th October -	- - The statements of the prosecutor are fully borne out by those of the witnesses. The prisoner denied the ill-usage, and produced orders signed by the tahsildar, ordering him to make a "sset tarvoo," the meaning of which, in plain English, being to use any amount of personal coercion to make a collection. The acts of the prisoner clearly exceeded in severity the ordinary personal ill-usage unfortunately so commonly employed for revenue purposes before the recent orders of Government on the subject, and as the orders of the tahsildar were no justification, the prisoner is sentenced to three months' imprisonment with hard labour, under section 7, Regulation X. of 1816.	10th November.
13 of 1864 -	E. Venkadu <i>versus</i> Meera Beg, police peon.	- - With having, date unknown, towards the beginning of September, tied up the prosecutor, while suffering from fever, by his neck and leg and hands, and thrown him backwards in that state, when he was released on the interference of the peddacapoo; and with having again tied him up in the same manner on the next day, until he was again released by the peddacapoo, for the purpose of collecting from him a balance due to the Circar of two rupees, both acts of ill-usage taking place near the village choultry in Allur, belonging to the Ongole talook.	16th October	27th October -	- - The prisoner denies his participation in the charge; the ill-usage is, however, fully proved by the witnesses in Case No. 10, who identify him as the person against whom they deposed. Being concerned in the following case, the decision will be found under that number.	10th November.
14 of 1864 -	P. Ramerreddy <i>versus</i> Meera Beg, police peon.	- - With having, date unknown, towards the commencement of September 1864, haled the prosecutor by his back hair, and tied it to the back hair of one A. Venkareddy, after previously striking their heads together, when they were released by the peddacapoo, the ill-usage taking place near the village choultry in Allur, in the talook of Ongole, on account of a balance due to the Government by the father-in-law of the prosecutor.	16th October	27th October -	- - It is clear that the prisoner was deeply concerned in both cases of ill-usage charged against him, but was not guilty of the same degree of cruelty as his comrade Mohammed Reza, and he is sentenced to two months' imprisonment with hard labour, under section 7, Regulation X. of 1816.	4th November.

(continued)

CASES come before the Acting Joint Magistrate during the year 1864, on account of Ill-usage for Exaction of Kist -continued.

Number.	Names of Prisoners.	Abstract of the Crime or Charge.	Date of Charge.	Date of Apprehension.	Decision.	Date of Decision.	REMARKS.
15 of 1854 on Petty Calendar.	1. M. Venotappa, urnum. 2. M. Subbaya, urnum. 3. G. Subbaya, peon.	<i>Abuse of Authority.</i> -- With having, at 12 o'clock on a certain day, date unknown, tied up the prosecutor by his neck and legs, applied two stocks, like kittees, to his hands, and wrung his ears, to force him to pay a balance due on account of pullary, in the bazaar of Tettoo, belonging to the village of Mocharla, in the talook of Budapudy.	10th October	11th October	-- The case has been dismissed for want of proof to warrant conviction.	11th October.	

(True extract.)

James Innes Minchin,
Acting Joint Magistrate.

CHARGES of Torture and Violence in collecting the Government Kist, brought before the European Magistracy in the Principal Division of the Zillah of Nellore, between the Years 1847 and 1853 inclusive.

Number.	Names of Complainants.	Names of Defendants.	Charge.	By whom Tried.	How disposed of.
1847	- - - - -	- - - - -	None.		
1848	- - - - -	- - - - -	None.		
1849 :					
2	B. Unkadoo - - - - B. Chenchoogundoo, W. Chenchoogundoo, inhabitants of Siddepoorum, in Sungum talook.	-- 1. A. Jagunnadarow, tahsildar of Sungum talook. 2. N. Nursareddy, village moonsiff of Siddepoorum. 3. P. Chenchoo Naidoo, pidda caupoo of Siddepoorum. 4. Hancockmwnsing, } Peons of 5. Goodoo Sauheb, } Sungum 6. Mahomed Rajah } talook.	-- First defendant charged with having caused the complainants to be severely beaten by the fourth, fifth, and sixth defendants, with tamarind switches, supplied by the second and third defendants, for the recovery of poollary and loom tax, assessed by the second and third defendants, contrary to maumool.	-- Mr. Child, assistant magistrate.	Case was dismissed.
6	R. Nursapah Naidoo, village moonsiff of Gollapully, in the Ravoor talook.	-- 1. E. Verasalingum Naidoo, tahsildar of Ravoor talook. 2. Hancockmuntarow, deputy tahsildar of Ravoor talook. 3. Ramasawmy, } Peons of 4. Gopaulsing, } Ravoor talook. 5. Shaik-Ally, } 6. Cauderkhan, volunteer peon in	-- First and second defendants charged with having caused complainant to be beaten by the other defendants, for the recovery of 10 rupees, then due by him, and of the balance payable by all the villagers, so that he fell senseless; and compelling him to give kararnamah to pay the balance due by all the ryots in the village of Gollapully, in Ravoor talook.	- Ditto - - -	Tahsildar was fined five rupees.

430.		Vausely, in the Sungum talook.	2. J. Narsoo, volunteer peons of Sungum talook.	legs together, pulling his hairs and kicking him, to recover an alleged balance of eight rupees.	-- Mr. Maggard, assistant magistrate.	
1850:	4	P. Chenchoozeddy, ryot of Ulloor, in Talamunchy talook.	-- Baur Bauborow, tahsildar of Talamunchy talook.	-- Charged with having come to the complainant's house, abused, and assaulted him and his mother.	-- Mr. White, magistrate.	Tahsildar was fined ten rupees.
	9	Condor Nauramah, inhabitant of Brummedavum.	-- 1. A. Jagunnautharow, tahsildar of Survapully talook. 2. A. Ponnappah, 3. Chenchoo Vobooloo, } Peons. 4. Futtah Mahomed, 5. Shaik Hussain, 6. Abdool Carim, doing the duty as naik of Survapully.	-- First defendant was charged with having caused complainant's husband to be ill-treated by the other defendants in collecting his poolary tax, by fastening his arms behind him, and tying his hair to that of another man, and by beating him, from the effects of which ill-treatment he (her husband) died, after nine days, vomiting blood.	-- Mr. Morris, assistant magistrate.	Case was dismissed.
1851:	18	E. Nursareddy, of Paramanah, in the Sungum talook.	-- 1. P. Venkatanarsoo, volunteer - 2. P. Venkataramoodoo, volunteer. 3. Mahomed Cassim, peon. 4. Daleyel, peon of Sungum talook.	-- Charged with having bent the complainant double, by pulling his cloth round his neck, and beaten him with their hands, and kicked him, on account of a balance due by him, and also for batta to the peons. The above having taken place in the presence of the tahsildar himself.	-- Mr. Bird, acting head assistant magistrate.	-- First defendant was released. Second defendant was fined five rupees; in default to be imprisoned for 15 days. Third and fourth defendants were fined two rupees each; in default to be confined 10 days.
I I	15	N. Dausoo, ryot of Dontaly, in Survapully talook.	-- 1. Shaik Moheeddeen - - - 2. P. Venkatadry, Peons of Survapully talook.	-- Charged with having dragged him by the hairs of his head, and given him blows on his back with their hands whilst demanding him to pay a balance which he did not owe.	-- Mr. Morris, assistant magistrate.	Case was dismissed.
	16	V. Venkatanarsoo, and T. Mullareddy, ryots of Laboor, in the Nellore talook.	-- 1. Y. Nursiah, tahsildar - - - 2. Becumsing, } Peons of 3. Ragavasing, } Nellore 4. Syed Abdool Cauder, } talook.	-- Tahsildar was charged with having abused the two complainants, and ordered the second defendant to collect money from them, tying by their neck and legs. Third and fourth defendants with having administered thumps on the back of the complainant, and dragged him by means of a cloth round his neck. Third defendant was further charged with having squeezed the things of the second complainant, and bent him till 1 1/2 Gattoo hour. Second defendant charged with having abused the second complainant, and also ordered the third and fourth defendants to collect money from the first complainant, tying him.	- Ditto - - -	- Ditto.
	22	T. Venkatarreddy, ryot and inhabitant of Jirravarepolem, a hamlet of Culegherry.	-- 1. Lingarazoo Pitchiah, curnum of Culegherry. 2. Shaik Yacoob, peon of Culegherry talook.	-- First defendant charged with having caused complainant to be tortured by the second defendant, by pressing his hands with "cheerata," to recover the balance declared to be standing against him, though he had really paid kist in full.	- Ditto - - -	-- First defendant was imprisoned for 10 days, and the second defendant for five days.

(continued)

Charges of Torture and Violence in Collecting the Government Kist, &c.—continued.

Number.	Names of Complainants.	Names of Defendants.	Charge.	By whom Tried.	How disposed of.
27	Y. Nullareddy, ryot of Sayepettah, in the Calegherry talook.	-- 1. P. Venkatarow, peishcar - - 2. Hussain Saueh, volunteer peon of Calegherry talook.	-- First defendant charged with having caused the complainant to be pushed down by the second, and by him beaten and kicked, for the recovery of a balance already paid.	-- Mr. Morris, assistant magistrate.	Case was dismissed.
1852 :					
1	S. Yerravaudoo, inhabitant of Guttapully, in Calegherry talook.	-- 1. G. Panyemmah, urnum of Guttoopully. 2. Peer Mahomed, peon of Calegherry talook.	-- The second defendant charged with torturing complainant by pressing his hands with a "cheerata," and beating him. The first with having unjustly brought it about.	- Ditto - - -	- Ditto.
4	N. Vahoolooreddy, ryot of Calegherry.	-- 1. S. Pitchiah, urnum of Calegherry 2. Gungoola Nursoo, peon of Calegherry talook.	-- Second defendant charged with having, under orders of the first, tortured complainant by pressing his hands with a "cheerata," and beating him in the catcherry of the Calegherry talook.	- Ditto - - -	-- First defendant was fined 2 rupees, in default to be imprisoned for six days, and the second defendant was imprisoned for seven days.
11	B. Venkatagaudoo, of Ponnappully, in the Venkatagherry zemindary.	-- 1. Venkataramerreddy, village moonsiff 2. C. Rungapanaidoo, 3. N. Potty, of Ponnappully, in the Venkatagherry zemindary.	-- For the collection of poollary, loom tax, and house tax, first and second defendants abused and caused the complainant to be tied by his neck and leg by the third defendant, and also ill-treated him by beating.	- Ditto - - -	Case was dismissed.
20	M. Pitchiah, inhabitant of Yadaully, in Calegherry talook.	-- C. Lutchmenursoo, peon of Calegherry talook.	-- Charged with having bent the complainant double by pulling his hairs, and further kicked and beaten him with the barrel of a musket, to extort a false balance.	- Ditto - - -	- Ditto.
80	P. Ramanjooloo, inhabitant of Cautapully, in Calastray zemindary.	-- 1. Gooravarauzoo, village moonsiff 2. C. Soobiah, urnum of Cautapully, in the Calastray zemindary.	-- Charged with having caused chucklers to sit down in front of his house in order to compel complainant to pay moturpha, and further with beating him on his back.	- Ditto - - -	- Ditto.
1853 :					
4	V. Chenochooramoodoo, ryot of Murpoor, in the Tammultulpoor talook.	-- 1. J. Lutchmiah, peishcar - - 2. Esmaulbeg, naik of Toomultulpoor talook.	-- The second defendant with having, in spite of complainant's declaration that he did not owe any balance to the Circar, under the orders of the first, for the purpose of collecting such balance, dragged the complainant by his hairs, squeezed his neck, and given blows on his back.	-- Mr. Elton, magistrate.	-- First defendant was released. Second defendant was fined five rupees, in default to be imprisoned for five days.
25	A. Venkatapah, urnum of Davaroyapully, in the Ravoor talook.	-- 1. Baubakhawn, tabsildar - - 2. Shaik Seelaur, } peons of Ravoor 3. Syed Jamaul, } talook.	-- Second and third defendants charged with having dragged about complainant, and tied his neck to legs, and given him blows under orders of first, on account of village balance.	-- Mr. J. I. Minchin, head assistant magistrate.	-- First defendant was fined ten rupees, and the other defendants three rupees each.

(True extract.)

(signed) J. Rotliff,

No. 5.—CUDDAPAH.

List of Punished Cases of Abuse of Authority, during the Seven Years antecedent to September 1854, before the Joint Magistrate of Cuddapah.

Case, Number of Joint Magistrate's File.	Names of the Defendants.	Charges.	Date of Complaint.	Sentence.	Date of Sentence.	By whom disposed of.	REMARKS.
No. of 1848. 1.	1. Reddy Casavooloo Reddy. 2. Ditto Govindoo.	-- With having demanded of the complainants jewels said to have been stolen, and to be in their possession, or to give them a bribe of ten rupees, threatening otherwise to put them in stocks.	- - -	-- Sentenced to pay a fine of ten rupees each.	6 March 1848	- - By M. Murray, Esq., jointmagistrate.	
No. of 1848. 2.	Reddy Pollareddy - -	-- Apprehended the complainant on a pretext that he was concerned in a theft, beaten him, and taken a bribe of two rupees. <i>Abuse of Authority and Corruption.</i>	- - -	-- Sentenced to pay a fine of six rupees.	18 May 1848	- - - Ditto.	
No. 3, Parrish Calendar for the 4th Quarter of 1849, 3.	1. Vallalareddy - - 2. Gooroozareddy, missul reddies.	-- With having placed one named Chennogadoo in confinement, on the charge of theft, and afterwards released him after receiving a bribe of twelve rupees in ready money and a bond for four rupees, executed in his (Chennogadoo's) favour by one of the witnesses. <i>Abuse of Authority.</i>	- - -	-- The first defendant is fined eighteen rupees, and the second defendant six rupees, or to be imprisoned for one month, under clause 2, section 3, Regulation III. of 1819.	7 Dec. 1849 -	- - - Ditto.	
No. 12 of 1851. 4.	1. Curnum Condiash - 2. Telury Nuraegadoo. 3. S. Condiash Cuttoobady.	-- The first defendant is charged with having, at ten o'clock a. m. of the 18th January 1851, ordered second and fourth defendants to tie the prosecutor with a cloth by his feet and neck, and when thus best down to place a stone upon his neck. Second defendant (Talljar) is charged with tying the hands and neck of prosecutor with a cloth, and putting upon his neck a stone. Third defendant (Cuttoobady) is charged with kicking him and beating him with a stick, in the village Paupereddepullu, at Doopaud talook.	28 Jan. 1851	-- First defendant is sentenced to pay a fine of 30 rupees, or to be imprisoned for one month; second to pay a fine of four rupees, or to be imprisoned for fifteen days; third to pay a fine of five rupees, or to be imprisoned for twenty days, by section 3, Regulation III. of 1819.	29 Jan. 1851	- - By A. Hathaway, Esq., acting joint magistrate.	-- It appears from the notes of the trial that the particulars of the charge were proved.

(continued)

List of Punished Cases of Abuse of Authority, during the Seven Years antecedent to September 1854, &c.—continued.

Case, Number of Joint Magistrate's File.	Names of the Defendants.	Charges.	Date of Complaint.	Sentence.	Date of Sentence.	By whom disposed of.	REMARKS.
No. 11 of 1852. 6.	1. Venkatasoobbiah, curnum. 2. Jungunreddy, reddy. 3. Erragopaloo, village peon. 4. Nullagopaloo, village peon. 5. Kasim, village peon.	<i>Oppression.</i> -- The first and second defendants are charged with having, on or about the 1st of January 1852, caused the complainant to be beaten, his arms tied with ropes, and himself placed in stocks by means of the defendants three to five, and the second defendant is charged with having struck complainant with his slipper at Conasamoodrum, in Budwail talook. The defendants, first to fourth, are charged with having removed from complainant's house and concealed a loom and its appendages, and also 40 rupees in money.	-- 21 January 1852.	-- The first and second defendants are fined ten rupees each; in default, ten days' imprisonment in talook outcherry, by section 3, Regulation III. of 1819. The third, fourth and fifth defendants are released.	-- 7 February 1852.	-- By A. Wedderburn, Esq., joint magistrate.	-- The theft of money is not proved, and probably is a false charge. The evidence adduced does not bear out the whole.
No. 8 of 1852. 6.	1. Village Moonsiff, Tirimaluppa Naidu. 2. His brother, Gooravappa. 3. Ditto - Basavunnah.	<i>Abuse of Authority.</i> -- The first defendant is charged with having, on or about the 1st October 1851, on the occasion of a house-breaking and theft, apprehended complainants on suspicion of being concerned therein, kept them in confinement for three days, and ill-treated them, and took 10 rupees as a bribe to release first complainant, at Conapully, in Cumbum talook.	-- 13 March 1852.	-- The first defendant is fined ten rupees, or in default ten days' imprisonment in choultry, by section 3, Regulation III. of 1819. The other defendants are released.	5 May 1852	-- By A. Wedderburn, Esq., joint magistrate.	-- This complaint was not preferred until nearly six months after the offence; it appears that the complainants were apprehended on insufficient grounds by the village heads, and were released by the talook head of police. The examination outside the village was admitted by the defendants, and seems to have been for the purpose of getting the complainants to criminate themselves. There is no proof of the bribe being taken; some blows with the hand seem to have been given by the first defendant to the complainants.
No. 12 of 1852. 7.	1. Village Moonsiff, Tirimaluppa Naidu. 2. Curnum Soobbiah. 3. R. Baulasoobbiah. 4. His wife, Seetah. 5. His mother, Soobbah. 6. P. Soobbiah. 7. S. Soobbadoo.	<i>Abuse of Authority.</i> -- The defendants, one to seven, are charged with having, on the 3d and 4th October 1852, beaten and kicked the complainant. The fourth and fifth are charged with having brought and given it to third defendant, who applied it to complainant's eyes at Conapully, in Cumbum.	-- 8 January 1852.	-- The first and second defendants are fined ten rupees each; in default, five days' imprisonment in choultry. The third and sixth defendants are fined each two rupees; in default, three days' imprisonment, by section 3, Regulation III. of 1819. The fourth, fifth, and seventh defendants are released.	4 June 1852 -	-- By A. Wedderburn, Esq., joint magistrate.	-- The complainant appears by the evidence to have been hustled, and not to have received the maltreatment of the aggravated nature stated in the charge. The separate charge against third defendant was not supported by evidence.

Cuddapah, Joint Magistrate's Office at Jummalmadugu, }
26 January 1855.

(True extracts.)

A. Wedderburn,

In the letter of *A. Hathaway, Esq.*, Sub-Criminal Judge of Cuddapah, we find the following cases :

1. In criminal case, No. 78 of 1851, a surchasum, police duffadar, and three of the village police, were committed to the sessions court for abuse of authority, in having beaten a man, placed a bag of money on his person, and forced him to confess. They were released on account of discrepancies in the evidence; but the futwah showed that they were by no means free from suspicion.
2. In criminal case, No. 140 of 1851, (calendar, No. 35 of 1851,) out of eight persons committed, four were held to security by the sessions court during two years, for causing the death of a person who was beaten to make him produce some missing bullocks.
3. In criminal cases, No. 95 and 114 of 1852; (calendar, No. 27 of 1852,) four reddies and seven cuttoobadies were committed for causing the death of a person, when under confinement in the village choultry, on suspicion of having been concerned in a case of theft. Of these, two were transported for life, and four were sentenced to seven years' imprisonment.
4. In criminal case, No. 180, of 1852, a reddy sent up on the same charge was released in the sub-court for want of evidence.
5. In criminal case, No. 190 of 1852, a reddy was sentenced to one month's imprisonment by the sub-court, (he having been under trial for three weeks,) for abuse of authority towards a person when in confinement in the village choultry, under suspicion of having been concerned in a case of burglary.
6. In criminal case, No. 164 of 1854, (calendar, No. 36 of 1854,) four village moonsiffs, one curnum, and one reddy, were committed to the sessions court for abuse of authority in causing the death of a person from whom they tried to extort money. They were sentenced to find two securities in 500 rupees each for three years.
7. In criminal cases, No. 327 and 361 of 1854, (calendar, No. 78 of 1854,) a village moonsiff, a missul reddy, and a cuttoobady, were committed to the sessions court, for having, with ten other people, caused the death of a person when under confinement on a charge of being concerned in a case of burglary. They were all sentenced to find securities in ten rupees each for one year.
8. In criminal case, No. 371 of 1854, a village peon was ordered by the sub-court to find securities for one year for abuse of authority, in having, with two other persons, caused the death of a person who was confined under suspicion of being concerned in a case of theft.

NUMBER of Cases of Abuse of Authority tried and disposed of by the Magistracy, during the following Five Years.

	Number of Cases Tried.	Of which	
		Punished.	Released.
1849 - - -	27	8	19
1850 - - -	43	14	29
1851 - - -	23	11	12
1852 - - -	15	3	12
1853 - - -	38	12	26
TOTAL - - -	146	48	98

Cuddapah,
Magistrate's Office on Circuit, at Cambum, }
10 March 1855.

(signed) *M. Murray,*
Magistrate.

CALENDAR of PRISONERS Committed before the Sessions Court of Bellary, by the Subordinate Criminal Judge.

Numbers of the Calendar.	NAMES of the PARTIES.	ABSTRACT of the Charges, and Date on which they were preferred.	Date of Apprehension of the Offenders.	Names of the Prosecutor's Witnesses.	ABSTRACT of the Examination, Grounds, and Date of Commitment for Trial.	Number of the Prisoners held to Bail.	Names of the Witnesses on the part of the Prisoners.	REMARKS OF THE SESSIONS COURT.				Date of Sentence.
								Trial when Commenced.	Trial when Closed.	Futwah.	Sentence.	
1840 10 83 84 Joint Magistrate.	Collahpoorummah 1. Camalapur Cornal Mahomed, sircinsham. 2. Shank Madar, a police peon. Ativanoo peon.	<i>Assault (serious).</i> The first prisoner with having, at about seven o'clock on the evening of the 27th May 1840, in the choultry, in the village of Raveldurcora, in the talook of Durmavarum, ordered the second and third prisoners to assault a female, by name Collahpoorummah. The second and third prisoners, with having at the time and place above mentioned, assaulted and ill-used the said Collahpoorummah, and who in consequence of the said ill-usage, was prematurely delivered of a dead child, and her life endangered. Charge preferred before the joint magistrate on the 8th June 1840.	28th May; forwarded 7th, and arrived on the 8th June 1840.	1. Chinna Timmadoo. 2. Nusrogadoo. 3. Cadregadoo. 4. Marigadoo. 5. Nulindaseroo. 6. Chinnamah. 7. Pedda Potegadoo. 8. Chinna Potegadoo. 9. Sooneke.	The prisoners deny. The prisoners are committed to take their trial before the sessions court, by E. Story, Esq., subordinate criminal judge, on the 18th June 1840, on the testimony of witnesses, under clause 3, section 5, Regulation X. of 1816. Government vakool prosecutes as per toner of the charge. The first witness (the prosecutrix's father) deposes to having heard that the prosecutrix was beaten by the second prisoner near Ramaswamy's pagoda; to having seen the second and third prisoners, by order of the first, beat, and strike the prosecutrix, and thereby cause her to bleed at the mouth and nose; to her having suffered from the effects of the said ill-usage, all night, in the village choultry, and to her having been carried to her house in the morning, when she was prematurely delivered of a still-born child of about five or six months' pregnancy.		For first prisoner: 1. Wobereddy. 2. Venkinnarree. 3. Soosereeddy. 4. Gustee Fakardoon. For second prisoner: 1. Pinger Honegadoo. 2. Eumrah. 3. Gustee Fakardoon. 4. Honmed Beg. For third prisoner: 1. Honmed Beg. 2. Gustee Fakardoon. <i>Note.</i> —Takedds have been issued for the attendance of these witnesses.				The Mahomedan law officer convicts the prisoners of the crime of serious assault, and declares them liable to Tazeer or discretionary punishment. The witnesses for prosecutrix prove that the second prisoner committed a violent and brutal assault upon the prosecutrix, and without any sort of provocation which could serve to palliate such an offence, and that on the prosecutrix coming before the first prisoner, who is a sircinsham, and complaining to him on this account, he ordered the second and third prisoners, who are peons, to beat her again, and that thereupon the second and third prisoners kicked and beat her on the stomach and elsewhere with their knees, elbows, hands, and feet, and thus occasioned her being delivered the next morning prematurely of a dead child. 2. The witnesses on the part of the defence endeavour to show that the assault last referred to, did not take place, but their testimony is improbable and contradictory. The first and third state, that on the first prisoner having one Coorchier Gungadoo arrested, his caste people, to the number of about 30, came in a riotous manner to have him released, but were dispersed on being told that the man's case would be inquired into the following morning, and they allege that no other disturbance of any kind took place on the occasion, which was that when the assault which is the subject of the prosecution is said to have occurred.	
		The second and fourth witnesses depose to the same effect as the first witness as regards the second and third prisoners having agreeably to the first prisoner's order beaten the prosecutrix; and said, that the first witness showed them (the deponents) the body of a child, and said that the prosecutrix had prematurely given birth to the same. The fourth witness further states that he saw the second prisoner beat the prosecutrix near the pagoda. The third witness deposes that he saw second prisoner beat the prosecutrix severely; that he saw the second and third prisoners beating the prosecutrix near the choultry, and that he also was present when prosecutrix miscarried. The fifth and sixth witnesses depose that they were present when the second prisoner was beating the prosecutrix near the pagoda. The seventh and eighth witnesses depose that they saw blood on prosecutrix's cloth when she was standing near the choultry, and that the next day the first witness showed deponents the corpse of the child. The ninth witness deposes that she examined the prosecutrix's person, and found three or four marks as if she had been beaten, and that she is of opinion that ill-treatment was the cause of her miscarriage. <i>Note.</i> —The joint magistrate reports that the prosecutrix will be forwarded to the Court as early as possible.					3. It seems to the Court unlikely that a mob assembled for a particular purpose would have been got rid of so easily without in any way gaining their ends. The above evidence is, however, falsified by that of the second witness for the defence, who says that no coorchiers were arrested; and that the mob in question were persons brought up for inquiry, while he gives support to the prosecution by deposing that at that time a complaint was made, that some one had been beaten, which corresponds with what appears on the part of the prosecution as to the occurrence of the first assault. 4. As regards the prosecutrix's premature delivery of the dead child, the prisoners state this was effected through the administration of drugs for the purpose of founding a complaint against them, on account of her caste people being frequently arrested. This plea is one that is of an incredible nature on the face of it, and no evidence in support thereof has been given, nor was it offered until the prisoners were brought before this Court. The fact of the premature delivery remains thus as corroboration of the evidence for prosecution. 5. The prisoners' guilt having been thus established, the first prisoner as the instigator, and the second as the chief perpetrator of the assault, are sentenced each to undergo three years' imprisonment with hard labour in irons, and the third prisoner is sentenced to one year's imprisonment in irons; all under clause 7, sec. 2, Regulation XV. of 1803.					

(signed) T. L. Strang, Session Judge.

1851 :
6, 10, 1861.
Magistrate
of
Belary.

Mecan.
versus
1. Venkatachellunappa.
2. Shashubash.
3. Venkatesddy.
4. Tejareddy.
5. Krishna.
6. C. Ramadoo.
7. P. Ramadoo.
8. Yelloogadoo.
9. Singooakondadoo.
10. Casim.
11. Chinnu Soobadoo.
12. Feida Soobadoo.
13. Chinnu Nagadoo.
14. Kristadoo.
15. Pongadoo.

Murder.
With having, in the town of Yedee, seized the prosecutor's brother, Hussan, on account of a theft committed in the second prisoner's house in the night of the 1st December 1850, kept him in custody for a few days, and afterwards beaten him to death, and thrown him into a well.
Charge preferred before the village authorities of Yempulped on the 19th, before the head of police on the 24th December 1850, and before the magistrate on the 2d January 1851.

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Instance of the first and second prisoners; that on the 17th December last, at midnight, the fifteenth prisoner took the deceased from the choultry to the Seva pagoda, telling him that the second and sixth prisoners wanted him there; that on the next morning he was informed that the deceased had promised to produce the stolen property, and had run off from Cotapully, and that his roomall was lying near a well at that village; that he afterwards heard that the deceased's corpse was floating in the said well, and went thither and saw it; that as there were marks of injury on the deceased's body, as if he had been beaten, he concludes that he must have been ill-treated, killed, and thrown into the well.

The first witness states, that himself, the deceased, and the second and third witnesses were apprehended on account of a theft perpetrated in the second prisoner's house; that the seventh, eighth, ninth, and tenth prisoners beat him and the deceased several times in the Kasawaasmy Pagoda; that on the 17th December 1850 the first, second, third, fourth, fifth, and sixth prisoners beat the deceased severely in the same pagoda, and placed a rice-pounder on his chest, and trampled thereupon, that he died in consequence; that by order of the first and second prisoners, the sixth, ninth, eleventh, and thirteenth prisoners took him (deponent) to several villages, and that after they returned to Yadake, they spread a rumour that they had taken the deceased also along with them, and that he had made his escape.

The second witness states that on account of a theft committed in the second prisoner's house, he and the deceased were seized; that on the first, second, sixth, and fourteenth prisoners questioning the deceased, he promised to give up the stolen property, but denied all knowledge of it the same night, on being interrogated by the first and second prisoners; that the next morning the first and second prisoners caused him (the deceased) to be tied up and beaten by sixth, seventh, and ninth prisoners; that a few days subsequently, by order of the first, second, and fifth prisoners, sixth and ninth prisoners beat him (the deceased) in the Chennakasava Pagoda, and placed a rice pounder on his chest, and trod thereupon; that the following midnight the said prisoners took him to the same pagoda; that at the time they were beating the first witness there, and that they then sold him (deponent) he might go.

The third witness states that he was also apprehended on account of the theft in question; that one day, in the Chennakasava Pagoda, the sixth and fourteenth prisoners tied up and beat the deceased; that on the night of another day, the seventh prisoner conveyed the deceased to the said pagoda; that he afterwards heard him cry out that he was being beaten; that this was the last time he saw the deceased, and that two days subsequently he heard that he had absconded.

The fourth witness states that his brother, the deceased, told him on the 16th December, as he (deponent) was going past the choultry, that they were beating him much; that on the following night, the sixth, eleventh, twelfth, and thirteenth prisoners took the first witness and another individual, by name Soobash, to the Seva Pagoda; that the said prisoners told him (deponent) to go to the choultry, and sent the fifteenth prisoner for the deceased; that he was afterwards informed by the eleventh witness that the fifteenth prisoner had taken the deceased along with him; that he heard a cry proceed from within the said pagoda; that he was told the next day that the deceased had run off; that he subsequently saw his corpse near a well, with marks of violence upon it.

The fifth witness states, that when he was going his rounds on the night of the 17th December 1850, he heard the ninth, eleventh, twelfth, and thirteenth prisoners ask some one in the Seva Pagoda to give up the property obtained in the theft perpetrated in the second prisoner's house, and the deceased answering that it would be better to produce the property than to suffer ill-treatment; that the next morning he was informed that the deceased and first witness had taken Thulsee with them, promising to give up the property; and that afterwards he heard that the corpse of the deceased had been found in a well.

The sixth witness states that the ninth prisoner kept the deceased and others in the Chennakasava Pagoda, where he holds a school; that afterwards, one morning at nine o'clock, the door of the said pagoda was closed, and a sound proceeded from within as if people were crying, and that he was informed that the village authorities were beating the persons seized for the theft in question.

The seventh witness states that he saw the corpse of the deceased at a well near Cotapully.

The eighth and tenth witnesses state that on the morning of the 18th December 1850 they saw the deceased, the first witness, and the ninth, eleventh, and twelfth prisoners sitting in front of the eleventh prisoner's house.

The ninth witness states that he saw the deceased near the Seva Pagoda at 11 o'clock on the 18th December 1850.

The eleventh witness states that one night the fifteenth prisoner came and called the deceased, who was under his charge, and

1. Nureegadoo.
2. Govindooogadoo.
3. Venbadoo.
4. Ally.
5. Honnegadoo.
6. Woliash.
7. Zerogash.
8. Ramana.
9. Honnegadoo.
10. Kurrymasavah.
11. Yanatasogadoo.
12. Kottogadoo.

The prisoners deny before all the tribunals.
The prisoners are committed to take their trial before the Sessions Court by the Honourable D. Arbuthnot, acting as subordinate criminal judge, on the 12th January 1851, on the testimony of the prosecutor and witnesses, under clause 3, section 9, Regulation X of 1816.

The prosecutor states that his brother, the deceased Hussan, was apprehended on account of a theft committed in the second prisoner's house; that the sixth, seventh, eighth, ninth, and fourteenth prisoners took him to different places at various times, and beat him during the day and at night; that in the interim the deceased came to his house and mentioned to him that the said prisoners had beaten him at the

16 Jan. 1851. 22 Jan. 1851. The Mahomedan law officer acquits the prisoners, with others, was in charge, considering the evidence added against them to be of an untrustworthy nature.

of giving up the stolen property, he withdrew under the pretence of having to make water, and then he disappeared. According to the evidence and the further statements of these prisoners, the deceased's roomall and tagid were then found on the brink of a bowry; but his body was not discovered till the fourth day after, when it was observed floating in the bowry.

The first witness is the only one who speaks to the death of the deceased, and he deposes that on the night of the 17th December the deceased and himself (as also a suspected person) were taken to the Kasawaasmy Pagoda, and that there the prisoners from first to sixth found and threw the deceased down, and placed a rice-beater on his breast, which they pressed down at each end with their feet, and so caused his death, and that they then concocted the story of his escape; the object of the said treatment being to extort from him information as to the stolen property.

In this evidence the witness is contradicted by the prosecutor and the fourth and fifth witnesses, who depose that the place where the deceased was taken and interrogated on the night in question was the Seva Pagoda, and they heard him from within renouncing against being beaten.

The fourth witness moreover states that the third and fourth prisoners were then in their respective houses, and that he went to them and reported what he had observed passing in the pagoda.

It is furthermore unlikely that if thus guilty of the deceased's death, the parties thereto should have had the bowry indicated in which his body was thrown, by having his roomall and tagid left there; for even should it have appeared therefrom that the deceased had drowned himself, attention would have been nevertheless immediately drawn to him as the parties under whose charge he had been, and through whom he must have appeared to have been impelled to commit suicide.

The evidence of the eighth, ninth, and tenth witnesses affords complete refutation to that of the first as to the murder of the deceased; for they depose that they saw him alive and well on the morning after he is said to have been so killed.

The evidence to the murder of the deceased is thus wholly unsustainable, and the prisoners are hence deemed free of that charge.

It remains to be considered whether they have been guilty of ill-usage of the deceased, such as to have driven him to destroy himself, according to the features of the remaining evidence.

The statements on this head are likewise contradictory, and such as cannot be depended on.

The first witness deposes first on the morning after the deceased was taken into custody, he and the deceased were both beaten by the prisoners from sixth to tenth and fifteenth, under orders from the prisoners from first to fifth, and that the fourteenth prisoner and the sixth witness were present, as well as the second and third witnesses. The sixth witness declares that he was so present. The second and third witnesses state that the deceased alone was beaten on the said occasion, the second witness declaring that he was so by the seventh, eighth, and ninth prisoners, under orders from the first prisoner, and the third witness, by the sixth and fourteenth prisoners, both witnesses affirming that none others of the prisoners than those respectively named by them as above were then present. The first witness adds, that an injury observed on one of the deceased's fingers when his body was discovered, was not inflicted at any time that he was ill-used by the prisoners, while the second witness deposes that it happened on the occasion of the above beating, where this one finger was tied and bent back; and the third witness, that three fingers on each hand of the deceased were so tied, but that none of them were injured.

It appears in evidence, and according to the statements of the prisoners, that on the second day after the arrest of the deceased, he and the other unsuspected persons were taken to Tadputry, the then station of the head of police, where they were detained for three days, and then brought back to the prisoner's village; and after this, further ill-usage of the deceased is said to have occurred.

Herein there are also contradictions. The first witness deposes that three nights after their return from Tadputry, he and the deceased were taken by the prisoners from sixth to tenth, and the fifteenth, under orders from the prisoners from first to fourth, and that on two of these occasions the second and third witnesses (who were also suspected persons) were present. The second witness states that he witnessed such beating only on one night; that it occurred under the orders of the first and second prisoners, the third and fourth being not then present, and that on the following day he and the third witness were discharged. The third witness, on the other hand, says that he and the second were released on the day of their return from Tadputry, and hence witnessed no such beating.

18. With

Calendar of Prisoners Committed for Trial before the Sessions Court of Bellary, by the Subordinate Criminal Judge—continued.

Numbers of the Calendar.	NAMES of the PARTIES.	ABSTRACT of the Charge, and Date on which they were preferred.	Date of Apprehension of the Offenders.	Names of the Prosecutor's Witnesses.	ABSTRACT of the Examination, Grounds, and Date of Commitment for Trial.	Numbers of the Prisoners held to Bail.	Names of the Witnesses on the part of the Prisoners.	REMARKS OF THE SESSIONS COURT.				Date of Sentence.
								Trial when Commenced.	Trial when Closed.	Putwahl.	Sentence.	
1861: 9, 10, 1861. Magistrate of Bellary.	Móean v. Venatachellunappa, &c.—continued.	and took him away, saying the second prisoner and a roddy wanted him; that they did not bring him back, and that the next day he heard that the deceased and the first witness had taken the ninth prisoner and others in the direction of Brawanpully, promising to give up the stolen property. The 19th witness corroborates the above statement of the 11th witness.						12. With the exception of the laceration of the deceased's finger, which may have occurred in many ways, there were no marks sufficiently distinctly perceptible upon his body to enable it being said that he had experienced maltreatment. 13. There is thus no evidence upon which the prisoners can be held guilty of having ill-used the deceased, but nevertheless, as he would appear, after having been for 15 days in custody, to have delivered himself therefrom by self-destruction, there is much ground for concluding that he was thus ill-used, and so driven to commit suicide, but when or by which of the prisoners, it is impossible to determine. 14. The prisoners are consequently acquitted and directed to be discharged. 15. Those shown to have been responsible for the deceased during the period of this detention, were the prisoners from 1st to 4th, who were the curmish and reddies of the village, and the prisoners from 7th to 18th and the 19th, the Tailories, who admit themselves to have been actually on guard over him. The attention of the magistrate is called to these parties, as also particularly to the circumstance of the deceased and others having been thus long in the custody of the village authorities upon no other grounds than bare asserted suspicion, and this, as it would seem, with the cognizance of the head of police.				
1858: 76, 910, 1858. Joint Magistrate of Bellary.	N. Naugamah versus 1. Goodpully Thimoo- gnool, peon. 2. Lugal, duflidar. 3. G. Kamm, peon. 4. Chinnareddy. 5. Soobareddy. 6. Hushretajab.	Murder. -- The first prisoner with having, in the village of Kotakota, in the hamlet of Jagannanotapullah talooq, peon Nakondah, illegally taken up and placed the prosecutrix's husband, N. Chennagah, aged 40 years, in the village choultry, on suspicion of being concerned in a case of theft, and with having frequently, and again on the 1st September 1853, taken him to the jungle, and there ill-treated him, from the effects of which he (prosecutrix's husband) expired at three o'clock of the same night, and the second, third, fourth, fifth, and sixth prisoners with having aided and abetted the first prisoner in perpetration of the act in question. Charge preferred before the head of police of Pennacundah on the 24th September, and before the joint magistrate on the 8th October 1853. third day after lamplight the first prisoner brought her husband to her (deponent's) house, and there laid him; that the first prisoner then desired her to give him (prosecutrix's husband) some water; that she thereupon mixed boiled rice with water, and gave it to her husband, but he was unable to swallow it; that first prisoner then got her husband removed to a "cotton" or thatchiol shed; that before sunrise the following morning the first prisoner brought back her husband, and left him inside of her house; that she, on looking at him, found him dead, and that her husband's chest and thighs were swollen when she saw him the night previous. The first witness asserts that the fourth, fifth, and sixth prisoners placed the prosecutrix's husband (deceased) in confinement for three days, as being concerned in a case of theft committed in one Chowdeppah's house; that he (deceased) was afterwards placed in the custody of the first, second, and third prisoners; that the first prisoner struck the second	1st—8th 2d - 3d - 4th - 5th - & 19th. 6th / October 1st. forwarded on the 17th, and arrived on the 2nd item.	1. O. Chennogadod - 2. Namala Kathaveg- doo. 3. M. Nadeppogudoo. 4. M. Gungadoo. 5. T. Pakeroogadoo. 6. M. Ramoogoo. 7. Gungannah. 8. Condappanna.	-- The prisoners deny the charge throughout. The prisoners are committed to take their trial before the Sessions Court by R. G. Clarke, Esq., Subordinate Criminal Judge, on the 26th October 1853, on the testimony of the prosecu- trix and witnesses, under Clause 3d, Section 9, Regulation X. of 1816. The prosecutrix deposes that the fifth witness apprehended and took up her husband for being concerned in a case of theft, and placed him in the custody of second, fourth, and fifth prisoners for three days, and that he (fifth witness) afterwards deliv- ered him (deceased) into the charge of the first prisoner; that he first prisoner then took her husband to certain hills, and re- mained there for two or three days, and beat him; that on the			-- The Maho- medan law officer convicts the first pri- soner of Joolim's Shudeed, and declared him liable to Ooko- but or discre- tionary punish- ment, and ac- quitted the other prisoners for want of evi- dence. . - I. Prosecutrix deposes to two assaults made on the deceased by the first prisoner, viz., the one in the tope as told her by the first and second witnesses who themselves did not witness the same, but mentioned it to prosecutrix as a rumour, and then an alleged slipping in- flicted on her and her de- ceased husband the evening of the night of his decease; but this rests solely on the pro- secutrix's assertion. 2. Both the first and second * witnesses were taken up on suspicion of having committed the same robbery for which deceased was apprehended, and the second witness asserts that he also, as well as deceased, were tortured by beating, and thus induced falsely to state that they and the first witness committed the said robbery. This is not unlikely, but the second witness's statement on this head is uncorroborated. 3. The only instance of assault made by the first prisoner on the deceased, and con- sistently deposed to by the witnesses (first, second, and eighth), is that made after a van search for property in a spot; in which deceased said he had concealed the property; the first prisoner is stated by these witnesses to have struck the deceased several violent blows (ranging from four to seven) with No. 1, on the small of his back and buttocks, and then trampling on his thighs, deceased having fallen on his back from the effects of the blows. 4. The third witness speaks of an assault made by the first prisoner on deceased with his hands, but this assertion is unsupported. 5. The assault deposed to by the first, second, and eighth witnesses is fully established;				

entrix's husband (deceased) four or five blows on the posterior with a small stick, before the Court, asking him to point out the stolen property; that he (first prisoner) also trampled on his (deceased's) thighs; that afterwards the prosecutrix's husband (deceased) walked to the distance of two chains, and then sat down, being unable to go any further; that the third and fourth witnesses then carried him a short distance in his (deceased's) sheet, and that afterwards the first prisoner and others led him by the arm to his house.

The second witness asserts that the first prisoner beat his brother, the prosecutrix's husband (deceased), four or five blows on the loins with the stick, before the Court, when his (deponent's) brother (deceased) fell on the ground; that the first prisoner then kicked him on his testicles; that his brother (deceased) walked after this the distance of about 10 or 12 chains, and then sat down, being unable to go any further; that the third and fourth witnesses then carried him a short distance in a cloth, and afterwards the first prisoner led his brother by the hand, and left him near his (deceased's) house; that the prosecutrix then brought some boiled rice and water, and placed the same for his (deponent's) brother to eat, but which he was unable to do; that the first prisoner then beat him on the chest to make him eat the rice; that the first prisoner then had him (deceased) conveyed to a "cotium" (dunghed shed), where he was laid down; that he (deponent) also went and slept in the said "cotium"; that the first prisoner asked him (deponent) and informed him of his brother's death; that, on looking at his brother, he found it to be the fact; that all the prisoners took his brother from hill to hill, desiring him to point out the stolen property.

The third witness alleges that on the prosecutrix's husband (deceased) declaring he had secreted the stolen property on a hill called Thippappully, that he (deponent), the prisoner, as well as certain others, accompanied prosecutrix's husband to the place, and on searching for the said property they did not discover it; that the prosecutrix's husband (deceased) then said that he had given the property in question to one Annudihah; that, on interrogating the said Annudihah, he denied having received the same; that on prosecutrix's husband (deceased) again declaring that he had concealed the said property in the hill mentioned before, he (deponent), prisoner, and several others accompanied him again to the said hill; that after going a short distance, the prosecutrix's husband said that only the first and second prisoners should accompany him; that thereupon they (first and second prisoners) and first and second witnesses followed him; that one of the persons who went with the prosecutrix's husband made a sign for him (deponent) to come; that thereupon he, the other prisoners, and several others went up and joined the others; that the first prisoner informed him (deponent) that the prosecutrix's husband (deceased) did not give up the property; that whilst they were all returning, the prosecutrix's husband (deceased) walked a short distance and sat down, saying that he was unable to go any further, that thereupon he (deponent) and the fourth witness, by order of the first prisoner, put him in his sheet, and conveyed him a short distance; that the other prisoners, who beheld them (deponent, &c.); that the first prisoner afterwards led the deceased by his hand into his village, and that the prosecutrix was crying the following morning, saying that her husband was dead.

The fourth witness corroborates the testimony of the third witness, and adds, that he saw the first prisoner strike the prosecutrix's husband a blow on the legs, another on the back, and several on the posterior with the stick before the Court.

The fifth witness asserts that he, under the instructions of the fourth, fifth, and sixth prisoners, captured the prosecutrix's husband (deceased), and delivered him into their custody; that they afterwards made him (prosecutrix's husband) over to the first and second prisoners, who kept questioning him (prosecutrix's husband) for two days regarding the circumstance of the theft. This witness (fifth) corroborates the evidence of the third and fourth witnesses as regards the other circumstances, and adds further, that whilst himself, the sixth, seventh, and eighth witnesses, with some others, were asleep at night in the aforesaid "cotium," that the first prisoner after midnight came and aroused them, and told them to carry the prosecutrix's husband to his house, as he was unable to walk; that thereupon he (deponent), the second, sixth, and seventh witnesses, as well as the first prisoner, conveyed the prosecutrix's husband (deceased), and left him on the pial outside of his house; that he then had some life; that they then returned and slept in the "cotium"; and that on the following morning the prosecutrix was crying that her husband was dead.

The sixth and seventh witnesses speak to the same effect as the fifth witness, regarding the circumstance of the prosecutrix's husband having been taken from the said "cotium," and placed on the pial outside his house.

The eighth witness states that he saw the corpse of the prosecutrix's husband; that the posterior were swollen, and the skin peeled off; that the back of the corpse was blistered, and the thighs swollen; that he (deponent) concluded in his mind that all this must have been proceeded from deceased being struck with a stick; that the first, second, fourth, fifth, and sixth prisoners had apprehended and brought the prosecutrix's husband for being concerned in a case of theft; that he saw the first prisoner beat and trample the prosecutrix's husband; that the second, fourth, fifth, and sixth prisoners and several others were present on the occasion; that he (deponent) also saw the third and fourth prisoners carry the prosecutrix's husband to a short distance, and that the fifth and sixth witnesses and others conveyed the prosecutrix's husband from the "cotium" by order of the first prisoner.

* Second witness is deceased's brother.

† There are some, and light but unimportant, variations. Near to the rocks of Thippappully.

‡ The rocks of Thippappully.

§ Two pieces of light but stout cane are sent up as No. 1, but they cannot be the identical stick used by the first prisoner, for the pieces do not tally.

¶ After having previously had before him translate of the evidence and inquest paper.

** Deceased died 21st, inquest held 24th September.

*** Who simply denies, and declines naming witnesses on his behalf.

6. The sillah surgeon, in his evidence, says that the said assault was insufficient to cause death, but adds, "death may have resulted from ill-treatment, particularly if connected with feeble health and insufficient diet while in confinement."

7. Such, however, was not the case, for the prosecutrix and witnesses assert that deceased was a strong and always healthy man; and the first and second witnesses, who were confined with the deceased, add that during his confinement the deceased was properly fed.

8. It is evident that deceased died either from a natural cause, or that there have been suppressed, though both prosecutrix and witnesses assert that they saw no marks of violence on the deceased's body. There are, however, many circumstances which lead to the latter conclusion, but there is a total want of proof, as also of what was the immediate cause of the deceased's death, from there having been no post mortem examination, though suspicion, certainly and strongly, points to the first prisoner. The inquest paper throws no light on the subject, for, from gross neglect, the inquest was not held till four days after the deceased's death; consequently the appearances on the body, as set forth in the said inquest paper, are, as stated by the sillah surgeon, merely those of putrefaction.

9. The charge of murder, therefore, against the first prisoner** falls to the ground, neither can he be charged with culpable homicide, but a brutal assault on the deceased is proved against him; he is therefore sentenced, under all the circumstances of the case, under clause 7, section 2, Regulation XV. of 1859, to four years' imprisonment with hard labour in irons.

10. All the witnesses agree in declaring that the other prisoners never told the first prisoner thus to beat and trample on the deceased, but they also declare that they (other prisoners) did not prevent his doing so, or reprove him for it. The first prisoner, irritated apparently at the useless search, appears to have acted as he did on the impulse of the moment, and without any other connivance than silence and passive indifference on the part of the other prisoners.

11. This conduct on their part, as the second prisoner is a duffdar, the third a peon, the fourth and fifth reddies, and the sixth a curum, amounts to a gross neglect of duty, and as such is brought to the notice of the magistrate, in order that they may meet with their deserts.

12. The prisoners, after having had the cruelty of their culpable silence and indifference pointed out to them, are released.

(True copy.)

E. Story,
Session Judge.

Sessions Court,
Bellary, 28 February 1855.

To the Commissioners for the Investigation of the alleged Cases of Torture.

ABSTRACT of Cases of Extortion, Oppression, or other Abuse of Authority committed in the Zillah of Bellary, from 1847 to 1863.

1. YEAR.	2. Number of Cases.	3. Number of Accused.	Particulars of Column 3.							Particulars of Column 2.						Cases in which, though not proved, the Parties have been censured by the Magistrate in suspicious Circumstances.
			Tahsildars.	Subordinate District Police Officers.	Cutwals, Duffadar, and Peons.	Village Head of Police and Curmama.	Village Talayaries.	Other Persons.	Serious Cases involving Death.	Serious Cases not involving Death.	Total Serious Cases.	How disposed of.			How disposed of.	
1847	4	16	4	-	10	-	-	2	1	1	2	-	2	2	-	4
1848	1	3	-	-	-	1	2	-	-	-	2	-	1	1	-	-
1849	4	10	1	1	4	2	-	2	1	3	2	1	1	1	-	2
1850	4	11	2	-	3	4	2	-	-	-	-	-	4	2	2	-
1851	3	25	-	-	1	7	17	-	-	3	3	-	2	-	2	-
1852	17	60	-	-	13	19	8	20	-	-	-	-	17	4	13	-
1853	24	91	-	-	26	18	33	14	1	2	1	1	23	3	19	3
TOTAL	69	216	7	1	67	61	62	33	3	7	10	-	49	11	38	9
1864	41	110	4	6	27	30	28	13	-	7	7	1	34	7	26	2
GRAND TOTAL	100	326	11	9	84	81	90	51	3	14	17	1	83	18	64	11

Bellary District Magistrate's Office on Circuit at Adoni, }
27th December 1864

(signed) C. Pelly,

Cases of Extortion, Oppression, or other Abuse of Authority committed in the Zillah of Bellary, from 1847 to 1853-54.

Year.	Number of Calendar.	Name of the Complainant.	Name of Prisoner.	CHARGE.	HOW DISPOSED OF.			REMARKS.
					Punished.	Released.	Committed.	
1847	No. 11 of the calendar of persons discharged.	Halagee Basawah -	1. Beemarow, head of police of Hovenhulgully. 2. Sheik Mohadeen, peon. 3. Badahajah, peon. 4. Jamal Mohammed, duffadar.	-- The second, third, and fourth defendants are charged with having on the 31st December 1846, in the village of Hallhully talook, Hurpunhully, beaten the prosecutor with tamarind switches and whips, and burned and tortured him, under the orders of the first defendant in order to compel the prosecutor to show the stolen property, and that in consequence of the above treatment prosecutor drowned himself.	- - - - -	For want of proof -	- - - - -	-- The second, third, and fourth defendants were dismissed for irregular and suspicious conduct in this case, and for having allowed the complainant to escape from their custody.
"	Ditto - 12.	Fakeerah -	1. Beemarow, head of police of Hovenhulgully. 2. Bevaramappah. 3. Sheik Moodeen, peon. 4. Yelloogah. 5. Badha Khajah.	-- With having, in the village of Coollahully, apprehended the prosecutor in a case of theft; placed him in guard, beat him with whips, and otherwise maltreated him, to such an extent that blood flowed from his nose; and with having taken him outside the village and beaten with tamarind twigs, and with having slipped him on the face, with a view to give a clue to a theft.	- - - - -	- ditto.	-	
"	13	Badajonegah -	1. Beemarow, head of police of Hovenhulgully. 2. Bevaramappah. 3. Sheik Moodeen, peon. 4. Chotah Kajah, hathwany peon.	-- With having, in the village of Coollahully Hurpunhully talook, apprehended the prosecutor, and beaten him with tamarind twigs, and with having put him in fetters with a view to compel him to produce stolen property.	- - - - -	- ditto.	-	
"	14	Cawle Kencha -	1. Beemarow, head of police of Hovenhulgully. 2. Gooroovah, peon. 3. Sheik Hoosain.	-- With having, in the village of Coollahully Hurpunhully talook, caused the prosecutor to be apprehended and beaten in order to compel him to produce stolen property.	- - - - -	- ditto.	-	
1848	28 of calendar No. 1 of the second quarter.	1. Utobammah 2. Sooblah.	1. Ramangoud, potail 2. Nagpah. 3. Obessoo, talary.	-- The second and third prisoners are charged with having about two months ago, in the village of Cholasamoodram Anantspor talook, tied the neck and legs of the prosecutor together with a rope by order of first prisoner.	- - - - -	- ditto.	-	-- The first prisoner fined 10 rupees, commutable, if not paid, to one month's imprisonment; and second and third prisoners 2 rupees each, commutable, if not paid, to 15 days' imprisonment.
1849	11 of the calendar of persons punished during the second quarter.	Marakah -	Kurnum Seevapah -	-- With having, in the village of Yerroogoon-tah Pendroog talook, apprehended the prosecutor in a case of assault, slipped, and beaten her.	- - - - -	- ditto.	-	-- A fine of 20 rupees, commutable, if not paid, to 15 days' imprisonment.

(continued)

Cases of Extortion, Oppression, or other Abuse of Authority committed in the Zillah of Bellary, from 1847 to 1853-54—continued.

Year.	Number of Calendar.	Name of the Complainant.	Name of Prisoner.	CHARGE.	HOW DISPOSED OF.			REMARKS.
					Punished.	Released.	Committed.	
1840	10 of the calendar of persons released during the first quarter.	Canalee Boochaga -	Chethumbara Row Karcoon.	-- With having, in the village of Neiggerdonah Goolcum talook, arrested the prosecutor's younger brother in a case of theft committed in his (prisoner's) house, and ill-treated him to such an extent that he committed suicide by hanging himself; and further with having caused the body to be thrown into a well, that it might appear he had met his death accidentally.	- - - - -	For want of proof.	-	
"	11 of the calendar of persons released in the second quarter.	Somegah - -	1. Kanoomuntharow, dassyee. 2. Beemrow, curnum. 3. Venca. 4. Gerederralal, peon. 5. Nagavendra Row, head of police.	-- First, second, third, and fourth prisoners are charged with having apprehended the prosecutor in a case of theft committed in the house of the second prisoner, and caused rags to be wrapped round his fingers and set fire to; and fifth prisoner with having been cognizant of this torture after it occurred without taking notice of the same.	- - - - -	ditto - - - - -	- - - - -	-- Though the charge was not legally proved, there was ground to believe that the fifth prisoner's statement that he was totally ignorant of the circumstance was false, he was punished by fine for neglecting to bring it to the immediate notice of the magistrate. As there was strong suspicion against second prisoner (Curnum), he was suspended for two years. Fourth prisoner (peon) was suspended for three months for not bringing the fact of the burn on the complainant's fingers to notice.
"	83 of the criminal register.	Koolspooroomah -	1. K. Kamal Mohummud, surchnsum. 2. Sheik Madar, police peon. 3. Sheik Nalbee, atwance peon.	-- With having on the 28th May 1849, in the village of Ravalacheroovo, Durmavarum talook, assaulted the prosecutrix, and thereby caused the death of her child of which she was then pregnant. Acting Joint Magistrate.	- - - - -	ditto.	-	
1850	4 of the calendar of persons punished during the second quarter.	Chinna Vobalajah -	1. Curnum Chennaverappah. 2. Vencutrow, head of police of Pencoindah.	-- First prisoner with having about 6th September 1848, in Coorabarahully Pencoindah, taken the prosecutor to Coorabarahully, and maltreated him by beating and pinioning his arms; and with having caused his house to be searched with a view to compel him to produce property said to have been made away with by his (prosecutor's) brother; and the second prisoner with having illegally confined the prosecutor for three months without having authority to do so.	-- Sentence for this case is awarded in the following one.	ditto.	-	
"	Ditto. 5	Peddavobalajah -	1. Curnum Chennaverappah. 2. Vencatrow, head of police. 3. Ponale Kondapah, duffadar. 4. Balaram, police peon. 5. Takooram, police peon.	-- First prisoner with having in the month of April 1850, placed the prosecutor in confinement for two days, and taken him thence to a mosque near the talook cutcherry, and made him over to the other prisoners; second prisoner with having illegally sent him under an escort of peons, and had him kept in guard for six or eight days.	-- The first prisoner a fine of 40 rupees, and the second prisoner 50 rupees, commutable, if not paid, to 15 days' and one month's imprisonment respectively.	-- The third, fourth, and fifth prisoners released.	-	
"	17 of the calendar of persons released during the first quarter.	Bussegah - -	1. Narasimreddy - - 2. Dassegah. 3. Sunjevah.	-- With having, in the village of Cannucilla Raidroog talook, kept the prosecutor (apprehended in a case of theft) in confinement, and with having maltreated him	- - - - -	For want of proof.	-	

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	persons released during the second quarter.			hended in a case of theft) to be tied to a post in the choultry and beaten.				ditto.
1851	1 Ditto - ditto -	Camsulla Sooblah -	Abdulkader, police peon	-- With having, about seven months ago, in the village of Nursimpully, talook Durmaverum, assaulted the prosecutor (apprehended in a case of theft), with a view to extort a confession.				ditto.
"	11 Ditto - ditto -	Beimoodoo -	Seshapah, currum	-- With having, about a month previous to the 1st August 1851, tied the prosecutor to a post, on the plea of his having caused one Hancock to abort.				ditto.
"	14 of the calendar of persons released during the fourth quarter.	-- Handcredy Venkatappah.	1. Narayanareddy 2. Narasimmareddy. 3. Nadammah. 4. Mootyalgadoo. 5. Neerguttee Chinneegadoo 6. Chinna Hamoomnagadoo. 7. Ramagovindagadoo. 8. Daseegadoo. 9. Nagadoo. 10. Booseegadoo	-- With having, about two months prior to the 19th November 1851, in the village of Thullamulla, Pencoindah talook, placed the prosecutor (apprehended in a case of theft committed in the house of 1st prisoner) in guard, pinioned him, suspended him to a tree, and beaten him.				ditto.
"	45 Ditto - ditto -	Naragadoo -	1. Narayanareddy - 2. Narasimmareddy. 3. Mooreannah. 4. Mootteyalgadoo. 5. Neerguttee Chinneegadoo 6. Ramagovindagadoo. 7. Chinna Hamoomnagadoo.	-- With having, about two months prior to the 21st November 1851, ditto, ditto, ditto.				ditto.
"	46 Ditto - ditto -	-- Cooroogoontha Mullannah.	1. Narayanareddy - 2. Nareesimmareddy. 3. Moorannah. 4. Hurvanagoodoo. 5. Chinneegadoo. 6. Mootteyalgadoo.	-- With having, about two months prior to the 21st November 1851, in the village of Thullamullah, Pencoindah talook, placed the prosecutor (apprehended in a case of theft committed in the house of 1st prisoner) in guard, pinioned him, suspended him to a tree, and beaten him.				ditto.
1852	10 of the calendar of persons punished during the second quarter.	-- Mula Peidanursoogadoo.	1. Bachereddy - 2. Pakeogadoo. 3. Dodoookoor Iyenah. 4. Peida Nurusimmah. 5. Ramagadoo.	-- With having, about 15 days previous to the 22d April 1852, in the village of Mullaavaudapullaya, hamlet of Sldracherla, talook Anantapoor, apprehended the prosecutor on suspicion, placed him in guard, and with having tied and beaten him.			-- First and fourth prisoners a fine of five rupees each, and second and third and fifth prisoners three rupees each, commutable, if not paid, to eight and six days' imprisonment respectively.	ditto.
"	13 Ditto - ditto -	Veroopakshapah -	Lutchiah Cutwal -	-- With having struck the prosecutor on the cheek, and put him in the choultry, for refusing to let out his bullock.			-- A fine of six rupees, commutable, if not paid, to 10 days' imprisonment.	
"	25 Ditto - ditto -	1. Mungala Sunjeevee. 9. Ungeyala Venkategadoo.	1. Narayanareddy 2. Soobbannah. 3. Lingunnah. 4. Narasemmareddy, potail 5. Chinammah. 6. Ramoogadoo.	-- With having, about one month prior to the 7th September 1852, in Thullammalla talook, Pongondah, apprehended the prosecutor on suspicion that he had found treasure, placed him in guard, and assaulted him.			-- The first prisoner a fine of five rupees, the second and third prisoners two rupees each, commutable, if not paid, to 10 days' imprisonment each.	
"	26 Ditto ditto -	Goondee Chinnamullapah.	1. Narayana Reddy, potail. 2. Mooslegadoo, cato-lady. 3. Peida Ragaviah, currum.	-- With having, about 20 days prior to the 7th September 1852, in Gusseecevaareepully, hamlet of Pamdooty, talook Pencoindah, apprehended the prosecutor, placed him in guard, and beaten him with a view to extort a bribe.			-- The first and second prisoners a fine of 10 rupees each, and third prisoner three rupees, commutable, if not paid, to four and six days' imprisonment respectively.	

(continued)

Cases of Extortion, Oppression, or other Abuse of Authority, committed in the Zillah of Bellary, from 1847 to 1853-54—continued.

Year.	Number of Calendar.	Name of the Complainant.	Name of Prisoner.	CHARGE.	HOW DISPOSED OF.			REMARKS.
					Punished.	Released.	Committed.	
1853	5	1. Ungayalla Ven- cetegah. 2. Mungala Surjee- vee.	1. Narayanareddy - 2. Bera Chinnagadoo. 3. Nagadoo.	-- With having, about 15 days previous to the 7th September 1852, in the village of Talmurla, talook Pennacodah, placed the prosecutors in confinement, and beaten them.	- - - - -	For want of proof.	-	
"	6	ditto - ditto - Channoogadoo -	1. Chinna Chennareddy - 2. Papabhan. 3. Ramegadoo. 4. Obelaseo.	-- With having, about two months previous to 23d February 1854, in the village of Tandumney Annuntapoor, apprehended the prosecutor (in a case of theft), kept him in confinement, and beaten him.	- - - - -	ditto.	-	
"	7	Lingiah - - -	1. Boorandeen, cutwal - 2. Pedda Vencatreddy. 3. Chinnavoreddy.	-- With having, about one month previous to the 12th February 1852, in the town and talook of Tadputtry, apprehended the prosecutor (in a case of burglary), put him in guard in the vil- lage choultry, and assaulted him.	- - - - -	ditto.	-	
"	28	1. Pedda Casem - 2. Shumsharedeem.	1. Mohomed Hoossein, cutwal. 2. Syed Hoossein, duftadar. 3. Oomersab. 4. Fakereah. 5. Sheik Meerah. 6. Sheik Abdullah. 7. Mohomud Surver.	-- With having, about 26th April 1852, in the town and talook of Bellary, apprehended the prosecutors (in a case of burglary), and beaten them.	- - - - -	ditto.	-	
"	36	Camasala Moodeena -	1. Mahomud Casem, sur- chasesm.	-- With having, on the 5th May 1852, in the enabeh of Gootty, apprehended the prosecutor (in a case of burglary), and by threats and blows extorted half a seer of gold as bribe.	- - - - -	ditto.	-	
"	37	Timmappah - -	1. Ramanah, police duf- fadar. 2. Peddanureegadoo. 3. Chullagery Vencate- gadoo. 4. Pullagadoo. 5. Mittoovadoo, talary.	-- With having, about the 9th June 1852, in the village of Cumbulpully, hamlet of Cogea, talook Pencondah, apprehended the prosecutor on the plea of his being a robber, and with having bound and beaten him.	- - - - -	ditto.	-	
"	41	Mullasee - - -	1. Sageernah, potail - 2. Vereopakshapah, cur- num. 3. Keucha, talaree. 4. Kuncheegah, gooroocul.	-- With having, about the 1st July 1852, in Narayanadavarakarah, 1, Koodlegbee talook, assaulted the prosecutor, who was apprehended in a case of burglary.	- - - - -	ditto.	-	
"	59	Shroff Nagappah -	1. Narayanareddy - 2. Pakreocollakhan. 3. Moosalegadoo. 4. Pedda Ragaviah.	-- With having, about 16th September 1852, Guseegurupully, hamlet of Pamdoorty, talook Pencondah, beaten the prosecutor, on the plea of his being a suspicious character.	- - - - -	ditto.	-	
"	62	Bootaga Kaderegah -	1. Ramreddy, potail - 2. Kanakondegadoo, ta- laree.	-- With having, about the 27th October 1852, in the village of Bookaputnum, talook Pen- condah, apprehended the prosecutor, in a case of theft, placed him in custody for one month,	- - - - -	ditto.	-	

	63	Ramesah	1. Ramreddy, potail 2. Nagadoo, talaree. 3. Hoosany, kuttobady. 4. Emam Saib, ditto.	-- With having, about one month prior to the 27th November 1852, in the village of Booksputnum, talook Pencoondah, placed the prosecutor in custody for eight days, and beaten him, on the plea of his being a suspicious character.	ditto.
	64	Kamara Verannah	1. Peddah Obereddy, potail. 2. Chinna Obereddy, potail. 3. Mahommed Caseem, sarchasum.	-- With having, about the month of April 1852, in the town and talook of Taudputtry, apprehended the prosecutor, in a case of theft, placed him in guard for a period of 18 days, and with having beaten him, and extorted a bribe of 240 rupees from him.	ditto.
	66	Rungumma	Peddah Vencattareddy, potail.	-- With having, about the 26th September 1852, in Gusegavarpully, hamlet of Poundsorty, Pencoondah talook, apprehended the prosecutor on suspicion, placed her in guard, beaten her, and with having extorted a bribe of four rupees.	ditto.
	73	Hanoomah	1. Marareddy 2. Venkatarreddy. 3. Giddanadoo.	-- With having, on the 30th November 1852, in the village of Moodamoolagoorthy, Panchapalem talook, apprehended the prosecutor's brother Narsa, and with having beaten him, by which treatment he was driven to commit suicide by hanging himself.	ditto.
	75	Abdool Guffa	1. Dasapah, entwal 2. Dodda, Dundiah.	-- With having, one day in the month of December 1852, in the Cowle bazar of Bellary, talook Bellary, beaten the prosecutor, who was apprehended in a case of assault.	ditto.
1853	15 of the calendar of persons punished.	Pedda Sunjeevo	1. Vencatrow, curnum 2. Daseere Ramanah, police peon. 3. Beenpah, amany mootadry. 4. Ramannah, police duffadar.	-- With having, about the 20th of May 1852, in Davayagapoorum, hamlet of Serakolum, talook Pencoondah, apprehended the prosecutor in a case of gang robbery, and extorted a bribe from him by threats and blows.	-- The first and third prisoners to pay a fine of 45 rupees each; second prisoner 15 rupees; and fourth prisoner 20 rupees, commutable, if not paid, to one month's imprisonment.
	18	1. Manadee 2. Bassalingah.	1. Votainapah, village police.	-- With having, about the 28th April 1853, in the village Yadehully, talook Herpunhully, apprehended the prosecutors (in a case of theft), placed him in custody, and attempted to assault him.	-- To pay a fine of 10 rupees, commutable, if not paid, to 15 days' imprisonment.
	8 of the calendar of persons released.	Goorooves	1. Nureumah, talaree 2. Chinaramanah. 3. Madhavah, talaree. 4. Kristeegadoo, talaree.	-- With having, about the 28th November 1852, in the village of Papatband, of the Amuntapoor talook, apprehended the prosecutor (in a case of theft), placed him in custody, and assaulted him.	ditto.
	11	Govindoo	1. Emame Saib, cundachar 2. Sunna Burmah, cundachar. 3. Budda Saib. 4. Jumbona Gowd.	-- With having, about 1st of December 1852, in Hospett of the Koodlegee talook, beaten the prosecutor, who had been apprehended in a case of theft.	ditto.

-- The second and fourth prisoners being police officers, and punished for the above crime, were dismissed from their situations.

(continued)

Cases of Extortion, Oppression, or other Abuse of Authority committed in the Zillah of Bellary, from 1847 to 1853-54—continued.

Year.	Number of Calendar.	Name of the Complainant.	Name of Prisoner.	CHARGE.	HOW DISPOSED OF.			REMARKS.
					Punished.	Released.	Committed.	
1853	19	Halasa - - -	1. Pavadee Gowd - 2. Mulla, talaree. 3. Beemah, burkee.	- - With having, about the 29th December 1852, apprehended the prosecutor in a case of theft and assaulted him.	- - - - -	For want of proof.	-	
"	17	Sidoo - - -	1. Dasapah, cutwal 2. Kasursing, dundlah.	- - With having, about the 17th April 1853, beaten and assaulted the prosecutor when apprehended in a case of theft.	- - - - -	ditto.	-	
"	18	Gaundla Veerapa -	Eeragah, talaree of Sun- thugoodloo.	- - With having, about the 25th February 1853, in the village of Sunthugoodloo, of the Goolen talook, apprehended the prosecutor in a case of theft and beaten him.	- - - - -	ditto.	-	
"	27	L. Naranapah - -	1. Pedda Vohareddy, potail 2. Boorandeen, cutwal. 3. Kondadoo, katoobady.	- - Third prisoner is charged with having, about the 23d April 1853, in Cottalappullah hamlet of Degavapullah, of the Taudputtry talook, apprehended the prosecutor on suspicion, and with having beaten him with a stick, under the orders of the first and second prisoner.	- - - - -	ditto.	-	
"	30	Mola Rangadoo -	1. Pedda Vohareddy, potail 2. Boorandeen, cutwal. 3. Balashoodoo, cuttoo- bady. 4. Kasaverow, dundlah. 5. Peer Saib, dundlah.	- - The third, fourth, and fifth prisoners are charged with having, about the 25th March 1853, in the town and talook of Taudputtry, bound and beaten the prosecutor. First and second prisoners are charged with having ordered the other prisoners to commit the said assault.	- - - - -	ditto.	-	
"	31	Unda Chennabusaspah.	1. Ramappah - - - 2. Pompanah. 3. Chinnanagoodoo. 4. Paupanah. 5. Hanoomunthapah. 6. Sidamnah. 7. Nusareddy. 8. Poupareddy. 9. Sheik Mooshkeen, at- wany peon. 10. Bussiah.	- - With having, on the 1st June 1853, in the village of Cottacherroo, of the Pennecondah talook, beaten and kicked the prosecutor.	- - - - -	ditto.	-	
"	34	Beemadoo, &c. -	1. Karebusanagowd, potail 2. Hanamah, talaree. 3. Shimooogoo, talaree. 4. Solabanagoodoo, cavalee	- - With having, about 1½ month previous to the 7th March 1853, in the village of Paulitoor, of the Gootty talook, apprehended the prosecutor in a case of highway robbery, placed him in guard and beaten him.	- - - - -	ditto.	-	
"	37	Vuddagooropah -	1. Jumbanagowd, potail - 2. Nagareddy. 3. Hanoomuntoo. 4. Ramoodoo.	- - With having about the 9th of April 1853, in the town of Hospett, talook Koodlegee, beaten the prosecutor, who had been apprehended in a case of fraud.	- - - - -	ditto.	-	

38	Boobah - - -	1. Mohummud Gouse, police peon. 2. Vermnah.	-- With having, about the 24th April 1853, assaulted the prosecutor and beat him when taken up in a case of theft.	- - - - -	- - ditto.
41	1. Soindoo 2. Doorgah.	1. Sunkadoo, talaree 2. Gooreegadoo, ditto.	-- With having, about the 12th April 1853, assaulted and beaten the prosecutors when apprehended as prisoners in a case of theft.	- - - - -	- - ditto.
68	Moogapah - - -	1. Moodoortullangound, village police. 2. Carretasavanagound. 3. Curriah, talaree. 4. Hauvomah, ditto.	-- With having, about the 5th July 1853, in the village of Oothanges, talook Herponhullee, beaten the prosecutor when he was apprehended in a case of burglary as prisoner.	- - - - -	- - ditto.
71	Tippoogah - - -	1. Siddiah, ryot 2. Ganapah, talaree. 3. Douk Hanoomah, talaree. 4. Rangah, talaree. 5. Pidcoogah, talaree.	-- With having, on one day in July 1853, in Shaencottah village, talook Bellary, apprehended the prosecutor in a case of cattle-stealing as prisoner, tied and branded him with a red hot iron gunny needle and beaten him.	- - - - -	- - ditto.
80	Thimnah - - -	1. Hanoomaga, talaree 2. Lindagoo, talaree. 3. Davandrapah, reddy and curann.	-- With having, about 14th August 1853, beaten and assaulted the prosecutor when apprehended in a case of cattle-stealing.	- - - - -	- - ditto.
106	Uriapah - - -	1. Somagah, talaree 2. Yelloogah, ditto. 3. Boochegah, cavalee.	-- With having, about the 9th of October 1853, apprehended the prosecutor in Ramdoorg, of the Guoileum talook, in a case of burglary, beaten him with their hands, gagged, and assaulted him.	- - - - -	- - ditto.
117	1. Chellamagoodoo 2. Pinjar Peroo. 3. Camalee. 4. Karoogadoo.	1. Shaik Amhummud, police duffadar. 2. Sheik Beram, dundih. 3. Soobanah, chpultry duffadar. 4. Seyvoogadoo, talaree. 5. Nernagowd, potall. 6. Eerojee, Hathwaneer peon.	-- With having, about the 26th October 1853, beaten and assaulted the prosecutors when apprehended in a case of torch-light robbery.	- - - - -	- - ditto.
151	Hauvomagah - - -	1. Boochiah, cavalee 2. Uppegadoo, talaree. 3. Nagadoo, talaree.	-- With having, about 10 or 12 days prior to the 4th December 1853, apprehended the prosecutor in a case of cattle-stealing, bound, and beaten him.	- - - - -	- - ditto.
159	Talaree Nursegadoo - - -	1. Omar Saib, police duffadar. 2. Mustan, Atvany peon. 3. Sheik Hoossain, Atwani peon. 4. Oomjee, police peon.	-- With having, about the 10th November 1853, in Collagnilla, of the Gooty talook, bound and kicked the prosecutor, with a view to extorting information in a torch robbery in that village.	- - - - -	- - ditto.

-- The head of police not having taken notice of the numerous marks of burning apparent on the person of the prisoner, though he was in his custody for nine days, viz. from 11th to 10th July 1853, he has been fined ten rupees, and the duffadar Bahodsen, who had the charge of the prisoner for so long a time, and not making the circumstance known to the head of police, has been reduced from the duffadarship to that of a peon by the assistant magistrate, Mr. C. R. Pelly.

Cases of Extortion, Oppression, or other Abuse of Authority committed in the Zillah of Bellary, from 1847 to 1868-64—continued.

Year.	Number of Calendar.	Name of the Complainant.	Name of Prisoner.	CHARGE.	HOW DISPOSED OF.			REMARKS.
					Punished.	Released.	Committed.	
1853	153	Moosaleegandoo, talaree.	1. Omerasib, police duffadar. 2. Mustan, Atwany peon. 3. Sheik Hoosain, Atwany peon. 4. Oomajee, police peon.	-- With having, about the 9th November 1853, beaten the prosecutor with sticks on the road to Andiat, with a view to extort information in a torch-robbery in the village of Cullagolla.	- - - - -	For want of proof.	-	
"	164	Rungapah - -	1. Kotharayadoo - - 2. Lutchineegadoo, talaree. 3. Muntha Nagoodoo, cuttoobady.	-- With having, in the village of Cundlapully, talook Gooty, on the 16th November 1853, tied up, beaten, and assaulted the prosecutor outside the village of Mathemacoolapully, when apprehended in a case of torch-robbery, committed in the above village.	- - - - -	- - ditto.	-	
"	210	Ramannah - -	1. Godopulley Timmogah, peon. 2. Lingah, duffadar. 3. Caseem, peon. 4. Chennareddy. 5. Soobbareddy. 6. Asvathopah.	-- The first prisoner is charged with having, in Cottacotah, hamlet of Ragoalanoothalappullah, talook Pencondah, apprehended the husband of the prosecutrix groundlessly in a case of theft, and placed him in confinement in the village police; and further, with having on the 29th September 1855, taken him to a jungle and ill-treated him, and with having caused his death by the said ill-treatment.	- - - - -	- - ditto - -	- Committed to the Subordinate Court.	-- First prisoner was sentenced by the Sessions Court to four years' imprisonment with hard labour in irons. Second, third, fourth, fifth, and sixth prisoners were released. First, second, and third prisoners were also dismissed from their situations by the joint magistrate.
"	13, of the 3d quarter	Veroopatchapah -	1. Lutchminh, ontwal -	-- With having struck the prosecutor on the cheek, and putting him in choultry, for refusing to lend his bullock.	- - A fine of six rupees, commutable, if not paid, to 10 days' imprisonment.	- - ditto.	-	
1854	11	Golla Sanjeevoo -	1. Ramreddy, potall - 2. Vencatsobiah, curnum.	<i>Extortion.</i> -- With having, on the 2d February 1854, in the village of Yagadoor, talook Yadaky, charged the prosecutor with theft, threatened, and forcibly exacted from him 20 rupees.	- - A fine of 20 rupees to the first prisoner, and 15 rupees to the second prisoner, commutable, if not paid, to imprisonment for one month each, under clause 3, section 3, Regulation III. of 1819.	- - ditto.	-	
"	16	Nagadoo - -	1. Lutchem, potall - 2. Timmadoo, cuttoobady.	<i>Abuse of Authority by Village Police.</i> -- The first prisoner with having, eight days previous to the 13th May 1854, at 10 a. m., in Garreldinny, talook Adoony, caused the prosecutor to be beaten by the second prisoner; and the second prisoner with having then and there beaten the prosecutor as directed by the first.	- - A fine of 20 rupees to the first and one rupee to the second prisoner, commutable, if not paid, to imprisonment for 15 days and five days respectively, under clause 3, section 3, Regulation III. of 1819.	- - ditto.	-	

20	Mulligadoo	1. Conopah, duffadar 2. Vencataramana, police peon.	<i>Abuse of Authority.</i> -- The first prisoner is charged with having, on the 10th March 1854, in the village of Shrotriam Cantaipully, talook Kodecondah, imprisoned the prosecutor and assaulted him, when he was apprehended as a prisoner in a case of torch robbery. The second prisoner with having then and there abetted the first in the commission of the crime.	-- A fine of fifteen rupees to the first, and five rupees to the second prisoner, commutable, if not paid, to imprisonment for one month each, under clause 2, section 3, Regulation III. of 1819.	
41	1. Narayanaah 2. Pooliah.	1. Sam Row, zilladar 2. Narasinga, talary. 3. Ranjee.	<i>Assault and Abuse of Authority.</i> -- With having, prior to the 20th May 1854, (exact date unknown), at about 3 p.m. in the village of Nedecheria, Panchapollem talook, caused the second prosecutor to be tied to a post, with having abused, struck with his hand, and kicked first prosecutor, and with having caused him also to be tied and confined in the choultry.	-- The first prisoner is acquitted of the charge of assault for having confined the first prosecutor in the choultry without sufficient cause; he is sentenced to pay a fine of five rupees, commutable, if not paid, to ten days' imprisonment under clause 2, section 3, Regulation III. of 1819.	-- Second and third prisoners are released.
81	Venkataga	1. Rungareddy, potail 2. Banlegah, talary. 3. Madargadoo.	<i>Abuse of Authority by Village Police.</i> -- The first prisoner with having, about a month previous to the 27th March 1854, at day-time, in Cheemullavagapully, the hamlet of Narasapoor, talook Yadky, apprehended the prosecutor as a prisoner in a case of theft, caused him to be beaten by the second and third prisoners, and received a bribe of sixteen rupees from the prosecutor.	- - - - -	For want of proof.
86	Venayyah	1. Chenna reddy 2. Obla reddy. 3. Casava reddy.	<i>Abuse of Authority by Village Police.</i> -- With having, about two months previous to the 24th February 1854, in Tammumpully, the hamlet of Chintacoyalamoonta, talook Taud-pulury, confined the prosecutor in the village choultry, and received a bribe of four rupees from him.	- - - - -	- ditto.
84	Chinna Veeragadoo	Ram Reddy, potail	<i>Abuse of Authority by Village Police.</i> -- With having, about four months previous to the 8th March 1854, in the village of Yagadoor, talook Yadky, charged the prosecutor with having sold suspicious property, threatened him, and received a bribe of six rupees, besides a buffalo and goat, value six and two rupees respectively, the property of the prosecutor.	- - - - -	- ditto.
85	Hoossain	Bungaregah	-- With having, about eight days previous to the 25th March 1854, in the village of Hoosoor, talook Panchapalum, beat the prosecutor when he was apprehended as a prisoner in a case of cattle-stealing.	- - - - -	- ditto.
88	-- Coomaly Nunjoondiah.	1. Teramul Row, potail 2. Pardevaramapah, potail goomastah. 3. Kristnapa, curnum. 4. Silur, police peon.	<i>Abuse of Authority by Village Police.</i> -- With having, on the 15th October 1853, at Cholore, talook Codecondah, threatened the prosecutor, placed him in custody, received a bribe of eighty rupees, and concealed the case of the torch-robbery.	- - - - -	- ditto.

(continued)

Cases of Extortion, Oppression, or other Abuse of Authority committed in the Zillah of Bellary, from 1847 to 1853-54—continued.

Year.	Number of Calendar.	Name of the Complainant.	Name of Prisoner.	CHARGE.	HOW DISPOSED OF.			REMARKS.
					Punished.	Released.	Committed.	
1854	69	Booddun Khan	1. Sillar Saib, police peon	<i>Abuse of Authority.</i> -- With having, about six or seven months previous to the 19th May 1854, received from the prosecutor a bribe of sixty rupees and two pootoo of grain in a case of theft committed in Tonpady, talook Goreebidnoor, in the Mysore country.	- - - - -	For want of proof.	-	
"	105	1. Pinjar Nagoodoo 2. Narayanadoo. 3. Sunnavadoo.	Gheerapipah - Geryyappah.	-- With having, about four months since, suppressed a charge of highway robbery brought against Fingoree Nagoodoo, Woodoombi Narasimoodoo, Yanoogala Sunnavadoo, and with having received from the prosecutors a bribe of sixty rupees.	- - - - -	- - ditto.	-	
"	146	Davy Venkatogah	1. Vourabhadragoud 2. Ramangoud. 3. Soonkadoo. 4. Vobegadoo.	<i>Abuse of Authority, and Assault.</i> -- With having, about 12 a.m. on the 21st August 1854, in Voooroovacondah, Gooty talook, first and second prisoners, caused the prosecutor to be beaten by third and fourth prisoners, and some others tied to a post, and confined in the choultry; first prisoner further with having struck the prosecutor on the mouth with a stick, by which two of his teeth were knocked out and two loosened; the third and fourth prisoners with having, by order of the first and second prisoners, beaten the prosecutor and tied him to a post.	- - - - -	- - ditto.	-	
"	149	Somoogah	1. Hajee Baig 2. Pakoordem. 3. Timmoodoo.	<i>Abuse of Authority.</i> -- The first, third, and fourth prisoners with having on the 3d April 1854, in Vurnagullah, Adony talook, ill-treated the prosecutor, who was apprehended as a prisoner in a case of torch-light robbery, with a view to extort a confession, and second prisoner with having been present aiding and abetting.	- - - - -	For want of proof.	-	
"	57	1. Hancockregah 2. Panpegah.	1. Hancockmunthareddy 2. Gungojee.	<i>Abuse of Authority.</i> -- With having, on the 27th October 1854, detained the prosecutors, Pinjaree Honoorogah and Maupesegah, inhabitants of Paramatha Valaree, in Anunthapoor talook, in custody for eight days, and also with having caused them to be beaten, on the plea that prosecutors were suspected of having been engaged in a torch-robbery.	- - - - -	- - ditto.	-	
"	58	1. Paupannah - 2. Jalee Naganah. 3. Peddannah. 4. Narasimmah.	1. Chinnannah 2. Chenchannah.	<i>Abuse of Authority.</i> -- With having, in the month of October 1854, detained the prosecutors, Caupa Paupannah, Ganteo Nagannah, Peida Peddannah, Narasimamah, inhabitants of Arookoor, a hamlet of Commoor, in Anunthapoor talook, in custody, and with having beaten them, on the plea that they (prosecutors) had been engaged in a torch-	- - - - -	-- The prisoners are released for want of proof.	-	

204	1. Sunjeevoodoo 2. Roohavadoo. 3. Norum Sunjeevoo. 4. Sidde. 5. Dasegadoo. 6. Hanoomooogoodoo.	1. Kotau Erragoontapan 2. Carnum Narsingapah. 3. Corkoon Furvatiah. 4. Talary Obalaseo.	-- With having, in the month of August 1854, caused six persons, by name Chickloor Sunjeevoodoo and others, to be beaten, with a view to extort a confession from them of the robbery of cholum belonging to Gujjay Baullah, an inhabitant of Fondameedapilly, a hamlet of Coondurpee, in Dhurmasaram talook.		
207	Sidanagowd	Ragevandra Row, tahsildar	<i>Abuse of Authority.</i> -- With having, in the year 1853, placed the prosecutor, Sidanagowd, an inhabitant of Timmapooram, in Anantapoor talook, in charge of a peon, and with having caused him to be beaten, on the plea that he owed money to the Circar.		ditto.
58	1. Paupunnah - 2. Jaly Naganah. 3. Peddunnah. 4. Narsainmah.	1. Doobbela Chinnanah - 2. Chenchannah.	<i>Abuse of Authority.</i> -- With having, on the 27th October 1854, detained the prosecutors, Pingaree-Honoorgh and Paupgab, inhabitants of Eramatayalaree, in Anantapoor talook, in custody for eight days and beaten them, under orders of the prisoners, referred to in case No. 57 of punished calendar, on the plea that they were suspected of being concerned in a torch-robbery.		ditto.
56	Capa Paupannah and others.	1. Doobbela Chennannah - 2. Chenchunnah.	<i>Abuse of Authority.</i> -- With having, on the 15th October 1854, detained the prosecutors, Capa Paupunnah and others, inhabitants of Arrakoor, in Anantapoor talook, in custody for eight days, and beaten them, under orders of the prisoners, referred to in case No. 12 of punished calendar, on suspicion of their being concerned in a torch-robbery.		ditto.
206	Comaty Anuntiah	Amany Moostaddy Ven- cappah.	<i>Abuse of Authority.</i> -- With having, on the 27th October 1854, received a sum of 34 rupees as bribe from Comaty Anuntiah, to allow him to compromise a case of fraud.		ditto.
203	Perloo	1. Bussapah - 2. Lingappah. 3. Obah. 4. Sannegah.	<i>Abuse of Authority.</i> -- First and second defendants are charged with having caused complainant to be beaten with twigs by the third and fourth defendants, about the end of November 1854.		ditto.
225	Bizannah.	1. Noorsing, peon - 2. Yagunna, } Ryots. 3. Hanoomspah, }	<i>Abuse of Authority, and Extortion.</i> -- The prisoners are charged with having, about 15 days ago, in Mysady, Coody talook, arrested the prosecutor on a charge of purchasing property stolen from the house of second prisoner, confined him in the choultry for two days, and threatened to make him give up the property; and further, the second prisoner, with having released prosecutor after extorting 20 rupees.		ditto.

(continued)

Cases of Extortion, Oppression, or other Abuse of Authority committed in the Zillah of Bellary, from 1847 to 1868-64—continued.

Year.	Number of Calendar.	Name of the Complainant.	Name of Prisoner.	CHARGE.	HOW DISPOSED OF.			REMARKS.	
					Punished.	Released.	Committed.		
1854	226	Lutchamakah -	1. Nuringa Row - 2. Yengamah, } Ryots. 3. Hanoomapah, }	<i>Abuse of Authority, and Extortion.</i> -- The prisoners are charged with having, about a month ago, arrested prosecutrix, in Mopady, Gooty talook, on a charge of receiving property stolen from the house of second prisoner, and confined her for two days; and further, the second prisoner, with having received 30 rupees and released her; and third prisoner with having threatened to have her slipped.	-	-	-	For want of proof.	-
"	228	Fakerah -	Chinna Rungareddy -	<i>Abuse of Authority, and Extortion.</i> -- Prisoner is charged with having, about three months exact date unknown, confined prosecutor in the guard in Chemalangsapully, Yadaky talook, for the space of two days, without sufficient cause, and extorted from him the sum of 12 rupees, he (prisoner) being at the time reddis in office.	-	-	-	ditto.	-
"	232	Nagadoo, talar -	1. Sheik Homed } talayars 1. Sureshahum } 2. Appigadoo. 3. Chemnegadoo. 4. Tripigadoo. 5. Sunjevoogadoo. 6. Dadasaib, peon.	<i>Abuse of Authority.</i> -- The prisoners are charged with having about a month ago, prior to 18th of October, exact date unknown, been guilty of abuse of authority, first prisoner by causing prosecutor to be beaten at Illor and Channumpully, and confined in Pammidie; second, third, fourth, and fifth prisoners beating him at the above place, and second and sixth prisoners by arresting him without sufficient cause.	-	-	-	ditto.	-
"	236	Nullavadee -	Sevarampah, head of police of Yadaky.	<i>Abuse of Authority.</i> -- The prisoner, head of police of Yadaky, is charged with having, about a month prior to 16th November, exact date unknown, at about 4½ p. m., in cusbah Yadaky, Yadakee talook, used abusive language to prosecutor, caused him to be beaten and confined in the guard for three days without sufficient cause.	-	-	-	ditto.	-
"	240	Kotappah -	1. Kajah, peon - 2. Balegot } talayars. 3. Appayah }	<i>Abuse of Authority and Assault.</i> -- The prosecutors are charged with having, on the 23d inst., at about 10 a. m., in Bruce Pettah, cusbah Bellary, assaulted prosecutor by striking him on the back and shoulders with their hands.	-	-	-	ditto.	-
"	238	Yezrepah -	Sevarampah, head of police of Yadakie.	<i>Abuse of Authority.</i> -- The prisoner, head of police of Yadakee, is charged with having, about five or six months ago, date unknown, at about nine a. m., in cusbah Yadaky Yadaky talook, used abusive language to prosecutor, and caused him to be	-	-	-	ditto.	-

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242	1. Annappah 2. Fakeerah. 3. Chintacountah Fakeerah.	1. Annappah 2. Lingangoud. 3. Talari Bassavah. 4. Cundachar Hanoomah. 5. Talari Chinnah. 6. Cundachar Chinnah. 7. Talari Kumbali.	12th November, exact date unknown, at Timla-cooloor, Goollum talook, at about three p.m., been guilty of abuse of authority; first prisoner in having kicked first prosecutor; third, fourth, fifth, and sixth prisoners in having tied the prosecutors by their neck and legs, and beaten them; and first and second, third, and seventh prisoners in having been present aiding and abetting.		
244	Narapah	1. Geerappah, curnum 2. Kristegah } talarias. 3. Ramagah }	<i>Abuse of Authority.</i> -- The prisoners are charged with abuse of authority and extortion; first prisoner in having directed prosecutor to be confined, about a month ago, in the choultry of Virapoor, Bellary talook, and second and third prisoners in having confined him and extorted from him the sum of three rupees in the name of first prisoner.		ditto.
269	Nursingah	1. Cassim 2. Streenvass Row. 3. Gonegah.	<i>Abuse of Authority.</i> -- The prisoners, first and second, are charged with having, in the village of Hallehsalagoolum talook, beaten prosecutor, and put him in the guard, because he refused to cultivate his field, and also to give second prisoner five rupees; and third prisoner with having taken hold of him about 15 days previous to the 22d November.		ditto.
278	Barampah	Sham Row	<i>Abuse of Authority.</i> -- Prisoner is charged with placing a guard over prosecutor's house because the latter refused to pay his share of 50 rupees demanded by prisoner about 1½ months previous to the 6th October 1854.		ditto.
285	1. Nadipivadoo 2. Langadoo	1. Narayana Row 2. Ramdoss.	<i>Abuse of Authority.</i> -- The first prisoner is charged with having, in the village of Rayal Chervoo, in the Yadakee talook, about the 17th November, caused the prosecutors to be beaten with a whip, and the second prisoner with having carried the order into execution by beating prosecutor on the back and legs.		ditto.
286	Koeshavooloo	Ramalingum	<i>Abuse of Authority.</i> -- Prisoner is charged with having, in the village of Nittoor, talook Yadky, about 16 days previous to the 7th December 1854, placed prosecutor in the guard, and also with having put fetters on his hands, on suspicion of his having been concerned in a robbery in that village.		ditto.
68 Punished Calendar.	Golla Pauloodoo, and others.	Nursapah Curnum	-- The prisoner is charged with assaulting and beating complainant in Raidroog some five months ago, or thereabout, in consequence of their not reporting a torch-robbery to him, and with extorting money from the same in several shapes, and to the whole amount of 40 rupees.	-- To pay a fine of 10 rupees, commutable, if not paid, to five days' imprisonment.	ditto.

(continued)

Cases of Extortion, Oppression, or other Abuse of Authority committed in the Zillah of Bellary, from 1847 to 1853-54—continued.

Year.	Number of Calendar.	Name of the Complainant.	Name of Prisoner.	CHARGE.	HOW DISPOSED OF.			REMARKS.
					Punished.	Released.	Committed.	
1854	237	Nagapah - - -	Stroenevas Row (talook sberistadar of Raidroog).	<i>Abuse of Authority.</i> -- With having, about two and half months prior to the 8th November 1854, in Palavencatapuram, hamlet of Mamdoor, talook Raidroog, caused the prosecutor to be apprehended and brought to Rundacherla, detained him in guard for a day and half, beaten him, and received a bribe of 50 rupees.	- - - - -	For want of proof.	-	
"	280	Ramboogadoo - -	1. Caseo Row, head of police of Gooty. 2. Sunjeeves Row, moon-shee.	-- With having, about four months previous to the 11th December 1854, caused the prosecutor and others to be apprehended as prisoners in case of torch-robbery, committed at Chabala, talook Gooty, and brought to Gooty, detained him in guard, and received a bribe of 42 rupees.	- - - - -	- - ditto.	-	
"	244	1. Ramoogadoo	1. Shah Homed, surcheshum. 2. Sida Reddy, potall. 3. Modeen Saib, peon.	-- First prisoner is charged with having, about four days previous to the 21st November 1854, in the morning, near Rampoorum Gooty Talook, been guilty of abuse of authority. Second prisoner with having ordered the prosecutor to be tortured, and first and second prisoners with having been present witnessing the third prisoner torturing prosecutor.	- - - - -	- - ditto.	-	
"	342	1. Veerabradadoo 2. Vencatachetty.	Stroenevas Row, sberistadar of Raidroog talook.	-- The prisoner is charged with having, about two or three months previous to the 17th November 1854 (exact date unknown), while holding the situation of Sheristadar, caused the prosecutors, who were apprehended as robbers in a case of torch-robbery, to be beaten and otherwise tortured in Rundacherla, and received by force a bribe of 55 rupees from them.	- - - - -	- - ditto - -	- - * Committed to the Subordinate Court.	--* The prisoner in this case was released in the Subordinate Criminal Court, the charge not being proved.
"	282	Veroopatchee - -	1. Syed Nabee, cutwall 2. Syed Oomur, jamadar. 3. Mohommud Khan, peon. 4. Doorgah, peon. 5. Sheik Emam, peon. 6. Husman Khan, peon. 7. Poolegadoo, talary.	-- The first prisoner with having detained the prosecutor in the choultry guard from 4 p. m., on the 7th, to 11 a. m., on the 8th October 1854, abused him, and desired the second prisoner to torture him. The second prisoner with having beaten prosecutor; and from third to seventh prisoners with having assaulted him when taking him to the choultry.	- - - - -	- - ditto - -	- - ditto.†	-- † The prisoners were sentenced by the Subordinate Criminal Court to six months' imprisonment each with hard labour, in irons, and also to pay a fine of 50 rupees each; in default to be imprisoned to a further period of six months; but they were released on appeal to the Session Court.
"	297	Hanoomappah -	1. Kristnarow Peshcar 2. Ramungowd Reddy. 3. Kristappah curnum. 4. Yerraloe Gadoo, talary. 5. Pedda Vobadoo.	-- With having, one day in August 1854, the second and third prisoners in Chima Moostoor, Gooty talook, pushed the prosecutor by the neck without reason, and ordered the fourth and fifth prisoners with having pinioned prosecutor, acting in accordance with the second and third prisoners' orders; and first prisoner with not having put a stop to such conduct.	- - - - -	- - ditto.	-	

Bellary, Magistrate's Office, on Circuit, at Anuntapoor, }
6 March 1855

(signed) C. Pelly,

(A.)—REPORT of Persons Apprehended in the Zillah of *Mangalore*, and delivered to the Subordinate Judge in the month of February 1850.

Number of the Case.	Names of the Prisoners.	Abstract of the Crime or Charge.	Date of			Reasons for Punishment or Release, or Date of Commitment.	Explanation of Delay, and Remark, &c.
			Apprehension.	Leaving the Talook.	Arrival.		
87, Mangalore, Tehsildar, Acting Sub-Judge.	<ol style="list-style-type: none"> 1. Potali Soobba Alwah. 2. Devo, younger brother of first prisoner. 3. Teampa Chowta. 4. Vencoppah. 5. Devoo. 6. Hoossein. 	<p><i>Abuse of Authority</i></p> <p>-- The first prisoner is charged with having, while in the office of potali of Tokoor village, Mangalore talook, on the 17th January 1850, in the daytime, caused the person of the prosecutor, who was charged by one Hoooominy with housebreaking and theft, and was committed to the sub-court as third prisoner in case No. 20 of 1850 on the criminal file, but was unconditionally released, to be searched in the said village, and unlawfully and corruptly, and by colour of his said office, appropriated to his own use ornaments valued at Rs. 288. 6. 9., found on the person of the prosecutor, and belonging to himself, and with having caused him to be bound and beaten to compel him to confess the charge. The prisoners two to six, with having aided and abetted the first prisoner, and bound and struck the prosecutor in Tokoor and Puddookoday, villages in the said talook, by order of the first prisoner.</p>	16 February 1850.	27 February 1850.	28 February 1850.	<p>-- There is every reason for suspecting that the first prisoner, in his capacity of potali, aided and abetted by the other five, has been guilty of great irregularity, if he has not practised torture; but the case for the prosecution has been greatly weakened by the evidence of the witness the late potali Narraina, alias Annaya, who, after deposing that the prosecutor was deprived of certain jewels, besides the property mentioned in the list of property found upon his person, admitted that he signed that list without remonstrance. This, together with the positive evidence of the witnesses for the defence to the contrary, give the court no option but to require security from the prisoners.</p> <p>First prisoner will find security accordingly: two sureties in 100 rupees each for two years, for appearance and good conduct, or be imprisoned in gaol for six months.</p> <p>Second, fourth, fifth and sixth prisoners will find security in one surety each, for 40 rupees, for six months, or be imprisoned two months.</p> <p>Third prisoner, ditto, ditto, for 50 rupees, or be imprisoned for two months. Clause 1, section 4, Regulation II of 1822.</p> <p>The prosecutors in this and in Case No. 86 of 1850, are recommended to recover their property by civil process, 28 March 1850.</p>	<p>-- The tehsildar reports, that after the prosecutor in this case was committed to court on the 8th February 1850, on a charge of theft, he issued an order for the attendance of the parties in this case, and examined the persons who attended on the 16th till the 18th, and immediately issued a warrant for the search of the prisoners' houses; that the report regarding the result of the search reached him on the 19th; that he examined the witnesses, &c., from the 20th till the 23d, and prepared the statement showing the proof against the prisoners, &c., on the 24th, and copies of the proceedings on the 25th and 26th, and forwarded the case to court on the 27th, at 4 p. m.</p>

(signed)

Acting Sub-Judge.

Appendix (H.)

(A.)—EXTRACT from the Proceedings of the Sessions Court of *Mangalore*, under date the 22d July 1846.Tammaya Bhut
v. Hussien.

THE trial of case No. 45 on the calendar of 1846 having been completed, and it appearing by the record of the case that a copy of the prisoner's deposition before the subordinate court, in which he stated he had been tortured by the police, had been forwarded to the additional joint magistrate, the session judge resolves to call upon that officer to furnish the sessions court with information as to the result of the inquiry which may have been made by him regarding the allegation of the prisoner.

Ordered, that extract from these proceedings be sent to the magistrate of Canara by precept returnable in five days.

(True extract.)

(signed) *Findlay Anderson*,
Sessions Judge.

In return to the foregoing precept, the magistrate has the honour to subjoin copy of a letter from the additional joint magistrate, from which it will be observed that that officer considers the evidence produced in support of the charge of torture of too suspicious a nature to warrant him in convicting the potail.

Given, &c., 30 July 1846.

(signed) *T. L. Blane*,
Magistrate.

From *C. W. Read*, Esq., Acting Additional Joint Magistrate of *Canara*, to *T. L. Blane*, Esq., Magistrate of *Canara*.

Sir,

I HAVE the honour to acknowledge an extract from the proceedings of the sessions court of *Mangalore*, desiring me to state the result of my inquiry into the allegation of a prisoner "Hoosney," charging potail Sunkunna Bhut and others with having, by ill-treatment, extorted from him a confession of robbery, for which he was subsequently committed to the criminal court.

2. "Hoosney" cited three witnesses in support of his accusation, one being his own brother, a second a man employed by his near relative during the trading season, and the third witness a man of "Hoosney's" own caste, and who with him was originally accused of the robbery, but released in the talook.

3. The character of the evidence being thus, in my judgment, open to a very great suspicion, in connexion with other circumstances of which I presume the sessions judge does not require a detail, I have dismissed the charge made by the prisoner "Hoosney;" at the same time I have warned the potail of his narrow escape, and I have explained to him the consequences of a conviction of an offence of the kind, of which, however, although an old servant, he has never before been accused.

I have, &c.
(signed) *C. W. Read*,
Acting Additional Joint Magistrate.

(True copy.)

(signed) *T. L. Blane*,
Magistrate.(B.)—EXTRACT from the Proceedings of the Sessions Court of *Mangalore*, under date the 18th June 1851.

THE sessions judge having completed the trial of case No. 18 on the calendar, in which certain officers of police were charged with abuse of authority, resolves to bring to the notice of the magistrate the culpable manner in which the inquiry in the case of robbery and wounding, No. 70 of the calendar, was conducted by the tahsildars. It appears that Isra Padilaya, the first witness, and Maler Dassa, the second witness in the present case, who are the persons that allege violence was committed on them by the police, were apprehended on the 5th February, and although the tahsildar came to the spot on the 6th February, and was engaged in holding the inquiry, these persons were detained in the custody of the first prisoner, the potail of the village, till the 13th, when they were delivered over to the tahsildar by the first prisoner, who made a report to the tahsildar on the occasion.

2. The object and effect of such a course of proceedings is to relieve the tahsildar of the responsibility of the inquiry, and of the treatment of the persons confined on suspicion, and to throw it on the potail.

3. The sessions judge has, on former occasions, observed a similar attempt made by the district head of police, or other head police officer conducting the inquiry, to shift the responsibility of the inquiry from themselves, to the duffadar acting under their orders.

4. The sessions judge requests the magistrate will issue a Circular Order to the head police officers to prevent such irregularity in future.

Ordered,

Ordered, that extract from these proceedings be sent to the magistrate of Canara for his information and guidance.

(True extract.)

(signed) F. Anderson,
Sessions Judge.

EXTRACT from the Proceedings of the Sessions Court of *Mangalore*, under date the 20th May 1850.

Read Report (A.) of case No. 37 of 1850 on the file of the sub-court, as well as the petition of appeal presented by the first prisoner Potail Soobba Alwa, and the proceedings connected with the case.

1. The acting subordinate judge deserves much credit for the patient and laborious trial held by him in this case, which has furnished the sessions judge with ample materials for forming a judgment on its merits.

2. The sessions judge observes, that although the property is alleged to have been taken, and the violence committed on the prosecutor, Soobarow, on the 17th January, the first information given on the subject to the Sirkar was on the 26th January, and Soobrow was not examined till the 4th February.

3. The potail seems to have adopted all necessary precautions regarding the property found on Soobrow, a list being written on the spot, which was attested by the persons present.

4. The first witness is the brother-in-law and nephew of Soobarow, and the second witness is nephew of the first witness. They allege that they saw the property taken from Soobrow, but that they left the spot as the prisoners were taking away Soobarow, by the first prisoner's directions, to maltreat him. The first witness contradicts himself in his evidence given before police and sub-court, regarding the assault committed by the first prisoner on Soobarow. The second witness, before the sub-court, stated he saw the first prisoner push Soobarow, but he did not state so before the police. The sessions judge considers the evidence of these two witnesses utterly unworthy of credit.

5. The third and fourth witnesses are both Christians, and live three miles distant from the banksaul where Soobarow was detained; it appears that Vencappah, relation of Soobarow, who first gave information to the Sirkar regarding the present charge, lives in the same village with them. The reason they assigned for going to the banksaul (viz., that they had been invited by a moopilla to shoot, but that they had missed him and returned without shooting), is suspicious.

6. The fifth witness, who attested the list of property found on the prosecutor, admits that the first prisoner had made a report against him, and that he had been dismissed from his office of potail; also that he had preferred a complaint against the first prisoner in the preceding year. The sixth witness also admits that he (sixth witness) had preferred a complaint against the first prisoner in the preceding year.

7. There are a great many discrepancies in the evidence; for instance, the prosecutor, Soobarow, states it was in the following day the biting insect was applied to his stomach, the witnesses depose to having seen it applied on the same day. The third witness deposes to having seen fire applied to the finger of the prosecutor; the fourth witness, who was with him, says he only heard of it. The prosecutor first deposed that the property was taken from him when he was inside of the banksaul; he afterwards stated it was taken from him when he was outside, under a tree. No mention was made in the complaint first made to the Sirkar, of the receipt subsequently alleged to have been executed by Soobrow to his tenants. There is also direct evidence to refute the evidence brought forward by Soobarow, and several persons named by him denied all knowledge of the transaction.

8. Upon a consideration of the whole record of the case, the session judge is of opinion, that the charge against the first prisoner, of having appropriated the property stated in the charge, is unfounded; and that the evidence of violence having been used is not such as to warrant a demand of security from the prisoners. The sessions judge, therefore, resolves to direct the security bonds taken from the prisoners to be cancelled.

9. In the case of Naraina, No. 36, the sessions judge is also of opinion the charge of searching his house during the night, and appropriating his property, is unfounded. The first and second witnesses are distant connexions of Naraina, both residing in Mangalore, and they admit that they never went before to Naraina's house. Such being the case, it is utterly improbable that the second witness would go out in the night alone, to see what had become of Naraina.

Ordered, That extract from these proceedings be sent to the subordinate judge of Mangalore for his information, with precept returnable in two days.

(True extract.)

(signed) Findlay Anderson,
Sessions Judge.

ABSTRACT STATEMENT of Cases connected with the Torture Question, from the Year 1848 to 1854.

NAMES OF PRISONERS.	CHARGE.	DATE OF CHARGE.	SENTENCE.	DATE OF SENTENCE.
	<i>Assault.</i>			
1. Munjoo, peon - - 2. Murry Oograny and three others.	-- Charged with having beaten prosecutors, Venkagowdah and Bollah, with the fist, stick, and sword, in forcing them before the potail to pay the Government demand.	11 June 1848	-- Dismissed for want of proof.	19 June 1848
	<i>Assault.</i>			
1. Abdool Rahman, peon - 2. Munjah, peon.	-- Charged with having dragged and beaten the prosecutor, Soobroy Hebbar, with a view to enforce payment of the amount due by him on account of Government revenue.	26 Aug. 1848	-- Dismissed for want of proof.	6 Sept. 1848
	<i>Assault.</i>			
1. Venketrammah, moonsheer 2. Visvanatapah, goomasatah. 3. Ragoonatah, peon. 4. Ramachindrah, acting peon.	-- Ill-treating prosecutors (Kristna and four others) on the plea of tracing stolen property.	8 Aug. 1851	-- Released for want of proof.	12 Aug. 1851
	<i>Assault.</i>			
1. Soobashetty, potail, and three others.	-- Illegally pinioning by the arms two prisoners (Chumbah and Dora), suspected of theft, with a view to extort from them the stolen property.	19 July 1852	-- First and second prisoners fined five rupees each, or in default 15 days' confinement; third and fourth prisoners 1 rupee each, or in default four days' confinement. Section 32, Regulation IX. of 1816.	30 July 1852
	<i>Assault.</i>			
1. Soobrayah, potail 2. Abdool Kadir, duffadar.	-- Charged with having put chillies into the eyes of the prosecutor, and ill-treated him on suspicion of theft.	21 July 1853	-- Released for want of proof.	4 Aug. 1853.
	<i>Abuse of Authority.</i>			
1. Babanaik, potail - -	-- Charged with having extorted from one Neeloo a bribe of two rupees, under a threat of charging him with theft.	12 Nov. 1853	-- Fined five rupees, or in default 20 days' confinement. Section 3, Regulation III. of 1819.	6 June 1854.
	<i>Assault.</i>			
1. Shivoo, duffadar - - 2. Munjah, peon. 3. Mulliah, peon.	-- Charged with having pinioned the prosecutor, Veerapah, by the arms, and beaten him, with a view to extort from him certain stolen property.	10 Aug. 1854	-- Released for want of proof.	17 Aug. 1854

Additional Sub-Collector's Cutcherry, }
Honore, 30 December 1854. }

(signed) J. D. Robertson,
Additional Sub-Collector.

No. 8.—NORTH ARCOT.

MEMORANDUM showing the Number of Cases respecting the ill-treatment of Prisoners, &c. brought before the Magistrate and his Subordinates, and disposed of according to Regulations, during the last Seven Years, or from 1848 to 1854.

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1. Year and Month of the Calendar.	2. Name of the Calendar.	3. Talook.	4. Number of Cases.	5. NAME.	6. OFFENCE.	7. SENTENCE.
1849 : July to September	Discharged calendar	Palmanair - -	3	-- Lutchmeenursapah and four others.	<i>Assault.</i> -- Second defendant is charged with having taken away the complainant's servant, Veerasawmy Muistry, and all the defendants are charged with having beaten and ill-treated him so as to cause his death.	-- Dismissed as totally false, 17th September 1849.
Ditto - -	Ditto - -	Calastry Division - -	12	Abbadoo, peon - - - Nursoo, peon.	<i>Assault.</i> -- Tying and beating the complainant, putting him in stocks, and forcibly taking from him fifty rupees.	-- Dismissed as not proved, 25th July 1849.
Ditto - -	Ditto - -	Pennurty - -	18	-- Nadapareddy, village moonsiff, and three others.	Ditto - ditto - ditto -	Ditto, 8th August 1849.
October to December.	Ditto - -	Trittauny Division - -	3	-- Abdool Akeem, mucktaseer, and four others.	<i>Abuse of Authority.</i> -- Suspending the complainant to a tree, beating him, and requiring to produce certain property stolen from the fourth defendant's house, which was mortgaged to him.	Ditto, 11th Oct. 1849.
Ditto - -	Ditto - -	Narnavarum Division	4	Abdool Akeem, mooktassar - -	<i>Abuse of Authority.</i> -- Tying the legs of the complainant with a rope, and requiring him to confess a theft.	Ditto, 19th Oct. 1849
1850 : July to September	Ditto - -	Vellore - - -	5	-- Arnagherry Gounden, village moonsiff.	<i>Abuse of Authority.</i> -- Beating the complainant to induce him to confess a theft.	Ditto, 27th April 1850.
1851 : January to March	Ditto - -	Poloor - - -	2	Cotta Chengun, peon - - Appavoo Naick, ditto. Cheppah Chengunnah, ditto. Parvata Chitty. Rungapah Chitty.	<i>Abuse of Authority.</i> -- The defendants, first, second, and third, are charged with having beaten and in various ways ill-treated the complainants whilst in their custody on a charge of robbery with violence.	-- Released for want of proof 15th March 1851.
April to June	Ditto - -	Cauverypauk - -	1	Moonesawmy Naick, duffadar - Venotasawmy, peon. Venotachellum, ditto.	<i>Abuse of Authority.</i> -- Beating and assaulting the complainant when under custody on a charge of theft.	-- Ditto not proved, 16th May 1851.

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ALLEGED CASES OF TORTURE AT MADRAS.

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(continued)

Memorandum showing the Number of Cases respecting the Ill-treatment of Prisoners, &c.—continued.

1. Year and Month of the Calendar.	2. Name of the Calendar.	3. Talook.	4. Number of Cases.	5. N A M E.	6. O F F E N C E.	7. S E N T E N C E.
1851—cont ^d .						
April to June	Discharged calendar	Vellore - - -	12	- - Abdool Akeem and two others, peons.	<i>Abuse of Authority.</i> -- Beating the complainant with a slipper, in order to make him discover stolen property, which he was suspected of having in his possession.	-- Dismissed, not proved, 26th June 1851.
Ditto	Ditto	Canjoondy - - -	13	Shaik Madar, police peon Syed Eauff, ditto. Syed Homed, ditto.	<i>Abuse of Authority.</i> -- Beating the complainant and others, in order to make them confess a murder.	Ditto, 16th April 1851.
Ditto	Ditto	Tritanny Division - - -	14	Paupce Chitty - - - Narasappa Naick, village monigar, and two others.	<i>Abuse of Authority.</i> -- Accusing the complainant of a theft, placing a stone on his back, levying from him a fine, and appropriating certain gold ornaments which were on his person.	Ditto, 18th June 1851.
October to December.	Punished calendar	Sutwaid - - -	32	- - Nynapillay, gomastah of village moonsiff.	<i>Abuse of Authority.</i> -- Placing the complainant under restraint, and putting him in stocks, on the false plea of his brother having complained against him to the village moonsiff that he had taken him to the jungle and beaten him there severely.	-- Fined 10 rupees, commutable to 15 days' imprisonment. Fine paid 1st December 1851.
Ditto	Discharged calendar	Trivuttoor - - -	35	Kistnapa Naik, tanah peon Veerasawmy Naik. C. Rumasamy Naik.	<i>Abuse of Authority.</i> -- Charged with having tied the hands and feet of the complainants and others, and having bound them to a tree and beaten them with slippers, in order to extort confession of a robbery.	-- Released for want of sufficient proof, 4th November 1851.
1852 :						
January to March	Ditto	Sautgheer - - -	7	Vasoodava Row, peishcar Pareamagovinden, monigar. Permalloo, peon.	<i>Assault.</i> -- Charged with having assaulted and ill-used the complainant, by tying his neck to his foot, to compel him to pay the amount due on account of the rent of certain palmyra topes.	-- Dismissed for want of proof, 21st February 1852.
April to June	Punished calendar	Narnavarum Division	13	T. Vencataramadoo, police peon Vencatasawmy.	<i>Abuse of Authority.</i> -- The first is charged with having slipped the prosecutor, and the second defendant with having received a bribe of one rupee and three fowls from the said prosecutor, by falsely accusing him of having stolen some grain.	-- The first defendant was fined three rupees, commutable to seven days' imprisonment; and the second defendant five rupees, commutable to 10 days' imprisonment.

420.	April to June.	Discharged calendar	Calastery - -	10	Nagadoo - - - - Chengadoo. Chenchoo Chetty. Goondooagadoo.	-- Having assaulted and ill-treated the complainant, to extort a confession of the theft committed in the pagoda at Calastery.	-- Dismissed, not proved, 17th April 1862.
	July to September	Punished calendar	Chittoor - - -	38	Chengulreddy, village moonsiff -	-- Having beaten the complainant, who had been charged with cattle stealing, with a stick, to extort a confession.	-- Fined five rupees, commutable to 10 days' imprisonment, 21st September 1862.
	October to December.	Ditto - - -	Palmanair - - -	34	Bonneppen, monigar - - Rungannah.	-- Charged with having placed the complainant in custody, and ill-treated him, in order to compel him to admit that he was indebted to one Venoutten.	-- Fined 15 rupees each, commutable to one month's imprisonment, 9th October 1862.
	Ditto - -	Ditto - - -	Narnavarum - - -	36	Narrainapilly, monigar - -	-- Charged with having apprehended the complainant and others, threatened them with a view to extort confession of having stolen certain sheep, and extorted a bribe of 19 rupees from the relatives of the complainant.	-- Fined 20 rupees, commutable to one month's imprisonment, 24th November 1862.
M M A	Ditto - -	Discharged calendar	Chendragherry - -	40	Appacooty Iyer, turfdar - Moonesawmy, peon.	- Charged with having beaten the complainant, and tied his feet to his neck with a rope, and ill-treated him, on account of a revenue balance due by him.	-- Dismissed, not proved, 27th November 1862.
	Ditto - -	Ditto - - -	Ditto - - -	41	Appacooty Iyer, turfdar Chengulroyen, monigar. Lutohmadoo, peon. Shaik Munoo. Toty Siddadoo.	-- Charged with having ill-treated the complainant for 20 days by tying his legs to his neck, and placing a stone on his back, on account of Circar balance.	- Ditto - ditto.
	Ditto - -	Ditto - - -	Cauverypauk - - -	58	Ramasawmy Moodelly - Soobban. Toppagan. Aundy. Moonegan, peon. Venotasawmy, peon. Chengulroyen. Ramasamy, sepoy. Abdool Cawder, duffadar. Permalloo.	-- Ill-treated the complainant and two others by tying their hands behind their backs, and placed them in custody, and also immersed them in a tank, on the plea that they were concerned in a theft committed in the house of the first defendant's concubine.	-- Dismissed, not proved, 28th October 1862.

(continued)

Memorandum showing the Number of Cases respecting the Ill-treatment of Prisoners, &c.—continued.

1. Year and Month of the Calendar.	2. Name of the Calendar.	3. Talook.	4. Number of Cases.	5. NAME.	6. OFFENCE.	7. SENTENCE.
1853: January to March	Discharged calendar	Cauveryputuk - -	2	Vencatasamy, duffadar - - Gopauloo, peon. Laulah Meyah, peon.	<i>Abuse of Authority.</i> -- Taken t'e complainant and others to the police cutcherry at Wallajpet, and there beaten and ill-treated them, in order to extort a confession, and with having extorted a bribe of 18 rupees from them.	-- Dismissed, not proved, 28th January 1853.
April to June	Ditto - - -	Arcot - - -	23	-- Abbee Naiken, monygar; and five others. him a sum of 12 rupees as terwah due to Government; the third and fourth defendants are charged with having ordered the fifth and sixth defendants to maltreat the complainant, so as to extort from him the said sum; and the fifth and sixth defendants are charged with having beaten the complainant accordingly.	<i>Abuse of Authority.</i> -- The first and second defendants are charged by the complainant with having ordered the third and fourth defendants to collect from <i>Abuse of Authority.</i> -- Falsely accused the complainants of being concerned in certain robbery; pinioned, beaten and ill-treated them.	-- Dismissed in default of proof, 6th May 1853.
July to September	Ditto - - -	Sautgheer - - -	41	-- Pottegaun - - - C. Vencatasawmy.	<i>Abuse of Authority.</i> -- Charged with having wounded the complainant, by beating him with slippers, &c., and suspended to a tree to extort confession.	-- Dismissed, not proved, 17th September 1853.
October to December.	Ditto - - -	Vollore - - -	54	-- Vencatasamy, duffadar, and two others.	<i>Abuse of Authority.</i> -- Beaten the prosecutrix in order to extort confession from her of having received certain stolen property. The first defendant also charged with having stabbed the prosecutrix with scissors on her thighs and other parts of her person.	-- Discharged, not proved, 27th December 1853.
1854: April to June	Ditto - - -	Wundiwash - - -	14	-- Jangama Naik, tanah peon, and three others.	<i>Abuse of Authority.</i> -- Assaulted and beaten the prosecutrix, in order to extort confession from them of being concerned in certain robbery.	-- Dismissed in default of proof, 11th May 1854.
Ditto - - -	Ditto - - -	Ditto - - -	15	Jungama Naik, tanah peon - Moonien, taliar, and two others.	<i>Abuse of Authority.</i> -- Falsely accused the complaint of purchasing stolen property, and having extorted from him two rupees as a bribe, and also directed the second defendant to put him in the stocks.	- Ditto - ditto.
Ditto - - -	Ditto - - -	Ditto - - -	16	Jungam Naik, tanah peon - Moonien, taliar.		- Ditto - ditto.

North Arcot, Magistrate's Office, Chittoor,
21 October 1854.

(signed) J. D. Bourdillon,
Magistrate.

No. 9.—SALEM.

No. 1.—CALENDAR of Persons Punished by the Magistracy and Heads of Police on Charges of Cruelties resorted to by the Native Subordinate Revenue Officers, on account of the Revenue Balance, during the last Seven Years, from 1847 to 1853, in the District of Salem.

Number.	Talook.	Names of the Defendants.	CRIME.	Sentence.
1849: 1	-- Salem Town, by the joint magistrate.	1. Venkatasobbiën, curnum. 2. Manium Soobroyamoppän. 3. Toty Punjien.	-- With having tied and ill-treated the prosecutor for the revenue balance due from him.	-- The first and second fined each 20 rupees, and the third 1 rupee, or, in default, to be imprisoned, the former two for fifteen, and the latter for four days, under section 32, Regulation IX: of 1816. 30 July.
1850: 2	Ahtoor - -	1. Auroomooga Pillay, curnum, 2. Eleaperooma Govinden, monigar.	-- With having tortured the prosecutor by tying a rope to his leg, to compel the payment of a revenue balance.	-- Fined each five rupees, or in default to be imprisoned for ten days, under clause 2, section 2, Regulation III of 1819. By order of the assistant magistrate. 22 January 1850.
1852: 3	Denken Cottah -	1. Maragounden Caradar - 2. Raminah, goomastah of ditto.	-- With having tortured the prosecutor by tying a rope to his neck and toe, so as to bend his body, and placing on his back a large stone, to compel the payment of a revenue balance.	-- Fined; the first five rupees, and the second two rupees, 13 April 1852. By order of the magistrate.
1853: 4	Oosoor - -	-- Ramasawmy and others, 3, connected with the enamdär in the Bangalore Poliem.	-- With having confined and ill-treated the prosecutor, by not allowing him to go to his meals, to compel the payment of a revenue balance.	-- Fined; the first two rupees, and the second twelve annas, and the third is released for want of proof. 1 April 1853.
5	-- By the joint magistrates.	1. Eroolandy Gownden, moonsiff. 2. Colundy Caroopen Gownden. 3. Chinnan Tundulgar.	-- The first and second prisoners are charged with having asked the prosecutor a sum of four rupees above the assessment due by him to Government, and ordering the third prisoner to beat him when he refused to pay the amount. The third prisoner is charged with having beaten him, to compel the payment of the amount demanded by the first and second prisoners.	-- Sentenced, the first and second prisoners to pay a fine of four rupees each, commutable to ten days' imprisonment, and the third to pay a fine of two rupees, commutable to five days' imprisonment, under clause 2, section 3, Regulation III. of 1819. 10 August 1853.
6	Oosoor - -	-- Davasing and others, 3, enamdärs in the Soolagherry Polium.	-- With having abnt up the prosecutor in a house, and preventing him from going to his meal, on account of the revenue balance due from him.	-- Fined; the second and third each four annas, and the first is released for want of proof. 8 August 1853.
1854: 7	Ditto - -	-- Carrapen, and another, 2, enamdärs in the Soolagherry Polium.	-- With having abused the prosecutor and ill treated him, by placing on his head a large stone, to compel the payment of a revenue balance.	-- Fined; the second eight annas, and the first is released for want of proof. 11 February 1854.

Salem Collector's Office,
On Circuit, Moonchavady, 17 February 1855. }

(signed)

Collector.

No. 2.—CALENDAR of Persons Released by the Magistracy and the Head of Police, on Charges of Cruelties resorted to by the Native Revenue Officers, &c., on account of the Revenue Balance, during the last Seven Years, from 1847 to 1853, in the District of Salem.

Number.	Talook.	Names of the Defendants.	CRIME.	Grounds of Release.
1847: 1	Raisipoor - -	1. Venkataramanien, curnum 2. Shaik Modem, peon.	-- With having abused and assaulted the prosecutor to compel the payment of a revenue balance.	-- Released by order of the joint magistrates for want of proof, 14 December 1847.
1849: 2	Ditto - - -	1. Alaguppa Odian, monigar 2. Arures Odian, ditto. 3. Subbian, curnum.	-- With having tortured the prosecutor by having caused him to kneel on bricks and beaten him, to compel the payment of a revenue balance due from him.	Ditto, 17 May 1849.
1853: 3	Ditto - - -	Superoomagounden, monigar	-- With having abused the prosecutor, and attempted to beat him, to compel the payment of a revenue balance.	-- Dismissed on Raseenamah, 13 May 1853.
1848: 4	Denkencottah -	Sumpanghee Chitty, caradar	-- With having beaten the prosecutor, to compel the payment of a revenue balance.	Ditto, 7 June 1848.
1852: 5	Ditto - - -	Boojunga Row, carcoon	-- With having confined the prosecutor and ill-treated him, to compel the payment of a revenue balance.	-- Released for want of proof, 18 August 1852.

(continued)

Number.	Talook.	Names of the Defendants.	CRIME.	Grounds of Release.
1853: 6	Denkencotta - -	1. Ramiah, caradar - 2. Sunjeevun Wooddarsa.	-- With having tortured the prosecutor by tying a rope to his neck and toe so as to bend his body, to compel the payment of a revenue balance.	-- Released for want of proof 1 February 1853.
1852: 7	Ahtoor - - -	-- Vadamagounden, moniagar of Unganoor Maly.	-- With having tortured the prosecutor by applying the kittle or thumbcrew, and beaten him severely, to compel the payment of a revenue balance.	Ditto, 28 November 1852.
1850: 8	Darampoory - -	1. Cundapah Moodoley, carcoon. 2. Chennapan, curnum.	-- With having abused the prosecutor and ill-treated him, to compel the payment of a revenue balance.	Ditto, 7 April 1850.
1849: 9	Oosoor - - -	-- Kistnapen Sumprethee, or under order of the Shoalagherry poligar.	-- With having abused, beaten, and ill-treated the prosecutors, to compel the payment of a revenue balance.	Ditto, 11 March 1849.
1853: 10	Ditto - - -	-- Mooneyapen and others, 6, village renters in the Bangalore poliput.	-- With having abused, beaten, and ill-treated the prosecutors, to compel the payment of a revenue balance.	-- Dismissed the case on razeenamah, 21 January 1853.
1847: 11	Ditto - - -	-- Dorasawmy and another, 2, connected with the Bangalore poligers.	-- With having beaten with a rattan, and ill-treated the prosecutor, to compel the payment of a revenue balance, while the poliem was under attachment of the Court.	-- Complaint was withdrawn 13 August 1847.
12	Ditto - - -	-- Dorasawmy and another, connected with the Bangalore poligar.	-- With having beaten and ill-treated the prosecutor to compel the payment of a revenue balance.	Ditto, 13 August 1847.
1849: 13	Ditto - - -	-- Irramagounden and another, poligar of Shoalagherry.	-- With having abused, beaten, and ill-treated the prosecutor's enam land cultivators, to compel them to pay a revenue balance.	-- Released for want of proof 11 March 1849.
1850: 14	Ditto - - -	-- Bungareegen and three others.	-- With having abused and beaten the prosecutor, to compel the payment of a revenue balance.	-- Complaint was withdrawn 29 January 1850.
1851: 15	Ditto - - -	-- Annien, moonsiff, and another.	-- With having abused the prosecutor and ill-treated him, by placing a stone on his nose, to compel the payment of a revenue balance.	Ditto, 22 November 1851.
1853: 16	Ditto - - -	-- Baree Annien, enamdar in the Ungooogherry poliem.	-- With having abused the prosecutor, and caused him to be beaten by toties, to compel the payment of a revenue balance.	-- Complaint was withdrawn 19 February 1853.
17	Ditto - - -	-- Kistniem, curnum, and another.	-- With having ill-treated the prosecutor, to compel the payment of a revenue balance.	Ditto, 3 April 1853.
1849: 18	-- By the head assistant magistrate, 3d quarter, No. 51.	1. Teroomalsherry, carcoon. 2. Lutchmanagounden.	-- With having ill-treated the prosecutor, on account of a revenue balance, and compelling him to work at his house, after extorting a bribe from him.	-- Released for want of proof, 20 July 1849.
19	Ditto - - -	-- Venotramanien, tuffee ameen.	-- With having beaten and ill-treated the prosecutor, to compel the payment of a revenue balance.	Ditto, 30 August 1849.
1852: 20	-- By the magistrate, 3d quarter, No. 90.	1. Callappen, carcoon - 2. Rungareddy, village moonsiff.	-- With having ill-treated one Dassen, to compel him to pay a revenue to Government which he was not liable to pay.	Ditto, 3 August 1852.
1850: 21	-- By the joint magistrate, 1st quarter, No. 35.	1. Canakoo Armooga Pillay moonsiff. 2. Eliam Peroomagounden. 3. Maciem Peroomagounden. 4. Kistaamah Naiken, peon.	-- With having beaten and annoyed the prosecutrix, in order to compel the payment of a balance due from her.	Ditto, 22 January 1850.
22	-- By the head assistant magistrate, 1st quarter, No. 56.	1. Cundappa Moodley, carcoon. 2. Seenien, curnum. 3. Puchava Chetty. 4. Sabapady alias Mootah Chetty.	-- With having abused, beaten, and annoyed the prosecutor and his brother, on account of a revenue balance due from them.	Ditto, 2 February 1850.
1848: 23	Ditto, No. 37 - -	1. Sashagherry Row, police tahsildar of Tengera Cottah. 2. Peon, Moostah.	-- With having beaten the complainant, to compel the payment of a revenue balance.	Ditto, 21 January 1848.
24	Ditto, No. 60 - -	1. Caradar Coopagounden - 2. Oodary Moongam. 3. Tunnecutty Moonien.	-- Charged with having prevented the complainant from tilling his land, confined and annoyed him on account of Government kist due from him.	Ditto, 4 February 1848.
25	-- Ditto, 4th quarter, No. 101.	1. Haredassien, caradar - 2. Narranappen, curnum goomastah.	-- Charged with having charged an excess of tax, and beaten the prosecutor to compel him to pay the same.	Ditto, 16 November 1848.

ALLEGED CASES OF TORTURE AT MADRAS.

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No. 3.—CALENDAR of Persons Punished by the Magistracy in cases in which Native Police Officers have been charged with extorting Confessions from Prisoners, during the last Seven Years, from 1847 to 1853, in the District of Salem.

1.	2.	3.	4.	5.	6.
By whom disposed of.	Number of the Quarterly Calendars.	Names of the Prisoners.	CHARGE.	Sentence.	Date of Sentence.
1848: By the head assistant magistrate.	Second quarter - No. 58.	Soobbian, curnum	-- Charged with having pinioned and ill-treated the complainant, to compel him to confess a charge of theft, and extort a bribe thereby.	-- Fined 18 rupees, or to be imprisoned for 15 days, under clause 2, section 3, Regulation III. of 1819.	29 May 1848.
1840: By the joint magistrates, Ahtoor, & Co, talooks.	First quarter - No. 40.	Moottoogounden, moonsiff.	-- With having beaten and annoyed one Cora Casery, to compel him to confess a charge brought against him by the prosecutor, of having stolen ready money, &c., amounting to 12 rupees, which was tied up in his cloth.	-- Sentenced to pay a fine of 10 rupees, under section 32, Regulation IX. of 1816.	-- 24 February 1849.
1851: By the head assistant magistrate.	Second quarter - No. 3.	Semboosing, acting duffadar.	-- With having beaten and ill-treated the prosecutor, to compel him to confess a theft, after he was arrested by a warrant.	-- Fined one rupee, or, in default, to be imprisoned for two days, under clause 2, section 3, Regulation III. of 1819.	5 April 1851.
By the joint magistrate, S. D.	Third quarter - No. 43.	1. Pedda Reddy, moonsiff. 2. Comaran Toty.	-- Charged with having unlawfully beaten the prosecutors, and confined them in custody, to compel them to confess a charge of theft.	-- Fined, the first prisoner to pay a fine of 25 rupees, commutable to one month's imprisonment, and the second to pay a fine of five rupees, or imprisoned for 10 days, under clause 2, section 3, Regulation III. of 1819.	11 July 1851.

Salem, Magistrate's Office,
On Circuit, Moonchavedy, 17 February 1855. }

(signed) H. A. Brett,
Magistrate.

No. 4.—CALENDAR of Persons Released by the Magistracy for want of Proof, in which Native Police Officers have been charged with attempting to extort Confessions from Prisoners, during the last Seven Years, from 1847 to 1853, in the District of Salem.

1.	2.	3.	4.	5.	6.
By whom disposed of.	Number of the Quarterly Calendars.	Names of the Prisoners.	CHARGE.	Released.	Date of Release.
1840: By the head assistant magistrate. 1.	First quarter - No. 38.	1. Narannadoss, moonsiff and casadar. 2. Toty Chinna, yellagah. 3. Necessuty, moonsegah. 4. Toty Teroomulgan. 5. Toty Colundyan. 6. Mahomed Emam Tannarad.	-- With having arrested one Lutchannama, the prosecutor's wife, on an accusation of theft, and beaten and annoyed her, and thereby caused her to throw herself into a well, by which she was drowned, and with having appropriated her jewels, valued at 100 rupees.	-- Released for want of proof.	-- 20 January 1849.
By the head assistant magistrate. 2.	First quarter - No. 89.	1. Ibrahim, peon 2. Sauboomesh. 3. Palanee, duffadar.	-- With having pinioned the prosecutors, and ill-treated them, to extort a bribe.	- Ditto - - -	-- 20 February 1849.
By the head assistant magistrate. 3.	First quarter - No. 126.	1. Palany, duffadar 2. Ibrahim Saib, peon. 3. Sauboomesh.	-- With having ill-treated the prosecutors to extort a bribe.	- Ditto - - -	7 March.
By the head assistant magistrate. 4.	First quarter - No. 127.	1. Palany, duffadar 2. Ibrahim Saib, peon. 3. Sauboomesh.	-- With having beaten and annoyed the prosecutor, &c., to extort a bribe of 10 rupees, &c.	- Ditto - - -	- Ditto.
By the head assistant magistrate. 5.	Second quarter - No. 47.	Thoumagounden, moonsiff.	-- With having illegally tied the prosecutor with ropes, and ill-treated him.	- Ditto - - -	24 April.

(continued)

REPORT OF COMMISSION FOR INVESTIGATING

1.	2.	3.	4.	5.	6.
By whom disposed of.	Number of the Quarterly Calendar.	Names of the Prisoners.	CHARGE.	Released.	Date of Release.
1849 : By the head assistant magistrate. 6.	Second quarter - No. 167.	1. Canakoo Iyepen 2. Chinnien. 3. Shagharry Iyen. 4. Ramagounden, moon-siff. 5. Baulgaun. 6. Ponnun.	-- With having pinioned and beaten the prosecutor, to confess a charge of cattle stealing, and with having extorted from him a bribe of 49 1/2 rupees.	-- Released for want of proof.	24 June 1849.
By the head assistant magistrate. 7.	Third quarter - No. 17.	1. Vencatagounden, moon-siff. 2. Sobgounden. 3. Chinnun.	-- With having accused the prosecutor of theft, and illegally beaten and ill-treated him, to extort a bribe of six rupees.	- Ditto - - -	8 July 1849.
1851 : By the head assistant magistrate. 8.	First quarter - No. 16.	1. Sillar Saib, duffadar 2. Moonian, toty.	-- With having ill-treated the prosecutors on a charge of theft, and extorted a bribe from them.	- Ditto - - -	-- 30 Januar 1851.
By the magistrate - 9.	Second quarter - No. 35.	Sancanen, carnum -	-- With having maliciously accused certain persons of highway robbery, and confined them, and with having extorted a bribe of two rupees from them.	- Ditto - - -	29 May 1851.
By the assistant magistrate. 10.	Fourth quarter - No. 151.	Ranojee Row, peon -	-- With having pinioned the prosecutors and ill-treated them, and extorted a bribe of 42 rupees from them.	- Ditto - - -	-- 25 Octobe 1851.
By the assistant magistrate. 11.	Fourth quarter - No. 154.	1. Muston Cawn, peon 2. Ranjee, ditto.	-- With having illegally arrested and bound the prosecutor's father, Budragounden, and others, to extort a bribe from them.	- Ditto - - -	-- 25 Octobe 1851.
By the assistant magistrate. 12.	Fourth quarter - No. 155.	1. Maruppagounden, caradar. 2. Veerasawmy, peon. 3. Moonesyan, toty. 4. Roman, toty. 5. Goooonsaden.	-- With having taken one Parannun, son of the prosecutrix, on a charge of theft, and beaten him, and thereby caused his death, and with having extorted a bribe of 21 rupees from the prosecutrix.	- Ditto - - -	-- 25 Octobe 1851.
By the assistant magistrate. 13.	Fourth quarter - No. 160.	1. Semboosing, duffadar 2. Alagberry Naik, ditto.	-- The first with having beaten and ill-treated, and confined the prosecutors, and the second with having extorted a bribe of two rupees from them for their release.	- Ditto - - -	-- 7 Novembre 1851.
By the assistant magistrate. 14.	Fourth quarter - No. 162.	Vencatasobien, moonsiff	-- With having falsely accused one Thathie alias Mohomedgan, of theft, seized and pinioned him, and forcibly taken from him five rupees.	- Ditto - - -	-- 11 Novemb 1851.
1852 : By the joint magistrate, Razeepoor, &c., talooks. 15.	First quarter - No. 26.	1. Ramagounden, moon-siff. 2. Vysepoory, talyaree.	-- With having illegally pinioned the prosecutrix and others, and ill-treated them, to extort a bribe from them.	-- These individuals, having been already suspended from office, which, being considered sufficient punishment, they were therefore released.	9 March 1852.
By the magistrate - 16.	Second quarter - No. 52.	Ajmodeen - - -	-- With having, at about seven o'clock a.m. (precise date unknown), in March 1852, at the instigation of the village moonsiff, tied and beaten the prosecutor in his field, in the village of Toorkumpolliem, talook Ahtoor, and with having received a bribe of 12 rupees for his release.	-- Released for want of proof.	5 June 1852.
By the joint magistrate, S. D. 17.	Second quarter - No. 56.	1. Collyagounden, moon-siff. 2. Cooppashegounden, moonsiff.	-- With having illegally bound the prosecutors with ropes, and beaten them, to extort a bribe from them.	-- The parties were released, although the charge was proved, as they were removed from their office, which is considered to be a sufficient punishment.	--

ALLEGED CASES OF TORTURE AT MADRAS.

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1.	2.	3.	4.	5.	6.
By whom disposed of.	Number of the Quarterly Calendars.	Names of the Prisoners.	CHARGE.	Released.	Date of Release.
1862: By the joint magistrate, S. D. 18.	Third quarter No. 98.	Rajagounden, moonsiff	-- With having illegally confined and ill-treated certain parties, on a charge of cattle stealing.	-- The case was not fully proved, but however, the prisoner was suspended from his office for a period of three months.	-- 12 August 1852.
By the joint magistrate, Salem town. 19.	Third quarter No. 121.	1. Chinnasawmy Naik, acting police ameen. 2. Soondram Pillay, royasem.	-- The first defendant having illegally accused the prosecutor of having stolen a horse, the property of one Cander Saib, and extorted from him a bribe of ten rupees; and the second defendant for having procured false witnesses to maintain the charge.	-- Released for want of proof.	-- 17 August 1852.
1853: By the joint magistrate, S. D. 20.	Third quarter No. 57.	1. Mudeen Saib, tana peon. 2. Teroovengacharry, moonsiff.	-- With having unlawfully made a search in the houses of the prosecutor and others, tied, beaten; and confined them, and extorted a sum of four rupees for his release.	- Ditto -	12 July 1853.
By the joint magistrate, S. D. 21.	Third quarter No. 66.	1. Chinnadoo Pillay, moonsiff. 2. Moottooswamy Pillay, currom. 3. Sooboo Pillay, currom.	-- With having apprehended the prosecutor on a charge of theft, and beaten and ill-treated him, and having taken four rupees from him for his release.	-- Though the charge was proved against the first prisoner, he was not punished, as he was removed from his office, which was considered sufficient for his offence. The second and third were released for want of proof.	-- 8 September 1853.
By the joint magistrate, S. D. 22.	Fourth quarter No. 104.	Iyamootto Odian, moonsiff.	-- With having brought a charge of theft against the prosecutor, and illegally confined him in the stocks and ill-treated him.	-- Released for want of proof.	-- 17 December 1853.
1848: Head assistant magistrate. 23.	First quarter No. 71.	1. Kistnojee, duffadar 2. Moonesgan, toty.	-- For having confined the complainant in the stocks on a charge of theft, and otherwise ill-treated him.	- Ditto -	-- 4 February 1848.
Assistant magistrates 24.	Fourth quarter No. 77.	Cooppagounden, village moonsiff.	-- For having beat the prosecutor with a slipper when he was taken up on a charge of theft, and received a bribe of four rupees from him.	- Ditto -	-- 8 November 1848.
1849: By the head of police of Raseepoor. 25.	-	1. Ungappagounden, moonsiff. 2. Moothereddy, monigar.	-- With having falsely accused the prosecutrix of theft, and confined her in the village choultry and beaten her.	-- Not inquired into for having complained after one year elapsed.	--
1853: By the head of police of Salem. 26.	-	1. Narrainsing, carcoon 2. Narraniem, peon. 3. Colundygounden.	-- With having accused the prosecutor of house-breaking and theft, beaten and ill-treated him, to make him confess the same.	-- Released for want of proof.	23 June 1853.
1848: By the head of police of Kistnagherry. 27.	-	1. Nunjoonda Chetty, moonsiff. 2. Peroomsaundagounden. 3. Nunjiagounden. 4. Colundiyagounden. 5. Chinnappen, toty. 6. Nus, currom. 7. Savood Mooniam.	-- With having beaten the prosecutrix with their hands and sticks, to make her confess the crime charged against her of having caused abortion in another.	Not proved	11 August 1848.

Salem, Magistrate's Office, en Circuit, Moonchavady, 17 February 1855.

(signed)

H. A. Brett,
Magistrate.

REPORT OF COMMISSION FOR INVESTIGATING

No. 1.—CALENDAR of Persons Punished by the Joint Magistrate on Charges of Cruelties resorted to by the Native Revenue Officers, &c., on Account of the Revenue Balance, from 1st August 1847 to 31st July 1854, in the Four Talooks forming the Sub-Division in the District of *Salem*.

Number.	Talook.	Name of the Defendants.	CRIME.	Sentence.
1	Namuel - - -	1. Eroolauny Gownden, manigar. 2. Colundacurpa Gounden, moonsiff. 3. Chinnan Tandulgar.	<i>Abuse of Authority.</i> -- The first and second defendants with having asked the prosecutor a sum of 4 rupees above the assessment due by him, and when he refused to pay the amount, ordered the third prisoner to beat him. The third prisoner is charged with having beaten him to compel the payment of the amount demanded by the first and second prisoners.	-- Sentenced, the first and second prisoners to pay each a fine of 4 rupees, commutable to 15 days' imprisonment, and the third to pay a fine of 2 rupees, commutable to 5 days' imprisonment, under clause 2, section 3, Regulation III. of 1819. 10th August 1853.
2	Paramutty - - -	Ramyreddy, mootadar, of Keerumboor.	<i>Assault.</i> -- With having got one Coravuttum and others to lay hold of the prosecutor's topknot, and to beat him with a shoe on account of arrears of revenue due by him.	-- Sentenced to pay a fine of 5 rupees, commutable to 10 days' imprisonment, under section 32, Regulation IX. of 1819. 9th May 1854.

(True extract.)

(signed) J. W. Cherry,
Joint Magistrate.

23 March 1855.

No. 2.—CALENDAR of Persons disposed of by the Joint Magistrate on Charges of Cruelties resorted to by the Native Revenue Officers, &c., on Account of the Revenue Balance, from 1st August 1847 to 31st July 1854, in the Four Talooks forming the Sub-Division in the District of *Salem*.

Number.	Talook.	Name of the Defendants.	CRIME.	Released, why.
1	Paramutty - - -	1. Calyounden, monigar - 2. Escooren, curann. 3. Govinda Row, tahsildar of Paramutty.	<i>Abuse of Authority.</i> -- The first and second defendants with having applied a "kitty" or wooden press to the hands of the prosecutor, and beaten him for the payment of his house tax, and the third with having confined him in his catcherry for some days.	-- Dismissed for want of proof, 22d April 1851.
2	Sinkerrydroog - - -	1. Timmy Naicken, duffadar - 2. Ellachy Gounden, moonigar. 3. Ungun Omadwar, peon.	<i>Murder.</i> -- Charged with having beaten one Moosooran for the payment of a revenue balance due by him, by the effects of which violence he died after a few days.	-- Committed to the court on the 26th June 1852, and released by the session court.

(True extract.)

(signed) J. W. Cherry,
Joint Magistrate.

23 March 1855.

No. 3.—CALENDAR of Persons Punished by the Joint Magistrate, in which Native Police Officers have been charged with extorting Confessions from Prisoners, from 1st August 1847 to 31st July 1854, in the Four Talooks forming the Sub-Division in the District of Salem.

1. No.	2. Number of the Quarterly Calendar.	3. Names of the Prisoners.	4. CHARGE.	5. Sentence.	6. Date of Sentence.
1	1851: 3d Quarter, No. 17 -	1. Peddareddy, moonsiff - 2. Comarun, toty.	<i>Abuse of Authority.</i> -- Charged with having unlawfully beaten the prosecutors, and confined them in custody to compel them to confess a charge of theft.	-- Sentenced, the first prisoner to pay a fine 25 rupees, commutable to one month's imprisonment, and the second to pay a fine of 5 rupees or to be imprisoned for 10 days, under clause 2, section 3, Regulation III of 1819.	11 July 1852.
2	1853: 1st Quarter, No. 4 -	-- Cooppachy Gounden, moonsiff.	<i>Abuse of Authority.</i> -- With having tied the arms of the prosecutors, who were apprehended on a charge of theft, so as to bring their elbows in contact behind their backs.	-- Sentenced to pay a fine of 2 rupees, or in default to be imprisoned for 10 days under the above Regulation.	25 March 1853.

23 March 1855.

(True extract.)
(signed) J. W. Cherry,
Joint Magistrate.

No. 4.—CALENDAR of Persons Released by the Joint Magistrate for want of Proof, in which Native Police Officers have been charged with attempting to extort Confessions from the Prisoners, from 1st August 1847 to 31st July 1854, in the Four Talooks forming the Sub-Division in the Zillah of Salem.

1. No.	2. Number of the Quarterly Calendar.	3. Names of the Prisoners.	4. CHARGE.	5. Released.	6. Date of Release.
1	1851: 2d Quarter, No. 3 -	Uttypunen, monigar, and 5 others.	<i>Misdemeanor.</i> -- With having illegally confined the prosecutor and beaten him, to confess a crime of theft.	Dismissed for want of proof -	26 April 1851.
2	1852: 2d Quarter -	1. Cottya Gounden, moonsiff. 2. Cooppachy Gounden, moonsiff.	<i>Abuse of Authority.</i> -- With having illegally bound the prosecutors with ropes, and beaten them, to extort a bribe from them.	-- The parties were released, although the charge was proved; they were removed from their office, which is considered to be a sufficient punishment.	10 April 1852.
3	3d Quarter, No. 35 -	Ranga Gounden, moonsiff	<i>Abuse of Authority.</i> -- With having illegally confined and ill-used certain parties on a charge of cattle stealing.	-- The case was not fully proved, but however the prisoner was suspended from office for a period of three months.	12 Aug. 1852.
4	1853: 2d Quarter, No. 19 -	Tagarajepilly, head of police of Senkerrydroog talook.]	<i>Murder.</i> -- With having apprehended one Alaganympilly (the father of the prosecutor) as having been concerned in a gang robbery, and during his confinement, beaten and ill-treated him, from the effects of which violence, he died after a fortnight.	Dismissed for want of proof -	9 June 1853.
5	3d Quarter, No. 27 -	1. Modeen Sab, tanna peon. 2. Teerovangadacharry, moonsiff.	<i>Abuse of Authority.</i> -- With having unlawfully made a search in the houses of the prosecutor and others, and tied, beaten, and confined them, and extorted a sum of 4 rupees for their release.	Dismissed for want of proof -	12 July 1853.

(continued)

REPORT OF COMMISSION FOR INVESTIGATING

4.—CALENDAR of Persons released by the Joint Magistrate, &c.—*continued.*

1. No.	2. Number of the Quarterly Calendar.	3. Names of the Prisoners.	4. CHARGE.	5. Released.	6. Date of Release.
6	1853 : 3d Quarter, No. 36 -	1. Chennadoopilly, moon- siff. 2. Moothoosawmy Pillay, curnum. 3. Soobboopilly, curnum.	<i>Abuse of Authority.</i> -- With having apprehended the prosecutor on a charge of theft, beaten and ill-treated him, and with having taken 4 rupees from him for his release.	-- Though the charge was proved against the first prisoner, he was not punished, as he was removed from his office, which was considered sufficient for his offence. The second and third prisoners were released for want of proof.	8 Sept. 1853.
7	4th Quarter, No. 49	Iyamootto Odian, moonsiff.	<i>Abuse of Authority.</i> -- With having brought a charge of theft against the prosecutor, and illegally confined him in the stocks and ill-treated him.	Dismissed for want of proof -	17 Dec. 1852

(True extract.)

(signed) J. W. Cherry,
Joint Magistrate.

23 March 1855.

No. 10.—SOUTH ARCOT.

MEMORANDUM, showing the Charges of Ill-treatment for Extorting Confessions or Discovering Stolen Property, preferred against Public Officers during the last Seven Years, in *South Arcot.*

General Number.	Diary Number.	Officers Accused.	Nature of Charge.	Sentence.	Date.	By whom Passed
1852 40	-	Syed Meer - - - Police Ameen.	- - Charged with having forced the complainant to give a deposition at an improper hour of the day, and placed him under the surveillance of the peons.	- - Dismissed for want of proof.	21st July 1852	- - Head Assiste Magistrate.
1854	7	1. Narrainswmy Naik - 2. Vencatachelum (Informant). 3. Mootoolinga Reddy of Ti-roovaunnellore. 4. Jugganada Reddy. 5. Deloyet Govinda Naik.	- - Charged with having beaten complainant with slippers and put him in the stocks, to induce him to confess to having received stolen property from certain vagrants.	- ditto - -	11th March 1854	Joint Magistrate.
2	2	Venkatschellum and eight individuals (Informants, &c.)	- - Charged with having tied the complainant's hands behind his back, and flogged him with a plank and with slippers, to extort confession regarding stolen property.	- ditto - -	- ditto - -	- ditto.
3	3	Vustnams Naiken and Sooba Naik (Informants).	- - Charged with having tied up complainant to the beams of a house, and beaten him with a horsewhip, to force a confession of guilt.	- ditto - -	23d March 1854	- ditto.
4	4	Venkatarama Naik, &c.; four individuals, including a peon.	- - Charged with having slippered him, to induce a confession of robbery.	- ditto - -	13th March 1854	- ditto.
5	5	Soobha Naik, &c.; three individuals (Informants).	- - Charged with having beaten complainant with a horsewhip and slippers, to force an admission of his having received stolen property.	- ditto - -	- ditto - -	- ditto.
8	5	Narrainswmy Naik, peishcar	- - Charged with having beaten him with a view to induce him to admit having received stolen property.	- ditto - -	10th January 1854	- - Additional Joi Magistrate.

South Arcot, Magistrate's Office,
Cuddalore, 12 October 1854.(signed) A. Hall,
Magistrate.

STATEMENT showing the Number of Cases in which Charges of Cruelty and Oppression, for the purpose of realising the Revenue, have been brought against Revenue Servants, during the past Seven Years.

No. of Cases.	Employment of the Parties accused.	Nature of the Charges.	How disposed of.
1	Talook Sheristadar Rethrow and 8 peons.	-- With having beaten and put complainant to the torture called anandal,* with a view of enforcing the payment of arrears of revenue.	-- Dismissed 16th December 1848 by the assistant magistrate.
1	Tahsildar Balakistnarow and 4 peons.	-- Ditto ditto ditto	-- Ditto 16 September 1849 by the head assistant magistrate.
1	Peshcar, Kistnamacharry and 2 peons.	-- With having pinched complainant on the thigh with the aid of sand, and put him to the torture called anandal, with a view of enforcing the payment of arrears of revenue.	-- The charge was proved before the assistant magistrate, who fined Kistnamacharry 4 rupees, and the two peons 2 rupees each, and in default of payment, 4 days' imprisonment. 18 December 1849.
1	Carcoon Ayah Viengar and 2 peons.	-- With having beaten and put complainant to the torture called anandal, in order to enforce the payment of arrears of revenue.	-- Dismissed 26th January 1851 by the assistant magistrate.
1	Peshcar Narrainsawmy Naick	-- With having beaten and kept the complainant in custody for one night for arrears of revenue.	-- Ditto 12 July 1852 by the assistant magistrate.
1	Tahsildar Baboorow, 2 duffadars, and 2 peons.	-- With having beaten and severely ill-treated complainant with a view of enforcing the payment of arrears of revenue.	-- Ditto 6th Nov. 1852, by the magistrate who pronounced it as his opinion that the complaint was a fabrication.

South Arcot, Collector's Catcherry, Cuddalore, 20 September 1854.

* Anandal.—A mode of inflicting pain by making a man stand with a rope or cloth passed round the neck and the big toe of the foot, by which the body is bent downwards, so as to cause the person great suffering.

No. 11.—TANJORE.

STATEMENT of the Cases of Torture disposed of in the Sub-division of *Tanjore* from the year 1847 to 1853.

NAMES.	CHARGE.	How disposed of.	By whom disposed of.
<p>Plaintiff.</p> <p>Fungucheyee of Teroponundal, in the Combanonum talook,</p> <p>versus</p> <p>1. Vyspoory Naik, duffadar. 2. Peon Veeraragoq Naik. 3. Ditto Armoogum. 4. Vlaharippoo Caroottan. 5. Peon Moottoosawmy Naik. 6. Eanaka Modaly. 7. Chinnappa Modaly. 8. Appawoo Naik. 9. Sabapathy Pillay.</p>	<p>1847.</p> <p>-- The defendants are charged with having beaten the plaintiff, and squeezed her breast with an instrument called kitty, because she was suspected of having been concerned in a theft committed in the house of the 6th defendant.</p>	<p>-- 1st defendant fined 50 Rs. 5th ditto 20 " in default one month's imprisonment. 4th defendant fined 10 Rs. 9th ditto 20 " 8th ditto 5 " The other defendants are released.</p>	<p>-- By Mr. Bishop.</p>
<p>Seenopadiachee of Authoor, in the Coottalum talook,</p> <p>versus</p> <p>1. Gopalakistmien, village moonaff. 2. Periapal Puttykar.</p>	<p>-- The defendants are charged with having beaten the plaintiff, and forcibly taken the sum of Rs. 4. 8. on the pretext that he gave a leaden rupee as part price of a bullock.</p>	<p>-- Defendants were committed to court by the head of police of Coottalum and there released.</p>	<p>--</p>
<p>Sabapathy Iyen, servant in the Chayavanum pagoda, in the Sheally talook,</p> <p>versus</p> <p>1. Appapilly Puttamanigar, of Malayooroody pady. 2. Soobaroyen Taliar. 3. Caby Markavulcan.</p>	<p>-- The defendants are charged with having bound the arms of the plaintiff, beaten, and extorted from him the sum of 8 rupees, in order to make him confess to a theft committed in the above pagoda.</p>	<p>-- Charge dismissed 15th September 1847.</p>	<p>-- By Mr. Ellis.</p>

REPORT OF COMMISSION FOR INVESTIGATING

STATEMENT of the Cases of Torture in the Subdivision of Tanjore, &c.—continued.

NAMES.	CHARGE.	How disposed of.	By whom disposed of.
Nattarasowthen Putta Maneygar of Talookavelundansonden, in the Combaconum talook, <i>versus</i> Teroovengadathingar, peshcar of Solapoorum Pooroovoo.	-- The defendant is charged with having beaten the plaintiff, and having appropriated to himself the sum of four rupees out of the money which he paid to the defendant for his kist.	-- The defendant was committed to the court, and there imprisoned for two weeks, and further ordered to pay a fine of seven rupees; in default, to be imprisoned for two weeks.	---
1849.			
Mootoopadiachy - - - <i>versus</i> Kristnapillay Peshkar.	-- The defendant is charged with having caused the prosecutor to be severely beaten for not showing the defendants and witnesses for another complaint made by the prosecutor.	Fined ten rupees - - -	By Mr. Clarke. ✓
1850.			
Moothosawmy Pillay - - - 1. Rungien Roysem of Coottalum talook. 2. Soobapillay, sebbundy peon. 3. Veerappa Naik, ditto. 4. Porpathem Vishripoo. 5. Vencatacharloo.	-- The defendants are charged with having bound the arms and beaten the brother of the prosecutor so severely that he died of it.	-- First defendant was sentenced to be imprisoned for six months, and further to pay a fine of fifty rupees; in default of payment, to be imprisoned for a like period. The others are sentenced to four months' imprisonment. 25d March 1850.	By Mr. Goodwyn.
1851.			
Caroopen - - - <i>versus</i> 1. Cooppanian. 2. Soobramania Pillay. 3. Jaganada Naick, sabbundy peon. 4. Curnum Soobbien. 5. Peshcar Kistnapillay. 6. Luchmana Sing, sabbundy peon.	-- The defendants are charged with having pined and beaten the prosecutor, and with having caused him to be beaten by the whip and tamarind twigs.	-- Fifth defendant is fined ten rupees; third and sixth defendants fined two rupees each. 28th April 1851.	✓ -
1852.			
Arnachella Chetty - - - <i>versus</i> Arnachella Naik.	-- The defendant is charged with having severely beaten the prosecutor, whereby three of his teeth were broken.	-- Fined five rupees, 11th April.	✓ -
1854.			
Shunmoogum - - - <i>versus</i> 1. Cundasawmy Chetty. 2. Vydelinga Chetty. 3. Chadyen. 4. Vishripoo Valayoodum.	-- The prisoners are charged with having bound the arms of the complainant with coir rope, and with having suspended him thereby to a beam in the first prisoner's house. The prisoners are further charged with having injured and wounded the complainant, by pinching him, and by squeezing his fingers by means of an instrument called kitty.	-- The first, second, and third prisoners are sentenced to six months' imprisonment. 26th September 1854.	By Mr. Cadell.
Valumbal - - - <i>versus</i> 1. Oolaganada Tumbran. 2. Veerappa Naik. 3. Dairoroyen. 4. Veerapillay. 5. Veerasawmy Naik Metto, peon. 6. Moottoocamaren.	-- The second, third, fourth, fifth, and sixth prisoners are charged with having bound the arms of the prosecutor with a coir rope, and with having injured and wounded her by squeezing her breast by means of an instrument called kitty. The first prisoner is charged with having directed the other prisoners to maltreat the prosecutrix, as stated in the first charge.	-- Committed to court 14th September 1854; first prisoner released. The second, third, and fourth prisoners to produce each two securities of fifty rupees each for good conduct and appearance when required within one year, or in default to be imprisoned for that period. Fifth and sixth prisoners released by the acting sub-judge. 17th October 1854.	✓ -

Tanjore, Joint Magistrate's Office,
Mayaverum, 31 January 1855. }

(signed)

Joint Magistrate.

H. Forbes, Esq., Collector and Magistrate.

Tanjore, 19 January 1855.

" 1848. A sibbendy peon was charged with extorting the kist by beating, and was fined one rupee. ✓

" 1850. A vuttum curnum was charged with extorting the kist by beating, and the case was dismissed as false and malicious.

" 1850. A curnum was charged with causing a peon to beat a revenue defaulter, and was fined three rupees, the peon being also fined two rupees. ✓

" 1850. A sibbendy peon was charged with beating a defaulter, and the charge was dismissed as not proved.

" 1851. A peahcar, a stalatoonat curnum, and a vuttum curnum, were charged with collecting the kist by beating and abuse, and the case was settled on razeenamah.

" 1852. A stalatoonat curnum, a vuttum curnum, and six peons, were charged with exacting the kist by beating and abuse, and the charge was dismissed as not proved.

" 1852. A duffadar was charged with beating a revenue defaulter, and the charge was dismissed as not proved.

" 1852. A vuttum curnum was charged with beating and abusing a revenue defaulter, and the charge was withdrawn, the complainant stating he had no witnesses who could support it.

" 1852. A sibbendy peon was charged with extorting the revenue by beating, and was fined eight annas. ✓

" 1853. A vuttum curnum was charged with having abused a revenue defaulter, and was fined eight annas.

" 1847. A duffadar, three peons, and five other peons, were charged with having tortured a woman with a kitty, on suspicion of her having committed a theft, and five of them were fined from 5 to 50 rupees, the other four being acquitted. ✓

" 1847. A puttamaneyagar, a talearee, and a cavilgar, were charged with having tied and beaten complainant, and extorted eight rupees from him, in an endeavour to make him confess a robbery, and the charge was, on inquiry, dismissed.

" 1847. A peon was charged with having tied and beaten two individuals, and extorted money from them, in an endeavour to make them confess a robbery.

" 1847. A head police officer was charged with having extracted a confession of murder by beating, and was suspended from office for four months, by order of the Board of Revenue.

" 1852. A sub-police officer and two peons were charged with having tied and beaten an individual to induce him to confess a burglary, and injured him so that death ensued; and the charge was dismissed as not proved.

" 1853. A puttamaneyagar was charged with having beaten an individual on the plea that he had been engaged in a robbery, and the charge was dismissed as not proved.

" 1853. A peon was charged with having beaten an individual with a slipper, to induce him to confess a theft, and was suspended from duty for one year.

" 1853. Three peons were charged with having abused and beaten an individual, and extorted money from him, on the plea that he was in possession of stolen property, and the case was dismissed as not proved."

No. 12.—TRICHINOPOLY.

EXTRACTS from the Register of Cases decided by the Magistracy in the Years 1848, 1849, 1850, 1851, 1852 and 1853.

Year.	Register No.	Name of the Prosecutor.	Names of the Prisoners.	CHARGE.	SENTENCE.	Date of Sentence.
1848	56	1. Ramasawmy Naick	1. Mootaal Reddy, moonsiff 2. Anugun.	<i>Abuse of Authority.</i> -- Charged with having suspended round the neck of prosecutor a quantity of mangoes and a slipper, with having pinioned and beaten him, maliciously charging him with having stolen the mangoes.	-- The first defendant puts the blame upon the second, who is a dependant of his. The charge is proved, and first defendant is sentenced to pay a fine of three rupees, or undergo 10 days' imprisonment. The second defendant is sentenced to pay a fine of two rupees, or undergo a week's imprisonment. Clause 2, section 3, Regulation III. of 1819. (signed) <i>A. Hathaway</i> , Head Assistant Magistrate.	11th September 1848.
1848	66	Kistniengar - -	1. Seeva Iyen, moonsiff court ghomastah. 2. Ramasawmy Padiachee, village moonsiff. 3. Vencatachellum Naik, peon. 4. Samoovien. 5. Raasool Saib. 6. Gooroovapa Naik. 7. Cadar.	<i>Abuse of Authority.</i> -- Charged with having, on the night of the 9th June 1848, or 29th Vyasee of Keelaga, tied up to a pillar and beaten prosecutor and his brother in the outcherry chowdy.	-- The complainant summons five witnesses, four of whom depose to the first and second defendants tying up complainant and his brother to posts in the outcherry chowdy, and then beating them, aided in the latter by the other defendants. The evidence of the first witness contradicts that of the second, in that first witness says, they were kept in chowdy all the time from 8 a.m., and then beaten; whereas the second states that they were kept together in one chowdy till 11 p.m., when they were taken into another totally distinct, and beaten. The first witness states in his first deposition, that on his arrival at the chowdy six others were there; in a second deposition he states there were only four. The second witness varies in a second deposition from what he stated in the first. The third witness states that he was present in the chowdy, but saw no beating. The fourth and fifth witnesses depose to coming to the chowdy at night, and finding the complainant and his brother bound to posts, the defendants beating them. Their statements are somewhat vague as to the parties beating them. On a careful examination of the above evidence, and considering that complainant and all his witnesses, of whom the fifth is his brother, were confined in the chowdy on suspicion of having committed a robbery the previous night, and that the character of complainant is bad; also, that there is no ostensible reason put forth for this ill-treatment (as not one of the witnesses deposes to the parties being called upon to confess), while, on the other hand, defendants urge good reasons for complainant entertaining a grudge against them, the head assistant magistrate dismisses the case. (signed) <i>A. Hathaway</i> , Head Assistant Magistrate.	31st October 1848.

1848	24	"	Chinnapadiachy	<p><i>Abuse of Authority.</i></p> <p>-- The prisoner, a village moonsiff, is charged with having, on the 22d and 23d March 1848, beaten the prosecutors so as to cause slight hurts on their persons, for the purpose of extorting confessions from them, to the effect that they committed the crime with which they are charged in another case.</p>	<p>-- Sentenced to pay a fine of 10 rupees; in default of payment to be imprisoned for one month in gaol.</p>	<p>-- 20th April 1848.— The prisoner was subsequently, by an ex. from s. c., dated 25th April 1848, dismissed from the office of village moonsiff.</p>
1840	22	Coollen	<p>1. Appoo Nayanan, moonsiff. 2. Ramasawmy Nayanan. 3. Arnachellon Nayanam.</p>	<p><i>Abuse of Authority.</i></p> <p>-- The second prisoner is charged with having, on the 22d October 1848, or 8th Arpisi of Keelaga, at about noon, entered the house of prosecutor, and after tying a rope round his neck, with having dragged him outside, when the first, third, and fourth prisoners kicked and ill-treated him.</p>	<p>-- The prosecutor, who is a vetty, states that the second prisoner, who is son of first prisoner, came to his house, and tying a rope round his neck, pulled him outside, when, with the assistance of third prisoner, also a son of first prisoner, he took him to the cattle pen of first prisoner, and tying his hands, hung him up to a post, and beat him severely, the first prisoner, who is the moonsiff, taking an active part in his ill-treatment.</p> <p>First witness (curnom) deposes to seeing prosecutor being dragged along and subsequently ill-used, as above; that sixth witness released him.</p> <p>Second, third, and fourth witnesses (brothers of first witness) depose as above, but somewhat confusedly.</p> <p>Fifth witness (wife of prosecutor) confirms this statement.</p> <p>Sixth witness (the master of prosecutor) deposes to seeing them tied up, and releasing them.</p> <p>The evidence, though seemingly strong, falls to pieces when examined into. It would appear that the prosecutor was a year before the servant of the first prisoner, but is now a servant of the sixth witness, between whom and first prisoner exists strong enmity; that on this date prosecutor had been brought up before the moonsiff, on a charge of stealing grain, and the head of police reports having fined first and second witnesses for assaulting the sons of first prisoner when they went to bring the prosecutor before the moonsiff. The second, third, and fourth witnesses are sons of first witness, the fifth is prosecutor's wife, sixth witness is prosecutor's master, and one at avowed enmity with first prisoner.</p> <p>The report of this case sent by the curnom (the first witness) to the head of police is so fierce an exaggeration of the complaint given in by the prosecutor, that it stamps the whole affair as one of enmity; he describes the wounds received by prosecutor to be so severe that it would be dangerous for him to move, while the head of police, who proceeded there immediately, reports he could discover no trace of wounds. The first prisoner is an old man, the third a boy, while prosecutor and the witnesses are all strong men. The head assistant magistrate is unable to give any credence to the evidence. The case is dismissed.</p>	<p>(signed) A. Hathaway, Head Assistant Magistrate.</p>

EXTRACTS from the Register of Cases decided by the Magistracy, &c.—continued.

Year.	Register No.	Name of the Prosecutor.	Names of the Prisoners.	CHARGE.	SENTENCE.	Date of Sentence.
1849	22	"	1. Murdanoigom Pillay 2. Iyahsawmy, peon. 3. Parianon, cavulgar.	- - Charged with having pinioned and beaten certain persons who were charged with being concerned in the robbery committed in the house of one Ganya Pillay, for the purpose of obtaining confession.	- - First and second prisoners fined each in the sum of two rupees, and the 3d in the sum of one rupee. (signed) By <i>E. Maltby</i> , Magistrate.	29th August 1849.
1849	127	1. Gopaloo 2. Samy Nadun.	1. Vencatasawmy Naik (marramut ameen). 2. Dawsery. 3. Chinnen. 4. Soobben. 5. Soondrum Pillay.	<i>Abuse of Authority.</i> - - The first prisoner, who is a marramut ameen, is charged with having, on the morning of the 8th November 1849, caused his peons to bring to his own house the two prosecutors, and with having then and there (aided by the second, third, fourth, and fifth prisoners) tied their hands with ropes, and suspended them to a beam, until they mutually confessed, the first that he had stolen a jewel from first prisoner's house, and had given it to second prisoner; the second that he had received it.	- - The charge of ill-treatment is proved against the prisoners. The prosecutors bore the plain marks of the cords on their arms when they reached the Hoozoor, and the police ameen's report, taken on the very day, attests their wounded state. In their evidence, as received by the police ameen, they tell plainly the same story, but depose that there were no witnesses at the time, and that no one saw them directly afterwards. This part of their deposition the prosecutors repudiate. The depositions forwarded by the police ameen wear an appearance of doubt. The prosecutors by their own statement, and that of the police ameen's own peons, and indeed the admission of the police ameen, show that they never intended of themselves to go to the police ameen's cutcherry, but were obliged to go by his peons, and that instead of pointing out witnesses to the summoning peon, they proceeded to the Huzoor as they had at first intended. The police ameen states that he gave a warrant for the apprehension of the prisoners; holding his cutcherry in the same place, he should have ascertained at once whether the maistry, the principal offender, was in his house or not; on being called upon to report upon this point, he replies that he does not know whether he was there or not. The first prisoner produces three witnesses to prove that on the day named he was absent in a neighbouring village examining the works, but their evidence is of no weight. The other prisoners are also reported as having absconded. The first prisoner is sentenced to pay a fine of eight rupees, or to be imprisoned in gaol for 15 days. (signed) <i>A. Hathaway</i> , Head Assistant Magistrate.	

1. Comara Pillay, vil-
lage curnom.

1. Vencatasooverien, naut
curnom.
2. Ramian, village moonsiff.

Abuse of Authority.

-- Charged with having, on the 25th January, or the 14th Tye of Soumeah, sent up the mother of prosecutor to the talook on a false charge of having earth salt in her possession.

- - The prosecutor states that he had reported to the Hoozoor that the moonsiff, curnom, and puttadars, had fraudulently enjoyed village maniems; an order was sent to examine the land. That he and another naut curnum examined the land; that the moonsiffs and puttadars petitioned that another naut curnum should be sent; the first prisoner was accordingly sent by the tabsildar, who, measuring the land, requested him to sign the account he prepared; that he refused to sign it as it was contrary to his own accounts.

Hence the prisoners bore a grudge against him; that one morning he went to another village to be present at some funeral ceremonies, to which place his old mother was to follow him, but she did not come; sometime afterwards the yungarom moonsiff and puttadar (2d and 3d witnesses) coming to the same house, told him that the first and second prisoners had seized his mother near a tank in the Eschenudoo village, as two other women, Vulleeammay and Ammanee, were going along with her, and, on a charge of having earth salt, had confined her in the choultry; that they forced the old woman to confess, and tore up a confession previously made by the other two women; that going to his own village he found Vulleeammay, who, on being questioned, told him that she was going with a pot of earth salt, and that the mother was near; that the second prisoner caught the old woman, and giving her (Vullyama) an anna, let her go, and that she was forwarded three days after to the talook.

The evidence proves that Vulleeammay was the culprit, and that the prisoners forced the mother to say she was carrying it. The woman is very old. The moonsiff had no business to try a case in a village not under him. The fact of the salt, which was first seen in a new chatty, now appearing in an old one, is not satisfactorily accounted for.

The first and second prisoners are ordered to pay a fine of five rupees each, or to be imprisoned for 15 days. Clause 2, section 3, Regulation III. of 1819. The other two women, Vulleeammay and Ammanee, cannot be found.

(signed) A. Hathaway,

Head Assistant Magistrate.

23d March 1850.

EXTRACTS from the Register of Cases decided by the Magistracy, &c.—continued.

Year.	Register No.	Name of the Prosecutor.	Names of the Prisoners.	CHARGE.	SENTENCE.	Date of Sentence.
1851	33	Savee Mootoo Mootrien.	1. Mootoo Comara Umbalacuren. 2. Samoo Naick, peon. 3. Nonjum Tundul Caren.	<i>Theft and Abuse of Authority.</i> -- The prisoners are charged with having, at about 20 days ago, searched the house of the prosecutor during his absence, on the plea that he committed theft, and pinioned and beaten him; also with having stolen therefrom ready money to the amount of nine rupees.	-- The witnesses called for the prosecutor all say they know nothing about the matter, and, from the proceedings, it appears the complaint is false, the prosecutor is therefore fined the sum of five rupees; in default, to be confined in the zillah gaol for the space of 10 days. Section 35, Regulation IX. of 1816. (signed) <i>H. G. Smith,</i> Head Assistant Magistrate.	29th October 1851.
1852	17	1. Carmangoody Narayan.	1. Mootteal Naik 2. Baul Naik, police peon.	<i>Maltreatment.</i> -- Charged with having maltreated the complainant whilst in their custody.	-- The complainant can produce no witnesses; he exhibited some sores, which he said were caused by the ill-usage he had received, but they appeared to the assistant magistrate, and to others in the office, to be nothing more than common boils. He appeared to be unable to straighten his left arm, which he also ascribes to the maltreatment he had received. The prisoners deny the charge <i>in toto</i> , and their depositions were given in a most straightforward manner. The first prisoner deposes that when the complainant was confined in the choultry, he asked him what was the matter with his arm, and his reply was that it was naturally bent. The case is dismissed for want of proof. (signed) <i>H. E. Sullivan,</i> Assistant Magistrate.	3d September 1852.
1852	18	Shalamben	1. Mootteal Naiken 2. Vencatachella Naiken, police peon.	<i>Abuse of Authority.</i> -- The prosecutor charges the two defendants with torturing him by tying beetles on to his navel, and beating him, whilst in their custody. He moreover deposes that he gave the first defendant rupees Rs. 3. 4. to take care of for him, which money he cannot get back.	-- The prosecutor deposes that on the 22d of the month Ad, corresponding to the 4th of August, the two defendants tortured and ill-treated him in the manner described in the charge. He then goes on to state that about 10 days ago (about the 15th of August), whilst in the Lalgooody police cutcherry, he gave the first defendant rupees Rs. 3. 4. to take care of for him. It is scarcely credible that he should have chosen one of the men who had so infamously tortured him to take care of his money for him.	3d September 1852.

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1852

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Carooppa Moodally -

1. Reddy Vencatasawmy, police peon.
2. Chinna Ramasamy, sib-bendy peon.
3. Jemboolingom Oomedwar, peon.
4. Ramen.

Abuss of Authority.

-- Charged with having, on the night of the 28th and 29th July, maltreated the prosecutor by beating and putting him into the stocks, and snatched from his person jewels valued at six rupees, while the prosecutor was under the custody of the prisoner on a charge of theft.

The first witness corroborates the statement of the prosecutor pretty accurately as far as this, viz., that he saw the prosecutor give rupees Rs. 3. 4. in charge to the first prisoner; touching the maltreatment he deposes nothing; but as both witnesses and prosecutor are confined in the same gaol, and were apprehended for the same offence, it is highly probable that the parties have been in communication with each other, and have trumped up the complaint.

The second witness states that he saw the prosecutor give rupees Rs. 3. 4. in charge to first prisoner on the 17th day of Adi, corresponding to July 30th, whereas, the prosecutor states that the transaction took place about 16 days prior to the date of his giving his deposition, i. e., about the middle of August. With regard to the charge of maltreatment he deposes nothing. The case is dismissed.

(signed) *H. E. Sullivan,*
Assistant Magistrate.

2d September 1852.

-- The evidence to support the charge of maltreatment and theft is too discrepant to believe, and I can't find that the defendant took more precaution than is usually necessary to secure this prisoner, the case is therefore dismissed.

(signed) *H. G. Smith,*
Head Assistant Magistrate.

1853

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1. Seenoovien, village moon-siff of Mahadanapoorom.
2. Rungapa Naiken.
3. Rasalingom Cavulgar.

-- Charged with having pinioned and beaten the complainant for the purpose of making him confess the charge of theft.

-- Case dismissed - - - - -

By *H. G. Smith,*
Head Assistant Magistrate.

21st January 1853.

J. Bird, Magistrate.

COPIES from Register of Cases decided by the Magistracy in the Years 1848, 1849 and 1853.

Year.	Number of the Calendar.	Names of the Prosecutor.	Names of the Prisoners.	CHARGE.	SENTENCE.	Date of Sentence.
1848	14	Chinnapen - -	1. Vencata Chalum Herugarny, peon. 2. Mohideen Saib, tahsildar of Laulgoody.	<i>Abuse of Authority.</i> -- The first prisoner is charged with having kept the complainant in custody for 12 days, and with having beaten and otherwise maltreated him for refusing to pay an overcharge of peerwah. The second (the tahsildar) is charged with ordering the peon to act in this manner.	-- There is not sufficient evidence to bring the charge home against the tahsildar, who however is ordered to abstain from the too universal practice of ordering harsh measures to compel payment due from reluctant ryots, and to enjoin on all his peons the relinquishment of such practices. Two witnesses depose to ill-treatment on the part of the peon, who is fined one rupee and a half, and admonished to act differently for the future. (signed) <i>A. Hathaway,</i> Head Assistant Magistrate.	21 March 1848.
1848	43	Shunmoogum Pillay	Kistna Row, police ameen of Woodpolliem.	<i>Abuse of Authority.</i> -- In causing the complainant to be beaten with a view to make him pay the balance of his kist.	-- Charge dismissed as not proven - - - - (signed) <i>A. Hathaway,</i> Head Assistant Magistrate.	9 August 1848.
1849	"	Chinnien - -	1. Nullamaikum, peon, of Toorure talook. 2. Narraina Naiken. 3. Moottooramem.	<i>Abuse of Authority.</i> -- For having beat the prosecutor with a cord and ill-treated him on account of Circar kist.	-- The prisoners each fined in the sum of one rupee - By <i>A. Hathaway,</i> Head Assistant Magistrate.	29 July 1849.
1853	"	Ragooviengar -	1. Vencatarama Naick - - 2. Madar, talook peon.	<i>Abuse of Authority.</i> -- For having beaten and ill-treated the prosecutor on account of Circar kist.	-- Dismissed for want of proof - - - - By <i>H. G. Smith,</i> Head Assistant Magistrate.	26 October 1853.

Trichinopoly District, Perambalore, }
Collector's Circuit Catcherry, }
16 October 1854.

(True copies.)

(signed) *J. Bird,*
Collector.

No. 13.—MALABAR.

STATEMENT drawn up from the Criminal Records of South Malabar, from 1834 to 1854, both Years inclusive.

1845.—Two Cases.

No. 1. First prisoner sentenced to three years, 2d prisoner two years, 3d and 4th prisoners one year each hard labour in irons. No. 2. First prisoner's punishment left to his superior (the magistrate); 2d prisoner released.

1846.—One Case.

1st, 2d and 7th prisoners six months' each, and 1st and 7th prisoners, in addition, 200 rupees fine each; in default, six months' additional imprisonment with hard labour in irons: 3d and 4th prisoners one month's imprisonment and 10 rupees fine each; in default, two months' additional imprisonment: 5th and 6th prisoners released.

1849.—Two Cases.

In one the prisoners were released; in the other, one prisoner held to security for his good behaviour.

1853.—One Case.

Prisoners released.

(signed) G. A. Harris,
Civil and Session Judge.

No. 14.—COIMBATORE.

STATEMENT of Cases of Ill-treatment Examined and Punished by the Magistracy in the District of Coimbatore, from 1847 to 1868 inclusive.

Year.	No.	Name and Official Designation.	CHARGE.	Result of Investigation.	By whom Examined.
1847	12	1. Chinnapien 2. Mahomed Cassim. 3. Nabby Saib, peon.	-- Abuse of authority in having ill-treated one Bavasaib, inhabitant of Ootacamund.	-- Proved; each fined 10 rupees.	-- Joint magistrate of Oota- camund.
1847	9	Rackanagoudan, monigar	-- Ill-treated and extorted 50 rupees from the plaintiff.	Proved; fined 50 rupees	-- M. J. Walhouse, esq., as- sistant magistrate.
1848	10	Subbarow, tahsildar of Andior	-- Caused the complainant to be maltreated for the recovery of kists due to Government.	Proved; fined 10 rupees	Ditto - - ditto.
1848	1	Ramagoudan, monigar	-- Charged with having extorted from the prosecutor 20 rupees.	Proved; fined 35 rupees	Ditto - - ditto.
1848	5	Custory Rungon, monigar's goomarals.	-- Charged with having pinioned, ill-treated, and extorted from prosecutor Rs. 4. 12., accusing him of having purchased stolen property.	Proved; fined 9½ rupees	Joint magistrate of Caroo,
1848	33	Nunjagoudan, monigar, and three others.	-- Ill-treated the prosecutor and taking away 50 rupees he had in his house.	-- Proved; and fined 10 rupees.	-- M. J. Walhouse, esq., as- sistant magistrate.
1848	31	1. Cawderkhan, duffadar 2. Nunjon, peon.	-- Charged with having extorted 25 rupees from certain travellers.	-- Proved; and each fined 20 rupees.	-- C. F. Chamier, esq., as- sistant magistrate.
1849	12	1. Vencatien, monigar 2. Moostoo Naik, peon. 3. Soobbar, taudnicar. 4. Sinnan } Toties. 5. Castan }	-- Ill-treated the prosecutor for the embezzlement of public revenue.	-- Proved; 1st, 2d and 3d defendants fined each 4 rupees, 4th and 5th, 2 rupees each.	-- M. J. Walhouse, esq., assistant magistrate.
1849	26	Tungamoottoogoudan, monigar.	-- Charged with extortion, in having levied an illegal fine of eight rupees.	Proved; fined 12 rupees	-- C. F. Chamier, esq., assist- ant magistrate.

Statement of Cases of Ill-treatment Examined and Punished by the Magistracy in Coimbatore, &c.—continued.

Year.	No.	Name and Official Designation.	CHARGE.	Result of Investigation.	By whom Examined.
1849	30	Mahomed Cassim, peon - -	-- Ill-treated and extorted 5 rupees from the prosecutor, on the ground that he was in illicit possession of liquor.	Proved; fined 7 rupees -	-- C. F. Chamler, esq., assistant magistrate.
1849	32	Ramagounden, monigar, and 2 others.	-- Ill-treated the prosecutor, falsely accusing him of theft.	-- The 1st prisoner fined 5 rupees, the 2d 4 rupees, the 3d 3 rupees.	Ditto - - ditto.
1849	41	Comarasawmygounden, monigar.	-- Ill-treated and extorted from the plaintiff 4 rupees, on the pretext that his cattle had been grazing in the field of the 1st defendant.	Proved; fined 7 rupees -	Ditto - - ditto.
1851	6	Settygounden, monigar - -	-- Unlawfully extorted 10 rupees from the complainant.	Proved; fined 20 rupees -	-- M. J. Walhouse, esq., acting head assistant magistrate.
1851	1	Unga Rout, peon - - -	-- Extorted 2 rupees from the complainant, falsely charging her with wounding her daughter.	Proved; fined 7 rupees -	-- E. B. Thomas, esq., acting magistrate.
1851	27	Comarasawmy Moodley, moonsiff's monigar.	-- Ill-treated and exacted from the complainants 12 rupees.	-- Ill-treatment proved, and fined 10 rupees.	-- M. J. Walhouse, esq., acting head assistant magistrate.
1852	21	1. Chinna Mootoo,* tavun monigar. 2. Permall, tundulcar. 3. Sangalay, taliary.	-- Unlawfully confined, ill-treated, and forced the complainant to pay 3 rupees.	Proved; fined 4 rupees -	-- J. G. Thompson, esq., assistant magistrate.
1852	29	Nunjapun, monigar - -	-- Extorted 2 rupees from complainant, falsely accusing him of theft.	Proved; fined 4 rupees -	Ditto - - ditto.
1852	55	Soobramanien, moonsiff's monigar.	-- Unlawfully detained and exacted ½ rupee from the complainant.	Proved; fined 2 rupees -	-- M. J. Walhouse, esq., head assistant magistrate.
1852	61	1. Narrain Row, police ameen 2. Sidden, peon.	-- Caused the complainant to be beaten with a leather whip, by the 2d defendant.	-- Proved; the 1st fined 5 rupees, the 2d 1 rupee.	Ditto - - ditto.
1852	64	Poottagounden, monigar, and 4 others.	-- Ill-treated the complainant, and wounded him with a bill-hook.	-- Assault proved; the 1st fined 15 rupees, the 2d 10 rupees, the 3d, 4th and 5th respectively, 7 rupees.	Ditto - - ditto.
1852	66	Rungagounden, monigar -	-- Ill-treated and extorted 15 rupees from complainant, on a charge of his having injured his horse.	Proved; fined 20 rupees -	-- J. G. Thompson, esq., assistant magistrate.
1852	93	Marappagounden, moonsiff's monigar.	-- Unlawfully confined and exacted 5 rupees from complainant.	Proved; fined 15 rupees -	-- M. J. Walhouse, esq., head assistant magistrate.
1852	51	Bedenaken, moonsiff's monigar.	-- Unlawfully confined the complainant, and exacted from him 5 rupees.	Proved; fined 10 rupees -	Ditto - - ditto.
1853	28	1. Moottooselligounden, moonsiff's monigar. 2. Bassoova Naik, peon.	-- Exacted certain money from the complainants, threatening to make a false charge against them.	-- Proved; 1st defendant fined 35 rupees, the 2d 4 rupees.	Ditto - - ditto.
1853	76	1. Linganien, moonsiff's monigar. 2. Ferras, peon.	-- Charged with having extorted 7 rupees, and beaten the plaintiffs on their way to the talook cutcherry.	-- Proved; the 1st fined 10, the 2d 5 rupees.	-- J. G. Thompson, esq., assistant magistrate.
1853	78	Palanygounden, village moonsiff, and 5 taliaries.	-- Ill-treated and extorted 6 rupees from the plaintiff, charging him with having received stolen property.	-- Proved; the 1st defendant fined 10 rupees, and the others fined at 2 rupees each.	-- C. N. Pochin, esq., assistant magistrate.
1853	84	1. Ramagounden, monigar - 2. Punditon, taliar. 3. Nunjon, ditto.	-- Ill-treated and confined the prosecutor for not paying 30 rupees which was demanded of him to acquit him of a false charge of theft.	-- Proved; the 1st defendant fined 10 rupees, 2d and 3d, 2 rupees each.	Ditto - - ditto.
1853	82	1. Daligounden, moonsiff's monigar. 2. Ramasawmy, another village monigar. 3. Marootherandy.	-- Ill-treated the complainant, and hand-cuffed him.	-- The 1st defendant is fined 6 rupees, 2d and 3d, 3 rupees each.	-- C. N. Pochin, esq., assistant magistrate.
1853	90	Coopangounden, moonsiff's monigar.	-- Extorted 10 rupees from the plaintiff, who was charged with an assault and wounding.	Proved; fined 10 rupees -	Ditto - - ditto.
1853	91	Coundagounden, moonsiff's monigar.	-- Ill-treated and put in stocks the complainant, accusing him of theft.	Proved; fined 3 rupees -	-- E. B. Thomas, esq., magistrate.
1853	136	1. Carooppagounden, monigar 2. Oorooman.	-- Ill-treated and hand-cuffed the plaintiff.	-- The 1st defendant fined 10 rupees, the 2d, 3 rupees.	-- C. N. Pochin, esq., assistant magistrate.

* The 1st defendant is fined 12 rupees in addition, under section 2, Act XVI. of 1850.

STATEMENT of Torture Cases, &c. from 1848 to 1854.

Year.	Register Number.	NAMES of the PROSECUTOR.	NAMES of the DEFENDANTS.	CRIME.	* Authorities.	SENTENCE.
1848	45	- - - - -	1. Alegerysawmy, naik police duffadar. 2. Beam Kawn, police peon. 3. Cawder, batcha. 4. Dewancawn.	-- Seizing the prosecutor, tying his hair to the lock of the second prisoner and beating him, tying his hair also to the tail of a donkey; placing bones and other disgusting things round his neck, and parading him through the street of the village Thenkaray.	Joint magistrate	-- The first prisoner fined 7 rupees, the second prisoner 5 rupees, the third and fourth prisoners 3 rupees each, commutable to 15 days' imprisonment in the Madura gaol, under section 32, Regulation IX. of 1816.
1848	22	-- Mathanoor of Tony-pully in Tirpattoor.	1. Thond Row, police ameen. 2. Shemaganum, peon. 3. Karoopen, peon. 4. Nagappen, peon. 5. Ramasawmy Masalchy. 6. Paryanum, bandy driver of police ameen.	-- Charged, the first with extorting a bribe to the amount of 50 rupees, and causing prosecutor and others to be beaten and assaulted in various ways by the remaining five defendants. Defendants two to six with assault and battery by order of the first.	-- Head assistant magistrate.	-- The first prisoner suspended for 6 months, and the second, third, and fourth prisoners fined 5 rupees each, or in default to be imprisoned 15 days. The fifth and sixth, not Circar servants, the same. Section 32, Regulation IX. of 1816.
1848	23	-- Audmootto of Sholungoody.	Ditto - - - -	-- Charged, the first defendant with extorting a bribe to the amount of 30 rupees, and causing prosecutor and others to be assaulted in various ways by the other four defendants who are charged with the assault in question.	- Ditto - - -	-- For sentence see preceding case, No. 22.
1840	8	-- Thamrandy of Kamanumputty.	1. Vencataswarien Nattaumy, of Covil putty. 2. Kristnien, kurnum. 3. Sooba, naik. 4. Valayandy.	-- With having beaten and ill-used the prosecutor for the purpose of extorting information relative to a robbery in the house of the zilladar of Nuttum.	Magistrate - - -	Not proved.
1840	25	Pareacurpun - - -	1. Vencatasawmy, naik police duffadar of Shevagungah.	-- Charged with abuse of authority and extortion in having unnecessarily caused iron handcuffs to be put on prosecutor and two others, and subsequently demanding and obtaining a sum of 12 annas as bribe to cause their being taken off.	- - - Head assistant magistrate.	-- Fined 25 rupees; in default to be imprisoned for one month, under Regulation III. of 1819, and also reduced to the grade of a magistrate peon.
1850	55	- - - - -	Pareathumbee Rajoothum. Nattamgar.	-- Striking and otherwise ill-treating the prosecutor	Joint magistrate	Not proved.

(continued)

STATEMENT of Torture Cases &c. from 1848 to 1854—continued.

Year.	Register Number.	NAMES of the PROSECUTOR.	NAMES of the DEFENDANTS.	CRIME.	Authorities.	SENTENCE.
1851	6	Meenatchee - - -	-- Rungiah Naik, police peon.	-- Charged with abuse of authority, in that he, being police peon, did in the night take Meenatchee, the prisoner in No. 88 on the calendar of the sessions court of Madura, who was in his custody, to the house of prosecutor in that case for the purpose of illegally obtaining from her a confession, or procuring other evidence, whereby she might be committed of the crime of theft and possessing stolen property laid to her charge.	Magistrate - -	-- Defendant dismissed; also fined 5 rupees or to be imprisoned for one week under clause 2, section 3, Regulation III. of 1819. The Foujdaree Udalut decided that this offence did not amount to abuse of authority, and remitted the fine.
1851	13	Chinnapundarem - -	1. Moottiapillay, curnum 2. Audy Cone. 3. Litchmasera. 4. Audyacherry. 5. Shengun. 6. Chinnoinen.	-- Defendants are charged with having beaten and ill-treated the prosecutor to induce him to confess a theft of 42 rupees, with which he was charged by sixth defendant.	-- Head assistant magistrate.	Not proved.
1852	1	Assanoo Ebooraze - -	1. Audymoolum, mettoo peon. 2. Chinnathumby, salt peon.	-- Charged with having beaten the prosecutor and extorted from him 2 annas and 6 pice for the benefit of the first prisoner.	Magistrate - -	Not proved.
1852	21	Allagun - - -	1. Allageyachokupkappannumbalum, moonsiff. 2. Chinnathumby, salt peon.	-- Charged with having put the prosecutor's father and uncle in the stocks, and endeavoured to extort from them the sum of 17½ rupees.	-- Head assistant magistrate.	- Ditto.
1852	47	--Vellamarooden, of Yariyoor.	1. Vellamarooden, village moonsiff. 2. Chinnacarooppen.	-- First prisoner was charged with having illegally detained and confined the prosecutor and extorted from him the sum of 8½ rupees. Second prisoner with having beaten the prosecutor by order of the first prisoner.	- Ditto - - -	-- The first defendant was fined 15 rupees; in default to be imprisoned for one month, under clause 2, sec. 3, Regulation III. of 1849. The second defendant was ac-

1854	8	Vencatopathy Chetty	<ol style="list-style-type: none"> 1. Caseenadarow, police ameen. 2. Rungun, peon. 3. Ramalingum, peon. 4. Nelamagum, peon. 5. Huckberley, peon. 	-- First defendant charged with having caused to be beaten the prosecutor, and the second, third, fourth, and fifth defendants with having beaten the prosecutor with their hands.	Magistrate	-- First defendant was fined 15 rupees under clause 2, section 8, Regulation III. of 1819; and the defendants two to five were acquitted with a warning. The first defendant was removed from his situation, but declared not ineligible for other employment not of a police nature, as he was guilty of a simple assault only, and was provoked. The case had none of the features of the torture.
1854	7	Government	<ol style="list-style-type: none"> 1. Rungia Naiken, mettoo peon. 2. Oocooroone Ravathen Nattamgar. 3. Pitohamootoo Comelgar. 4. Sooboopillay, curzum. 	-- Charged with having ill-treated three persons in the Tenkary talook, for the purpose of extorting a confession from them.	Magistrate	-- Committed to the Criminal Court, and No. 1 there sentenced to six months' imprisonment. The other prisoners were acquitted.
1854	8	Andyappah Pillay	<ol style="list-style-type: none"> 1. Ramachundra Row, police ameen of Parthybanoor. 	-- Charged with having extorted the sum of 40 rupees from the prosecutor and others, by confining them in his cutcherry, under the pretext of a revenue balance being due by them to the zemindar of Shevagungah.	Magistrate	Not proved.
1854	10	Government	<ol style="list-style-type: none"> 1. Soobien, tahsildar of Madacolum. 2. Mootovien, sildar of Sholavendhan. 3. Richoovien, maneyagar 	-- Charged with having wilfully and illegally beat and caused to be beaten with sticks, one Soodapillay, of Carooputty, in consequence of which beating he died on the night or day following.	Magistrate	-- The case was committed to the Criminal Court, where it was thrown out.
1854	41	Overeddy	<ol style="list-style-type: none"> 1. Soobien, tahsildar of Madacolum. 	-- Charged with having caused the prosecutor to be beaten by his peons for refusing to pay a fine of 3 rupees imposed on him.	-- Head assistant magistrate.	Not proved.
1854	59	- - -	<ol style="list-style-type: none"> 1. Ollagun, police peon 2. Tandabooman, revenue peon. 	-- Charged with having assaulted and ill-treated the prosecutor, by beating him on his back, and tying his head to his knees by a wisp of grass, to collect kist under order of the tahsildar of Tandecombo.	Joint magistrate	-- The defendants were fined 2 rupees each, in default 15 days' imprisonment, under section 32, Regulation IX. of 1816.
1854	45	- - -	<ol style="list-style-type: none"> 1. Soobbien, head of police of Iyampilly. 2. Tamynadun, cutwal. 3. Mahommud Saib, peon. 4. Mahommud Shah, revenue peon. 	-- Charged with having ill-used and ill-treated the prosecutor by pulling out the hair in his lip on one side, and carrying him through the town and exposing his face to the gaze of the crowd.	- Ditto -	Not proved.

(continued)

STATEMENT of Torture Cases, &c., from 1848 to 1854—continued.

Year.	Register Number.	NAMES of the PROSECUTOR.	NAMES of the DEFENDANTS.	CRIME.	Authorities.	SENTENCE.
1854	60	- - - - -	1. Narrayana Naick, met-too peon. 2. Rammayen. 3. Rungapah Naick.	-- Charged with having seized one Tavythanen, tied his hands behind him, drawn him up to the ceiling of the house of the second prisoner, and slapped his face and knocked out a tooth.	Joint magistrate	-- Dismissed as a false and litigious complaint, and the prosecutor sentenced to pay a fine of 5 rupees.
1854	102	- - - - -	1. Mootoocomaropillay, nottamgar. 2. Peer Mahommud.	-- Charged with having made the prosecutor stoop, placed stones on the back, and tied his neck down to the toes with a creeper, with a view of extorting from him an illegal impost.	- Ditto - - -	-- The first prisoner was fined 50 rupees, and the second 10 rupees; in default, 30 days' imprisonment, under section 32, Regulation IX. of 1816.
1854	143	- - - - -	1. Termul Naick Gomasta, nattamgar.	-- Charged with having forced the prosecutrix into a stooping position by ordering her neck to be tied to her toes by a creeper, to extort kist in advance.	- Ditto - - -	-- The prisoner was fined 10 rupees; in default to be confined for 30 days, under section 3, Regulation III. of 1819.
1854	132	- - - - -	1. Chinnapetty, nattamgar 2. Mundamootoopillay, nattamgar. 3. Allagamanandy, nattamgar. 4. Tullyamagalen, toty, and three others.	-- Charged with having tied the prosecutor's hands behind him and ill-treated him for an alleged theft.	- Ditto - - -	Not proved.
1854	136	- - - - -	1. Mootoocomarapillay, nattamgar. 2. Ebram Saib. 3. Timoy Naick.	-- Charged with having kept the prosecutor in a stooping position for collecting an alleged balance of kist.	- Ditto - - -	Ditto.
1854	141	- - - - -	1. Chinnapetty Chetty, nattamgar. 2. Soobboo Modaly, curnum. 3. Verathanen, &c., and four others.	-- Charged with having tied the prosecutor by his heels to a tamarind tree and ill-treated him, to extort a confession of theft.	- Ditto - - -	Ditto.

Madras, 2 February 1855.

(Signed) P. D. Decker, Magistrate.

A STATEMENT of Cases of Torture to collect Revenue, received from 1847 to 1854 inclusive, by the Joint Magistrate or Sub-Collector of *Madura* and his Subordinate Officers, viz., Police Officers and Tahsildars.

Number of Case.	Names of Complainants.	Names of Prisoners.	CHARGE.	SENTENCE.
Joint Magistrate's Register, No. 45 of 1848.	Scenia Pillay of Tenkarai.	1. Alughiry Samy Naick, police duffidar. 2. Beerankhan, police peon. 3. Kahdur Pacha. 4. Devankhan. 5. Soobha Naicken.	<i>Before Joint Magistrate in Ayen Talooks.</i> -- With having tied the prosecutor's lock of hair to the tail of a donkey, hung bones around his neck, and beaten him.	-- The first prisoner is fined seven rupees. The second prisoner is fined five rupees. The third and fourth prisoner each three rupees. As no offence was proved against the fifth, he was released. 6 October 1848.
62 of 1853	Parena Cownden	1. Gopala Tatacherry, nattamgar. 2. Balagoorovapa Naick, peon. 3. Chinna Cownden, nattamgar.	-- With having beaten the prosecutor, and threatened to place him in stocks, on his refusal to pay tax.	-- Dismissed as false, and the prosecutor warned against preferring such vexatious complaints. 2 December 1853.
59 of 1854	Mungapatty Naick	1. Alagur, a peon 2. Sundabommen, a peon. 3. Lutchumanan. 4. Paravasoo Naick. (The two last are substituted peons.)	-- With having beaten the prosecutor, tied his neck to his toes by a wreath of straw, to extort tax which he asserted was due by another.	-- The two first prisoners are fined each two rupees, and the others released, as no offence was made out against them. 8 July 1854.
143 of 1854	A. Aligummal	Terumal Naick Gomasta nattamgar.	-- With having kept the prosecutor in a stooping position.	Fined 10 rupees. 26 December 1854.
32 of 1848	Kriahnon Chetty	Nullatamby Pillay	<i>Before Joint Magistrate in Jarry Zemindaries.</i> -- With having abused and kicked the prosecutor on his denying any arrears being due.	Fined a half rupee. The single kick appears to have been provoked by the offensive language used by the prosecutor towards the prisoner, when called on for his kist. 4 August 1848.
135 of 1854	A. Rama Cownden.	1. Mootocoomar Pillay, carnun. 2. Curpanan. 3. Down.	-- With having caused the prosecutor to stoop.	Dismissed as false. 8 December 1854.
Talook Register, No. 125 of 1850.	Nully, a female	1. Palanyandy, monegar nattamgar. 2. Soobbien. 3. Cundavalan. 4. Mootovaden. 5. Arooomogum. 6. Poosary.	<i>Before Police Officers in Ayen Villages.</i> -- With having beaten with slippers, confined in stocks, and ill-treated.	Dismissed as false. 16 August 1850. By police ameen of Ayempully.
185 of 1853	Veerasamy Naicken	1. Pithavien, sillahdar 2. Valuppa Naick, nattamgar. 3. Curanun. 4. Chinnan.	-- With having made the prosecutor to stoop, tied his neck to a post with a rumal, and ill-treated.	Dismissed for want of proof. 23 September 1853. By head assistant of police of Ayempully.
185 of 1853	Annesamy Sastry of Battagoontah.	Nuannoo, a police peon	With having beaten and abused	Dismissed for want of proof. 17 March 1853. By the head of police of Nella-cottah.

STATEMENT of Cases of Torture to collect Revenue, received from 1847 to 1854 inclusive, &c — *continued*.

Number of Case.	Names of Complainants.	Names of Prisoners.	CHARGE.	SENTENCE.
185 of 1853 - -	Ramasamy Naick of Silwarputty.	Cunnivaddy, semindar -	<i>Before Police Officers in Jarry Zemindaries.</i> - - With having kept the prosecutor in confinement, and ill-treated him.	Dismissed as ungrounded. 10 May 1847. By the police officer of Nellocttah.
185 of 1853 - -	Coomaravalo Pillay -	1. Vencatachelam Iyengar, monigar of Mr. Fondclar, renter of Ammanaikenoer. 2. Mundien.	- - With having caused the prosecutor to stoop, hung a string of bones around his neck, and beaten him.	Dismissed as not proved. 27 February 1851. By the police officer of Nellocttah.
185 of 1853 - -	Poosamalai Pillay -	1. Sotaram Naick, a peon of the above renter. 2. Imamah. 3. Vencatachelum, tondal. 4. Cooppan Madary. 5. Mootocurpa Pillay, nat-tamgar.	- - With causing prosecutor to stoop, and beaten him.	- - Dismissed, the charge not being borne out by evidence. 29 November 1854. By the head of police of Nellocttah.
185 of 1853 - -	Alagamasady, &c. -	Aroochena Pillay, a servant of a renter in Cunnivady, and 12 others.	With having abused and beaten -	- - The charge being proved, the first and second prisoners were each fined three rupees; the third, two rupees; the fourth, fifth, sixth, and seventh prisoners, each one rupee; and the prisoners from eighth to thirteenth, each half a rupee. 14 February 1852. By the head of police of Nellocttah.
185 of 1853 - -	Ramasamy Pillay -	Aroonachellum Pillay, a servant of the above renter, and two others.	- ditto - - - - -	Dismissed for want of proof. 17 March 1852. By the head of police of Nellocttah.
185 of 1853 - -	Vencatachelum Pillay	1. Soebben, toty - - 2. Alagan.	- - With having beaten and ill-treated, under the orders of the Ammanaikenoer renter. <i>Before the Tahsildar of Nellocttah in Jarry Zemindaries.</i>	- - Committed to the sub-court, and dismissed by that tribunal. 23 October 1854. By the head of police of Nellocttah.
185 of 1853 - -	Alagherryssamy Naicken	Mr. E. F. de Fondclar, renter of Amma Naickenoor.	- - With having caused the prosecutor to be pushed and ill-treated for collecting rent in excess.	No proof. 4 June 1852.
185 of 1853 - -	Sujeevy Monigar -	- Ditto - - - - -	- - With having ordered the complainant to be stooped in the sun, and subjected to disgrace for collection of excess of tax.	- - The allegations of the complainant were supported by witnesses, but no notice was taken of it by the acting sub-collector, to whom a reference was made on the subject. 6 June 1853.

Dindigul, }
5 February 1855. }(signed) T. Clarke,
Sub-Collector.

A STATEMENT of Complaints preferred from 1847 to the Joint Magistrate, of Torture having Appe
been resorted to, to extort Confession of Theft.

Number of the Register.	NAMES of PARTIES.	CHARGE.	SENTENCE.
6 of 1849 -	Serumalappa Moodelly - - <i>versus</i> 1. Jagana Rao, head of police. 2. Coomaravalo Pillay, sub police officer. 3. Soobba Rayen, nattamgar. 4. Mahomed Sah Metto, peon. 5. Malayandy, taliar. 6. Aroonaghery. 7. Villian. 8. Coomaren. 9. Soobbein, police roysom. 10. Palaneyandy. 11. Ram Raja, peon. 12. Alagerysamy Naick. 13. Soobben. 14. Anganen. 15. Mootoosawmy.	-- With having bound the prosecutor's hands to his back, tied all his fingers together with a thin string, pouring water thereon, applied chilly powder to his eyes, and beaten him with cudgels to extort a confession that he had committed theft.	-- The first prisoner was fined 50 rupees. The ninth prisoner was fined 15 rupees. The second prisoner was fined 15 rupees. The fourth and 11th prisoners, each 5 rupees. The third prisoner 15 rupees, under Regulation IX. of 1819; 16th June 1849. The second prisoner was further suspended for four months, and the two peons, for three months each. The other prisoners are released.
7 of 1849 -	Tomby Chetty - - - <i>versus</i> 1. Mahamed Sah Metto, peon. 2. Coomaravalo Pillay, sub police officer. 3. Soobbaroyen, nattamgar. 4. Kara Malayandy. 5. Coomaren. 6. Soobben, royasom. 7. Ram Raja, peon. 8. Anganen, taliar.	-- With having beaten and ill-treated the prosecutor to confess that he had received stolen property.	-- <i>Vide</i> case No. 6 of 1849.
25 of 1853 -	Cooppa Oamen - - - <i>versus</i> Veerasamy Naick, Dindigul cutwal.	-- With having ill-treated the prosecutor and another by hanging them by the arms to a beam, and beaten with a mallet, &c., and put fire to his moustaches on a suspicion of the prosecutor having stolen two bullocks.	-- Dismissed for want of proof, 1st September 1853.
49 of 1853 -	Pereagooroova Boyen - - <i>versus</i> Alagappen Ambalajar, nattamgar.	-- With having hung a young boy of eight years old to a beam, by his hands, and beaten him with a view to extort confession of theft.	-- Dismissed as false and malicious, 25th November 1853.
10 of 1854 -	Palaneyandy - - - <i>versus</i> 1. Aroonagherry, peon. 2. Soobba Naicken, peon. 3. Soondrum Pilly, nattamgar. 4. Syed Neera Rowten, nattamgar. 5. Alagherry Samy Naick, police daffadar.	-- With having hung the prosecutor by the arm to the branches of a tree, and beaten him to extort confession of theft.	-- Dismissed as unproved, 17th February 1854.

(E. E.)

Dindigul, }
5 February 1855. }

(signed) T. Clarke,
Joint Magistrate.

No. 16.—TINNEVELLY.

STATEMENT, showing the Number of Cases in which the Native Public Servants were accused of having used Violence in collecting Revenue, or for the purpose of extorting Confessions from the Ryots during the last Seven Years, and the manner in which they were Disposed of by the Heads of Police in the District of *Tinnevelly*.

NUMBER of the CASES.	NAMES of the PROSECUTORS.	NAMES of the DEFENDANTS.	ABSTRACT of the CHARGE.	DISPOSAL of the CASE.
In the year 1853 - - - (No number.)	Cooluntha Vailoo Moodelly -	1. Asadkhan Peon - - - 2. Batta Peon.	Vidoogramum Talook - - - - - With having beaten the prosecutor with slippers, and required him to pay kist.	-- The complaint was dismissed on razeenamah of the plaintiff on the 16th October 1854.
In the year 1849 - - - (No number.)	Ramasawmy Nadan - - -	1. Appoovier, police ameen, of Padookapah. 2. Ramachendra Row, talook goomastah.	Punjamahl Talook - - - - - With having beaten the prosecutor with hands and "colda," and made him to stoop down, and thus troubled him to pay the kist.	-- As the charge was not proved, the complaint was dismissed agreeably to the magistrate's order, No. 70, of 1849.
No. 28 of 1847 - - -	Oomayoroobagum - - -	Peramanayagum Pillay, peshcar of Calacaud, and others.	Naungoony Talook - - - - - The prosecutor complained that the peshcar ordered the peons to beat him, to tie bullock bones on his neck, and to put him in stocks, and thus required him to pay money.	Case dismissed as unproved.
No. 69 of 1848 - - -	Velleakoan of Ooppathoor -	1. Permal Naiken, davustarum peon, of Ramaiswarem. 2. Vencatarama Naiken. 3. Carooopen, a chucky of Ooppathoor. 4. Ramanada Pillay Maniem.	Sauttoor Talook - - - - - The first three defendants were charged with having, at the instigation of the fourth defendant, beaten the prosecutor with slippers, and troubled him to pay teerwah for the land which was registered in his name, but cultivated and enjoyed by his brother's wife.	-- The charge was dismissed as unproved on the 26th August 1848.

Tinnevelly, 16 December 1854.

(signed) *C. J. Bird,*
Magistrate.

EXTRACT from the Register of Cases disposed of by the Magistrate during the Year 1853.

No.	Name of the Prosecutor.	Name of the Defendants.	Name of the Witnesses.	DATE OF			CRIME OR CHARGE.	DISPOSAL OF THE CASE.
				Charge.	Apprehension.	Arrival.		
No. 4	Cooma- Asamy Num bean.	1. Condassamy Pilly, trustee of Auttoor Pagoda, and 2. Manecava Sagam Pilly Not Currom, of Vellora.	-- Soobramaney Pilly, and 17 others.	14th March	-- First on the 29th, and second on the 30th March.	--	-- Assault and torturing. The prisoners are charged with having, at about noon on the 18th Mausey (or 26th February last), caused the son of the prosecutor, named Andeappah Numbian, a youth of about 12 years of age, and three other persons, to undergo an ordeal, by dipping their fingers in boiling ghee, before the temple of Lodalamaudasawmy, at Auroomooгамunгалum, in Sreevygoontom talook, for the purpose of trying whether they were concerned in a robbery which took place some time ago in the Auttoor pagoda, in Punjamahl talook. The first prisoner is also charged with having, on 18th and 19th Mausey (or 27th and 28th February last), bound both the prosecutor and his son to trees on the river bank at Auttoor, and ill-treated them, in order to extort from them restitution of the jewels they were believed to have stolen from the above-mentioned pagoda.	-- The evidence in this case is unsatisfactory. The prosecutor has apparently procured friends to depose to the facts stated in his complaint. On the other hand, there is strong ground to believe that something of the kind complained of by prosecutor was done to him and his son by or at the instigation of the first prisoner, who is dhurmakurta of the Auttoor pagoda, from which valuable jewels were stolen some time ago, and that, in consequence of the apparent cause there really is to suspect prosecutor and his son of being concerned in the robbery, those who were present when the assault and torture were committed, do not choose to give evidence on their behalf. The reasons for supposing that prosecutor's complaint is in the main true, are, first, he bore marks of having been strongly tied with ropes. The tahsildar, who made an inquiry on this subject, stated that the marks were not what prosecutor said they were, but had been made by caustic applications. It is likely the marks were kept sore by some such applications, but to the magistrate they seemed by position and form too correctly to represent the lines left by ropes used to bind the arms tightly behind the back to be altogether forged.
							geries. Secondly, his son, and one other of the Pagoda Numbian (who, in consequence of his father being the holder of the key of the jewel-room, also lay under suspicion), showed scars on their fingers like those of a severe scald. Thirdly, during the interval between the robbery in the pagoda, which took place in January, and the arrival of the magistrate at Trichendoor early in March, several complaints were received by post from prosecutor, concerning the kind of ill-treatment laid in his charge, for which there would have been no occasion had coercive measures not been adopted by the durmacurta to make him re-produce the stolen property. Under the above considerations, the magistrate deems it requisite to call upon the first prisoner, under clause 1, section 4, Regulation II. of 1822, to give security for his future good behaviour and appearance when required, within six months, in two sureties of 50 rupees each. The second prisoner is released in consequence of the defects of the evidence. The magistrate regrets to be obliged to remark, that the head of police of Eunjamahl talook has been very remiss in dealing with this case. When the robbery was reported to him, and he went to the spot to inquire about it, he recorded in his diary that the Pagoda Numbian should be responsible, and make good the loss, and then, when information reached him of unauthorised endeavours being made to extort restitution, he seems to have used no exertions to prevent them. For this reason, and for other instances of tortuous conduct, it is thought necessary to remove him to another talook. The Mettoo peon of Auttoor, and the turfdar, who must also have known the real circumstances of the case, but have not reported them, and have given unsatisfactory depositions in the matter, will also be removed, and employed in the Salt Department.	

(True extract.)

(signed) C. J. Bird,
Magistrate.

Trichendoor, 7 April 1853.

ABSTRACT TRANSLATIONS of URZEES, addressed by the undermentioned Individuals, in reply to Orders issued to them on the subject of the Extracts from the Minutes of Consultation, dated 9th and 19th September 1854, respectively.

Number.	NAMES.	ABSTRACT TRANSLATION OF URZEES.
1	Soobramanea Iyen, of Cadaya Nellore.	- These people state that they have neither seen nor heard of the use of instruments of torture, either in the collection of revenue or for extorting confession from the defendants in police cases.
2	Letchoomana Pillay, of Streevygoontum.	
3	Madarhassainkhan Saib.	
4	Satheavageesamara Butten.	
5	Dalavoy Teroomalyuppa Moodeliar.	- These people state that the Government dues are usually collected by the meerasdars and curmoons, and the arrears, if any, are collected by taking the ryots, by whom they may be due, before the talooks, where, in certain cases, threatening of ill-treatment is made for collecting the arrears but no property is seized, nor any actual violence resorted to, for the purpose. They further state, that they have not heard of the instruments of torture having been applied by the native police officials for extorting confessions from the defendants in police cases.
6	Soobramaneya Pillay, village moonsiff of Elunjee, in Tencausey talook.	
7	Meeranjemeah, of Panagoody	- This man states, that he has not heard of the native police officers having used instruments of torture for extorting confession from the defendant in police cases, or of the ryots being taken to the talooks, and subjected to violence and torture in the manner described in the Minutes of Consultation referred to in the order, but that he has heard that the meerasdars, peons and head cavalgars cause the ryots, who fall in arrears, and who fail to pay their lawful dues, to be beaten by the cavalgars, and if this means fail of success, they put the defaulters in the custody of cavalgars, and thus prevent them from attending to their private affairs till they discharge their dues.
8	Thumboonaras Sreenavassa Iyengar, of Alwar Tinnevely, in Streevygoontum talook.	- This man, while denying any knowledge of the use of torture in the collection of revenue, and in the inquiry of police cases, states, that in Fusly 1258, when Ramien was tahsildar of Streevygoontum talook, he under the pretext of having received order from the Huzoor, collected from certain ryots the amount remitted on account of drought and short produce, by beating, grossly abusing, and keeping them in custody.
9	Narayanatheetchadur, of Streevygoontum.	- States, that when Babajee Row and Ramier were tahsildars of Streevygoontum talook, the former used violence towards one Annaven, o Aroomoogamungalum, and the latter towards the meerasadar Chinnaven cats Narainengar, and that he has heard of no other instances of the use of torture by the native public servants.
10	Theetharappa Moodelier, of Streevillypootoor.	- States that he heard that, some years ago, when there was considerable balance outstanding against certain ryots, they were subjected to some of the tortures specified in the proclamation, but that he has neither known nor heard of the use of violence by the native officials within the last few years. He further states, that he has not heard of the Europeans in authority having connived at any such violent acts.
11	Yegna Narayana Somasian, of Shermadav.	- States that he was told, that the tortures described in the proclamation were being practised when the provisions made against them in the Regulations were unknown; that he has not heard of the existence of any such violences now, but that in Fusly 1262, when extensive failure of crop occurred, he was told by certain ryots that Circar servants sent peons and made use of violence in collecting arrears; but that he himself was a defaulter, that he was subjected to no violence, but that the arrears due by him were, according to Regulations, collected by distraint of property after the commencement of the next Fusly.
12	Sevaramier, of Culladacoorchy, in Bremmadassum talook.	- States, that the tortures of the description given in the proclamation which were being practised formerly, were gradually put a stop to. But that the tahsildars are still in the habit of abusing, beating, and confining the indigent ryots; that such ill-treatment being confined to insignificant ryots, he is not able to name any of them, and that he has not heard of the ill-treatment of defendants in police cases.
13	Sungandopveer	
14	Petha Butter, both of Shenkeminorcov 1 talook.	- These persons say, that people do not hesitate to pay their lawful dues but when their lands are highly assessed they fall in arrears, which are collected by maltreating the defaulters. They further state, that they have not heard of the use of violence for extorting confession from the defendants in police cases, during the last seven years.

Tinnevely, 16 December 1854.

(signed) C. J. Bird,
Magistrate.

Register of Cases disposed of by the Joint Magistrate during the Month of August 1854.

Number.	Name of the Complainants.	Name of the Defendants.	DATE OF			CHARGE.	Names of the Witnesses.	SENTENCE.
			Charge.	Apprehension.	Arrival.			
10.	1. Calastiy Iyen 2. Nainah Iyen, and 3. Andynarayana Pillay.	1. Anwoodynayagom Pillay, tahsildar of Sunkeranyar Covil talook. 2. Moottoosamy, a talook peon. 3. Moottoosamy, ditto. 4. Paramuseven, ditto, and 5. Magalingam, ditto.	10 Aug. 1854	- - -	29 Aug. 1854	- - Abuse of authority; charged with having, on Monday, 10th Aug., or 24th July 1854, at different hours from 10 a.m. till the evening, beaten the prosecutors on their legs and backs with whips and hands, by order of the tahsildar.	Not Curnom - - 1. Auroomugum Pillay. 2. Nattamy Cundasamy Moodely, and 3. Samynada Pillay.	- - The defendants deny the charge, and the tahsildar to whom the complaint was transmitted totally denied the occurrence of the circumstances stated by the complainant. The three complainants appeared before the joint magistrate with marks of whips on their feet; and the dresser attached to the Sub-Collector's office has de-

posed on solemn affirmation that the marks could have been caused by nothing else than a whip, and that the blows must have been, as far as he could judge, inflicted 10 or 12 days before he first saw the marks.

The complainants state that they were beaten on the 10th Aug. (24th July), and that they were kept in confinement till the 23d Aug. (6th August). They presented their complaint to the joint magistrate on the 10th August. Although this detention has not been proved, it might have occurred, and would, together with the evidence that the marks afforded to the joint magistrate, account for the complainants not having sent a complaint by vakeel. Complaints by tappal are not received.

In a case like the present, where the conduct of the highest officer in the talook is in question, the nature of the evidence cannot be expected as satisfactory as in cases of a different description. The complainants have only adduced three witnesses, but they state that the facts were known to very many people, who, however, would not depose against the tahsildar. To have named such witnesses would have been to have weakened their case, by the denial that those witnesses would have given to any knowledge of the facts, which, from their nature, must have been notorious. Under these circumstances, the joint magistrate considers that the statement of one complainant must be taken as an evidence for the other two. These depositions, taken in conjunction with the marks, the undeniable evidence of violence, and the evidence of two of the three witnesses adduced, form, in the opinion of the joint magistrate, sufficient grounds on which to convict the peons of the grave offence laid to their charge. The evidence against the tahsildar the joint magistrate does not consider conclusive.

The charge having been proved against the peons, they are sentenced to pay each a fine of 15 rupees, or in default to be imprisoned one month, under clause 2, section 3, Regulation III, of 1819. The charge against the tahsildar has not been proved.

30 August 1854.

(True copy.)

(signed) C. Whittingham,
Joint Magistrate.

(signed) F. S. Child,
In charge, Joint Magistrate's Office.

ALLEGED CASES OF TORTURE AT MADRAS.

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EXTRACT from the Register of Cases disposed of by the Head Assistant Magistrate during the Year 1848.

Number.	NAME of the PROSECUTOR.	NAME of the DEFENDANTS.	NAME of the WITNESSES.	DATE OF			CRIME or CHARGE.	DISPOSAL of the CASE.
				Charge.	Apprehension.	Arrival.		
	Shodalamaden	1. Daramaparoomball Pillay, and 2. Soobramaneya Pillay	Narasinga Row Nagien Chetty. Ramasawmy Nadan. Samyadasa Nadan. Pundaram Mokunden. Soobien, and Teroovanganada Mool- dally.	23 January 1848	24 January 1848	24 January 1848	-- Charged with hav- ing beaten the prose- cutor on the night of the 24th November, in the talook cut- cherry, Tinnevely, in order to force the prosecutor to pay cer- tain kist money.	-- The prosecutor de- layed for a whole month to make the above com- plaint, although he had plenty of opportunity of doing so in that time, either in the magistrate's or in the head assistant magistrate's office. Nor did he (the prosecutor) of himself make this com- plaint; but it has been gone into because the as- sault was stated to have occurred in a complaint which was given by the whole villagers to the acting collector. The evidence of the eye witnesses is exceed- ingly improbable. The prisoners deny; case dismissed. 25th January 1848.

(True extract.)

(signed) C. J. Bird,
Magistrate.

Appendix (I.)

CIRCULAR ORDER of Foujdaree Udawlut, 124 para., 1822.

"THE records of the proceedings in this case, and in others which have been referred for the final judgment of the Foujdaree Udawlut, by the acting judge on circuit, holding the second sessions of gaol delivery, 1821, at Bellary, fully establish the prevalence of a practice among the head officers of police in that zillah, of entering in their reports, furnished to the criminal judge, under the provisions of clause 27, Regulation XI. of 1816, false dates of the prisoner's apprehension.

"It appears, moreover, in the present case, by the report of Soobarow, tahsildar of the talook of Aunthapoor, that from 21st January 1821, the date of the examination of the first three prisoners, they were detained by him until 13th February, awaiting the appearance of the remaining prisoner.

"From several trials referred to the Foujdaree Udawlut, as well as the quarterly reports received from the criminal judge, it appears that delays of weeks, and even months, between the alleged date of the apprehension of prisoners and their arrival at the zillah station are of common occurrence.

"The falsification of dates, indeed, puts it out of the power of the Court to ascertain to what precise extent the provision contained in clause 4, section 27, Regulation XI. of 1816, which declares that detention of a prisoner shall in all possible cases be limited to forty-eight (48) hours, is ordinarily violated by the police officers in the zillah of Bellary. The Court of Foujdaree Udawlut have, however, on former occasions directed the magistrate to point out to those officers the inadequacy of the cause assigned by Soobarow, the tahsildar in this case, for detaining the prisoners already in custody; and while they deem it necessary on the present occasion to direct that the magistrate do warn the several district police officers under his authority of exemplary punishment on any future occasion, wherein it may be found that their reports have exhibited false dates of the apprehension of prisoners, the Court desire that the magistrate will strenuously enjoin the observance of the above provision of the Regulations enacted for their guidance, apprising them that the reasons ordinarily assigned for the detention of persons in custody, such as the time occupied in search of stolen property, the illness of witnesses, or non-apprehension of other suspected persons, will not be admitted as valid ground for its infringement, but that on such occasions the prisoners should be forwarded with the evidence obtained, and the deficiencies supplied as soon as possible."

CIRCULAR ORDER of Foujdaree Udawlut, 29 April 1822.

"THE Court of Foujdaree Udawlut have had occasion frequently to remark on the illegal detention of prisoners by the officers of police, and instances have of late been brought to their notice of the postponement of the prisoner's examination for several days after his apprehension.

"The attention of the criminal judges and magistrates should be particularly directed to the correction of irregularities so pernicious, and every instance of detention beyond the period allowed by the Regulations, which may not be satisfactorily accounted for, should be punished."

CIRCULAR ORDER of Foujdaree Udawlut, 22 December 1823.

"THE endeavours of the Court of Foujdaree Udawlut have long been fruitlessly directed to the enforcement of the provision contained in section 27, Regulation XI. of 1816, which requires that prisoners shall be forwarded by the heads of district police to the Criminal Judge 'within 48 hours if possible.' The practice which the Court regret to find still universally prevalent, of detaining persons in custody for weeks, and even months, before their transmission to the criminal court, offers opportunity which might not otherwise be found of resorting to abuses of authority, and the Court of Foujdaree Udawlut do not see any probability of an amelioration of the conduct of the police officers in these respects, unless the exertions of the magistrates are more strenuously directed to the enforcement of the provisions of the law, and abuses of authority, when discovered, are invariably visited with adequate punishment."

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CIRCULAR ORDER, Foujdaree Udawlut, 9 April 1846.

"As under the existing rules the record in police proceedings generally exhibits the date of the original charge or information preferred against an accused party, it has been represented to the Court of Foujdaree Udawlut that judicial functionaries in the provinces are unable always to determine whether any unnecessary delay has taken place before the police in their conduct of the preliminary inquiries.

"The Court of Foujdaree Udawlut accordingly resolve to direct that in future the several officers of police shall add to the record of cases transmitted to the magistracy or to the criminal court, a statement of the hour on which the charge or information was preferred to them."

CIRCULAR ORDER, Foujdaree Udawlut, 21 December 1853.

"THE Court of Foujdaree Udawlut resolve to direct that the rule laid down in the Circular Order of the Foujdaree Udawlut under date the 9th April 1846, No. 180, whereby all native officers of police are required to add to the record of cases transmitted to the magistracy or to the criminal court, a statement of the hour in which the charge or information made against an accused party was referred to them, be observed in future by the village moonsiffs."

EAST INDIA (TORTURE).

RETURN to an Order of the Honourable The House of Commons,
dated 29 May 1857;—for

COPY of all LETTERS, or EXTRACTS from LETTERS, relating to Cases of
alleged TORTURE in *India*, which have been received by the Court of
Directors of the East India Company since the 12th day of September
1855; together with a Copy of any INSTRUCTIONS issued by the Court
of Directors of the East India Company on the same subject."

East India House, }
9 June 1857. }

JAMES C. MELVILL.

(*Mr. Seymour.*)

Ordered, by The House of Commons, to be Printed,
22 June 1857.

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East India House, }
9 June 1857. }

J. S. Mill,
Examiner of India Correspondence.

COPY of all LETTERS, or EXTRACTS from LETTERS, relating to Cases of alleged TORTURE in *India*, which have been received by the Court of Directors of the East India Company since the 12th day of September 1855; together with a Copy of INSTRUCTIONS issued by the Court of Directors of the East India Company on the same Subject.

Government of India.

Government
India.

Home Department, 22 September (No. 15) 1855.

To the Honourable the Court of Directors of the East India Company.

Honourable Sirs,

THE Honourable the President in Council having inquired whether any proceedings on the subject of torture should be taken by the Government of India, "with reference especially to the possibility of such practices existing in the other Presidencies, and to the necessity for taking special measures for their suppression," I have the honour to solicit the orders of your Honourable Court on the subject.

2. That torture, in one shape or other, is practised by the lower subordinates in every native state of India, and in every British province, I have long ceased to doubt. I do not believe, however, that it is practised for the extortion of revenue, or in any other than police cases, within our provinces generally; and I am very certain that the practice is an object of abhorrence to British officers everywhere, as much as to those who most loudly denounce the abuse, and that civil officers do their utmost to prevent it.

3. Holding this belief, I need hardly add that I am of opinion that every special measure which can be devised for the suppression of so odious a practice should be set in motion, and should be vigorously and constantly put in execution.

4. If an Act of the Legislature should be necessary, in order to enable the several Governments to inflict an adequate punishment on those who may be proved guilty of acts of torture for any purpose, such an Act will be passed without delay.

5. Regarding the questions from this point of view, and believing for my own part that the abuse does exist, and is occasionally practised in every part of India, I must feel that inquiry into the existence of an evil, whose existence I acknowledge, would be superfluous.

6. If, however, your Honourable Court should be of opinion that a formal inquiry should be instituted in Bombay and Bengal, as it has been in Madras, steps will be immediately taken for that purpose; and any inquiry that may be instituted will be conducted by a mixed Commission, as at Madras.

7. I have the honour to request that your Honourable Court will send an immediate reply to this letter by return mail.

Ootacamund, 22 September 1855.

I have, &c.
(signed) *Dalhousie*.

Legislative Department, 21 November (No. 12) 1855.

Our Governor-General of India in Council.

1. THE Governor-general, in his letter (No. 15), 22d September 1855, Home Department, requests an immediate reply to the question therein submitted, whether

Government of
India.

whether a formal inquiry concerning the practice of torture shall be instituted in Bombay and Bengal as it has been in Madras ?

2. We concur with the Governor-general in thinking that further inquiry into the existence of the evil would be superfluous, but that every practicable measure should be devised and vigorously executed for its suppression. We shall accordingly approve the immediate passing of a legislative enactment for the speedy and effectual punishment of all persons guilty of the practice of torture, if the present state of the law should render such a measure necessary.

London,
21 November 1855.

We are, &c.
(signed) *E. Macnaghton.*
W. H. Sykes.

Cases of alleged Torture.

Bengal.

B E N G A L.

— No. 1. —

BY DEPENDENTS OF THE RAJAH OF JHULDA.

EXTRACT Bengal Narrative, dated 27 March (No. 24) 1856, transmitted in India Judicial Letter, 30 April (No. 39) 1856.

Chota Nagpore. Regarding a case Para. 11. THE accompanying papers contain explanations called for and received from the Commissioner of Chota Nagpore, on Jhulda. certain points relating to a case of murder by torture, which Jud. Pro., 6 Sept. 1855, No. 312. occurred in the zemindaree of the Raja of Jhulda, in the Maun- Jud. Pro., 27 Sept. 1855, No. 441. bhoom Division. Jud. Pro., 6 Dec. 1855, No. 254 to 258.

12. Mr. Allen was informed, in reply, that the Lieutenant-governor, upon a careful consideration of the circumstances disclosed in the correspondence, was constrained to remark that the proceedings of Captain Oakes, the Principal Assistant in charge of Maunbhoom, in this most atrocious case, had evinced a great want of vigour and efficiency, and were by no means creditable to him.

13. With regard to the measures to be adopted towards the Raja, the Lieutenant-governor concurred with the Commissioner, and directed that he should be at once divested of all police functions, and that the salaries of the requisite police establishment should be paid out of the collections of the zemindaree.

14. It was further intimated to Mr. Allen, that the Lieutenant-governor was of opinion that no allowance at all should be made to the Raja until he should either deliver up his brother Benimadhub, one of the principal offenders, or prove that he had really done his best to secure him, and that it was out of his power to effect it; and further, that there did not appear to his Honor any sufficient reason why the Raja, though he had been acquitted of participation in the actual crime, should not now be summoned before the magistrate and questioned regarding the absence of his brother, and his share in concealing him.

No. 312.
Judicial.

EXTRACT from the Proceedings of the Government of Bengal in the Judicial Department, under date 6 September 1855.

(No. 1467.)

LETTER from the Secretary to the Government of Bengal to the Commissioner of Chota Nagpore.

Sir,

Fort William, 28 June 1855.

Government and
Padshai Tanti, pro-
secutors. *versus*
Buluck Das, and
others, defendants.

THE Lieutenant-governor's attention has been attracted to a report of a case of murder by torture decided by the Sudder Court on the 2d March last, and entered at page 315 of that month's number of the Court's Criminal Reports.

2. The facts disclosed in this case are of a very atrocious nature, and it would seem that not only the local subordinate police, but also the Raja of Jaldah and

and his relatives participated in the course. The conduct of the Raja is expressly stated by the presiding local judge to have been "highly criminal." He was, Major Hannington writes, "at the time in charge of the police," and it was "clear that he was cognizant from first to last of the atrocious proceedings carried on within the precincts of his dwelling-place, and that his dilatory reports to the senior Assistant were intended to deceive that officer." And in confirmation of this it is stated that the information which Haribon Degoria reported to the Raja on the 30th April 1854, was not laid by him before the senior Assistant before the 8th of May, and that he replied to orders of that officer of the 1st May so late as the 13th idem.

Bengal.

3. The Lieutenant-governor wishes to know whether any steps have been taken towards punishing the police, or noticing in any way the conduct of the Raja and his brother; and it appears to the Lieutenant-governor to demand particular explanation why neither the Raja nor his brother Benimudhub Sing were committed to take their trial (especially the latter), whom the evidence seem to implicate as having taken a direct part in the atrocious proceedings recorded at the trial.

I have, &c.
(signed) *W. Grey,*
Secretary to the Government of Bengal.

(No. 160.)

LETTER from the Commissioner of Chota Nagpore to *William Grey, Esq.,*
Secretary to the Government of Bengal, Fort William.

No. 255.

Sir,

Chota Nagpore, 5 November 1855.

I HAVE the honour to acknowledge the receipt of your letter, No. 1467, dated the 28th of June last, calling for an explanation regarding certain circumstances connected with the case of murder and torture committed at Jhuldah, in the Division of Maunbhoom, in April 1854.

2. A full account of all the particulars of this atrocious case will be found in the 148th paragraph of my police report for the year 1854. I have therein stated that there were, in my opinion, two errors of judgment in Captain G. N. Oakes' proceedings in this case, first the prisoners Baluck Doss, and 19 others, were committed for trial on a charge of "culpable homicide," when they ought to have been charged with murder; secondly, the Raja was fined 200 rupees for neglect of his police duties, when he ought to have been committed for trial before the court of sessions on a charge of privity or accessoryship to this cruel murder.

No. 95, dated
9 June 1855.

3. The first error was corrected by the Deputy Commissioner, who directed all the prisoners to be arraigned on a charge of murder; the second error, which might have been rectified by the Nizamut Adawlut when the proceedings were before them, was not apparently noticed either by that court or the Deputy Commissioner, although the latter, in his remarks on the trial, has observed, that he considers "the conduct of the Raja, who had at the time charge of the police, has been highly criminal."

4. After the record was returned by the Nizamut Adawlut, I sent for it, and carefully considered the Principal Assistant Commissioner's proceedings. I was of opinion that the punishment of the Raja was altogether inadequate for his offence, but I did not think that any further proceedings against him at that time would have been attended with any advantage. Perhaps I might have been able to induce the Nizamut Adawlut to quash the senior Assistant Commissioner's conviction of the Raja, and then Captain G. N. Oakes would have been in a position to take up the case again and to commit the Raja to the sessions court; but when I considered what had taken place at the sessions, where only four out of 20 persons committed were convicted, I was of opinion that it was too late to bring the Raja before the court of sessions. A new trial, resulting in the acquittal of the Raja, was, if possible, to be avoided, because it would in all probability have weakened the evidence against the principal offender Benimadhub Singh, who is still at large, and whose guilt, as the case stands, seems to be clearly proved.

Bengal.

5. It will be seen from my report that very liberal rewards have been offered for the apprehension of five persons who are the principal offenders, two of whom have been apprehended since my police report was written, but I regret to state that the Raja's brother, Benimadhub Singh, and the two others have not yet been arrested.

One mohurrir and four burkundaizes.

6. All the subordinate police officers serving under the Raja at the time of the occurrence of the crime have been dismissed from office.

Darogah, 30 rupees per mensem; 4 burkundaizes, at 4 rupees, 16 ditto.

7. As soon as I was informed of the Raja's misconduct, I directed the senior Assistant Commissioner to place him upon his trial, and to prohibit him from exercising any police authority in the pergunnah till further orders, and the police establishment noted on the margin was employed temporarily to conduct the police duties of the estate; the cost of these policemen has been defrayed from the collections of the pergunnah, which is attached for the payment of the Raja's debts, under the Government orders of the 13th of October 1854.

8. I have no doubt that Raja Hurrihur Sing was fully cognizant of the atrocities perpetrated in his "gurrh," by his brother Benimadhub Sing and his dependants; but I do not think that he personally took any part in them. It is well known that Benimadhub Singh is wandering about the Jhuldah jungles, where he could not remain for a day unless he was protected by the Raja, who has been repeatedly called upon to produce him.

(No. 95.)

No. 349.

EXTRACT LETTER from the Commissioner of Chota Nagpore to *William Grey*, Esq., Secretary to the Government of Bengal, Fort William.

Chota Nagpore, 9 June 1855.

148. DURING the night of the 27th April 1854, an idol and its ornaments, valued at 241 rupees, were stolen from the family residence of Raja Hurreehur Singh, who is the police ellakadar of pergunnah Jhalda. Benimadhub Singh, the Raja's brother, Manick Oopadhya, and other dependants of the Raja, seized Sadhoo Churn, Tantee Kangla Bhokat, and six others, whom they suspected of the robbery, took them to the Raja's "gurrh," and there tortured them with the view of extorting confessions, and of procuring restoration of the stolen property. Sadhoo Churn and Kangla, upon whom apparently rested the strongest suspicion, were most brutally tortured in the following fashion: their fingers were tied tightly together, and then pieces of split bamboo were driven forcibly between them; their toes were operated upon in a similar manner; boiling oil was poured on the palms of their hands and on their feet by order of Benimadhub Singh; the testicles of Sudhoo Churn were squeezed by a pair of pincers, made of two crossed sticks, till he was emasculated; they also tortured him otherwise in the most cruel manner. Sadhoo Churn died from the effects of this maltreatment on the 11th May 1854. The Raja of Jhaldah, in a report dated the 1st May 1854, apprised the senior Assistant Commissioner of the robbery, but stated that as the informant did not desire inquiry, none had been made. This report did not reach the senior Assistant Commissioner till the 8th of May 1854. On the 1st of May 1854, Choomtoo Malito and Sibū Pan appeared before the senior Assistant Commissioner, and deposed that several of their friends and relatives had been seized by Benimadhub Singh and his people, and had been put to torture in this idol case. In reply to a communication made to him by the senior Assistant Commissioner, the Raja declared that no violence had been used, and that Ramdhun and others had been apprehended on this charge, but had been released for want of proof. The senior Assistant Commissioner deputed, first, the jemadar, and then the peshkar of his office, to conduct the mofussil investigation into this case; he subsequently proceeded himself to Jhalda and superintended the inquiry in person. Twenty defendants were apprehended and committed for trial to the sessions. The senior Assistant Commissioner made the commitment for culpable homicide, but the Deputy Commissioner very properly ordered the charge to be amended, and the prisoners were tried for murder; sixteen of them were acquitted by the Deputy Commissioner, the remaining four* were referred to the Nizamut Adawlut. They were found guilty by that court of being accomplices in the murder of Sadhoo Churn, and were sentenced to imprisonment for life in transportation.

* 1. Baluck Doa.
2. Khedna Ghassi.
3. Shadeb Myra.
4. Kara Khol.

transportation. The rewards as specified on the margin have been offered for the capture of the principal offenders, who I regret to say are still at large; they are, I understand, wandering about the jungles of pergunnah Jhalda and the neighbouring zumeendaries. The senior Assistant Commissioner fined the Raja of Jhalda 200 rupees in this case, for neglect of duty and wilful concealment of this crime. Although the Raja does not appear to have taken an active part personally in this murder and torture, he must certainly have been cognizant of it; he was at home, and must have known what his brother and servants were doing within the precincts of his petty fort. After the death of Sadhoo Churn, he falsely reported, in his capacity of head of the police, that no violence had been used; for criminality of this complexion a fine of 200 rupees is in my judgment a very inadequate and improper punishment; the evidence appears to me to be such as to warrant the commitment of the Raja on a charge of accessoryship to the murder; as, however, sentence has been passed, it would be, I think, contrary to law to take any further proceedings against the Raja now; it is clear, however, that he is a person altogether unfit to be entrusted with any police authority. I have, therefore, directed the senior Assistant Commissioner to suspend all his police functions till further orders, and to take the management of the police of pergunnah Jhalda into his own hands as a temporary arrangement. After the nature of the Raja's police engagements has been inquired into and ascertained, I shall do myself the honour to submit a report to Government, in regard to the measures which are considered necessary for the future management of the police of pergunnah Jhalda.

Benimadhuh Sing,	500 rupees.
Manick Oopodhya,	250 "
Kannye Mahallee	50 "
Kokah Bheensia -	50 "
Madhoo Rajwar -	50 "

EXTRACT Judicial Letter to India; dated 28 January (No. 12) 1857.

22. THE attention of the Lieutenant-governor appears to have been drawn to this atrocious murder by the perusal of the report of the trial of the case before the Sudder Nizamut Adawlut. It is in evidence that some of the Raja's idols having been stolen on the 27th April, certain persons (among whom was the deceased) were arrested and cruelly tortured. The deceased was treated with especial barbarity, as one suspected of the theft, and his death was the consequence. The Raja, who was vested with police jurisdiction, reported on the 6th May to the Assistant Commissioner, that certain persons had been apprehended on suspicion of stealing the idols, but discharged for want of evidence. Complaint had, however, been made to Captain G. N. Oakes that the persons alleged to have been released had been subjected to torture, and on the 13th the body of the deceased was brought in with marks of violence sufficient to account for death. From the evidence it appears that the Raja, though not present, must have been perfectly cognizant of the ill-usage (which took place within his own dwelling-house), and that his brother Beni Sing was present at the infliction of the torture.

23. Captain Oakes, after investigation, committed the prisoners on the charge of culpable homicide, and fined the Raja 200 rupees for neglect of his police duties. As remarked by the Commissioner, Captain Oakes greatly erred in both these proceedings. The prisoners should have been committed for murder, and the Raja on a charge of privity to the crime.

24. It is satisfactory that the prisoners have been sentenced to transportation for life, and we hope that the energetic measures taken to ensure the capture of Beni Sing may be successful. He will, of course, if evidence be forthcoming, be committed for murder.

25. We entirely approve the withdrawal from the Raja of police powers and the suspension of his allowance until he shall have done his utmost to give up Beni Sing to justice; the intimation made to the Commissioner regarding Captain Oakes' misconduct was also proper.

— No. 2. —

BY THE POLICE OF CALCUTTA.

EXTRACT Bengal Narrative, dated 14 November (No. 53) 1855, transmitted in India Judicial Letter, 5 December (No. 62) 1855.

Para. 22. THE annexed papers contain a report submitted by the chief magistrate of Calcutta, relative to two cases which had formed the subject of comment in the public papers, with reference to the alleged use of torture by the police in Calcutta for the purpose of extorting confessions. The Lieutenant-governor considered that the explanation afforded was satisfactory, and approved of the measures adopted by the chief magistrate to prevent all abuse of their power by the subordinate police.

LETTER from Chief Magistrate of Calcutta to the Secretary to the Government of Bengal, Judicial Department, Fort William.

Sir,

3 June 1855.

THE attention of the public has lately been attracted by the Calcutta newspapers to the alleged torture for the purpose of extorting confessions of certain prisoners in custody of the Calcutta police, and so much has been written on the subject, that I think it my duty to submit for the information of the honourable the Lieutenant-governor, the following observations in regard to the two cases more especially referred to.

2. In the first of these cases, Mr. Allen, an European inspector of the second class, and two of the native police, have been convicted by the senior magistrate of assault on two prisoners in their custody on a charge of theft, but the offence committed cannot reasonably be called that of torture, the assaults were not of a serious nature, and the senior magistrate, who carefully inquired into the whole case, did not think the parties concerned to be deserving of any severer punishment than moderate fines, in addition to the loss of their situations, which he believed would follow.

3. I confess I was surprised at the amount of punishment awarded, and I immediately addressed the senior magistrate, in order to ascertain whether in his opinion the more serious part of the charge, viz. that the assaults were committed with a view to extort confessions, had been proved, for if so, I observed it would be my duty to dismiss the inspector and native police from the force; whereas, on the other hand, if the assaults were simple ones, arising from other causes, it would be wrong in me to deal with unnecessary harshness towards my subordinates; that the lightness of the punishment had left me in doubt as to what had been proved, and what course it was my duty to pursue.

4. The senior magistrate informed me in reply, that the assaults were not in themselves of a cruel nature, though aggravated by the motives which led to their being committed, viz. to extort confessions, and that the leniency shown was owing to his opinion being that the proper punishment for the offence was dismissal from the force.

5. On receiving this information, I at once dismissed the police officers from the force, and I confess it is to me a matter of regret that their offence was not visited with a more severe punishment.

6. In the second case, four men have been convicted before the Supreme Court of passing base metal for gold, and so defrauding a gentleman of 300 rupees; one of them in his defence stated that he had been ill-used by the police, but did not bring forward a single witness to substantiate his statement, which could be disproved by the evidence of many persons, and is utterly destitute of any foundation.

7. A learned counsel, who defended another of the prisoners, has remarked strongly on the extraordinary delay which occurred in bringing the prisoners before a magistrate, and on the circumstance of their having been taken to
several

several places in the first instance, and has argued there from that the admission made by them must have been from terror of ill-usage.

8. There was unusual delay in bringing up the prisoners under circumstances which I will now explain. One of the principal parties who had eluded capture for upwards of a fortnight was arrested at 9 P.M. of the 16th of May. He had previously passed himself off as a serang or petty officer of a vessel in the river, and on being taken, he denied *in toto* being the person accused; he was, however, recognised and locked up for the night; on the 17th, in consequence of information received, he was taken to the house of correction by permission of the deputy superintendent with a view to inquiries being made as to his being an old offender in a similar case of fraud, his real name, &c.—there he was recognised. He was on the point of being taken to the Allipore gaol for a similar purpose, when knowing further concealment of his previous conviction and bad character to be hopeless, he suddenly made what is called a clean breast of it, and came out with the whole story, and offered to point out his associates; these he said belonged to the labouring class and would not be at home during the day; they also resided at some distance from town; their houses were pointed out by him, and they were arrested at 11 P.M., and thus the inspector was engaged throughout the whole of the 17th in prosecuting his inquiries.

9. The case ought to have been brought up on the following day, *i.e.*, the 18th, but it could not be done, as further information and further inquiries were necessary; the fourth prisoner was arrested on this day, and on the morning of the 19th the case was sent by me before the division magistrate, who, finding the evidence clear against the prisoners, committed them to the sessions, where, as already observed, they were all convicted, and have been sentenced to various periods of imprisonment in the house of correction.

10. That in the course of these inquiries any torture or other maltreatment was committed by the deputy superintendent of the division; or the first-class inspector, or by others with their connivance, I utterly and entirely disbelieve, and it was impossible that any torture could have taken place without their knowledge.

11. In regard to the future, I have given clear and distinct warning to every officer of the force, European and native, that I will on no account allow of their in any respect outstepping the limits of their duty; it is not my wish to prevent inquiries into the official conduct of my subordinates; on the contrary, it is my anxious desire to afford every facility to such investigations, and that merited punishment should follow on conviction.

12. To avoid the possibility of any prisoner being again detained without being brought before a magistrate for his orders, I have directed the deputy superintendents to exercise no discretion in the matter, but invariably to bring their prisoners before myself or the division magistrate, at the next sitting, in the event of my office being closed owing to a holiday or Sunday. I will take care that no prisoner is kept in charge of the police without my sanction.

13. I have also requested the division magistrates to take notice of all cases in which prisoners before them appear to have been in the hands of the police for an unreasonable time, and further to make particular and searching inquiries in regard to the conduct of the police officers in every case in which any prisoner is said to have made any admissions or dismissions of guilt.

14. I trust, by the adoption of these measures, that all further cause of complaint will be removed.

I have, &c.

(signed) G. F. Cockburn, Chief Magistrate.

(No. 1244.)

LETTER from the Secretary to the Government of Bengal to the Chief Magistrate of Calcutta.

Sir,

Fort William, 9 July 1855.

I AM directed to acknowledge the receipt of your letter No. 732, dated the 30th ultimo, submitting, for the information of the Lieutenant-governor, a statement respecting two cases which have formed the subject of recent comment in the public papers, with reference to the alleged use of torture by the police in Calcutta for the purpose of extorting confessions.

2. In reply I am directed to say that the Lieutenant-governor considers the explanation afforded by your letter to be satisfactory, and he trusts that the measures adverted to in paragraphs 11 to 13 will prove effectual to prevent all abuse of their power by the subordinate police.

I have, &c.

(signed) *W. Grey,*

Secretary to the Government of Bengal.

EXTRACT Judicial Despatch to India, dated 14 January (No. 9) 1857.

Para. 17. IN the first case the prisoners were assaulted with a view to extort confessions, by an European inspector and two native police. The punishment, a moderate fine, imposed on these police officers, appearing too lenient, Mr. Cockburn, the chief magistrate, made an inquiry, from which it appeared that they had not been severely punished, in the expectation that they would be dismissed, as they in fact were, from the force. In the second instance, Mr. Cockburn was decidedly of opinion that no ill-treatment had taken place, and that any delay which had occurred in taking the prisoners before a magistrate was necessary and justifiable. He had, he added, warned his subordinates not to overstep their duty, and would see that prisoners were not unduly detained.

18. This assurance is satisfactory, as is the explanation which accompanied it, as far as Mr. Cockburn is concerned. We see, however, with some surprise, and very deep regret, a European officer, though only a subordinate, implicated in such a transaction.

— No. 3. —

BY THE POLICE OF THANNAH NAWABGUNGE, 24 PERGUNNAHS.

EXTRACT LETTER from the Commissioner of Circuit, Nuddea Division, to the Secretary to the Government of Bengal; dated 11 July 1855.

Para. 15. AMONG the miscellaneous crimes there is one requiring notice, viz., the conviction of a police darogah for torture. It appears that Mr. Vans Agnew of the civil service was proceeding up country, when in crossing the river at Puttah, he heard screams on the left bank. The boatmen having put back, Mr. Agnew found that the screams came from a police station (the Nawabgunge thannah), where the police had tied up a man to a transverse bamboo supported on two upright posts. The victim's arms were tightly bound with a cloth, to which a rope was attached, by which he was suspended, his legs being about a couple of feet from the ground. On seeing Mr. Agnew, the whole of the police at once deserted the thannah, and he had to let the man down with his own hands, and afterwards, not knowing what to do with him, and afraid to leave him again to the tender mercies of the Nawabgunge police, Mr. Agnew brought him on in his carriage to Hooghly. The left arm of the man, named Ram Saha, has a slight mark in it.

Mr. Fergusson immediately proceeded himself to the thannah and commenced an inquiry. It appeared that a valuable watch had been stolen from Captain Ross, Assistant Adjutant-general at Barrackpore; suspicion fell upon the chowkeedar of the house, and the sirdar bearer, and the darogah took this method of extorting a confession and discovery of the stolen property. The parties

parties concerned were convicted before the sessions judge, and sentenced. The darogah to four years' imprisonment and a fine of 500 rupees, and his assistant, two jemadars and three burkundauzes to two years' imprisonment, and a fine of 100 rupees; every individual therefore concerned in the case has been prosecuted to conviction, and the example will doubtless have a most beneficial effect on the conduct of the police in general.

EXTRACT Judicial Despatch to India, dated 4 March (No. 18) 1857.

Extract para. 14 But we observe with deep regret a case of torture by the police, whose conviction and punishment were satisfactory .

— No. 4. —

BY THE POLICE OF KIDDERPORE, IN THE 24 PERGUNNAHS.

EXTRACT Bengal Narrative, dated 14 May (No. 38) 1856, transmitted in India Judicial Letter, 25 June (No. 57) 1856.

Para. 57. THE officiating Commissioner of Nuddea submitted copy of a correspondence respecting a case of torture at Kidderpore, in the 24 Pergunnahs, in which a police mohurrer and three burkundauzes had been convicted and sentenced by the additional sessions judge to various periods of imprisonment, and he recommended the dismissal from the service of Government of first-grade darogah Syud Mughur Ali, of the Kidderpore thannah, for his conduct in connexion with this case.

58. Having carefully considered the circumstances disclosed in this correspondence, as well as the several petitions presented to the Commissioner's office and to this Government, the Lieutenant-governor entirely concurred in the opinion expressed by Mr. Stainforth, and the magistrate of the 24 Pergunnahs, that the darogah was no longer worthy of confidence, and directed accordingly that he should be dismissed from his situation.

59. His Honor further determined, that the thannah mohurrer should be publicly declared incapable of serving Government in future in any capacity, and a circular was issued to the Commissioners of the several divisions, directing that in future the chief resident police officer of any police station at which torture was proved to have occurred should be liable to dismissal.

LETTER from the Commissioner of Circuit, Nuddea Division, to the Secretary to the Government of Bengal.

Sir,

Allepore, 13 November 1855.

I HEREWITH beg to submit, for the perusal of the Lieutenant-governor, copy of a letter from the magistrate of the 24 Pergunnahs, No. 1057, dated the 7th instant, respecting a case of torture at Kidderpore, in which a police mohurrer and three burkundauzes have been convicted and sentenced by the additional sessions judge to various periods of imprisonment.

2. His Honor will perceive that the magistrate has recorded his opinion that Syud Mughur Allee, the first-grade darogah of the thannah, should be dismissed.

3. Mr. Fergusson is of opinion, that unless special reasons to the contrary be shown, the chief resident police officer should be dismissed in every case of torture, whether he be actually present during the infliction of the torture or not; applying this rule to the present case, he remarks that no such special circumstances have been elicited in favour of the darogah, but that on the contrary,

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trary, there is irresistible presumption of his connivance, arising firstly from the fact of the tortured man having been illegally detained at the thannah for no assignable cause which can be credited, than intention to force him to give information whereby the property he was supposed to have stolen would be traced.

4. Mr. Fergusson further comments on the circumstances of the tortured man having given a confession before the darogah on Saturday, after denial on a previous day, of the torture having been carried on within a hundred yards of the darogah's house, and of the tortured man having borne marks of the ill-treatment to which he had been subjected, as facts rendering supposition of the darogah's ignorance of the torture unreasonable, and he notices that the darogah was living upwards of 50 yards from the thannah in direct disobedience of his order.

5. I submit the enclosures of the magistrate's letter, *i.e.* the darogah's defence, and a letter from the Collector of the 24 Pergunnahs, complaining of his having purchased jotes in the vicinity of the thannah.

6. I see nothing in the defence which can be held to exonerate the darogah. Old offenders never confess excepting under undue influence, or in rare instances, on exhibition of circumstances rendering a denial useless, and as such circumstances were not present in the case under notice, I have come to the conclusion that the darogah, who is an old police officer, could not have taken down the tortured man's confession without consciousness that it was not a free and voluntary confession, but was one which had been obtained by improper means.

7. Again, it seems to me incredible that the mohurrir would presume to make use of the cruel torture which he has been convicted of ordering, without the direct consent of the darogah, unless the practice of torture had previously had his sanction in other cases, and on either supposition no further confidence can be placed in the darogah, to whose dismissal I have assented.

8. The Lieutenant-governor will, I doubt not, recognise with high approval the prompt and efficient manner in which the case has been treated by the magistrate.

I have, &c.
(signed) *H. Stainforth,*
Officiating Commissioner.

LETTER from the Magistrate of the 24 Pergunnahs to the Commissioner
of Circuit, Nuddeah Division.

Sir,

7 November 1855.

I HAVE the honour to report upon the case of torture in order to extort a confession, at thannah Kidderpore. It took place on Friday night, the 26th October. I heard of it on Saturday night, investigated it on Sunday, and committed the accused on Monday. The case was disposed of by the additional judge this day, and sentence passed as per margin.*

2. My reasons for commitment give full particulars of the case in the following words :

"Late in the evening of Saturday, the 27th instant, Mr. Floyd, keeper of the Allepore goal, verbally reported to me that a thief named Muntoo had that afternoon been sent from Kidderpore thannah, that he complained of having been tortured by the police, and that he was passing blood from the fundament. I directed Mr. Floyd to ascertain whether the man's life was in danger, in order that I might, if necessary, record his deposition without delay. Shortly afterwards, Mr. Floyd wrote me the note marked A., which being so far satisfactory, nothing further could be done that night.

" Early

* Prisoner No. 1, seven years with labour; No. 2, five years with labour; No. 3, one year, fine of 25 rupees or labour; No. 4, five years with labour; No. 5, acquitted.

Bengal.

“Early next day I went to the hospital; I there found Muntoo, who told me he had been tortured by the mohurrer, and some burkundauzes of Kidderpore. I observed marks of ill-treatment on his person, particularly on the shoulders, loins, and posteriors. I also saw a quantity of clotted blood, which I was informed had been passed by Muntoo at stool.

“I then got into my buggy, and taking a mohurrer with me, drove to the thannah. Muntoo was conveyed there in a palanquin. On arrival, his deposition was recorded on oath.

“He stated that he had been suspended by the arms, beaten by three burkundauzes, and otherwise tortured, in a house at the south-west corner of the tank behind (or east of) the thannah, and that during the torture, the thannah mohurrer's servant, a boy, and a Brahmin cook, were present. On hearing this, I at once went to the house indicated. It proved to be the residence of the thannah mohurrer (Prisoner No. 1). In that house, and employed in their domestic duties, I found the boy Teencouree (Witness No. 2), and the Brahmin, Sumbhoo (Witness 3). As was to have been expected, they became greatly alarmed and were very unwilling to give evidence against their employer. But after patiently cross-questioning them separately, I succeeded in eliciting the truth.

“Muntoo further stated, that after being suspended for some time he was let down and again tortured by having a bamboo pressed across his body. He pointed out prisoner 1, Prosunno Coomar, as having ordered the torture, and prisoners 4 and 5, as having inflicted it. He also stated that prisoner 3 was an accessory, and that another burkundauze (whose personal appearance he minutely described), had also severely beaten him; on this statement prisoner 2 was summoned from Budge Budge, and, on seeing him, Muntoo swore to him as his third tormentor.

“At my desire Muntoo then led the way to the house in which he had been tortured, as stated above; it proved to be the residence of prisoner 1, situated 105 paces from the thannah lock-up, at some distance from the public road, and surrounded by the houses of police dependents.

“On entering this house Muntoo at once, and without any survey pointed out a bamboo rafter, stating that he had been thereto suspended and beaten. On examining the said rafter, at the spot indicated, I found a clear, unmistakable mark of a rope having been tightly drawn round it. This was a greasy, glossy rubbed mark, such as is often made in a bamboo by the pendulous motion of a rope tightened by having a heavy weight attached. I also found in the said house a rope and a bamboo, which were recognised by Muntoo as the instruments of torture.

Here follows
evidence of v
deases.

For the above reasons, I commit the prisoners for trial, this 29th day of October 1855.

4. In this case Syud Moghur Ally, darogah of Kidderpore, has been suspended, and I have now to state how far he must, in my opinion, be held responsible for the cruel treatment of Sheek Muntoo. As a general rule, I consider that whenever torture is proved to have been inflicted at any police station, the chief resident police officer should be dismissed from the Government service, whether he was actually present at the torture or not. This wholesome rule should never be departed from, excepting for special reasons. No such reasons exist in the present instance. All the evidence, indeed, shows that during the torture the darogah was in his own dwelling-house; but he is, notwithstanding, exceedingly culpable, and the presumption of his connivance at the torture is irresistible.

(signed) H. Fergusson, Magistrate.

LETTER from the Under-Secretary to the Government of Bengal to the Commissioner of Circuit, Nuddea Division.

Sir,

Fort William, 17 December 1855.

I AM directed to acknowledge the receipt of your letter (No. 124 A), with enclosures, recommending the dismissal from the service of Government of first-

grade darogah Syud Muzhur Ali, of the Kidderpore thannah, for his conduct in connexion with a case of torture recently committed within the jurisdiction of the said thannah.

2. The Lieutenant-governor having carefully considered the circumstances disclosed in this correspondence, as well as the several petitions presented to your office and to this Government, entirely concurs in opinion with yourself and the magistrate of the 24 Pergunnahs, that the darogah is no longer worthy of confidence, and directs accordingly that he be dismissed from his situation.

3. The Lieutenant-governor further determines that the thannah mohurrer, Prosono Coomar, who has been convicted at the sessions, be publicly declared incapable of serving Government in future in any capacity, and this will be notified in due course.

4. Mr. Fergusson's conduct of the case, I am desired to add, merits high approbation. The Lieutenant-governor would wish you also to intimate to Mr. Floyd, keeper of the Allepore gaol, the sense he entertains of his very commendable interposition on the part of the prisoner Muntoo, and that you will also make known to Rajnarain Gooplo, the sherishtadar, and to Ramkanai Ghose, nazir of the magistrates' court, and to Mahomed Summee, jemadar, and Kodrut Ullah, naib jemadar of the Balaghustee guard, that the Lieutenant-governor has viewed with much satisfaction their voluntary and praiseworthy exertions in aid of the magistrate's inquiries.

5. Adverting to the 4th para. of Mr. Fergusson's letter to your address, I am directed to state that the Lieutenant-governor greatly approves of the general principle therein laid down, namely, that except for special reasons to be clearly shown, the chief resident police officer of any police station at which torture is proved to have occurred, should at once be dismissed, and on this point a circular letter will be issued from this office to all magistrates for communication to all darogahs.

I have, &c.

(signed) *A. W. Russell,*

Under Secretary to the Government of Bengal.

EXTRACT Judicial Despatch to India, dated 22 April (No. 27) 1857.

Para. 44. VERY high praise is due, and was justly awarded to Mr. Fergusson, the magistrate of the 24 Pergunnahs, for the great promptitude shown by him in investigating this case, which is one of great barbarity. The dismissal of the darogah (who was already liable to that punishment for purchasing land within the jurisdiction of his thannah) has our approval, there being no reasonable doubt that he was cognisant of the infliction of the torture. The mohurrer was properly declared incapable of serving Government; the darogah, the greater offender, is similarly disqualified, though it is not stated that this fact was notified, as in the case of the mohurrer.

45. We concur with the Lieutenant-governor in the opinion he had expressed in regard to the praiseworthy conduct of the following officers: Mr. Floyd, keeper of the Allepore gaol; Rajnarain Goopto, sherishtader; Rain Kani Ghose, nazir; Mahomed Summee, jemadar, and Kodrah Oollah, naib jemadar.

46. The recommendation of the magistrate and Commissioner, that, as a rule, the head resident officer of a thannah, where a case of torture occurs, should be liable to dismissal, was properly acceded to. The widest publicity should be given to all cases in which adequate punishment is awarded for the offence of torturing.

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— No. 1. —

CASE OF TORTURE—MURDER OF DUSOLA CHUMAR.

EXTRACT from Judicial Criminal Narrative, No. 5, dated 13 March 1855.

Agra Division.

Para. 256. AN inquiry originating in a communication from the Mynpoory sessions judge, certifying misconduct of the police in the case of murder of Dusola Chumar, in May 1854, left no doubt on the Commissioner's mind, that Ram Narain, deputy magistrate of pergunnah Lucknah in this district, was with his subordinates concerned in the illegal detention of two prisoners, one of the prisoners having evidently been tortured, and part of the deposition of the deceased Dusola, bearing date the 28th February, having been added on the 3d March, with mention of names and circumstances not at first stated. For these reasons, the Commissioner having applied to Government for the necessary sanction to the dismissal of Ram Narain, his Honor replied, that the circumstances detailed were such as fully to warrant the measure, which was accordingly confirmed.

Collection No. 144,
Mynpoory District.
Dismissal of Ram
Narain, Deputy
Magistrate.

EXTRACT from the Proceedings of the Honourable the Lieutenant-Governor of the North-Western Provinces in the Criminal Branch of the Judicial Department, under date 15 May 1854.

(No. 53 of 1854).

No. 222.

LETTER from *H. Unwin*, Esq., Commissioner, Agra Division, to *W. Muir*, Esq., Secretary to Government, North-Western Provinces.

Sir,

I HAVE the honour to request that you will lay the annexed correspondence before the honourable the Lieutenant-governor, with a view to obtaining the necessary sanction to the dismissal of Ram Narain, deputy magistrate of pergunnah Lucknah, zillah Etawah.

2. The inquiry originated in a communication from the Mynpoory sessions judge certifying misconduct of the police in a case of murder of Dussola Chumar in May 1853, and left no doubt in my mind that the deputy magistrate was concerned with his subordinates in the illegal detention of two prisoners, after one confession dated 28th February, until 2d March, the date of other confessions, one of the prisoners having evidently been tortured, and part of the deposition of the deceased Dussola, bearing date 28th February, having been added on the 3d March, under the former date, with mention of names and circumstances not at first stated.

3. The order for dismissal was passed without due advertence to section 5, Act XV. of 1843, which requires the sanction of Government in the case of deputy magistrates.

Commissioner's Office, Agra Division,
26 April 1854.

I have &c.
(signed) *H. Unwin*,
Commissioner.

COPY of Remarks on the Acquittal Statement forwarded by the Sessions Judge of Mynpoory, under date 16 May 1853.

No. 223.

THERE was evidence against the prisoners in the shape of their mofussil confessions, on the day after the night on which Dussola was wounded, and in his positive indication of such, which led to the arrests as well as the discovery of a sword pointed by Chidda in some kurhee of Sona's, while there was, at the same time, a foudary confession, dated 4th March, before Mr. Brown, duly attested at trial by the subscribing witnesses; there were also clear indications of an attempt to criminate one of the zemindars of the prisoners' village, Buchoolee, as an accomplice, in the first confessions, and in the latter, a

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zemindar of Juktowlee, Dussola's village, was substituted; there was also a manifestly perjured statement of these alleged eye-witnesses, whose names were, as the mohurrir admitted, first mentioned by Dussola on the 3d March, though, by the direction of the tehsildar and thanadar, he inserted the mention in a deposition dated 28th February. Still as all this tampering appeared to be to injure first one zemindar, then the other, of hostile villages, and not directed against the prisoners, who, moreover, made no statement in their own vindication, I did not concur with the assessors in their acquittal, and with a strong impression of their guilt, was about to refer the trial. Sona had (as is not uncommon) pleaded that he had been tortured, and shown some marks, to which, on the evening of the 29th, I did not attach much importance. On consideration, however, on the following morning I directed him to be sent to the civil surgeon, whose report, that the marks were from branding, at once induced me to change my opinion, and acquit the prisoners. Examination of the Foujdary record leaves no doubt in my mind that Sona was tortured, and probably on the 2d March, on which date a confession communicating Ghumbhere Sing, zemindar of Juktowlee, instead of Manck Sing, zemindar of Burcholee, named on the 28th February, is recorded, but its witnesses were not included in the calendar. On that date, the thanadars sent the prisoners to the (tehsildar's deputy magistrate), fearing, he says, to exceed the limit of detention. The tehsildar then sent back on the same date; this evasion of the law was utterly needless, so far as can be seen, and the real cause was probably the difficulty of producing Sona before Mr. Brown so soon after branding him; no reliance could be placed on any portion of evidence under such indications.

The evident misconduct of the police has been duly certified under sect. 10, Regulation VII. of 1831, to the Commissioner, and I must add, for the Court's information, that the tehsildar seems to be the same officer whose manufacture of evidence was so conspicuous in a case of dacoity committed by Mr. Boldero, and tried by me in February 1852, of which I furnished a detailed report at the time.

(signed) *H. Unwin*, Sessions Judge.

No. 227.

LETTER from *W. Muir*, Esq., Secretary to Government North-Western Provinces, to *H. Unwin*, Esq., Commissioner, Agra Division.

Judicial Department.

Sir, Nynee Tal, 15 May 1854.

I AM directed to acknowledge the receipt of your letter dated the 26th ultimo, No. 53, with enclosures requesting sanction to the dismissal of Ramnarain, deputy magistrate of pergunnah Lucknah, zillah Etawah.

2. In reply, I am desired to remark that the circumstances stated in the correspondence are such as fully to warrant your order for the dismissal of Ramnarain, tehsildar and deputy magistrate, and that order is approved and confirmed accordingly.

3. The enclosures of your letter are returned, copies having been retained for record.

I have, &c.
(signed) *W. Muir*, Secretary to the Government,
North-Western Provinces.

EXTRACT Judicial Letter to India, dated 2 July (No. 30) 1856.

66. It appears to be almost certain that these prisoners* were tortured by the police, and that Ram Narain the tehsildar, and Syad Wagoolooddeen the thanadar, were privy to it. Both these officers were dismissed; but as Mr. Unwin, the Commissioner, appears to have been satisfied of their guilt, they as well as the police, ought to have been put upon their trial, and if convicted, severely

* Criminal Narrative, dated 13 March (No. 5) 1855.—(256.) Dismissal of Ram Narain, deputy magistrate, for illegal detention of two prisoners in connexion with the murder of one Dussola. Petition for re-instatement rejected.

severely punished. It is the duty of the Government to prosecute in all such cases when the nature of the evidence is such as to hold out a probability of conviction, and if this is the case in the present instance, these persons should even now be apprehended.

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— No. 2. —

MISCONDUCT OF BASUT ALLY.

EXTRACT from Judicial Criminal Narrative, North-Western Provinces,
dated 11 June (No. 7) 1855.

EXTRACT para. 207 The Lieutenant-governor at the same time requested the Commissioner* to furnish, with the least possible delay, a report on the proceedings connected with Basut Ally's conduct in having been directly concerned in concealing the occurrence of a case of very aggravated manslaughter committed by his own personal or official dependents, and in preparing, with that object, a false return as to the character of the occurrence. A similar report was also required in regard to the peshcar Mahomed Jawud, who had been implicated in the same disgraceful breach of duty. The inquiries instituted, in compliance with the above orders, showed that the tehsildar and peshcar had exercised a greater degree of personal interference in the case of manslaughter, referred to, than had at first been supposed. Both officers were accordingly, by order of his Honour, removed from the posts they held. As the charge against Basut Ally was fully proved, he was considered unfit for any further service under Government. But as no direct interference was found on the part of the peshcar, his Honor so far acceded to the Commissioner's and magistrate's joint recommendation for indulgence to him, as not to interdict his continuance in any office under Government, the duty of which might be merely ministerial.

* Benares Division

EXTRACT Judicial (Criminal) Proceedings, North-Western Provinces,
dated 5 August 1854.

(No. 57.)

LETTER from *W. M'Chlery*, Esq., Officiating Magistrate, Azim Ghur, to
H. C. Tucker, Esq., Superintendent of Police, Fifth Division, Benares.

No. 59.

Sir,

Azimghur, 22 July 1854.

I HAVE the honour to bring to your notice the conduct of Basut Ally, deputy magistrate and tehseeldar of Mahool, in a case of homicide, which occurred in Mahool pergunnah, in the latter end of May.

2. The circumstances of the case are briefly these. A zemindar of village Humzapore, about two miles from Mahool, had obtained a summary decree for arrears of rent against one of his assamees Zeaoo Khan, of a neighbouring village, and for the purpose of executing his decree, sent his karinda to tehseeldar to request that a peon might accompany him. To this the tehseeldar complied, at the same time very improperly deputed a private servant of his own, by name Shorab:

3. They (the karindah of the zemindar, the tehseeldaree peon, and Shorab, the private servant of the tehseeldar), proceeded to the village with the gorait, who pointed out the defaulter Zeaoo Khan. On his refusing payment, they tied him up to a tree near the village, and on the defaulter declining to give some pice to Shorab, was kicked by him, and received several severe blows from the above Shorab, as well as from the other two, who were in company, from the effects of which the poor man died that same night.

4. Notice was given at the thanah, after the death of the defaulter, that he had died of cholera, and the acting thanadar, contrary to the usual custom on a simple case of cholera being reported, proceeded to the village with the mohurirs to investigate the case. On his arrival, finding that the deceased had

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died from the blows inflicted on him by the three persons above named, among one of whom was the private servant of the tehseeldar, he wrote to the tehseeldar, who sent an influential zemindar, by name Khyroollah, who has been notorious during my time of office in this district for being mixed up in criminal cases, and has been previously punished. The thanadar, with the connivance of the above zemindar, and the agent of the decree-holder, succeeded in pacifying the relative of the deceased with money and a grant of land. The thanadar returned to the thana with the police, and the case was only reported as one of cholera. I at once suspected the case, after reading the report of the thanadar, as the circumstances of several men being deputed to serve a decree on the deceased, who was said to have died from cholera immediately after the process was served, were sufficient to create suspicion; I sent for the heirs of the deceased for the purpose of taking their deposition, and having learnt by accident the facts of the case from a conversation with one of my police officers, I deputed Ally Khan, tehseeldar of Koelsa, whose investigation satisfied me of the merit of the case, and the prisoners, five in number, viz., the agent and kharindah of the zemindar, Khyroollah, the zemindar, who acted on the part of the tehseeldar, the tehseeldary peon, and the private servant of the tehseeldar, were committed by me to the sessions, and resulted in the conviction of all.

5. It is clear that the tehseeldar, Basut Ally, at whose instigation this crime was concealed, is not competent to exercise the powers of a deputy magistrate, as he has proved himself on previous occasions untrustworthy, and I would refer you to my annual police report of last year, where his conduct was most reprehensible in a case of murder, which occurred about a koss from Mahool last July.

6. It seems incredible that an officer of some years experience, for such a trifling irregularity (for the fact of his sending a private servant to serve the process cannot be regarded as much more), should connive at concealing a crime which must have come to the notice of the authorities, and should so recklessly run the risk of detection. The tehseeldar, in this instance, is the more culpable, as the acting thanadar had been appointed to officiate for a short time at his recommendation, and for whom he ought to have been responsible, instead of deputing him to cook the case and distort the facts.

7. I would therefore request your orders in this case, suggesting that this officer, whose conduct is now under review, should be divested of the powers of deputy magistrate, and sent on a reduced salary to Deagaon, in the place of Sahib Ally, who has procured his pension from Government; should you deem the above punishment sufficient, I would recommend that the tehseeldar of Secunderapore (whose health has been much impaired at Nuzra, and whose services from such a cause I should be very sorry to lose), should he be transferred to Mahool on the established salary of 125 rupees a month, and be invested with the powers of deputy magistrate, which he is well qualified to exercise.

8. I know of no officer in this district whom I could recommend as tehseeldar of Nuzra in the place of Mahommed Shuffee, but I have applied to the Collector of Goruckpore regarding the capabilities and qualifications of Mehdeeool-zumah, whom he pronounces to be an able officer and well up to the work. I should have preferred giving him a trial in a pergunnah nearer the Sudder station, where he would be looked after during his probation; but as I am aware you are averse to changes I have not suggested any further transfers.

9. I am averse to changes myself, but when such an opportunity offers, and now that my successor is soon expected, I should be supposed to know more of the capabilities of the native district officers, after a long experience than a newly appointed collector, and this is my reason for offering the above suggestions before being relieved of the charge of the district.

10. I herewith forward a copy of the remarks of the sessions judge on the conduct of the tehseeldar, by which you will also see that the conduct of the peshkar Mohomed Jaured is also called in question, and from the evidence there

is

is little doubt that he exerted himself in aiding the tehseeldar to conceal the facts of the case.

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I have, &c.
(signed) W. M. Chlery,

Azingurh Magistracy, 22 July 1854. Officiating Magistrate.

EXTRACT Judicial Letter to India; dated 12 November (No. 47) 1856.

137. We are glad that the persons implicated in this atrocious case have been convicted and punished.* The servants of Government who were concerned in the suppression of the facts were most properly removed from office. We think that the dismissal of Basut Alee was an insufficient punishment, and that an interdict against his re-employment should have been duly notified in the Gazette:

— No. 3. —

DEATH OF TWO CHUMARS FROM VIOLENCE.



EXTRACT Judicial (Criminal) Narrative, North-Western Provinces; dated 18 August (No. 9) 1855.

Benares Division; Azingurh District.

207. A REPORT, with his remarks thereon, was received from the Commissioner, on the death of two chumars, in consequence of illegal violence inflicted on them by the thanah establishment, with the view of extorting confessions, as it was suspected that the deceased possessed white arsenic for poisoning cattle for the sake of the hides (see paras. 200 and 201 of this narrative). Homicide of two Chumars who were subjected to illegal violence by the thana establishment.

208. It seemed that Deehul Chumar, seized by Roshum Ally, thanadar of Beluriagunge, on suspicion, was willing to confess, but the thanadar insisting on his producing some of the poison, his arms were tied behind him, and he was half suspended from a tree and expired in about six hours. The thanadar immediately sent in the corpse, and admitted the tying to a tree, but declared the deceased had swallowed the arsenic instead of producing it. The medical officer, on examination, found this assertion to be false; the intestines were totally empty; there were no marks of beating or anything of that kind, but there were marks on the arms as of ropes tightly tied; and it appeared that the deceased had a short time previously been ill, and, being seized in the morning, with a totally empty stomach, sunk under the illegal duress by 2 p.m. Mr. Bax was immediately deputed to make strict investigation on the spot. The thanadar was committed to the sessions, and convicted of culpable homicide, and sentenced to three years' imprisonment.

209. In the second case, upwards of a seer and a half of white arsenic had been found on some chumars in the thanah of Bheenpoorah; their statement so far implicated Kodye Chumar, of thanah Secunderpore, that a requisition was sent, to have his house searched. This was done, but no poison was found;
Kodye

* Criminal Narrative, dated 11th June (No. 7) 1855.—(207.) Consideration of the Commissioner's recommendation for the grant of deputy magistrate's powers to the tehseeldar of Masool appointed on the removal of Basut Ally, tehsildar, and Mahomed Jawud, peshkar. It appears that a servant of the tehsildar accompanied a zemindar to enforce a decree for arrears of rent, together with the tehsildaree peon, whose duty it was to see to the execution of the decree. The defaulter who was unable to pay having been tied to a tree and severely beaten, his death ensued in consequence of the injuries he received. On the tehsildar's being informed that his servant was the party chiefly implicated, he sent a thanadar, appointed by his recommendation, to report on the death, which was returned as one from cholera. On investigation all the parties implicated in the ill-usage were committed for trial and convicted. The case of Basut Alee being brought to the Lieutenant-governor's notice, further investigation was ordered, which, though no legal proof was obtained, greatly strengthened suspicion of complicity against the tehsildar and his peshkar. They were removed from office and the re-employment of the former interdicted.

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Kodye denied all complicity, and the charge, as against him, fell to the ground. In spite of this, Mahomed Allee mohurir, the acting thanadar, two days afterwards, went a second time to his house, seized him, and insisted on his producing arsenic. It appeared that for some time the mohurer and burkundauzes beat him with sticks until he fainted, and died on his way to the thanah.

EXTRACT from the Proceedings of the Honourable the Lieutenant-Governor of the North-Western Provinces in the Criminal Branch of the Judicial Department; under date 30 December 1854.

(No. 171.)

No. 438.

LETTER from *H. C. Tucker, Esq.*, Commissioner Fifth Division, to *W. Muir, Esq.*, Secretary to Government, North-Western Provinces.

Sir,

It is with deep regret I submit the two accompanying reports (No. 114 and 115), dated 9th instant, from the magistrate of Azingurh, relative to the death, by illegal duress, on the part of two thannadars, of two chumars, supposed to be in possession of white arsenic for poisoning cattle.

2. In the first case mentioned in report No. 114, four prisoners confessed to having received arsenic from Deehull; he was seized by Roshun Alee, thanadar of Beluriagunje, and was willing to confess, but the thanadar insisting on his producing some of the poison, his arms were tied behind him, and he was half suspended from a tree, and expired in about six hours. The thanadar immediately sent in the corpse, and admitted the tying to a tree; but declared the deceased had swallowed the arsenic instead of producing it. The medical officer, on examination, found this assertion to be false. The intestines were totally empty; there were no marks of beating, or anything of that kind; but there were marks on the arms, as of ropes tightly tied: and it would appear that the deceased having been recently ill, and being seized in the morning with a totally empty stomach, sunk under the illegal duress of the thannadar by 2 p.m. Mr. Bax was immediately deputed to make strict investigation on the spot; the thannadar was committed to the sessions, and has been convicted of culpable homicide, and sentenced to three years' imprisonment.

3. The other case does not possess the same extenuating circumstances of the prisoner's confession, immediate report of death and duress, and apparent absence of actual beating. Upwards of a seer and a half of white arsenic having been found on some Chumars in the adjoining thanna of Bheempoora, their statements so far implicated Kodye Chumar, of thanna Sekunderpoor, that a requisition was sent to have his house re-searched. This was done, but no poison was found. Kodye denied all complicity, and the charge as against him fell to the ground. In spite of this, Mahomed Alee, mohurrer, the acting thannadar, two days afterwards went a second time to his house, seized him, and insisted on his producing arsenic. It appears that for some hours the mohurrer and burkundazes beat him with sticks until he fainted, and died on his way to the thanna. The mohurrer then got up a case as of accidental death by falling from a tree; he reported accordingly, and made away with the corpse. On the return of the thannadar, who was on bad terms with the mohurrer, he discovered and reported the true state of the case, which was proved on local investigation by the acting tehseeldar. Mr. Campbell is displeased with the tehseeldar's not having put himself more prominently forward, but it has not been customary for tehseeldars to act in the first instance as darogahs, the thanadar being present, but rather to superintend the investigations of the latter officer, and countersign the evidence, &c., &c. Mehn-deoll Zuman, is not a bright or active man, and I have doubts as to his fitness for a tehseeldarree, but I do not consider him actually to blame in the present instance. Had he believed it to be his duty he would have been only too glad to take the credit of the case. Mr. Campbell is desirous of a local investigation by a European officer, before committing the acting thanadar and his accomplices to the sessions, and I think he is right.

4. These two deaths are very lamentable; but it is very difficult to prevent native police officers running amuck as it were, when they think they know a course

course of conduct which will display their zeal and intelligence, and ingratiate them with their superiors. Upwards of 700 persons had been seized for cattle poisoning; it was known that Mr. Campbell was very anxious to ferret out all the criminals, and that orders had been received from Government to "root out thoroughly a system so hurtful to the property and interests of the agricultural community." The police were, therefore, all on the *qui vive*, and Roshun Allee, who had been previously fined for remissness, and Mahomed Allee, who wished to illustrate his acting appointment, carried their duress to a point which either directly caused or else accelerated the death of their unfortunate victims. The speedy commitment and punishment of Roshun Ali will show that the European officers will not encourage such practices; and if the punishment of Mahomed Ali be such as he richly deserves, it will be a most useful warning to the police of the district and its neighbourhood.

5. The absence on leave of Mr. M'Chlery, joint magistrate, has greatly fettered Mr. Campbell's powers of locomotion and personal supervision, but I can bear witness to his earnest desire to have the heavy subject of cattle-poisoning investigated in the most regular, fair, and proper manner.

I have, &c.
(signed) H. C. Tucker,
Commissioner.

Commissioner's Office, 5th Division, Camp Byreea,
Zillah Goruckpore, 11 December 1854.

EXTRACT Judicial Letter to India; dated 4 February (No. 13) 1857.

141. In both these cases* the native officer in charge of the thannah having received information of the possession of poison by the deceased persons, resorted to illegal violence of a description so severe as to result in death, with a view to extort it from them. Both the cases occurred, though at different thannahs on the same day, and the chief defendants being in both cases committed for culpable homicide were punished in the former by three, in the latter by seven years' imprisonment. We perceive from the correspondence forwarded with paragraph 11 of the present narrative, that the Sudder Court consider the sentences in both cases as totally inadequate, and that the defendants ought to have been committed for the higher crime of murder; in this opinion we entirely concur. The necessity of effectually putting down the practice of torture or violence by officers of police by punishing with great severity all who are convicted of the crime, whether the result be fatal or otherwise, cannot be too strongly impressed upon the judicial authorities. In the event of the death of the sufferer being the consequence of such atrocities, the crime is murder, and it should be punished accordingly.

142. We have already remarked that the sentences in both cases were far too lenient. In the first case the sentence being below five years' imprisonment, the defendant was entitled by law to have labour commuted to a fine; but in the second we think that labour should have been added to the tannahdar's imprisonment.

143. In all such cases as are here brought to our notice, labour should, we think, form part of the sentence, and the punishment be of such severity as will effectually operate as an example, and serve to deter our police officers from the Asiatic custom of coercion of their prisoners by the employment of most unwarrantable means.

144. The executive government cannot prescribe to the criminal courts the sentences to be passed in trials which may come before them. It is, however, perfectly competent to you to remark upon the sentences passed by them, and should

* (207 to 212).—Death of two Chumars by the illegal violence of the tannah establishment, with the view of extorting arsenic, which they were suspected of possessing for the purpose of cattle poisoning. The thanadar, in the first case, was sentenced to three years' imprisonment, and in the second case, to seven years' imprisonment. The Lieutenant-governor directed the Sudder Court to call for and revise the proceedings in the latter case in connexion with the former, previously referred to them. Their report on both is transmitted in para. 11 of this narrative.

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should the courts continue a course of inadequate punishment in cases of torture for the purpose of extorting confessions, it will be for the legislature to interfere by the enactment of a law prescribing a minimum punishment for such offences.

— No. 4. —

MEASURES FOR REPRESSION OF TORTURE.

EXTRACT from Judicial Criminal Narrative, North-Western Provinces ; dated 11 January (No. 2) 1856.

Correspondence regarding the repression of torture and violence used by the police in extorting confessions.

Para. 3. THE Lieutenant-governor forwarded to the Nizamut Adawlut copy of a circular issued by the Judicial Commissioner in the Punjab on the repression of the practice of torture or violence on the part of police officers. His Honor observed, that the extreme frequency of confessions recorded before police officers and magistrates in India, and retracted on the subsequent trial before the sessions court, had often excited attention, and repeated orders had been issued by the Government and by the Sudder Court, in order to provide stringent checks against any abuses in the obtaining of such confessions. In a circular very recently published by the Court, special precautions of a very useful and practical kind had been required to be observed in taking down of confessions when made by prisoners before the magistrates. The true remedy, his Honor observed, against malpractices of all kinds on the part of police officers must be in the energy and vigilance of the district magistrates, and in their firm determination to put down every habit of laxity or oppression. A mere engagement from these officers to abstain from what they already well know to be an absolutely prohibited and criminal act, might not in itself appear likely to give much additional security ; but the requisition of such a special paper might also on the other hand serve to mark the earnest attention with which the Government regards the subject, and the measure might therefore be found to be attended with some degree of beneficial effect. The Court were requested to procure the opinions of the several Commissioners of Divisions, and to report them with their own sentiments, on the expediency of directing the execution of a bond to the effect stated, by all superior police officers in these provinces. His Honor intimated, that a copy of this letter would be forwarded to the Chief Commissioner in the Punjab, with a request to favour this Government with a full copy of the circular in question, including the prescribed form of bond, and all its other appendices ; and a copy of this letter should also be eventually communicated to all magistrates, so as to aid in maintaining their utmost effort to secure justice and purity of administration in their several districts, while the Court were expected, in every instance coming under their notice judicially, to apportion the sentence to the highly grave character of the offence. His Honor finally begged to be furnished with a statement of the number of cases in which police officers of any grade had been convicted or sentenced in each district for acts of violence of whatever degree in the course of judicial investigations since the 1st January 1853. A copy of the above communication was forwarded to the Secretary Chief Commissioner, Punjab, with a request on the part of the Lieutenant-governor to be supplied with a full copy of a circular, with a bond and appendices, as above stated. The circular above alluded to, complete with all appendices, was subsequently received from the Punjab Government, and forwarded to the Sudder Court, in continuation of former correspondence. In connexion with this subject, the Nizamut Adawlut forwarded copy of a circular issued by them to all magistrates, requesting them to furnish a statement of the number of cases in which police officers had been convicted or sentenced for acts of violence committed in the course of judicial investigations from January 1853 to June 1855, including cases in which sentences were passed by sessions courts. The Court issued a further circular to all superintendents of police and Commissioners of Divisions, requesting their opinion as to the expediency of introducing into these provinces a measure for the repression of torture by police officers.

EXTRACT

EXTRACT from Judicial Criminal Narrative, North-Western Provinces; dated 10 March (No. 5) 1856.

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Para. 8. WITH reference to former correspondence, the Court submitted their sentiments, accompanied by an abstract of the opinions of the several Commissioners and superintendents of police, on the subject of introducing special measures for the repression of the practice of torture on the part of police officers. On a full consideration of the matter, his Honor was of opinion with the Court, and the majority of the authorities consulted, that it would be desirable and proper to take from superior police officers, such as thannadars and first-class jemadars, on their appointment to their offices, an engagement, specifically promising to abstain from all acts of torture or illegal violence in the performance of their duty. Coinciding with the suggestion of the Court, his Honor also considered that this engagement might, too, with advantage, be extended so as distinctly to bind such officers to refrain from other prohibited acts of specially grave misconduct or impropriety. The issue of the order to this effect was, however, reserved until the completion and distribution of the new edition of the Darogah's Manual, then in course of preparation, under the immediate superintendence of Mr. Dashwood, the officiating register to the Court. In furtherance of the proposition of the Court to publish in a pamphlet form, a compendious collection of the several laws and orders which have been from time to time enacted and promulgated for regulating the procedure in regard to suspected or apprehended parties, his Honor observed, that a separate section or chapter in the manual might conveniently be devoted to the purpose. A circular was issued to the magisterial officers, transmitting copy of the present correspondence, and drawing pointedly to their notice the very just and pertinent observations of the Court, demonstrating the inutility of requiring any bond from the police officers unless the magisterial authorities were careful to temper with discretion the punishment of their subordinates, in cases of failure in detecting crime. Proved instances of misconduct or neglect of duty, the Court observed, should be met with prompt punishment, but to have recourse to the often-adopted practice of censuring, threatening, suspending, or superseding by fresh agency police officers who may have been unsuccessful in searching out and exposing crime, would be to enhance those evils which Government is most anxious to eradicate. The Court, intimating their having, in concurrence with the Presidency Court, resolved upon the rescission of Construction 1167, considering commonly that the detention of a prisoner more than 48 hours (which that Construction left discretionary with the magistrates) in the custody of the police, either at the thanna or elsewhere, was not warranted by the imperative terms of clause 16, section 19, Regulation XX. of 1817, and was therefore illegal, and had, the Court stated, been much and habitually abused in practice. His Honor did not doubt that the measure would have a very beneficial effect, and added that measures were in active progress, and had indeed been completed in many districts of these provinces, for securing an important increase to the pay of thannadars, and other higher grades of the police, through the operation of which he trusted that a more trustworthy police agency would ultimately be generally introduced.

Regarding the expediency of introducing special measures for the repression of the practice of torture on the part of the police.

9. The Court submitted, for the information of Government, copy of a circular issued by them to criminal authorities in the North-Western Provinces, notifying the rescission of Construction 1167, which vested a magistrate with discretionary power to authorise the detention at the thanna of persons charged with criminal offences beyond the period specified in section 19, Regulation XX. of 1817.

EXTRACT Judicial Letter to India; dated 3 June (No. 34) 1857.

36. THE papers of this collection bring to our notice certain measures which have been adopted under the instructions of the Lieutenant-governor for the repression of the practice of torture on the part of the officers of police.

Criminal Narrative, dated 11 January (No. 2) 1856.

37. It appears that the principal police officers in the Punjab are required to subscribe a declaration that they will abstain from all attempts at extorting confessions from persons charged

(3, and paras. 8 and 9 of the Narrative for the 4th quarter of 1855.)—Correspondence regarding the repression of torture and violence used by the police in extorting confessions.

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with crimes. The Lieutenant-governor of the North-Western Provinces has, after communicating with the Sudder Court, and through them with the Commissioners of Divisions, resolved that superior police officers, such as tannahdars and first class jemadars, shall subscribe a similar declaration on their appointment to office, and shall further bind themselves "to refrain from other prohibited acts of specially grave misconduct or impropriety."

38. We think it probable that the general introduction of a rule requiring the principal police officers to subscribe a declaration, on taking office, of the nature of that which is in use in the Punjab, will be attended with beneficial results. It will indicate the mind of the Government as to the practice of torture, and serve to convince the police officers of its desire and determination to eradicate the evil. We fear, however, that the addition made by the Lieutenant-governor in regard to "other prohibited acts of specially grave misconduct or impropriety," deprives the declaration of any force it might otherwise have had, by putting a resort to torture on a level with other acts which, however culpable, are of a lower grade of guilt. The subject of torture is one which should be dealt with by itself, and for this reason we consider the form of declaration in use in the Punjab to be preferable to that prescribed by the Lieutenant-governor of the North-Western Provinces; at the same time it appears to us an objectionable principle to make any particular class of officers declare that they will abstain from "prohibited acts." Other officers, from whom that declaration is not taken, may suppose that they are not required to abstain from such acts. We are of opinion, that a preferable course would be to take from every police officer a declaration that he is aware that the infliction of torture of any kind, or for any purpose, is prohibited, and that a breach of the prohibition will be visited with prompt and severe punishment, in addition to the loss of appointment.

39. We would again refer you to our despatch to the Bombay Government, dated 5th March 1856, a copy of which was forwarded to you in our despatch of the same date (No. 11), in which it was suggested that darogahs of police should henceforth be directed to abstain from receiving and recording confessions.

40. We entirely approve of the suggestion to devote a separate section of the Darogha's Manual, proposed to be issued to the police officers, to a compendious collection of the several laws and orders which have from time to time been enacted or published for regulating the procedure in regard to suspected or apprehended parties. We trust, however, that that procedure will shortly be greatly modified by the imposition of the restrictions referred to upon the police officers in regard to the examination of persons charged with crimes. The publication of the joint opinion of the Presidency and Agra Sudder Courts, as to the absolute illegality of the detention in the mofussil, by the police, of accused persons beyond 48 hours, will no doubt exercise a very beneficial effect, as will also the measures adverted to by the Lieutenant-governor, as in actual progress, for raising the pay of the higher officers of police, and thereby securing a better and more trustworthy agency in that department.

41. We approve of the orders of the Lieutenant-governor directing the circulation of the correspondence on this subject to the magisterial authorities. We hope to have no further occasion for repeating orders upon the subject of torture, but that prompt and peremptory dismissals of the offenders, and the unerring infliction of punishment, will entirely eradicate its use.

— No. 5. —

CASE BY SHEOBULUK, DAROGAH OF SULEMPORE.

EXTRACT Agra Judicial Narrative (North Western Provinces, Third Quarter of 1855); dated 11 January (No. 2) 1856.

5. THE Nizamut Adawlut forwarded to Government copy of a correspondence which had passed between the Court and the district officers of Goruckpore, relative to a case of proved maltreatment on the part of the police of that district,

district, on the person of a prisoner named Sheobuluk, subsequently sentenced by the sessions judge to five years' imprisonment with labour in irons, on conviction of burglary. The remarks of the sessions judge on that conviction, and the minute of the senior judge of the Sudder Court, Mr. A. W. Begbie, on the case, in which the other judges fully concurred, were also submitted. It appeared from the report of the civil surgeon that Sheobuluk had received injuries on the right knee and left wrist, both of which limbs were likely to be crippled for life, and that he had been subjected to this torture at thanna Salempore in order to the extortion of the confession which he there made. The sessions judge referred the case to the Sudder Court, and, in reply, was directed to institute an immediate inquiry, to be conducted by the magistrate or joint magistrate in person, with a view to the arraignment of the party who had inflicted the torture. From the remarks recorded by the joint magistrate, it appeared that the torture consisted of tying up the toes of the prisoner Sheobuluk to his neck, and in that state beating him severely on the knee-joint of one leg, and the wrist-joint of one of his hands, so as to cause inflammation of the tendons around those joints; the result of which was that both those limbs were likely to be crippled for life. It appeared from the reply of the sessions judge to the Court that the joint magistrate had dismissed the naib darogah, convicting him on the two following accounts:—

1. Directing and superintending cruel treatment to procure confession; and
2. Permitting cruel treatment of a prisoner under his immediate care and custody; and had further convicted one Sheo Suhae, who, though not a police officer, was the party who inflicted the torture, and sentenced him to six months' imprisonment with labour in irons, and a fine of 100 rupees. It appeared, that on the report to the thanna at Salempore of one Rattun, complaining of his father's house having been robbed of 400 rupees, the houses of Muhungoo and Sheobuluk were searched, and those men apprehended. They confessed to having committed the robbery in company with one Bodee, who was also apprehended, and they all delivered up a portion of the stolen money. These confessions, made at the thanna, and before the joint magistrate, added to the evidence of the witnesses to the identity of the recovered property, and other corroborative evidence, induced the sessions judge to convict the prisoners of the crimes charged against them, and to sentence them each to five years' imprisonment, with labour in irons. In his minute on the case, Mr. Begbie recommended that the prisoner, Sheobuluk, should be at once released, in consideration of the cruel treatment to which he had been subjected by the naib darogah. The confessions extorted from him were believed to be true, as portions of the stolen property and money were found in his house and given up by him, besides other corroborative evidence; but Mr. Begbie proposed to apply to Government for the pardon of Sheobuluk on personal and not judicial grounds. He added, that he could not dismiss the case without expressing his opinion that the joint magistrate had not sufficiently punished the naib darogah by simply dismissing him, and thought he should be committed to take his trial before the sessions court. In reply, the Lieutenant-governor entirely concurred in the view of the case taken by the Court, and was pleased accordingly to pardon and sanction the release of the prisoner Sheobuluk. The Commissioner of Benares was furnished with a copy of the Court's letter, and of Mr. Begbie's minute, and instructed to direct the magistrate of Goruckpore to institute immediate prosecution, if adequate proof of his misconduct should be forthcoming, against the naib darogah, or thannadar, and to report at once for the orders of the Lieutenant-governor, why this obviously right and necessary course was not adopted in the first instance. Mr. Tucker subsequently reported, that he had instructed the magistrate of Goruckpore to proceed against the naib darogah without delay, and enclosed copies of the instructions which he had issued on the subject, and which his Honor entirely approved. Another communication was received shortly after from the same officer, intimating that there was not sufficient proof for the commitment of Oodey Khan Singh, the thannahdar in question, to the sessions, but that a declaration by Government of his incapacity to serve Government again, would have a better effect than running the chances of a commitment on insufficient evidence. In reply, his Honor forwarded to Mr. Tucker a copy of a notification declaring Oodey Khan Singh incapacitated for future service under Government.

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EXTRACT Judicial Letter to India; dated 3 June (No. 34) 1857.

Criminal Narrative, dated 11 January
(No. 2) 1856.

(5.) Case of mal-treatment and
torture inflicted on one Sheobalak, by
the naib darogah of Saleempore, in
zillah Goruckpore.

43. THE injured party, Sheobalak, was arrested, with some others, on a charge of burglary, and on conviction by the sessions court, sentenced to imprisonment for a period of five years, with labour in irons. He had made a confession at the tannah, but there appears to have been evidence to warrant his conviction, independently of such confession.

44. On his arrival at the head station of the district, the prisoner Sheobalak was admitted into the gaol hospital, the cause of his admission being, as stated by the civil surgeon, the severe nature of the injuries under which he was suffering. "The principal injuries he has received," adds the surgeon, "are in the right knee and left wrist, both of which limbs are likely to be crippled for life." The prisoner stated to the surgeon that the injuries had been inflicted at the tannah, for the purpose of extorting a confession from him. That there was no immediate judicial inquiry into the circumstances which led to this crippled condition of the prisoner, indicates, as far as we can gather from the papers of the collection, a striking failure of duty on the part of Mr. Paterson, the officiating magistrate, to which we shall again refer in the sequel. The matter having been brought by the session judge to the notice of the Sudder Court, inquiry was ordered, and was conducted by the officiating magistrate, who reported that he had sentenced the person who actually inflicted the beating on the prisoner, to six months' imprisonment, and that having convicted the naib darogah of directing and superintending cruel treatment of a prisoner, in order to procure a confession, he had dismissed him from his office.

45. The proceedings on the inquiry having been reported to the Sudder Court, were first laid before Mr. Begbie, who very properly remarked that "the offence of which the naib darogah had been convicted was of so grave a character, that the perpetrator should have been committed to take his trial before the session court." He proposed to address the Government with the view of having the naib darogah declared incapable of again serving Government in any capacity whatever, and of procuring for the prisoner Sheobalak a remission of the sentence passed upon him by the session court. The other judges of the Sudder Court concurred in the view of the case taken by Mr. Begbie.

46. The recommendation of the Court in favour of the prisoner was acceded to by the Lieutenant-governor, and he was pardoned. Of this measure we entirely approve.

47. The Lieutenant-governor further issued instructions, through the Commissioner, directing the magistrate to institute an immediate prosecution, if adequate proof of misconduct should be forthcoming, against the naib darogah, and to report at once why this obviously right and necessary course was not adopted in the first instance.

48. The explanation on the last-mentioned point, as given in the words of the Commissioner, Mr. H. C. Tucker, is as follows: "Mr. Paterson taking the tannahdar's previous character and services into consideration, considered that dismissal was a sufficient punishment for the guilt proved against him, and in this I concurred."

49. In regard to the further prosecution, it was stated that there was not a sufficiency of legal evidence to warrant the commitment of the naib darogah.

50. It is alleged that the prisoner Sheobalak was ill-treated on two separate occasions; on the first, by the roadside as he was being conveyed to the tannah, where the maltreatment was not severe; the other at the tannah, where the injuries were inflicted which resulted in his being crippled for life. The officiating magistrate was of opinion that the naib darogah was convicted of having personally directed the beating on the first occasion, but that in regard to the maltreatment at the tannah, the evidence as it affected that individual was considerably at fault. In no other way than on the ground of his acquittal of the graver charge, added to the lamentable degree of indifference with which some district officers have been in the habit of regarding the assumption

assumption of improper authority by their subordinates, can we account for the opinion of the Commissioner and the officiating magistrate that the naib darogha was sufficiently punished by dismissal from office:

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51. We have not the evidence before us, and are therefore unable to pronounce a decided opinion as to its sufficiency or otherwise to warrant the commitment for trial of the naib darogha; but judging from the papers of the collection, we think that the magistrate would have exercised a much sounder discretion had he sent the case for trial before a superior court. There was the evidence to the previous beating on the roadside under the immediate direction of the naib darogha; there was the legally admissible evidence of the injured man and his associates in crime to the subsequent maltreatment at the tannah, which was under the charge of the same naib darogha; and there was the evidence of the civil surgeon to the nature of the injuries, and of course to the fact of injury having been inflicted. It appears to us that whatever might have been the result of the trial, there was ample ground for commitment, with good prospect of a conviction.

52. That the evidence was not so complete as it might have been we think very probable. It is still more probable that it would have been more complete had the case been promptly investigated. This is a point to which the attention of the Lieutenant-governor and of the Sudder Court has not been sufficiently directed. A prisoner is sent in by the police bearing upon his person the marks of injuries recently inflicted, which result in making him a cripple for life, and yet no inquiry as to the cause of those injuries is made until after the prisoner has been tried before the session court. We desire that the magistrate may be called upon for an explanation of this very serious omission. We do not think it necessary at this distance of time to direct the farther prosecution of the case against the naib darogha, especially as a notification declaring him incapacitated for future service under the Government (which in the event of a prosecution should have followed instead of preceding the trial) has been promulgated by an order of the Lieutenant-governor.

— No. 6. —

BY OFFICERS OF THE DACOITEE DEPARTMENT.

EXTRA Agra Judicial Narrative (North-Western Provinces, Third Quarter of 1855); dated 11 January (No. 2) 1856.

46. THE Commissioner, Saugor and Nerbudda Territories, forwarded correspondence relating to a case of torture which had occurred in the Jubbulpore district, the offenders being approvers of the Thuggee department. The facts of the case, as stated by that officer, were briefly these: In December 1854, a dacoity occurred in the above district, and Major Sleeman, general superintendent for the suppression of dacoity, sent a party of his establishment to co-operate with the magistrate and police in tracing the dacoits. The magistrate, Captain Pinkney, had been previously on the spot, and had released the suspected, but the thuggee party again apprehended them, and among them two brothers, Nirmud and Sheoraj, whom they confined and maltreated. Nirmud died of the blows and other tortures to which he had been subjected. Ameer Khan, the duffadar, and Ameer Ali, the mohurrir, of Major Sleeman's party, were found guilty by the sessions judge (copy of whose letter to the Sudder Nizamut Adawlut was submitted) of the culpable homicide of Nirmud, and sentenced each by the Court to 14 years' imprisonment, with labour, while Baldeo, a nujeeb of the same party, had been convicted and punished for maltreating Omrao. The Court's judgment on the case was submitted for the information of the Lieutenant-governor. The inquiry into the misconduct of the thuggee officials was commenced by Major Sleeman; but at the request of Captain Pinkney, the former at once made over the case to the latter. The question of the relative jurisdictions of these two officers in the case was adverted to in the letter of the sessions judge, and commented upon by the

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Sudder Court, who intended to take up the question at an early date, with a view to the issue of some general instructions, so as to remove all doubt, and prevent collision between the two departments; though in the present instance, owing to the right feeling and good sense of the officers employed in the investigation, nothing of the kind had occurred. In consequence of the above, his Honor addressed a letter to Major Sleeman, forwarding copies of the entire correspondence above noticed, and requesting him to state under what rules subordinate officers, with approvers from the Thuggee department, were sent out to act in co-operation with the district police on occasions like that now brought under notice. The Lieutenant-governor had understood that they were deputed only to supply information to the district authorities, and not with any permission to exercise independent powers. The occurrence of this present lamentable case, his Honor observed, proved how indispensable it was to reconsider the whole system of checks at present established, in order to provide against the probable hazard of abuse or violence by the approver parties. One of the entries, his Honor added, in the evidence, marked also that it was important to prevent as far as possible the employment of parties related to each other in the office of the superintendent for the suppression of dacoity, and in the subordinate executive establishments.

EXTRACT Judicial Letter to India; dated 3 June (No. 34) 1857.

Criminal Narrative, dated 11 January
(No. 2) 1856.

Thuggee and Dacoitee.—(46, and para. 253 of the Narrative for 4th quarter of 1855.)—Case of torture and culpable homicide by officers of the Thuggee and Dacoitee department.

95. A DACOITY having occurred in the Jubbulpore district, Major Sleeman, general superintendent for the suppression of dacoity, sent a party of his establishment, headed by a duffadar and a mohurrir, to co-operate with the magistrate and police in tracing the dacoits. Previously to their arrival, certain suspected persons had been apprehended, but after inquiry had been released by the magistrate. These were again arrested by the party belonging to Major Sleeman's establishment, some of whom, with a view of extorting a confession, beat and otherwise maltreated one of the persons apprehended, so as to cause his death. The case was very carefully investigated by Captain Pinkney, Deputy Commissioner of Jubbulpore, and the duffadar and mohurrir were convicted of the maltreatment and "culpable homicide" of the deceased by the session judge, who very properly referred the case to the Nizamut Adawlut, by whom the above-mentioned defendants were sentenced each to imprisonment for 14 years, with labour in irons.

96. We trust that this example will have the effect of convincing our native officers that the Government and the courts of justice are resolved to put down the system of torture for the purpose of extorting confessions which so extensively prevails.

EXTRACT Judicial Criminal Narrative, North-Western Provinces; dated
10 March (No. 5) 1856.

* Jubbulpore.

Para. 253. THE Commissioner of these territories recommended the grant of a charitable allowance to the family of Nirmid Bais, in this district,* who met his death by maltreatment from certain native officers of the Thuggee department. From the papers connected with the case it appeared, that certain suspected persons, who had been released by the magistrate of Jubbulpore, were apprehended by a party belonging to the establishment of Major Sleeman, general superintendent for the suppression of dacoitee, from whom one of the apprehended persons, named Nirmid Bais, received blows and other torture, with a view to extort confession; in consequence of which maltreatment he died, leaving a "married" widow, Mussamut Neema, and by her two daughters and a son, all under nine years of age; and also a "dospta" widow, and by her a son and a girl, both under two years of age, who were unprovided for. The correspondence was, by order of the Honourable the Lieutenant-governor, forwarded for the favourable consideration of the Supreme Government. Under the circumstances stated, the Honourable the President in Council was pleased to

to sanction the grant of a compassionate allowance of four rupees per mensem for the support of the family, until the two boys both attained the age of 16 years, and then two rupees a month for the life of Mussamut Neema.

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— No. 7. —

PUNISHMENT OF AHMED HOSSEIN KHAN, FOR CERTAIN ACTS OF TORTURE ALLEGED TO HAVE BEEN PRACTISED BY HIM.

EXTRACT from Judicial Criminal Narrative, North-Western Provinces, dated 20 May (No. 9) 1856.

171. In reply to letter dated 22d December 1855, calling upon the Commissioner for his opinion as to the adequacy of the punishment awarded to Ahmed Hossein Khan, jemadar of Boprhannah, in this district,* for certain acts of torture alleged to have been practised by him, that officer reported that the evidence against the jemadar was not sufficient to prove that he had actually beaten the informers in a case of robbery, and that it was even doubtful whether he had suspended them up by the wrist on trees, for which the magistrate had ordered his suspension for four months. It seemed highly probable that the charge of torture was got up by the party suspected of instigating the robbery in the case referred to.

Regarding adequacy of punishment of a jemadar for acts of torture on his part, • Moozuffernugger district.

172. Ahmed Hossein Khan had been thrown out of employ on the revision of the police establishment. Under the circumstances reported, the case called for no further notice from Government.

PUNJAB.

Punjab.

CHARGES AGAINST MR. BRERETON, LOODIANA DISTRICT.

EXTRACT Political Letter from India; dated 22 December (No. 67) 1855.

45. THE Chief Commissioner submitted a report of the circumstances under which it was thought necessary to supersede Mr. H. Brereton, in charge of the Loodiana district, and to keep that officer in virtual suspension until the pleasure of Government should be known.

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Cons. 27 April,
Nos. 250 to 256.

46. With reference to the charges laid against Mr. Brereton, the Chief Commissioner stated that the report of the Commissioner of the Cis-Sutlej States had shown " that certain native employes, not holding regular offices, had been commissioned, without written orders or directions, or formal responsibility, or any check whatever, to prefer charges, to procure evidence, to make arrests, to search houses, to seize property, to retain persons for long periods in close custody; in short, to hold a separate criminal court, and to exercise magisterial power, while ranging both through the Loodiana district and the neighbouring native states. It showed that these men abused their irregular trust in each and all the proceedings above enumerated, and that in many cases they inflicted cruel torture. It showed that in matters under the immediate cognizance or direction of the Deputy Commissioner himself, houses of wealthy citizens had been causelessly searched; that property seized on such occasions, though neither claimed nor identified, was detained for lengthened periods; that many parties were thrown into prison, and lay there for weeks, without charges being exhibited against them, and without their defence being taken; and that the laws relating to security for bad character had been applied with sweeping and indiscriminating severity. Lastly, it showed that the Deputy Commissioner had been followed about from district to district by certain police officers

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officers and informers, whom he employed wherever he went; and that these men had been the main authors of the recent mischief."

47. The Chief Commissioner and all the local authorities considered that these charges had been completely proved. Mr. Brereton himself did not dispute the accuracy of the main facts which had been alleged against him, but he had made a very full statement and explanation in defence of his conduct.

48. The Governor-general (to whom the report was referred for information and orders) observed, that while Mr. Brereton's statement afforded a full explanation of his conduct, it had neither justified nor extenuated that conduct.

49. The Chief Commissioner submitted; that "when great faults are clearly brought home to an officer, some example is called for, to vindicate the administration before the people, and to preserve it pure from the like scandal hereafter."

No. 97.

(No. 126.)

LETTER from *R. Temple, Esq.*, Secretary to the Chief Commissioner for the Punjab, to *G. F. Edmonstone, Esq.*, Secretary to the Government of India, Foreign Department, Fort William.

Sir,

Judicial Department.

I AM directed by the Chief Commissioner to report, for the information and orders of the most Noble the Governor-general in Council, the circumstances under which it was thought necessary to supersede Mr. H. Brereton in the charge of the Loodiana district, and to keep that officer in virtual suspension, until the pleasure of Government shall be known.

2. During October last, certain vernacular petitions were addressed to the Chief Commissioner by residents of Loodiana, complaining against some proceedings in the criminal department, and inveighing against the conduct and antecedents of some employés of the Deputy Commissioner. These were sent to the Judicial Commissioner, with a request that he would call on the Commissioner, Cis-Sutlej States, for a report, with special reference to the history and qualifications of the employés complained against. Shortly afterwards the Commissioner proceeded to Loodiana to attend the examination, and took that opportunity of inquiring into Mr. Brereton's criminal administration. The result of that inquiry was the transmission of a detailed report, which reached the Chief Commissioner through the Judicial Commissioner, and of which a copy is appended. This report pointed to grave maladministration. It showed that certain native employés, not holding regular offices, had been commissioned, without written orders or directions, or formal responsibility, or any check whatever, to prefer charges, to procure evidence, to make arrests, to search houses, to seize property, to retain persons for long periods in close custody; in short, to hold a separate criminal court, and to exercise magisterial power, while ranging through both the Loodiana district and the neighbouring states. It showed that these men abused their irregular trust in each and all of the proceedings above enumerated; and that in many cases they inflicted cruel torture. It showed that in matters under the immediate cognizance or direction of the Deputy Commissioner himself, the houses of wealthy citizens had been causelessly searched; that property seized on such occasions, though neither claimed nor identified, was detained for lengthened periods; that many parties were thrown into prison, and lay there for weeks, without charges being exhibited against them, and without their defence being taken; and that the laws relating to security for bad character had been applied with sweeping and indiscriminating severity. Lastly, it showed that the Deputy Commissioner had been followed about from district to district by certain police officers and informers whom he employed wherever he went, and that these men had been the main authors of the recent mischief. Such being the substance of the facts alleged, the Chief Commissioner conceived the gravity of the case to be so urgent as to demand prompt interposition. He, therefore, ordered Mr. Brereton to make over charge of his district

district to another officer, to furnish explanation, and to exercise no public functions pending the orders of Government. Mr. Brereton was delayed by sickness in the preparation of his reply, and on the receipt of this document some references on minor points seemed necessary; the replies to the last of these have only just been received, copies of all the English papers are now submitted herewith. The vernacular papers have been examined by the Chief Commissioner, but it is not thought requisite to forward them.

3. It will in the first place be observed from these papers, that Mr. Brereton, in his defence, does not contradict or rebut the facts as arrayed in the preceding paragraphs. He virtually admits the misconduct of his employés; the house-searching, the delays in criminal trials, the constant employment of certain attachés and informers. He, in short, confines himself to extenuation of his own conduct in connexion with these unfortunate affairs. The facts, indeed, may be considered as fully proved. An abstract of the evidence is given in the Commissioner's report. The circumstances alleged are quite borne out by the vernacular depositions; especially the sad instances of torture. As regards the extenuation, the Chief Commissioner cannot say that it appears to him sufficient to exonerate Mr. Brereton from very serious blame.

4. The grounds of this extenuation are entered into at length in Mr. Brereton's defence, and are summed up clearly in paragraphs 75 to 80 of that document, and need not be recapitulated. With a few brief remarks, the Chief Commissioner will leave them to carry such weight as they may. The strongest point, perhaps, is the consideration that the two employés (by name Futteh Jung Khan and Ahmed Yar), who committed most of the iniquities mentioned in my second paragraph, were entertained as special detectives in one great robbery case, known as the "Coop Dacoity." It might therefore appear that the maladministration was confined to this particular case, and did not extend to the police management generally. Now, the Chief Commissioner is willing to believe that this oppressive system had not spread over the district, nor infected the body of the ordinary police, though indeed a bad example had been set them. But the Chief Commissioner must observe, that there were other cases distinct from those arising out of the Coop Dacoitee, and in these additional cases were some of the worst instances of torture; moreover, the Coop inquiry was unreasonably protracted; it remained as a standing scandal, exciting alarm through a large tract of country. Owing to the disregard by Mr. Brereton, in this case, of the rules regarding returns and reports, supervision on the part of superior authority became impossible, as the detectives worked on only verbal orders (or on no orders at all); they eluded all the unusual checks; and, as the Commissioner remarks, no one knows the number of arrests they made and did not report, and the amount of property they seized and did not account for. It is to be feared also that, this case ended, Futteh Jung would have had some other similar task entrusted to him. His associate, Ahmed Yar, was actually so employed in patrolling the road when the Coop case was drawing towards a close. Much is said by Mr. Brereton regarding the intrigues in his own office to secretly encourage, and then to expose these affairs. The Chief Commissioner does not see that this argument has any real foundation. Press of business at a bad season of the year may have caused some delay and laxity in the conduct of criminal trials, but cannot excuse such proceedings as the incarceration of prisoners for extended periods, without taking their defence, and without confronting them with their accusers. Moreover, as a want of energy and industry cannot be numbered among Mr. Brereton's failings, and as that officer is well versed in criminal law and practice, the Chief Commissioner is constrained to think that this laxity and delay proceeded from the absence of proper care and thought for the men who were lying in prison. Again, Mr. Brereton may urge, and does urge, that the people never complained to him of these malpractices; but the people seeing these things perpetrated by men imported by him, and entrusted with his confidence, must have regarded him as virtually the author of these evils, and despaired of redress from him.* In regard to the system of duress,

* The tortures inflicted by Futteh Jung at his quarters in Loodiana, were painfully notorious all over the town. A respectable inhabitant told the Commissioner that the people living in the same street with Futteh Jung could not sleep at night for the cries of his victims.

duresse, applied to large numbers of persons, in default of security for good conduct, Mr. Brereton replies, that it was intended to suppress crime. Such may indeed have been the intention; but he was at least aware that this system was not adopted in other districts similarly situated; and if, notwithstanding this knowledge, he chose to introduce it into his own district, he was bound to see that none but bad characters were seized, and that those who had been arrested were promptly and equitably tried; and this he failed to do. Furthermore, he intimates that he is blamed for measures after they have failed; whereas, if they had been successful, he would have been praised. But it is obvious that had success been attained, and the Coop robbers detected, he could only have received credit for that, on the belief that no improper means had been adopted to secure the result. Lastly, Mr. Brereton pleads "misplaced confidence," in reply to the imputation which cannot but fall upon him, from the grievous misconduct of policemen and informers, whom he carried about with him from district to district, as personal attachés of his own; but he should have reflected, that these men were thereby thrown into temptations which the morals of few or no natives could withstand. He should have been apprehensive of the abuses which would be sure to arise, and which any officer of Indian experience might anticipate. There was no reason whatever for the confidence reposed in these men. The informers had been counterfeit coiners by profession; they might have been useful in the tracking out of gangs of their own class; but to use them in a general capacity as spies upon the population of a district, was unwarrantable.

5. In fine, the Chief Commissioner considers that Mr. Brereton is shown to have introduced a system into Loodiana which was contrary to the dictates of experience, and to the principles of administration, and which he ought to have known would lead to abuses; and that he cannot be absolved from responsibility for the abuses which actually did arise, in an aggravated form. The gravamen is not that he was in any way cognizant of these shocking malpractices; but that he permitted proceedings obviously calculated to produce them, and that he neglected all ordinary precautions against their perpetration. Admitting that he was ignorant of what was going on, the Chief Commissioner must remark, that he certainly took not the slightest pains to keep himself informed, and that not caring to know, he almost shut his eyes to the crimes that were being committed in his name. He has hereby been the virtual though not the intentional cause of many deplorable cruelties and tortures, and much injustice, and has brought disgrace on our administration. The sad details of the torture need not now be dwelt upon; they are sufficiently narrated in the papers. Besides the employment of certain persons also in a most objectionable manner, there were gross irregularities in his own court and gaol, which call for marked censure. Now, if the above circumstances had stood alone, the Chief Commissioner might have recommended that the affair be passed over with a reprimand and a warning, in consideration of Mr. Brereton's services and character for vigorous ability; but the Chief Commissioner is sorry to declare his opinion, that a mere warning cannot be depended upon to prevent any future recurrence of these evils under Mr. Brereton's administration. He seems possessed with a species of infatuation in regard to the use of espionage, the employment of personal attachés, and the application of indiscriminate severity; from this vicious system experience does not seem to deter him, nor advice dissuade. It will be observed from the papers, that some of the very employés now arraigned had attracted some kind of notice in connexion with Mr. Brereton at various periods and places. The late Board had reason to fear that latterly these abuses had even crept into the Thuggee department; of these suspicions Mr. Brereton was made fully aware; indeed a circular* was afterwards issued on the subject. These circumstances, however, seem to have left but a transient impression on Mr. Brereton's mind, and the same men who, as he himself says, have followed him for years, are now figuring in the present report. The Chief Commissioner considers that some mark of the severe displeasure of Government is necessary, which may operate as a stern lesson to M. Brereton, and may serve to keep his judgment straight in these matters for the future. Moreover, the Chief Commissioner would submit, that when great faults are clearly brought home to an officer, some example is called for,

* See No. 88, of 1852, page 292, of Board's Printed Judicial Circulars.

Punjab.

for, to vindicate the administration before the people, and to preserve it pure from the like scandal hereafter. In the disposal of this case a point will arise for the decision of Government, as to what allowances Mr. Brereton should draw, from the date on which he was superseded in the charge of the Loodiana district.

6. The Chief Commissioner would further be disposed to suggest, that after what has occurred Mr. Brereton is not suited for employment in the Punjab. That officer needs more supervision than can well be given by any of our Commissioners, whose duties are so numerous. In the older provinces there are judges to supervise and restrain, as well as commissioners. It has been suggested that Mr. Breton should be appointed to some station which forms the head-quarters of a commissionership. But there are many practical difficulties in this course. Such stations usually require the best officers; and there are usually reasons why those districts should continue to be held by their present incumbents. Indeed, with this very view of securing supervision, the Chief Commissioner had contemplated transferring Mr. Brereton from Loodiana to Lahore; but waived this intention in consequence of the Judicial Commissioner urging that this officer's peculiar system would be particularly mischievous at the capital, as calculated to irritate and distress a large city population. If Mr. Brereton should remain in the Punjab, it will be undesirable, after all that has happened, that he should reassume charge of Loodiana.

7. In conclusion, the Chief Commissioner would submit, that no further commission of inquiry will be needed. As already explained, the facts affirmed have not, in any way, been controverted. Moreover, such a commission might cause unnecessary excitement in the district, and would be embarrassing, owing to the difficulty of finding officers to conduct such an inquiry. Of course, the inconvenience would not be urged, were an investigation really necessary; but the necessity is not apparent.

8. I am to add, that due instructions have been issued for the dismissal of Mr. Brereton's myrmidons, and for the disposal of all cases connected with them, and with these affairs, and especially for the condign punishment of Futteh Jung for the crimes of which, after trial, he had been convicted. The Chief Commissioner would suggest that the Commissioner, Cis-Sutlej States, be authorised to propose, at his discretion, compensation for the parties who are shown to have been victims of the torture, and other oppression described in these papers. Some of these persons will also be found to have suffered much loss of crops and cultivation, owing to their having been detained at harvest time.

I have, &c.

(signed) R. Temple,

Secretary.

Lahore, 8 February 1855.

(No. 205.)

LETTER from G. C. Barnes, Esq. Commissioner and Superintendent, Cis-Sutlej States, to R. Montgomery, Esq., Judicial Commissioner for the Punjab.

No. 3610

Sir,

Camp, Philour, 10 November 1854.

Judicial.

I HAVE the honour to acknowledge the receipt of your letter, No. 2946, dated 31st ultimo, forwarding a petition presented to the Chief Commissioner by certain residents of Loodiana, complaining of the conduct of Moosahib Khan, acting tehsildar of Jugraon, and of his brother Futteh Jung Khan Perwanah Nuvees.

2. I was at Loodiana when I received your letter, and was able to make immediate investigations on the spot, the result of which will be embodied in this letter.

3. I would beg to premise that before your communication I had visited the gaol, in company with the Deputy Commissioner. I had found all the wards crowded with prisoners, some of whom, for want of accommodation, were placed in tents. I was surrounded by men who complained loudly of the means by which they had been arrested and confined. I had also heard that Mr. Brereton

maintained informers, some on a fixed salary, who were always with him, and some on special duty, who were only in occasional employ. I heard also numerous complaints against Moosahib Khan and his brother Futteh Jung; and petitions from jemindars of Jugraon, belonging to castes who have not a good name, had been presented to me complaining of the police measures adopted by the acting tehsildar, Moosahib Khan.

4. I was therefore fully prepared to undertake the unpleasant duty of inquiring into the truth of these reports, even before I received your letter; but that despatch at once decided me to commence, and my first act was to send for the accused parties, and to summon those in whose name and behalf the petition addressed to the Chief Commissioner was written.

5. The depositions and defence of both sides are filed in a separate misl, which accompanies this letter. All the documents were written in my presence, without any other suggestion than that they, the deponents, should state unreservedly the whole truth.

6. Deedar Sing and Lukha Sing, in whose names the petition is sent, deny its authorship. But they affirm before me the truth of every word contained therein, as far as they are concerned. They declare that their houses were searched last May, on suspicion of being concerned in the Koop robbery case, but that none of the stolen property was found therein. Nevertheless, all the valuable articles found in their house were carried off to the cutcherry, and still lie there. The property was paraded in the Bazaar, and people were invited to inspect and claim it, if their own. But no man has appeared to identify the property.

7. The search was instituted at the instance of a prisoner in the gaol who had cause of enmity with these sahookars and with the Sirdar of Kuneitch, whose house was simultaneously searched. There appeared to me no sufficient grounds why they were subjected to this indignity, nor any reason why their lawful property has been so long withheld from them.

8. On the same information, the house of Sirdar Chimmun Sing, of Kuneitch, a jageerdar of this district, was searched. On the 29th April last Mr. Brereton commissioned Futteh Jung Khan Perwanah Nuvees, the brother of Moosaheb Khan, to undertake this duty. The Sirdar came into Loodianah, and at my request has furnished a narrative under his own seal of all that occurred.

9. He is a respectable native gentleman, and has always borne a good character. He has the testimony of Lieutenant Lake, then Assistant Agent at Loodianah, that he behaved with great loyalty in the campaign of 1845-46.

10. One evening, late in April last, Futteh Jung Khan came with a posse of sowars and footmen to his residence. The Sirdar was treated with great violence, and shortly after the Deputy Commissioner himself made his appearance and began the search. The floors were all dug up, and according to the Sirdar, his houses at Raepoor were thrown down. All the property found was carried away; he mentions also, that eight respectable zemindars of the village were seized at the same time. They were immediately placed in irons, and made over to Futteh Jung Khan. Three months they were kept in arrest, and subjected to treatment which he "cannot describe."

11. These eight men were also sent for; they are Jâts, and I believe perfectly innocent of this crime; they were severally subjected to torture, and kept in confinement in Futteh Jung's own house, which is in a secluded part of the city. The hair of the head (they are Sikhs) was tied to their leg irons. Wooden pegs were driven into the joints of their elbows and other sensitive parts. Others were merely bound tightly and beaten with fists, so that no marks might remain.

12. I inspected two men, Ram Ditta, and Dittoo; they bear large scars on their elbows and on other parts of their arms. The cicatrix in each wound is recent; and they all solemnly state, that these pegs were forcibly inserted, so as to lacerate the flesh. The man who operated in all these cases was a wretch called Alla Buksh, a servant belonging to Futteh Jung.

13. Ram Ditta and Dittoo were so severely wounded with these pegs that they were sent to the gaol hospital, and were cured there. I annex the civil surgeon's report on their case.

14. Deedar

14. Deedar Sing and Lukha Sing, shroffs, also depose to the cruel treatment to which these men were subjected, and desired me to send for them. I acted on their suggestion, and the result is given above. They also state that these men were confined at Futteh Jung's house in the city.

15. Eventually, although there was nothing whatever against them, except the malicious testimony of a convict, all these men were required to furnish heavy securities of 200 rupees each, and they were not released till these securities were produced.

16. After I had taken these depositions I went to the Hawalut, where I found 57 men under confinement. In one case of robbery of 8,700 rupees at Raspoor, six men and women were under arrest. Some of these were arrested in August last, and some in September last; yet in two instances only had the defence been taken. The other four did not know on what grounds they had been seized. They had not been called upon for their defence, and had been in Hawalut for many weeks.

17. The arrests were made by Futteh Jung on the information of a single "Goindah." Dewa Sing, one of the prisoners, declares he was tortured by Futteh Jung into a partial confession. On his testimony Hurnam Singh, a Jât of the Puttiala territory, near Thaney-sur, was seized, and also Roopa, his mother. Hernam declares that he was confined at Futteh Jung's quarters in the city. A tent peg was driven into his anus, and eventually he was sent to hospital; he was never confronted with his accuser, nor was his defence even taken. I found him in the gaol hospital, and he appears a young Jât with a countenance that does not indicate crime. There is no proof against him.

18. His mother, Roopa, states that Futteh Jung and Alla Buksh, and a third man, seized her at her home in Puttiala, and wanted to strip her. They placed her under an August sun, and gave her nothing to drink. Futteh Jung tied a bag of filth over her mouth and nose, and endeavoured to get her to confess. Roopa also declares that her house at Puttiala was dug down in the search for stolen property, none of which was discovered. Money found concealed there belonging to herself was appropriated by Futteh Jung.

19. Boodh Sing, Jât, made a partial confession in this case. He declares it was extorted from him by false representations and torture. His statement is that Kheema, an informer, and Sheik Chund, a burkundaz in disguise, came to his house. She entertained them. A month after Futteh Jung came to his village, placed a guard round his house, dug up the floors and walls, and destroyed it. He himself was absent, but was seized shortly afterwards. Red pepper was stuffed in his nose and a peg driven into his anus. In his agony he was induced to make a false confession. He has been under confinement since 27th July, but no order has been passed in his case. He lent out money to his neighbour, and the list of his debtors was seized by Futteh Jung, who realized and appropriated the money.

20. The two men who confessed partially have had their statements taken down. The other four were cast into prison; they have never seen their accusers, nor have their defences been written. They do not all state that they were tortured; Hernam Sing and Roopa state that torture was employed against them in vain; the other two simply state that they were arrested, the reasons thereof know not.

21. I found two men under arrest on a charge of highway robbery, value 48 rupees; there is no proof whatever against them. The extra assistant recommended their release on the 29th October last, but they are still in custody.

22. There were two persons seized by Ahmed Yar Khan, of the same party as Futteh Jung; their offence is alleged bad livelihood. Ahmud Yar is not a police officer; he holds an unauthorized appointment as "provider of supplies" to troops marching; he seized these two men on 12th October last, a month ago; they are in strict arrest; no proof has appeared against them, and their defence has not been taken.

23. I found also four men arrested since 7th August last, at the instance of an informer called Mootsuddie, on the charge of false coining; there is no proof

whatever against them, and no defences have been recorded, although these men have been under arrest three months.

24. There are other instances of injudicious arrests and illegal treatment among the persons in the Hawalut, but I have noticed only those cases in which mention was made of Futteh Jung and Ahmud Yar Khan, or in which the circumstances were more flagrant than in others.

25. There were six men in the Hawalut at the city Kotwallee. Some of these have been there several weeks, none less than 20 days, and their defence had not been recorded.

26. While I was visiting the gaol four men complained to me of Futteh Jung and Ahmud Yar Khan, and I took their depositions; they are imprisoned for no specific crime, but for alleged bad livelihood. Two of these men are subjects of foreign states arrested by Futteh Jung; and a third is a resident of Dhurm Kote, Zillah Ferozpoor. Their arrest and confinement in the Loodianah gaol on such charges is unjustifiable.

27. Futteh Jung and Ahmud Yar appear to have had a commission to rove in foreign territory. They were at Maleir Kotta, Puttialih, and Nabha, at different periods from last January till the present time. Futteh Jung is perwanah navees in the Fouzdarry office. Ahmud Yar was specially employed in the Koop robbery case on your recommendation, suggesting that a special party should be deputed to investigate the particulars of this crime. No clue whatever has been obtained, and the establishment sanctioned was discharged on the 30th September last; subsequent arrests made by Ahmud Yar were entirely illegal, as he had no police powers whatever.

28. These are the particulars of the cases represented to the Chief Commissioner, in which these men have been employed. Allowing for some exaggeration, I feel convinced that Futteh Jung Khan has held almost unlimited power, which he has grossly and most cruelly abused. Holding a subordinate appointment in the Fouzdarry office, he has been commissioned by Mr. Brereton to investigate crimes, with permission almost to do what he liked, to go where he pleased, and to arrest any one upon whom his suspicion might fall; he has also been allowed to hold a separate court as it were; prisoners have been kept for weeks at his quarters, and as he was directly interested in eliciting confessions, I most firmly believe that he exercised great oppression for this object, particularly in the instance of the zemindars of Kuneitch; I am convinced that the wounds their bodies show were caused by the torture he applied.

29. During his long sojourns in foreign territory it is reasonable to suppose, as alleged by the victims, that such a man, armed with such power, committed many atrocities and levied much money. The chiefs themselves did not complain; it is not etiquette to mention such matters, and oppression might proceed to almost any length before the Commissioner would hear of it from the chiefs themselves.

30. I have taken Futteh Jung Khan's defence, and with regard to the testimony given by the shroffs, Deedar Sing and Lukha Singh, and Sirdar Chummun Singh of Kuneitch, as well as the evidence of the zemindars and others, supported by the letter of Dr. Piethall, the civil surgeon, I am of opinion that the crime of torturing and maltreating Dittoo and Ram Ditta, Jats of Kuneitch, is fully proved. I would inflict a severe punishment upon this man, and recommend that he be sentenced to four years' imprisonment with labour and irons.

31. Futteh Jung Khan entered the district with Mr. Brereton; he had accompanied him for some years; he is own brother to Moosahib Khan, and is a villain of the deepest dye.

32. Ahmud Yar Khan is one of the same clique, but he is no relation to the other two; there are complaints against him, but he appears to be milder and more humane than Futteh Jung; I have no doubt that he has extorted much money in his long forays into foreign territory; but he was not so active nor so cruel in torture as Futteh Jung; he should simply be dismissed from employ, a light punishment for the numerous crimes he has doubtless committed.

33. There

33. There is a third brother, Kuramut Khan, a mohurrir, in the city Kotwallee; there is nothing against him except that he is one of the faction of which his brothers, Moosahib Khan and Futeh Jung Khan, are at the head; I think his employment in this zillah under Mr. Brereton would not be judicious.

34. The antecedents of Moosahib Khan are as follows:—He was the jemadar of a police-station in Mynpoorie when Mr. Brereton was Assistant in that district to Mr. C. Raikes; he followed Mr. Brereton to Lahore, and became a thanahdar; when Mr. Brereton went to Jullunder, Moosahib Khan accompanied him; when Mr. Brereton was removed to Umballah, Moosahib Khan went there also; in short, wherever Mr. Brereton has gone, Moosahib Khan has followed him, to Sealkote, to Murree, and finally to Loodianah.

A. D. 1848

35. At Lahore, Jullunder and Umballah, complaints were preferred against him. He may be, and is, I believe, a good police officer, but he is cruel and harsh in temper. He has earned credit by the capture of Ichhur Singh, the Wuzeer of Juswan, who escaped from the Jullunder gaol, and he possesses some good testimonials as to his value as a police officer; but all his experience lies in the criminal department; he is not fitted to be a tehsildar, nor indeed to hold employment under Mr. Brereton. Under any other master he would probably render good service as a thanahdar or darogah of a gaol; I would rather see him in the last capacity. I have not confirmed his appointment as tehseeldar, nor do I intend to do so, now that I know his history. The correspondence that has passed in his case is submitted for the information of the Chief Commissioner.

36. There have been many complaints preferred against Moosaheb Khan for the surveillance he has imposed upon certain villages in his jurisdiction, supposed to have a bad name. The means employed to prevent the occurrence of crime are very harsh, and the remedy appears far worse than the evil. A burkundaz is stationed in every suspected village; he is ordered to assemble every man, woman, and child residing therein three times a day. A fourth "parade," as the people call it, is taken about 11 at night; any person found absent from these roll-calls is fined two rupees, ten annas, and on a repetition of the offence, he is fined 25 rupees. Moosaheb Khan admits the truth of this account, and gives as his authority the verbal orders of the Deputy Commissioner. He states that on the second offence, not a fine, but a recognizance of 25 rupees is taken. If so, the first fault is punished more severely than the second, which seems unlikely.

37. These villages are inhabited by a race called Harnees, and one or two by communities of men called Rajpoots. They are the proprietors of mouzahs paying revenue to Government, and as far as I know, bear a terrible character. Many of them are in the service of the Raja of Kupoorhulla, and hold high rank on his establishment.

38. Admitting, however, that the race generally is predatory, I think so indiscriminate and severe a system as that enforced by Mr. Brereton and Moosaheb Khan is quite indefensible; a people might be driven into rebellion by measures like these. Harnees, like other men, have legitimate calls upon their time which oblige them to leave their homes; to interdict them, and to deprive them entirely of their liberty is a measure far exceeding the exigencies of the case. Besides, to place a single burkundaz in that position, with leave to compel the attendance of every soul four times within 24 hours, is to give him a license to bully, extort, and plunder at his discretion.

39. Mr. Brereton is actuated by undoubted zeal; he pursues a system which he thinks will suppress crime, and be formidable only to the worst of mankind. But his judgment is entirely defective. In order to punish and prevent crime, he creates a hundred evils, which in my opinion cause more mischief than the offences he would put down. In his pursuit after the dacoits of the Koop robbery he has seized numerous persons quite innocent of the crime. He has allowed men like Futeh Jung to roam over the Protected States without control; he has alarmed the respectable section of the people by the injudicious and causeless searches he has instituted for stolen property; and lastly, he has been entirely deceived in the character of his agents, who have robbed, and tortured, and bullied guiltless men in his name.

Punjab.

40. Another phase in Mr. Brereton's system is, his dependence upon spies. To hear Mr. Brereton himself speak on the subject, one is impressed with a belief that he is fully aware of the abuses and evils to which a reliance on such sources will lead. Yet he has three informers constantly about him. I may say they are domesticated in his house; they live in his compound, and act occasionally as private servants. Their names are Mootsuddie, Shurfoo, and Jowahir. Mootsuddie has seized several persons, and many unjustly; he has received rewards, and all three draw fixed salaries from Government. They are souars, and I believe, coiners of false coin; they should be remanded to the Thuggie department, and removed from this district without loss of time. I have heard numerous complaints against these men, and especially against Mootsuddie.

41. I have now finished my report; I have entered into full details, because I think the accusations were serious, and the mischief which has already occurred is deplorable; I have endeavoured to give a complete account, omitting nothing, and I believe exaggerating nothing. The duty has been unpleasant, but I have not shrunk from examining and reporting every objectionable feature of the administration which came to my notice. I have regarded this report as a confidential one, and I have told Mr. Brereton that, if necessary, the Chief Commissioner will call upon him for an explanation.

42. I forgot to mention in the body of the letter, that no less than 80 men have been apprehended since the commencement of the year on the charge of "budmashee." Of these, 30 have given in their sureties, and have been allowed to return to their houses, but 50 men still remain in gaol on this charge; I am engaged in looking over the records of their cases. In many instances I have found that the accused have been thrown into gaol on the bare report of the thannahdar. There is no proof whatever against them, and yet they have been imprisoned in default of heavy security, far beyond their means, for one year. They are all in irons, although the law as construed by the Sudr Nizamut expressly forbids this aggravation of their punishment.

43. In the neighbouring zillah of Ferozpoor, with the same aggregate of prisoners, and within the same time, viz., 1st January to 31st October, with much the same population and the same amount of crime, the district officer has arrested only five men; and yet in Loodianah 80 men have been seized.

44. This fact alone indicates the indiscriminate severity with which Mr. Brereton employs the means at his disposal for the criminal administration of his district.

I have, &c.

(signed) *G. C. Barnes,*
Commissioner and Superintendent,
Cis-Sutlej States.

Moosabel Khan, Futteh Jung, and Ahmed Yar, have been removed by me from employ; pending the orders of superior authority, I have directed them to attend my camp.

(signed) *G. C. Barnes,*
Commissioner.

MINUTE by the Most Noble the Governor-General.

Case of
Mr. Brereton,
Deputy Commis-
sioner.

1 I HAVE read the whole of these voluminous papers, with the attention which is specially called for when the official character and prospects of a public officer, as well as the interests of a considerable portion of the public, are involved.

2. The facts are very fully and correctly stated in the Secretary's note. They need not be again recited in this minute.

3. The Chief Commissioner thus states the nature of the misconduct with which Mr. Brereton has been charged. The Report of the Commissioner, he says, has shown "that certain native employes, not holding regular offices, had been

been commissioned, without written orders or directions, or formal responsibility, or any check whatever, to prefer charges, to procure evidence, to make arrests, to search houses, to seize property, to retain persons for long periods in close custody; in short, to hold a separate criminal court, and to exercise magisterial power, while ranging through both the Loodhianah district, and the neighbouring native states; it showed that these men abused their irregular trust in each and all of the proceedings above enumerated, and that in many cases they inflicted cruel torture; it showed that in matters under the immediate cognizance or direction of the Deputy Commissioner himself, that houses of wealthy citizens had been causelessly searched; that property seized on such occasions, though neither claimed nor identified, was detained for lengthened periods; that many parties were thrown into prison, and lay there for weeks, without charges being exhibited against them, and without their defence being taken; and that the laws relating to security for bad character had been applied with sweeping and indiscriminating severity; lastly, it showed that the Deputy Commissioner had been followed about from district to district by certain police officers and informers, whom he employed wherever he went, and that these men had been the main authors of the recent mischief."

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4. The Chief Commissioner and all the local authorities consider that these charges have been completely proved. Mr. Brereton himself does not dispute the accuracy of the main facts which have been alleged against him. But he has made a very full statement and explanation in defence of his conduct.

5. I am bound to say that his statement, while it affords a full explanation of his conduct, has neither justified nor extenuated it in my eyes.

6. The Chief Commissioner submits, that "when great faults are clearly brought home to an officer, some example is called for to vindicate the administration before the people, and to preserve it pure from the like scandal hereafter."

Para. 6.

I think these views are well founded; and I am compelled to pronounce, with pain, that I think a severe example ought to be made in the case of Mr. Brereton.

7. The Chief Commissioner has suggested no specific measure; but he casually hints that he wishes that Mr. Brereton should no longer be employed in the Punjab.

I cannot accede to this wish. The faults and irregularities of Mr. Brereton have no peculiar heinousness in the Punjab. They would be open to the same degree of objection if committed anywhere else in the Indian territories. If Mr. Brereton is unfit to be employed in the Punjab, he is equally unfit to be employed in the North-West Provinces. I should object to his being sent back to those provinces. I do not consider it fit that the rest of the Presidency of Bengal should be used as a preserve whence very many of the best men have been drafted to the Punjab, and that it should be made use of also as a penal district, to which every offending officer in the Punjab should be immediately transferred.

8. It is necessary, therefore, to consider what measure should be adopted in this case.

On the one hand, Mr. Brereton's superiors testify that he is an active and zealous magistrate; that his services in the Thuggee department in the Punjab have been valuable, and that his motives have been good.

On the other hand we have irrefragable proof,—proof, indeed, undisputed by Mr. Brereton himself,—that that officer has been guilty of each item in the heavy catalogue of irregularities and illegalities with which the Chief Commissioner has charged him, and which have brought disgrace on one portion of the British administration, and have subjected a large number of British subjects to gross injustice, to arbitrary imprisonment, and cruel torture.

9. I am most ready to set off Mr. Brereton's services against his faults. But I feel that reprimand and warning would be all too light for such grave faults as have been proved against him, even if we were not told by the Chief Commissioner that warning had already been tried in vain.

Para. 15.

10. I am of opinion that the Government of India, consistently with a due regard to its own character, and to the protection which it owes to those who are placed

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placed under its charge, cannot consent to leave in Mr. Brereton's hands the power which he has so grievously abused. I am of opinion that Mr. Brereton cannot, for the present, be fitly entrusted with the authority of a Deputy Commissioner; that he ought to be removed from that grade to the grade of a first-class Assistant; and that he ought not to be restored to the grade of a Deputy Commissioner, or to any corresponding authority, until his conduct shall have satisfied his superiors that he better appreciates the responsibilities of a British officer in this country, and can better use the civil powers with which he has heretofore been entrusted.

I think Mr. Brereton should in no case be employed again in the district of Loodiana.

I think that, as the result of the inquiry regarding him has been unfavourable, he should have no higher allowances during his suspension than any other officer suspended from office.

I think, too, that Mr. Brereton should be warned that any future complaints of similar misconduct on his part, if they shall be proved against him, will subject him to entire suspension, and to a submission of his case to the Honourable Court of Directors.

11. Compensation may with propriety be given by the Government to those who were subjected to torture. I do not think it can be extended further.

12. The man, Futteh Jung Khan, should be sentenced to the severest punishment which the law will warrant in his case.

13. I wish that these views of mine should be transmitted for the consideration of the President in Council, by whom the case will, no doubt, be finally disposed of.

(signed) Dalhousie.

2 April 1855.

Judicial Department, 13 May (No. 22) 1856.

Our Governor-General of India in Council.

Mr. Henry Brereton's removal from the office of Deputy Commissioner of Loodiana.

PARA. 1. IN your letter in the Foreign Department, dated 22d December (No. 67) 1855, paras. 45 to 59, you have explained the circumstances under which Mr. Henry Brereton has been removed from the situation of Deputy Commissioner of the Loodiana district of the Cis-Sutlej States.

2. This painful case was fully reported by the Chief Commissioner, and still more so by Mr. Barnes, the local Commissioner, and their reports were accompanied by the defence which Mr. Brereton had submitted. The whole papers were referred by you to the Governor-general at Ootacamund, and the minute recorded by his Lordship was embodied in your decision communicated to the Chief Commissioner.

3. The following is extracted from Lord Dalhousie's Minute: "The Chief Commissioner thus states the nature of the misconduct with which Mr. Brereton has been charged. The report of the Commissioner, he says, has shown, 'that certain native employes, not holding regular offices, had been commissioned, without written orders or direction, or formal responsibility, or any check whatever, to prefer charges, to procure evidence, to make arrests, to search houses, to seize property, to retain persons for long periods in close custody; in short to hold a separate criminal court, and to exercise magisterial power, while ranging through both the Loodiana district and the neighbouring native states. It showed that these men abused their irregular trust in each and all of the proceedings above enumerated, and that in many cases they inflicted cruel torture; it showed, that in matters under the immediate cognizance or direction of the Deputy Commissioner himself, that houses of wealthy citizens had been causelessly searched, that property seized on such occasions, though neither claimed nor identified, was detained for lengthened periods; that many parties were thrown into prison, and lay there for weeks, without charges being exhibited against them, and without their defence being taken; and that the laws

laws relating to security for bad character had been applied with sweeping and indiscriminating severity; lastly, it showed that the Deputy Commissioner had been followed about from district to district by certain police officers and informers, whom he employed, wherever he went, and that these men had been the main authors of the recent mischief.

"The Chief Commissioner and all the local authorities consider that these charges have been completely proved. Mr. Brereton himself does not dispute the accuracy of the main facts which have been alleged against him. But he has made a very full statement and explanation in defence of his conduct.

"I am bound to say that his statement, while it affords a full explanation of his conduct, has neither justified nor extenuated it in my eyes."

4. We entirely coincide in that opinion, and we approve of the decision adopted by you on the recommendation of the Governor-general. Mr. Brereton has accordingly been removed from the situation of Deputy Commissioner to that of an Assistant, and is not to be promoted until his superiors are satisfied of his being fit to be entrusted with higher authority.

5. We have hesitated whether official misconduct so glaring, and the cause of so much injury and suffering, ought to be visited with a punishment less severe than dismissal from the public service.

6. Mr. Brereton's superiors acquit him of any knowledge of the cruelties which were inflicted by the worthless agents whom he employed. We observe his assurance, "So utterly was I in ignorance of the truth, that, even to the last, I could not realize the fact that any atrocities had been committed. When the veil was once lifted from my eyes, I perceived at once the whole occurrence, and need hardly observe the distress of mind and horror which I have suffered at the bare thought of being, however unconsciously, the cause of misery to others." And again, "Cruelty and abuse of power are utterly abhorrent to my nature and principles as a Christian gentleman, and the severest pang of all is, the thought that, by any error of judgment, injustice and misery have been brought on others. Your own heart will confirm this, and bear me witness that my motives have throughout been those of zealous duty. The deep contrition that I feel for errors and irregularities and their consequences is almost a sufficient guarantee that, if my life is spared, such mistakes shall not occur again."

7. However much, therefore, Mr. Brereton is to be condemned for acts in excess and in abuse of legal authority, both on his own part and on that of the unprincipled agents in whom he placed a blind and unlimited confidence, we are nevertheless persuaded that he fully participates in the abhorrence with which acts of wilful cruelty and oppression are regarded by the European officers of Government in India. Under this impression, we are induced to refrain from carrying the punishment of Mr. Brereton's misconduct further than you have done. We desire, however, that you will inform Mr. Brereton that any similar misconduct will result in his immediate dismissal from the public service.

8. We are under the necessity of drawing attention to a point of importance which has escaped your notice. A note, appended by Mr. Barnes, the Commissioner, to the 22d paragraph of Mr. Brereton's defence, is thus expressed: "These two men,* who were so severely maltreated by Futteh Jung as to render medical aid necessary for their recovery, were sent not to the gaol hospital, but to a secluded room in a corner of the gaol. They were under treatment from the 6th May till the 4th and 16th July, two months. They were sent without orders, admitted and released not only without orders, but without the knowledge of Mr. Brereton, as stated by himself." These facts are certified by Mr. Piethall, the civil surgeon, and Mr. Barnes saw the two men, with large scars, the effect of recent wounds. Yet Mr. Brereton asserts that, though these men were attended by the civil surgeon and the native doctor, he had never heard a word on the subject. We presume that the medical officer must have inquired of his patients by what means their wounds were incurred, and must have been able to judge whether they had been inflicted by means of torture. If he arrived at that conclusion, we are wholly unable to acquit him of a most culpable failure in his duty, for not having instantly brought the fact to the Deputy Commis-

* By name Ra Ditta and Dittu

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sioner's notice. We desire that there may be a formal inquiry into the conduct of both the native doctor and the civil surgeon, and likewise of those persons who were responsible for the prisoners being placed in a private room instead of the ordinary gaol hospital.

9. We shall expect to hear from you what punishment was inflicted upon Futteh Jung.

We are, &c.
(signed) *W. H. Sykes,*
R. D. Mangles,
&c. &c.

London, 13 May 1856.

(No. 3 of 1857).

Fort William, Foreign Department, 8 January 1857.

To the Honourable the Court of Directors of the East India Company.

Honourable Sirs,

WITH reference to your Honourable Court's despatch in the Judicial Department, dated 13th May, No. 22 of 1856, respecting Mr. Brereton's removal from the office of Deputy Commissioner of the Loodiana district of the Cis-Sutlej states, we have the honour to transmit copies of the correspondence with the Chief Commissioner of the Punjab; noted on the margin,* and to submit our opinion that the explanations furnished are sufficient, and that nothing more need be done in the matter.

We have, &c.
(signed) *Canning.*
J. Dorin.
J. Low.
J. P. Grant
B. Peacock.

Fort William, 8 January 1857.

(No. 633.)

LETTER from *R. Temple, Esq.*, Secretary to the Chief Commissioner for the Punjab, to *G. F. Edmonstone, Esq.*, Secretary to the Government of India, Foreign Department, Fort William.

Judicial.

Sir,
In reference to the concluding portion of the despatch of the Honourable Court of Directors, regarding the case of Mr. H. Brereton at Loodianah, I am directed to forward extract para. 1 of a letter, No. 66 of the 20th April 1855, from the Commissioner Cis-Sutlej States to the address of the Judicial Commissioner, from which it will be observed that Futteh Jung has been sentenced to imprisonment for eight years, with labour and in irons. One of the subordinate agents of Futteh Jung, viz., Allah Buksh, eluded arrest, and has not been yet seized; against another, named Ahmud Yar, no direct participation in torture or extortion was proved; and Kinamut Allee and Moosahib Khan have been declared ineligible for further service.

2. The inquiry directed in the 8th paragraph of the Honourable Court's despatch has been directed to be made by the Cis-Sutlej Commissioner, and the result thereof will be communicated to you hereafter.

I have, &c.
(signed) *R. Temple,*
Secretary to the Chief Commissioner.

Lahore, 4 September 1856.

* To Chief Commissioner, dated 1 August 1856; from Chief Commissioner, dated 4 September 1856; from Chief Commissioner, dated 17 November 1856.

(No. 300.)

LETTER from *G. Campbell, Esq.*, Officiating Commissioner and Superintendent, Cis-Sutlej States, to Captain *H. R. James*, Officiating Secretary to the Chief Commissioner for the Punjab.

Punjab.

No. 4767.

Sir,

Camp Umballa, 8 November 1856.

Judicial.

WITH reference to your letter No. 462, of 4th September, and enclosed copy of orders of the Court of Directors, directing inquiry in a case which occurred at Loodiana in the time of Mr. H. Brereton, late Deputy Commissioner, I have the honour to annex a copy of a report of inquiry made by the officiating Deputy Commissioner under my instructions, and to state, that as Mr. Thompson seems to have well and sufficiently inquired into the matter as far as is now possible, I do not delay to report the result.

2. The pith of the civil surgeon's explanation lies on the simple fact that he had been barely two months in India, and did not understand the language; and as I believe that no linguistic qualifications are required of medical officers on their first appointment, I think that Dr. Piethall may well be exonerated from blame. It will be observed, that he says that he saw and attempted to question the men, but did not discover the cause of their wounds; and consequently did not communicate it to the Deputy Commissioner.

3. The explanations of the gaol darogha and native doctor are much less satisfactory. They admit that they knew the men to be irregularly confined, and the native doctor attended them; and though they deny all knowledge of the cause of the wounds, it is very difficult to believe they were altogether free from any knowledge or suspicion of the truth. Considering, however, the subordinate position of these officials, the time that has elapsed, and the peculiar circumstances of the case, the men having been confined by the direction of a person supposed to enjoy the confidence of the district officer, I do not think that it would be desirable at this time to visit upon them the punishment of concealment of this case, though they may, with advantage, be warned of the personal responsibility which will be attached to them if they in future fail in their strict duty. The case of the gaol darogha may be separately dealt with as regards his general inefficiency. The native doctor is an old, and, in most respects, a very efficient servant, whose general services we could exceedingly ill spare.

I have, &c.

(signed) *G. Campbell,*

Off^r Comm^r and Superintendent, Cis-Sutlej States.

EXTRACT Judicial Letter to India.

66. In our despatch, dated 13th May (No. 22) 1856, we directed "a formal inquiry into the conduct of both the native doctor and the civil surgeon, and likewise of those persons who were responsible for the prisoners being placed in a private room, instead of the ordinary gaol hospital." We further inquired what punishment had been inflicted upon Futteh Jung, the person chiefly implicated in the case of torture, brought to our notice in the papers to which our above-mentioned despatch was a reply.

Foreign letter, dated 8th January (No. 3) 1857. (1.) Reply to Court's despatch, dated 13th May (No. 22) 1856, respecting Mr. H. Brereton's removal from the office of Deputy Commissioner of the Loodiana District of the Cis-Sutlej States. The explanations furnished considered sufficient.

67. We are now informed that the civil surgeon, who had recently arrived in the country, and did not know the language, was unable to converse with the men who had been tortured, and that the native doctor and gaol darogha could not ascertain from them the cause of their wounds. The Chief Commissioner of the Punjab "is of opinion that these two officers only acted as almost all others would have done in their position, and he would certainly deprecate their being now punished;" and you add the expression of your own opinion, that the explanations furnished are sufficient, and that nothing more need be done in the matter.

Punjab.

68. Under the explanations now submitted, it appears that the faults and failures to which we previously adverted are to be attributed less to individuals than to a system which admits of the appointment to the charge of a gaol hospital of a medical man who is unable to converse with his patients. We desired that this subject may receive your attention.

69. We are glad to find that the delinquent Futteh Jung has been sentenced to eight years' imprisonment, with labour in irons.

70. We conclude that the case of the gaol dorogah, who is reported as generally unfit for the post he holds, has been separately disposed of.

Fort St. George.

FORT ST. GEORGE.

— No. 1. —

CORRESPONDENCE RELATIVE TO THE AMENDMENT OF THE LAW REGARDING ABUSE OF AUTHORITY BY PUBLIC SERVANTS.

EXTRACT Public Letter from Fort St. George, dated 29 December (No. 43) 1855.

7. A COPY of this despatch has been furnished to each of the late Commissioners appointed for investigating the alleged resort to torture in revenue and police cases.*

In Jud. Cons.
14 November 1855.

8. With reference to paras. 9 and 10, we transmit copy of the letter from the Advocate-general, dated the 21st September 1855, and beg to inform your Honourable Court that, under the considerations submitted by that officer and by the Government pleader, we have acquiesced in their suggestion that the preparation of a draft Act of the tenor referred to, should for the present be suspended. We may add, that the state of the existing law for punishing malversation on the part of revenue servants is one of the subjects that are now occupying the attention of Mr. H. Stokes.

9. In advertence to paras. 11, 12, and 13, your Honourable Court will have been informed, by our despatch in the Revenue Department, dated 25th September, No. 42, of 1855, and by the despatch in the Judicial Department, 20th October, No. 32, of 1855, that applications have been made, under dates 13th and 14th August 1855, to the supreme Government in respect to the large employment in the Madras Presidency of uncovenanted agency, and the improvement of the Police Department.

10. We beg to refer your Honourable Court on the subject of p. 14 to the instructions† issued by us for the reduction of excessive assessment throughout the Presidency generally; as also to the special measures which have been and are being carried out in the districts of North and South Arcot, the dry lands of Trichinopoly, and the well lands of Coimbatore.

11. A copy of para. 15 had been furnished to the Court of Foujdaree Udalt, and to the Government pleader; and they have been requested to give their opinion upon the change in the law suggested by your Honourable Court.

12. The Court of Foujdarry Udalt have been furnished with a copy of para. 16, for communication to all judicial officers and magistrates, who are to be required to report to them, for the purpose of being submitted to us, all cases from time to time occurring of the nature alluded to by your Honourable Court.

* Letter dated 21st September, No. 44, of 1855; Court's observations in the Report of the Commissioners appointed to investigate alleged cases of torture in revenue and police cases.

† Extracts Mins. Cons., 10th July 1854; Extracts Mins. Cons., 23d April 1855 (vide printed selections forwarded with letter to the Secretary, East India House, 20th July 1855); Extracts Mins. Cons., 26th June and 8th August 1854, reported in Revenue Despatch, 17th October, No. 55, of 1854; Extracts Mins. Cons., 6th October 1854, reported in Revenue Despatch, 23d March, No. 14, of 1855, p. 13; Extracts Mins. Cons., 9th November 1855.

Judicial Department, 10 September (No. 14) 1856.

Our Governor in Council at Fort St. George.

1. We proceed to reply to the paragraphs noted in the margin.*

2. In para. 8 you inform us that, under the considerations submitted by the Advocate-general and by the Government pleader, you have acquiesced in their suggestion that the preparation of a draft Act for the amendment of the law regarding the abuse of authority by public servants should for the present be suspended.

Reply to Public Letter, 29th Dec. (No. 43) 1855, paras. 7 to 12. Amendment of the law regarding abuse of authority by public servants.

3. The considerations urged by the Advocate-general are twofold; 1st, as they relate to the agency by which any new legislative measure must be worked; and, 2dly, to the subject-matter of such measure.

4. Under the first head the Advocate-general observes, that the Mofussil police are "both revenue and criminal police," and that, in order to inspire confidence among the people, it is necessary that any Act on the subject that might be passed by the legislature should be worked, and especially first set in motion, by persons other than members of the very class whom it would be the design of the Act to restrain and punish. He thinks that to compel complainants against native revenue officers to lay their complaints before a "revenue magistrate," is not the course most likely to inspire confidence; and he shows that, for the reasons stated in the fourth paragraph of his letter of the 21st September 1855, it would be impracticable to commit the working of the Act to the courts of the subordinate Judges and principal Sudder Ameeris.

5. Under the second head, the Advocate-general states that the draft Act prepared by him, except as to more fulness of detail, greater severity of punishment, and provision for false and malicious accusations, is very little in advance of Regulation III. of 1819, which is a regulation to provide more effectually for the punishment of extortion, oppression, or other abuse of authority, on the part of native officers of police, and he suggests whether the subject of the proposed Act is not peculiarly one that should be embodied in the forthcoming new penal code.

6. We cannot concur with you that, for the reasons stated by the Advocate-general, the preparation of a draft Act of the tenor referred to should be suspended.

7. We are aware that great changes are required in the entire system of revenue and police administration in your Presidency; but we are not prepared to concede the position that nothing is to be done in the way of legislation to put a stop to the abuses and cruelties which have been brought to light until measures which must necessarily take a considerable time to organize and arrange, shall be carried into effect.

8. To admit to its full extent the cogency of the considerations urged by the Advocate-general, in their hearing upon the existing agency employed in the administration of criminal justice in the Madras Presidency, is to admit that to whatever length the abuse of authority by public servants may be carried, redress is all but hopeless, and prevention all but impossible. We fully recognize the extreme difficulty of working with efficiency any new law of the nature adverted to by means of the members of the body whom it is intended to restrain and punish, and we think, with the Advocate-general, that it would be inconsistent with the constitution and procedure of the courts of the subordinate Judges and principal Sudder Ameeris to commit to them the investigation of the cases contemplated by the proposed law. But we fear that the people entertain the opinion that the Government is not thoroughly in earnest in its determination to put a stop to the abuse of authority by its native servants. We believe, however, that

* Public letter, 29th December (No. 43) 1855 (para. 7 to 12); correspondence relative to the amendment of the law regarding abuse of authority by public servants.

that where the character of the magistrate and collector is such as it ought to be, those who have been subjected to maltreatment will feel confidence of redress and protection, from their intimate knowledge that the officer to whom they complain is thoroughly conversant with all their relations to the native officers by whom they have been injured. We believe also that the people, if assured of being able to obtain a hearing from the European officer, and of his protection against the vengeance of the party complained of, will act upon their convictions. "All that the people at large seem to desire," say the Commissioners for the investigation of alleged cases of torture, "is, that the Europeans in their respective districts should themselves take up and investigate complaints brought before them: the distances which the natives will often travel at great personal loss and inconvenience to make complaints, even of a very petty nature, to the collector or sub-collector, is of itself a proof of the confidence which they place generally in those officers." The submission of the natives to the maltreatment to which they have been subjected, is to be accounted for by other causes besides want of confidence in the European magistrate, because he is also the collector; or in the collector, because he is also the magistrate. If the measures adopted be such as to afford them encouragement and protection in making known their grievances, the suppression of those grievances will to some extent have been effected; but for this end, legislative measures alone will not be sufficient. The English authorities must meet the complaints of the people half way, must be accessible at all times to such complaints, and must be jealously on their guard against any combination among their native officers to make common cause in extortion, or to shield those who have been guilty of acts of oppression or cruelty.

9. If, as we have a right to expect, such a course be steadily pursued, the fact of the magistrate being also the collector of the district need not stand in the way of immediate legislation upon this important subject.

10. With regard to the suggestion of the Advocate-general, that the subject of the proposed Act is peculiarly one that should be embodied in the forthcoming new penal code, we have to observe, that the penal code is in the hands of the Legislative Council of India, not in those of the Indian Law Commissioners. We think it probable that some of its provisions will meet cases of abuse of authority by public servants; but on this point it will be expedient that you put yourselves in communication with the Legislative Council.

11. We do not think, however, that the insertion of a clause in the penal code, defining the offence, and prescribing the penalty, is sufficient to meet the exigency of the case. It is not enough that the law on this point merely forms part of a general code; the evil is special and peculiar, the remedy must be the same, and the measures to be adopted must be pointed directly at the abuses which they are intended to repress.

12. A Commission was appointed to investigate the alleged use of torture in your Presidency; an Act was passed specially to facilitate its inquiries; its report shows the existence of such torture to an extent of which we were not aware, and which we deeply lament, and it is essential, in order to impress our native subjects with the conviction of our determination to put a stop to the abuses committed by our native officers, to take immediate and earnest steps for the repression of such practices. It is true that the court of the magistrate is now open to receive complaints, and that a Regulation (III. of 1819) is part of the statute law of your Presidency. The terms, however, employed in that Regulation, in describing the offences made punishable by it, do not convey the idea of such aggravated offences as those mentioned in the report of the Commission; its provisions are limited to offences committed by native officers of police; the small amount of punishment which it prescribes has no doubt led to the infliction of sentences often very inadequate to the offence, and the powers of summary trial and punishment conferred by it on the magistrate are much too restricted, and have been too often neglected.

13. On these grounds, therefore, as well as on those above specified, we are of opinion that there is a call for immediate legislation in the direction we have indicated; that in any Act that may be passed no attempt should be made to mitigate the character of the offence to be punished, or to qualify the terms in which

which it is described, and that the magistrate's powers of punishment should be so extended as to admit of his dealing summarily and effectually with all cases, except those which, from circumstances of aggravation, call for the intervention of a superior court. We believe that a new Act, although in reality not perhaps differing much from an old one, is yet likely to be carried out with much greater accuracy and effect. We cannot help repeating that this question has not till lately received from the authorities the consideration which it deserved, and we now insist upon their most earnest attention to the suppression of this crime, by the most effective means of punishment, until we can sufficiently consider a plan for an improvement of the administration which may effectually prevent its commission.

14. We therefore desire that you will again take the subject into your immediate consideration, with reference to the foregoing observations. We do not by any means intend to confine your exertions for the attainment of the object in view to such an Act as that now proposed; but, without diverting your mind from the question of separation of Police and Revenue, we intend you to show your determination to eradicate the evil, and to convince all persons in employment under you that such is your determination.

15. The remaining paragraphs do not appear to call for any remark at present.

We are, &c.

(signed) *W. H. Sykes.*
R. D. Mangles.
&c. &c.

London, 10 September 1856.

(No. 27.—Public Department.)

To the Honourable the Court of Directors of the East India Company.

Honourable Sirs,

WITH reference to the papers noted in the margin,* we do ourselves the honour to forward to your Honourable Court the accompanying copies of Minutes† that have been recorded by our President and by the Honourable Mr. Walter Elliot, respectively.

2. With reference to the concluding para. of our President's Minute, we have further to state, for the information of your Honourable Court, that we have directed our solicitor, in the absence of our Advocate-general, to prepare, for submission to the Legislative Council of India, the draft of an Act for the punishment of abuse of authority on the part of public servants in the police or revenue departments.

We have, &c.

(signed) *Harris.*
Walter Elliot.

Fort St. George, 11 September 1856.

MINUTE by the Right Honourable the Governor.

I BEG to call the attention of Government to the following extract from the report of his speech on the Indian Budget, delivered in the House of Commons by Mr. Vernon Smith, on the 21st of July last.

It has reference to the subject of torture. "His (Lord Harris's) opinion was, that

* Despatch, Public Department, No. 44, of 1855, 12th September, p. 9; to Honourable Court of Directors, 29th December 1855, p. 8; Despatch to Supreme Government, Legislative Department, No. 12, of 1855, 21st November.

† 4th and 7th September 1856; E. M. Cons., 9th September 1856, No. 1085; to the Secretary to the Government of India, 9th September 1856, No. 1086; from the magistrate of Malabar, 17th July 1855, No. 540; order thereon, 1st August 1855, No. 56; from the magistrate of Bellary, 21st August 1856, No. 1236.

that it to a great extent resulted from the high rate of assessments, and that a re-adjustment of assessment would get rid of it. That, however, must be a slow operation; but in the meantime Lord H. had set a careful watch upon this system, and was prepared to punish with the severest penalties (for there had undoubtedly been a want of severity in the penalties hitherto inflicted), and with dismissal from the service, of any person who was convicted of the infliction of torture."

"The Court of Directors, among other instructions, sent out an order that an Act should be passed for the enforcement of severe penalties for this offence. The law advisers thought that such an Act would be useless, and that the only way to suppress this evil was to separate the revenue from the police system. * * *

"He (Mr. Vernon Smith) could not help thinking that Lord Harris had not done right in omitting to pass the Act to which he had referred. * * * He could not help thinking that when Lord H. considered the matter, he would see that if no new Act were passed, the opinion would prevail, that as hitherto no notice had been taken of this system, so no attention was intended to be paid to it in future."

I assume that this report of Mr. Vernon Smith's speech is generally correct; at all events it is evident that it has gone forth to the world that the Court of Directors sent out an order that an Act should be passed for the enforcement of severe penalties for this offence, and that this Government has failed to fulfil those instructions.

I need hardly point out that this Government possesses no power to pass any Act whatever, but can only have one prepared to be sent up to the Legislative Council in Calcutta.

But I have to remark, that no instructions have been received from the Honourable Court to pass an Act of the description mentioned.

So far as I can discover, by reference to the public documents, what has occurred with respect to this subject is as follows:

1. The Commissioners for inquiring into the alleged use of torture in the Madras Presidency, sent in their report on the 16th of April 1855.

In para. 76 they say, "We could not but have our attention pointedly drawn to the state of the law under which such a condition of circumstances as that which the present investigation brings to light could continue to exist; and on this point it will be sufficient for us to state that it appears to us both circuitous in its procedure, and deficient in its provisions, for the prevention and punishment of personal violence illegally administered by an abuse of authority." We have collected the main provisions of the law on this subject, and we deem that we have sufficiently discharged our duty in drawing the attention of Government to its state as it stands, leaving such amendment or alteration, as may be thought expedient, to the better consideration of the Right honourable the Governor in Council."

2. This Government passed orders on this report on the 7th of June 1855, and the following paragraph, No. 21, shows their views on this subject:

"With regard to the remaining cause noticed by the Commissioners impeding the due suppression of Acts of extortion and oppression, viz., the vague and defective state of the law for the punishment of abuse of authority on the part of public servants entrusted with it, and its dilatory and circuitous action, the Right honourable the Governor in Council resolves to request the Advocate-general and the Government pleader to confer upon the subject, and to submit the draft of the Act which they would propose in amendment of the present law, to be applicable to all cases of abuse of authority committed by public servants, or parties assuming to act as such, and either in the police or in the revenue department."

3. On the 21st of September a letter was received by the Chief Secretary from the Advocate-general, in which he stated (to express his views shortly) that he and the Government pleader had in consultation found that grave difficulties existed as to the probability of drafting any Act which could be effective under present circumstances.

4. On the 14th of November the Government resolved, "That the Advocate-general and Government pleader should not for the present proceed further with the

the task of drafting a bill in amendment of the existing law regarding the abuse of authority of public servants."

Fort St.

5. On the 15th February 1856 this Government received a despatch from the Government of India, requesting "that, with reference to the 8th para of the despatch from the Right honourable the Governor in Council to the Honourable Court, No. 43, dated 27th ultimo, the circumstances under which the preparation of the draft Act, to prevent abuse of authority committed by public servants, either in the Revenue or Police Department, has been suspended, may be reported for the information of the Government of India," and also inquiring whether "the Right honourable the Governor in Council proposes to resume the consideration of the subject at any early or definite period."

6. To this an answer was given, dated 8th March last, to the effect that looking to the difficulties represented by the Advocate-general and the Government pleader, this Government was induced to postpone legislation until the revision of the revenue code should be completed, and until they were apprised of the sentiments of the Government of India with respect to the measures referred to them under dates the 13th and 14th of August last (1855) for the reform of the police, and for the introduction of uncovenanted agency.

7. Nothing further has transpired on this subject. It is apparent, I think, then, from this statement of facts, that this Government received no instructions to enact a law on this particular subject, but that the initiative was taken of its own free will, and that proceedings were stayed for a time solely with the expectation of being able at an early period to propose a thoroughly efficient law, instead of an incomplete one, which would give scarcely more power to Government than is at present possessed.

I should remark, that the Honourable Court, in their despatch of the 12th September 1855, on the subject of the Torture Commission, approved of the course which this Government had been reported to have adopted, viz., to have called on the Advocate-general for a draft Act; but this approval was not supposed, and does not in its terms in any way bar the discretionary judgment of this Government.

I do not wish to lay any great stress on the fact of not having received instructions; but still I think that it is only right and fair to this Government (for though I alone am individually alluded to in the report of Mr. Vernon Smith's speech, yet it is the action of this Government which is in question), that the circumstances should thus fully be narrated, because there is a wide difference between the position of a Government acting unreservedly on its own judgment, and that of its being limited by instructions from superior authority.

Under the circumstances in which this Government was placed in November last, when it decided on postponing the consideration of the proposed Act, I thought, and I am still of opinion, that it came to a sound judgment:

1st. Because it appears to me that additional legislation is inexpedient where power already exists when such legislation cannot be fully effective, and more especially when there are good grounds for supposing that a law more complete in all its bearings may in a short time be enacted.

Mr. Vernon Smith appears to think that the Regulations of 1816 and 1819 are in abeyance, and concludes that it would be more advisable to pass a new Act than to revive the old ones: he is reported to have said—

"It was true that by Regulations adopted so late as the years 1816 and 1819, very heavy penalties were imposed for acts of torture; but it was clear that these Regulations had never been enforced, and he thought that the passing of a new Act would have more effect than the renewal of the old ones."

There would appear to be some misconception respecting the Regulations in question, No. 17 of 1816, and No. 3 of 1819. They are not only not in abeyance, but in full operation, and constantly acted on. Indeed, it is only necessary to refer to Appendix (H.) of the Report of the Commissioners on the Torture Inquiry to show that this is the case.

A return is attached, showing the number of cases which have been tried under these Regulations, or in which, under other Acts, such as Act VIII, of 1843, the courts have entertained charges for abuse of authority, including the commission of torture for the years 1854, 1855, and the first seven months of 1856.

The existing system of police throughout the Madras Presidency was established by Regulation XI. of 1816, and it is in constant, it may be said in hourly operation.

2d. Because it was hoped that this Government would before this have been in a position to have drafted an efficient law on the subject. The revision of the revenue code is nearly complete, and favourable replies were anticipated, perhaps in too sanguine a mood, respecting the measures of police and the magistracy, which are alluded to in the letter to the Government of India of the 8th March last.

3d. Because it did appear to me most important, in a matter of such grave moment, that the action of Government should be simultaneous on all the points involved.

For, be it well remembered, that it was not only the prevention of a cruel practice which was under consideration, but the collection of the public revenue was concerned, and the tone and bearing of Government towards its native servants in a difficult crisis was involved.

It was right and proper, when the charges of the employment of torture were proclaimed, to institute a free and full investigation; I hold that it was the only safe course to pursue. But when the practices were exposed, and the remedies had to be sought, I hold that it was also the only safe course to go to the root of the disease, and to apply the proper remedies, if discovered, at once.

Now, what are the facts? The charges were brought home to the native officials in many instances; it was right they should be exposed, as a preventive not only to future malpractice, but also to that species of agitation which was endeavouring to charge the entire blame on the British Government, and the entire fault on British officers.

But how did these malpractices originate? and how was it they were permitted to continue?

With respect to the first question, it will hardly be contradicted, I imagine, that the practice of torture has existed in all countries in a barbarous or semi-civilised state of society, and, in accordance with this view, it has prevailed generally in India.

With respect to the second, the answer, I believe, is, that the facts of the case had hardly been fully realised; a heavy taxation had to be collected; the sale of lands was discouraged; the native officers were obliged to employ any pressure which would meet the difficulty; their combined duties of police and revenue induced habits which, looking at the circumstances of their position, were hardly to be avoided; and thus a system was in existence which undoubtedly called for reform.

But would the desired object be effected by heaping severe penalties on the officers of Government for their acts,—improper ones, no doubt, and unsanctioned, but still in some degree forced upon them in the performance of their duty? I certainly did think that it would not altogether become this Government to make its native officers, a numerous and influential body, containing some of the wealthiest and most respectable men in every province, the objects for increased censure, and the subjects of heavier penalties, without at the same time giving palpable evidence that they would be relieved from some of the difficulties with which their position was encumbered. I was of opinion that it would be more fitting the policy of a great Government, that a measure which should discourage every species of violence should be accompanied by the evidence of a publicly expressed disposition:

1st. To ameliorate the position of the tax-payers by a fresh survey and assessment. Mr. Vernon Smith is reported to have stated that the Government of India have approved of the measures proposed by this Government on the subject. I have heard privately that such is the case; but this Government has received no official communication to that effect.

2d. By diminishing the duties of the revenue officers by an increase of the magistrature, and a reorganization of the police.

Measures to effect this purpose have been proposed by this Government; but I fear, from the tenor of the Honourable Court's despatch, dated 23d of July 1856, Judicial Department, No. 12 of 1856, that they are indefinitely postponed.

3d. By

3d. By the concurrent passing of an Act for facilitating distraint both on the land and on personalty. An Act for this purpose, which has required time for full deliberation, is now in preparation.

Fort St. George.

These were my views, and these would still be my views, were the circumstances the same.

But it appears to be concluded that definite instructions to draft an Act have been received from the Honourable Court.

It appears also to be considered that the framing such an Act is the test of the earnestness of this Government in the abolition of torture.

I, therefore, think that there is now but one course to pursue, and that it is incumbent on this Government to direct a draft Act against the abuse of authority by public servants, to be framed by the Honourable Company's solicitor, and to be forwarded to the Legislative Member at Calcutta, in order that it may be passed into law.

(signed) Harris.

Government House, 4 September 1856.

(A.)

FORT ST. GEORGE.

STATEMENT of CHARGES against PUBLIC OFFICERS for TORTURE.

Officers, and the Regulations under which they acted.	PERIODS.	In extorting Confessions in Criminal Cases.							In realizing Revenue.							REMARKS.									
		No. of Cases.	No. of Persons.	Persons Acquitted.	Persons Fined.	Imprisonment.				No. of Cases.	No. of Persons.	Persons Acquitted.	Persons Fined.	Imprisonment.											
						Not exceeding One Month.	Not exceeding Two Months.	Not exceeding Three Months.	Not exceeding Six Months.					Not exceeding One Month.	Not exceeding Three Months.		Not exceeding Six Months.	Not exceeding 15 Months.							
Session Court	1856	1	2	2	-	-	-	-	-	2	5	-	-	-	-	-	-	-	-	-	-	-	-	No cases were tried before the Session Court in 1854 and 1855.	
Subordinate Courts, under Sect. 7, Reg. X. of 1816	1854	4	14	8	-	-	-	-	-	6	2	5	5	-	-	-	-	-	-	-	-	-	-		
	1855	10	21	15	-	-	-	-	-	1	5	5	5	2	2	-	-	-	-	-	-	-	-		
	up to July 1856	6	16	9	-	-	-	-	-	1	5	1	4	3	2	-	-	-	-	-	-	-	-		
Magistracy, under ditto, and Sect. 54, Act VII. of 1843	1854	7	14	5	-	1	1	5	2	-	-	-	-	-	-	-	-	-	-	-	-	-	-		
	1855	3	11	2	1	-	2	3	3	4	16	2	6	4	1	1	-	-	-	-	-	-	-		
	up to July 1856	5	21	5	-	-	-	8	8	1	2	2	2	4	1	-	-	-	-	-	-	-	-		
Ditto, under Sect. 32, Reg. IX. of 1816	1854	-	-	-	-	-	-	-	-	5	16	-	16	-	-	-	-	-	-	-	-	-	-		
	1855	2	5	3	2	-	-	-	-	6	10	1	9	-	-	-	-	-	-	-	-	-	-		
	up to June 1856	-	-	-	-	-	-	-	-	1	7	5	2	-	-	-	-	-	-	-	-	-	-		
Ditto, under Sect. 3, Regulation III. of 1819	1854	51	164	134	80	-	-	-	-	20	44	26	18	-	-	-	-	-	-	-	-	-	-		
	1855	48	203	191	12	-	-	-	-	46	119	103	16	-	-	-	-	-	-	-	-	-	-		
	up to June 1856	9	35	35	-	-	-	-	-	5	15	16	-	-	-	-	-	-	-	-	-	-	-		
TOTAL	- - -	148	506	409	45	1	4	22	25	98	248	161	73	4	1	5	2	2	-	-	-	-	-		

(signed) George, Register.

Although this return is headed "Torture," the laws under which the cases come are for abuse of authority by public servants. The punishments are light, not in consequence of the defect of the law, but from the difficulty of finding sufficient proof in the severe cases when they do occur.

It should be observed, that the extent of punishment which it is competent to the magistrate to inflict in such cases, is imprisonment for six months, with a fine of 200 rupees, commutable, if not paid, to a further period of imprisonment for six months.

This is the law.—*Vide* Sec. 54, Act VII. 1843, and Sec. 7, Reg. X. 1816.

MINUTE by the Honourable *Walter Elliot*, Esq.; dated 8 September 1856.

I HAVE read the Minute of the Right Honourable the President. It gives a clear and complete statement of all the proceedings of this Government in the matter of the report of the Torture Commission. I have only to express my entire concurrence in the views it contains.

I have no objection to the course proposed by his Lordship. But I must own that I do not expect any great advantage from the project of the law, for which application is to be made to the Legislative Council.

Of the complaints of abuse of authority and illegal violence received by the Torture Commission and referred to the local magistrates, and of those which have subsequently been brought to notice in the mofussil, amounting by the last return to about 90 cases, there has not been a single instance for the due disposal of which the existing law has been found insufficient. It is true a large proportion of the charges have been discovered to be groundless, but the number brought home by trustworthy evidence sufficed to test the efficiency of the existing law. I anticipate much greater advantage from the reform of the revenue laws, which has lately occupied so much of our attention. When the process of distraint and recovery has been simplified and rendered applicable to all cases of default, there will be less room for proceeding to illegal practices for collecting the public dues.

7 September 1856.

(signed) *Walter Elliot*.

(No. 1085.)

RESOLVED, That copies of the above Minutes be forwarded to the Honourable the Court of Directors and to the Government of India, by the next steamers.

2. Resolved also, That the Honourable Company's acting solicitor be requested to prepare for submission to the Legislative Council of India the draft of an Act for the punishment of abuse of authority on the part of public servants in the Police and Revenue departments. Mr. Boyson's attention will be given to the papers noted in the margin.* It is observed that a draft to the above effect was prepared by the Advocate-general, but not submitted to Government, for the reasons stated in his letter of 21st September last. If it be still on the records of his office, it might probably be referred to with advantage.

(No. 82.)

LETTER from *R. D. Parker*, Esq., Magistrate of Madura, to *T. Pycroft*, Esq., Chief Secretary to Government, Judicial Department, Fort St. George.

Sir,

UNDER the idea that some modifications of the law are under consideration, I have the honour to request that you will lay before the Right honourable the Governor in Council the enclosed statement of charges of abuse of authority by police officers, disposed of by the magistracy of Madura during the year 1854 and the first half of 1855.

2. The number dismissed will be seen to have been immense; and I have no doubt that a considerable proportion of them, besides those entered as false, were made without any foundation. This appears to me an evil of great magnitude. Not only are the persons accused put to much inconvenience, but the witnesses, composing a far greater number, are taken away from their homes and occupations without any advantage to compensate for the sacrifice; and their detention and

* Report of Commissioners for the Investigation of Alleged Cases of Torture in the Madras Presidency, 16 April 1855, p. 76; from Magistrate of Madura, 17 July 1855; from Magistrate of Bellary, 21 August 1856.

Fort St. George.

and length of journey are longer than in ordinary cases, because all charges against police officers are required to be examined by the European magistracy. It is certain that abuses of authority not unfrequently occur, which it is most desirable to investigate thoroughly, but nothing tends more to prevent the detection and punishment of real injustice and oppression than false and reckless accusations, which seem now to be much on the increase. Such charges spring from the very same spirit which prompts the native police officer to oppression, and are made, I have reason to believe, from the same motives. Bad and designing people incite others to make false complaints against the police, in order either to gratify revenge or to make them afraid to do their duty.

3. I would beg to recommend, as some check to the practice, that the power of punishment given to magistrates by section 35, Regulation IX. of 1816, for false petty complaints under sections 32 and 33 of the same Regulation, may be extended to false accusations under Regulation III. of 1819, the maximum period of imprisonment in lieu of fine being increased to one month.

4. The only present remedy is commitment for perjury; but to do this is generally useless, even when the falsehood of a charge is morally certain, inasmuch as it is nearly impossible in this country to prove a negative. Indictments for perjury are rarely successful, except where the party has given two contrary depositions on oath.

I have, &c.
(signed) R. D. Parker, Magistrate.

Madura, 17 July 1855.

STATEMENT of CASES of ABUSE of AUTHORITY disposed of by the Magistracy in 1854, and in the First Half Year of 1855.

1. YEAR.	2. AUTHORITIES.	3. Disposed of.		4. Furnished.		5. Committed to the Court.		6. Dismissed.		7. Cases of Column 6 Dismissed as false.	
		Cases.	Persons.	Cases.	Persons.	Cases.	Persons.	Cases.	Persons.	Cases.	Persons.
1854	Magistrate - - - -	4	11	1	1	1	4	2	6	-	-
	Joint Magistrate - - -	73	96	6	6	-	-	67	90	15	15
	Paumben Magistrate - -	4	24	-	-	4	24	-	-	-	-
	Head Assistant Magistrate -	3	3	1	1	-	-	2	2	-	-
	Assistant Magistrate - -	6	9	3	3	-	-	3	6	-	-
	TOTAL - - - -	90	143	11	11	5	28	74	104	15	15
First half year of 1855	Magistrate - - - -	6	10	1	2	-	-	5	8	3	4
	Joint Magistrate - - -	21	35	4	6	-	-	17	17	7	8
	Paumben Magistrate - -	-	-	-	-	-	-	-	-	-	-
	Head Assistant Magistrate -	-	-	-	-	-	-	-	-	-	-
	Assistant Magistrate - -	3	4	-	-	-	-	3	4	-	-
	TOTAL - - - -	30	49	5	8	-	-	25	41	10	12

* Court peons and village officer, in execution of a court process.

17 July 1855.

(signed) R. D. Parker, Magistrate.

(No. 546.)

ORDERED to be forwarded to the Advocate-general and the Government pleader, with reference to para. 20, of Extract Minutes of Consultation, 7 June 1855, No. 747.

Fort St. George, 1 August 1855.

(No. 33.)

LETTER from *C. Pelly*, Esq., Magistrate of Bellary, to *T. Pycroft*, Esq., Chief Secretary to Government, Judicial Department, Fort St. George.

Sir,

IN accordance with the instructions of Government, under date the 10th June 1856, I have the honour to report the following case of alleged torture.

The head of police of Madugseerah reported to me that two persons, Madigah Hoonsomah and Soobah, charged before him with cattle-poisoning, had complained to him that they had been tortured by Soobarow, the ammanny mootsuddy (moonsiff) of the village of Munnoor, in order to extort a confession from them. They said their fingers had been tied with a string, and bent back, and tied to their arm. The head of police reported that there were no marks to show that they had been thus ill-used, but he gave them a notice and direction to make their complaint to the magistrate.

On receipt of this report, I directed the head of police to ascertain whether the complainants had, as directed, left their village to prefer their complaint before me, and, if not, to send them with any evidence that was forthcoming. In reply, he reported that the complainants refused to prefer any complaint, and stated that they had no evidence to support their charge, and there the matter has dropped.

I would, however, take this opportunity of pointing out what appears to me an evil. The orders of the Foujdare Udalut direct that all cases coming under Section 3, Regulation III. of 1819, must be investigated solely by the European magistracy, and no interference whatever is permitted by the native police in such cases. Several years ago I was led into a correspondence on this subject with the session judge, and those instructions were confirmed. In order, however, to ensure as much as possible parties aggrieved obtaining redress, I then directed the heads of police to furnish any persons complaining of maltreatment at the hands of the police with a written notice, directing them to complain, if they chose, to the magistrate. But it must be obvious, that frequently parties will not put themselves to the inconvenience of travelling a long distance (as in the present case, about 100 miles) to the magistrate's court, where they must necessarily be detained a very long time, until the evidence is got and heard, and probably, after all, without being able to prove their charge. Moreover, witnesses summoned from such a distance, who, perhaps, either know nothing, or will probably say they are ignorant of the facts stated, are put to much inconvenience, and to no effect.

I would therefore suggest that it would be better, and tend to the furtherance of justice, were the tahsildars permitted on every occasion of a case of maltreatment by the police, or revenue authorities under them, being brought to their notice, to make a preliminary inquiry, and if there is evidence, to send the case up; and if not, to report it, leaving the complainants, if they think proper, to appeal against a dismissal of the accused by the head of police. As the law is now interpreted, heads of district police are exempted from all responsibility in cases of maltreatment, serious or petty, charged against any of their subordinate police officers, further than to inform the parties aggrieved that they must take their complaint to the magistrate.

Bellary, Magistrate's Office,
21 August 1856.

I have, &c.
(signed) *C. Pelly*,
Magistrate.

(No. 1086.)

LETTER from *T. Pycroft*, Esq., Chief Secretary to Government, to the Secretary to the Government of India.

Sir,

1. IN continuation of my letter to your address, under date 8th March last, Public Department, No. 269, I am directed by the Right honourable the Governor in Council to forward, for submission to the Right honourable the Governor-general in Council, the accompanying copies of the minutes, as per margin.*

2. Referring to the concluding para. of the minute by the Right honourable the President, I am instructed to state, that in the absence of the Advocate-general, the Honourable Company's acting solicitor has been directed to prepare for submission to the Legislative Council, the draft of an Act for the punishment of abuse of authority on the part of public servants in the Police and Revenue departments.

I have, &c.
(signed) *T. Pycroft*,
Chief Secretary.

Fort St. George, 9 September 1856.

EXTRACT Fort St. George, Public Consultation, of 25 November 1856.

READ the following Letter:—

(No. 1419.)

LETTER from *Cecil Beadon*, Esq., Secretary to the Government of India, to *J. Pycroft*, Esq., Chief Secretary to the Government of Fort St. George.

Sir,

I AM directed by the Right honourable the Governor-general in Council to acknowledge the receipt of your letter, No. 1086, dated the 9th ultimo, forwarding minutes by the Right honourable the Governor, and the Honourable Mr. Elliot, on the question of special legislation for the prevention of abuse of authority on the part of public servants in the Police and Revenue departments. Home Depart ment.

2. Since the receipt of this communication, the Governor-general in Council has been put in possession of a copy of the Honourable Court's despatch to the Government of Fort St. George, in the Judicial Department, No. 14, dated the 10th September last, in accordance with the views expressed, in which the consideration of the draft Act now under preparation by the acting Company's solicitor at Madras will be proceeded with.

3. I am directed however to remark, with reference to those passages in the Governor's minute which are transcribed on the margin,† that the Governor-general

* Minute by the Right honourable the President, 4 September 1856; Minute by Honourable Mr. Walter Elliot, 7th idem.

† "But would the desired object be effected by heaping severe penalties on the officers of Government for their acts, improper ones no doubt, and unsanctioned, but still in some degree forced upon them in the performance of their duty?"

"I certainly did think that it would not altogether become this Government to make its native officers, a numerous and influential body, containing some of the wealthiest and most respectable men in every province, the objects for increased censure and the subjects of heavier penalties, without at the same time giving palpable evidence that they would be relieved from some of the difficulties with which their position was encumbered. I was of opinion that it would be more fitting the policy of a great government that a measure which should discourage every species of violence should be accompanied by the evidence of a publicly expressed disposition,—

"1st. To ameliorate the position of the taxpayers by a survey and assessment. Mr. Vernon Smith is reported to have stated that the Government of India have approved of the measures proposed by this Government on the subject. I have heard privately that such is the case, but this Government has received no official communication to that effect.

"2d. By diminishing the duties of the revenue officers, by an increase of the magistrature, and a reorganization of the police.

3e. general in Council cannot agree in the opinion which he understands to be there expressed, that the practice of torture is a necessity, in some measure, forced upon the native officers by reason of the over-assessment of the land, or of the inability of those officers to perform the amount of work required of them, or by the inefficacy of the law of execution against person and property; nor can his Lordship in Council admit that the practice of torture by native revenue officers of Madras should be in any degree overlooked till the revenue and judicial systems of that Presidency are reformed.

4. The Honourable Mr. Elliot observes, that the existing law provides adequate penalties for torture, and that those penalties are now actually enforced whenever proof of a case of torture can be obtained. This is probably the case, but it cannot be rightly said that because the Government of India has not yet sanctioned a large increase of expense for the police establishments of Madras, there is any reason for not making revenue officers who cannot torture "objects of increased censure," and at any rate his Lordship in Council trusts that whatever be the effect, owing to the imputed defects of the revenue law, the existing penal law will be enforced with the utmost rigour, and in the most determined spirit against all persons guilty of torture, and especially against native officers of Government who abuse their powers in this manner.

I have, &c.
(signed) Cecil Beadon,
Secretary to the Government of India.

Fort William, 31 October 1856.

ORDERED, to be recorded.

EXTRACT Judicial Letter from Fort St. George, dated 10 February 1857 (No. 3.)

2. By our despatch, in the public department, of 11th September last, No. 27, and the papers which accompanied it,* your Honourable Court will have been informed that the Honourable Company's acting solicitor was directed, under date 9th idem, to prepare for submission to the Legislative Council of India, the draft of an Act for the punishment of abuse of authority on the part of public servants in the Police and Revenue departments. We now beg to forward the correspondence † that has since transpired on this subject. Your Honourable Court will observe, that the member for Madras has deemed it unnecessary to submit the Bill prepared by the acting solicitor to the Legislative Council, because the subject had been fully considered by the Select Committee on the Penal Code, having in view the disclosures contained in the Report of the Madras Commissioners on the alleged use of torture, and their observations upon the existing state of the law.

* Measures to effect this purpose have been proposed by this Government, but I fear, from the tenor of the Honourable Court's despatch, dated 23 July 1856, Judicial Department, No. 12 of 1856, that they are indefinitely postponed.

3d. "By the concurrent passing of an Act for facilitating distraint both on the land and on personalty, an Act for this purpose which has required time for full deliberation, is now in preparation. "These were my views, and these would still be my views were the circumstances the same."

* Letter dated 10 September, No. 14, of 1856. Review the despatch from this Government relative to the amendment of the law regarding abuse of authority by public servants; are of opinion that Legislative measures alone will not be sufficient, but that the English authorities should be accessible at all times to complaints of this nature; that they should be jealously on their guard against any combination amongst native officers to make common cause in extortion, or to shield those who have been guilty of acts of oppression or cruelty, and that if such a course be steadily pursued, the fact of the magistrate being also Collector of the district, need not stand in the way of immediate legislation; observe that it is probable that some of the provisions of the penal code, now in the hands of the Legislative Council, will meet cases of abuse; suggest that this Government communicate with the Council on the subject, but nevertheless think it expedient that a special Act should be passed; and intimate what should be the scope of that Act; insist on the most earnest attention of the authorities to the suppression of this crime, by the most effective means of punishment until a plan for the improvement of the administration be adopted; and desire that the subject may again be taken into immediate consideration.

† In Consultation, 25 November 1856, No. 1650; in Diary Consultation, 6 January 1857, Nos. 5 to 6; in Diary Consultation, 27 January 1857.

Fort St. George Judicial Consultation, 6 January 1857.

READ the following Papers:—

(No. 5.)

Read the following Letter from *J. R. Boyson*, Esq., Government Pleader, to *T. Pycroft*, Esq., Chief Secretary to Government, dated 24 November 1856, No. 18.

Sir,

WITH reference to the extracts from Minutes of Consultation noted in the margin, I have the honour to state for the information of Government, that after giving the subject much consideration, I am still of opinion that it would be more expedient to embody such provisions as may appear best calculated to provide effectually for the punishment of abuse of authority on the part of public servants, in the new Penal Code, than to make them the subject of a separate enactment; and that if the separation of revenue and police authority is still contemplated, it would be advisable to defer legislating for abuse of authority until such separation has been effected, and the new scheme has been finally determined upon.

M. C. dated 9 Sept.
1856, No. 1085,
Public Depart.
M. C. dated 30
Oct. 1856, No.
1185, Judicial
Depart.

The three principal objects to be attained by legislation are :

1st. Enabling the European magistracy to award a much larger amount of punishment for abuse of authority than they can now lawfully do.

2d. Making such punishment more summary, more speedy, and more certain than it now is; and,

3d. Giving to aggrieved parties the means of obtaining redress within a reasonable distance from their own homes, and thus removing the evil (now so seriously felt) that a party desirous of complaining of any abuse of authority on the part of a public officer must, in the majority of cases, travel a considerable distance (in some cases 80 or 100 miles, and even further) with all his witnesses, to a station at which a European magistrate may be located, for the purpose of preferring his complaint and having it investigated, and may be there detained for many days or perhaps weeks, involving the entire loss during this period of his own time and the time of his witnesses as well as the travelling and other expenses of a long journey, and the annoyance and inconvenience as well as pecuniary loss attendant upon it and upon the absence and detention from home of himself and witnesses. This state of things amounts virtually in very many cases to a denial of justice, for it can well be imagined that a party who has been aggrieved by the oppression of a public servant would rather submit to the wrong than incur the inconvenience, annoyance, expense, and loss which would be necessarily consequent, as the law now stands, upon his seeking redress.

The two first objects can be easily provided for; the last, and this seems to me the most important one, is the most difficult to deal with, for it involves the question, to whose (other than the European magistracy) jurisdiction in the matter can most safely be entrusted.

Under existing circumstances the only mode of attaining the third object will be by giving jurisdiction in the matter either to district moonsiffs or tabsildars.

The tabsildar is the head officer within his own local jurisdiction of both revenue and police, and is the officer who is most frequently charged with direct abuse of authority, and of sanctioning and abetting it in others; and it seems to me that it would be in the highest degree unsatisfactory to the people to refer them to him for redress, and that such an arrangement would not beget that confidence in public justice which it is the desire of Government to inspire.

District moonsiffs have not at present any criminal jurisdiction except when it is given them under Act XII. of 1854, and they have no control over the police. It will of course be essentially necessary to give such control to whoever is invested with jurisdiction under the proposed Act. Endeavours have been made during late years to raise the character and standing of district moonsiffs, and to secure efficiency by previous examination into qualification, &c., and this system must tend to the filling of these offices with a superior and more intelligent class of men than those who formerly held them.

† St. George.
No. 1.

I am of opinion that it would be far more expedient to invest district moonsiffs with authority to punish abuse of authority than to give that jurisdiction to tahsildars, and I have accordingly prepared and herewith forward for the consideration of Government a draft Act having this object.

The offence calls for severe punishment, and it may at first sight appear that, as compared with the authority which even European magistrates now possess under the Regulations, the quantum of punishment which by the draft Act (as I have prepared it) the European magistrates and district moonsiffs are empowered to award is unusually large. I see no objection whatever to giving these increased powers to the European magistracy, and looking at the appeal to the session judge which I propose to give, I do not consider that any evil or mischief is likely to result from entrusting district moonsiffs with authority to award that punishment which the Act provides for; and it seems to me that the risk, whatever it may be, must be incurred.

No. 2.

To provide for the contingency of Government determining not to invest district moonsiffs with authority to punish abuse of authority, I herewith forward a draft Act similar in its provisions to the draft above mentioned, but excluding those relating to district moonsiffs.

There is one other mode in which the third object above mentioned might be in some measure attained, viz., by giving tahsildars power to inquire into and report upon abuse of authority in the same manner as they are now authorised to do with reference to heinous offences under Regulation II. of 1816, section 27; but, for the reasons above stated, I do not consider such an arrangement expedient.

(No. 6.)

MINUTE by the Honourable *W. Elliot*, Esq.; dated 20 December 1856.

I HAVE already stated incidentally in a Minute dated 7th September 1856, that I consider special legislation for abuse of authority by public officers to be unnecessary, because the ordinary law has proved sufficient for all cases that have hitherto occurred, and I feel assured will be found equally so for such as may arise hereafter.

I can only repeat the same opinion on the present occasion.

Although Regulation III. of 1819, only empowers magistrates to punish police officers for abuse of authority or extortion by fine of 50 rupees or imprisonment for one month; the same officers are empowered under the more general and extended powers vested in them by section 54, Act VII. of 1843, to punish offenders by imprisonment to the extent of six months, and to fine not exceeding 200 rupees, and farther, should such penalties appear inadequate, to commit to the criminal courts under clause 3, section 3, Regulation III. of 1819.

The judicial powers vested in the magistrate may be delegated to his agents under sections 5 and 6 of Regulation IX. of 1816, so as to bring the means of redress more within the reach of persons suffering from such treatment, and the facility of redress is still farther extended by Act XII. of 1854, as regards petty cases of abuse.

Then as regards compensation for injuries sustained by persons who have been subjected to such ill-treatment, clause 2 of section 39, Regulation IX. of 1816, authorises a magistrate to award the whole or any portion of a fine imposed by him, to the sufferer.

With such provision for the punishment of these offences by the present law, with the early prospect of the enlarged jurisdiction to be conferred on subordinate criminal courts in the reform of judicial establishment now in contemplation, and with the more comprehensive scale of penalties provided by the Penal Code about to come into force, the application to the Legislative Council for an enactment, such as the one now drafted, appears to me to be a work of supererogation.

I must further express my objection to the recommendation contained in para. 10 of the letter to the member of the Legislative Council, to the effect that the sentence of the session court should be final.

Experience has shown that cases of this description demand a more than ordinary dispassionate and calm consideration. In more than one case of recent

recent occurrence the sentence of the sessions judge has been quashed on review by the Sudr. To take away such power of review will deprive a class of men especially liable to become the victims of conspiracy, of the scrutiny of that tribunal which of all others may be considered the best qualified to pronounce on the value of such equivocal evidence.

Act No. 1.

AN ACT to provide for the Punishment of Abuse of Authority on the part of Persons in the Service of the East India Company, and employed within the Presidency of Fort St. George, in the East Indies.

WHEREAS it is expedient to provide more effectually for the speedy punishment of abuse of authority on the part of persons in the service of the East India Company, and employed within the Presidency of Fort St. George, in the East Indies; it is enacted as follows :

I. Section 30 of Regulation XI. of 1816; and Regulation III. of 1819; are hereby rescinded.

II. The following words and expressions hereinafter used in this Act shall have the meanings hereby assigned to them; (that is to say),

The expression "abuse of authority" shall mean and include any unlawful duress, constraint or violence used by or under the order or at the request or instigation of any person in the service of the said East India Company, and employed within the said Presidency of Fort St. George, upon or towards any person whomsoever, and extortion and putting or attempting to put in fear, in order to extortion by or under the order or at the request or instigation of any person in the service of the said East India Company, and employed within the said Presidency of Fort St. George, from any person whomsoever, of any confession, money or valuable consideration or thing.

The word "magistrate" shall mean and include any magistrate, joint magistrate, or assistant magistrate, having jurisdiction within the zillah in which any abuse of authority shall have been committed.

Words importing the singular number shall include the plural number, and words importing the plural number shall include the singular number.

Words importing the masculine gender shall include females.

The word "month" shall mean calendar month.

III. Whoever considers himself aggrieved by any abuse of authority by or on the part of any person in the service of the said East India Company, and employed within the said Presidency, shall be at liberty to prefer a complaint in respect of such alleged abuse of authority to any magistrate having jurisdiction within the zillah in which it shall be alleged that such abuse of authority was committed, or to the district moonsiff within whose local jurisdiction the place at which it shall be alleged that such abuse of authority was committed shall happen to be, and the magistrate or district moonsiff, as the case may be, to whom any such complaint as aforesaid shall be preferred, shall forthwith inquire into and investigate the same.

IV. Upon conviction of any abuse of authority before any such magistrate as aforesaid, the person convicted shall be liable to imprisonment, with or without hard labour, for a term not exceeding one year, or to a fine not exceeding 1,000 rupees, or to both, or to be committed for trial before the session judge of the zillah in which such abuse of authority shall have been committed.

V. Upon conviction of any abuse of authority before any such district moonsiff as aforesaid, the person convicted shall be liable to imprisonment, with or without hard labour, for a term not exceeding six months, or to a fine not exceeding 500 rupees, or to both, or to be committed for trial before the session judge of the zillah in which such abuse of authority shall have been committed.

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VI. Upon conviction of any abuse of authority before any such session judge as aforesaid, the person convicted shall be liable to imprisonment with or without hard labour for a term not exceeding three years, or to a fine not exceeding 5,000 rupees, or to both; and every such conviction as last aforesaid, and the sentence or order thereupon passed, shall be final.

VII. Any person who, whether he shall be in the service of the said East India Company and employed within the said Presidency or not, who shall instigate or aid, abet or assist, directly or indirectly, in any abuse of authority punishable under the provisions of this Act, may be proceeded against and punished in the same manner and to the same extent as the person whom he shall have so instigated, aided, abetted or assisted shall be punishable under the authority of this Act.

VIII. When any fine shall have been levied under the authority of this Act, it shall be lawful for the session judge, magistrate, or district moonsiff by whom such fine shall have been imposed, to award the whole or any portion of such fine to the party who shall have been aggrieved by the abuse of authority for which such fine shall have been imposed, by way of satisfaction, for such injury.

IX. In any case in which a magistrate or district moonsiff shall convict any person under the provisions of this Act of any abuse of authority, an appeal against such conviction and the sentence or order thereupon passed, or against such sentence or order only, may be preferred to the session judge of the zillah in which such abuse of authority was committed, within 30 days from the date of such sentence or order; but not afterwards; and it shall be competent to such session judge, upon any such appeal, to quash such conviction, and to annul or alter such sentence or order, or to annul or alter such sentence or order only; provided nevertheless that such session judge shall not increase the punishment awarded by such sentence or order; and the decision of such session judge on any such appeal shall be final.

X. Any district moonsiff, acting under the authority of this Act, shall have the same powers and jurisdiction for procuring and enforcing the attendance of any person charged with any abuse of authority, and of convicting and committing to gaol any such person, and for procuring and enforcing the attendance of witnesses for the purpose of being examined relative to any such alleged abuse of authority, and of taking their evidence on oath or solemn affirmation as a zillah magistrate shall for the time being have in like cases; and all officers of police shall obey, give effect to, serve and execute all orders and process issued by any district moonsiff acting under the authority of this Act, in the same manner and to the same extent in all respects as they would obey, give effect to, serve and execute any order or process issued by any such zillah magistrate as aforesaid.

XI. In any case in which any person shall be charged before any such magistrate as aforesaid with any abuse of authority, and it shall appear to the magistrate by whom the case shall be investigated that there was no sufficient ground for making such charge, the person who shall have made such charge shall be liable to imprisonment, with or without hard labour, for a term not exceeding six months, or to a fine not exceeding 500 rupees, or to both; and it shall be lawful for the magistrate by whom any such fine as last aforesaid shall have been imposed, to award the whole or any portion of such fine to the party complained against by way of amends.

XII. In any case in which any person shall be charged before any such district moonsiff as aforesaid with any abuse of authority, and it shall appear to the district moonsiff by whom the case shall be investigated that there was no sufficient ground for making such charge, the person who shall have made such charge shall be liable to imprisonment, with or without hard labour, for a term not exceeding three months, or to a fine not exceeding 250 rupees, or to both; and it shall be lawful for the district moonsiff by whom any such fine as last aforesaid shall have been imposed, to award the whole or any portion of such fine to the party complained against by way of amends.

XIII. All fines and penalties imposed by any session judge, magistrate, or district moonsiff under the authority of this Act, may be levied (in case of non-payment) in the manner provided by Act II. of 1839.

XIV. Whenever

XIV. Whenever any person shall have been sentenced under the provisions of this Act to imprisonment and fine, and such person shall become liable, under the provisions of Act II. of 1839, to imprisonment for non-payment of such fine, the imprisonment of such person as last aforesaid shall be cumulative.

Act No. 2.

An Act to provide for the Punishment of Abuse of Authority on the part of Persons in the Service of the East India Company, and employed within the Presidency of Fort St. George, in the East Indies.

WHEREAS it is expedient to provide more effectually for the speedy punishment of abuse of authority on the part of persons in the service of the East India Company, and employed within the Presidency of Fort St. George, in the East Indies; it is enacted as follows:

I. Section 30 of Regulation XL of 1816, and Regulation III. of 1819, are hereby rescinded.

II. The following words and expressions hereinafter used in this Act shall have the meanings hereby assigned to them; (that is to say,)

The expression "abuse of authority" shall mean and include any unlawful duress, constraint, or violence used by or under the order, or at the request or instigation of any person in the service of the said East India Company and employed within the said Presidency of Fort St. George, upon or towards any person whomsoever; and extortion and putting, or attempting to put, in fear in order to extortion by or under the order, or at the request or instigation of any person in the service of the said East India Company, and employed within the said Presidency of Fort St. George, from any person whomsoever, of any confession, money, or valuable consideration or thing.

The word "magistrate" shall mean and include any magistrate, joint magistrate, or assistant magistrate, having jurisdiction within the zillah in which any abuse of authority shall have been committed.

Words importing the singular number shall include the plural number, and words importing the plural number shall include the singular number.

Words importing the masculine gender shall include females.

The word "month" shall mean calendar month.

III. Whoever considers himself aggrieved by any abuse of authority by or on the part of any person in the service of the East India Company and employed within the said Presidency, shall be at liberty to prefer a complaint in respect of such alleged abuse of authority to any magistrate having jurisdiction within the zillah in which it shall be alleged that such abuse of authority was committed, and such magistrate shall forthwith inquire into and investigate such complaint.

IV. Upon conviction of any abuse of authority before any such magistrate as aforesaid, the person convicted shall be liable to imprisonment with or without hard labour, for a term not exceeding one year, or to a fine not exceeding 1,000 rupees, or to both, or to be committed for trial before the session judge of the zillah in which such abuse of authority shall have been committed.

V. Upon conviction of any abuse of authority before any such session judge as aforesaid, the person convicted shall be liable to imprisonment with or without hard labour, for a term not exceeding three years, or to a fine not exceeding 5,000 rupees, or to both, and every such conviction as last aforesaid, and the sentence or order thereupon passed, shall be final.

VI. Any person whomsoever, whether he shall be in the service of the said East India Company, and employed within the said Presidency or not, who shall instigate or aid, abet or assist, directly or indirectly, in any abuse of authority punishable under the provisions of this Act, may be proceeded against and punished in the same manner and to the same extent, as the person whom he shall have so instigated, aided, abetted, or assisted, shall be punishable under the authority of this Act.

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VII. When any fine shall have been levied under the authority of this Act, it shall be lawful for the session judge or magistrate by whom such fine shall have been imposed, to award the whole or any portion of such fine to the party who shall have been aggrieved by the abuse of authority for which such fine shall have been imposed, by way of satisfaction for such injury.

VIII. In any case in which a magistrate shall convict any person under the provisions of this Act of any abuse of authority, an appeal against such conviction, and the sentence or order thereupon passed, or against such sentence or order only, may be preferred to the session judge of the zillah in which such abuse of authority was committed, within 30 days from the date of such sentence or order, but not afterwards; and it shall be competent to such session judge upon any such appeal to quash such conviction, and to annul or alter such sentence or order, or to annul or alter such sentence or order only; provided, nevertheless, that such session judge shall not increase the punishment awarded by such sentence or order: and the decision of such session judge on any such appeal shall be final.

IX. In any case in which any person shall be charged before any such magistrate as aforesaid, with any abuse of authority, and it shall appear to the magistrate by whom the case shall be investigated, that there was no sufficient ground for making such charge, the person who shall have made such charge shall be liable to imprisonment, with or without hard labour, for a term not exceeding months, or to a fine not exceeding rupees, or to both, and it shall be lawful for the magistrate by whom any such fine as last aforesaid shall have been imposed, to award the whole, or any portion of such fine, to the party complained against by way of amends.

X. All fines and penalties imposed by any session judge or magistrate under the authority of this Act, may be levied (in case of non-payment) in the manner provided by Act II. of 1839.

XI. Whenever any person shall have been sentenced under the provisions of this Act to imprisonment and fine, and such person shall become liable under the provisions of Act II. of 1839, to imprisonment for non-payment of such fine, the imprisonment of such person as last aforesaid shall be cumulative.

(No. 7.)

ORDERED, That the Extract from the Minutes of Consultation, dated 24th December 1856, No. 1365, be recorded.

(No. 8.)

ORDERED, That the following letter be despatched.

From *T. Pycroft*, Esq., Chief Secretary to the Government of Fort St. George; to the Honourable *D. Elliott*, Esq., Member of the Legislative Council of India for Madras, dated 24th December 1856, No. 1364.

Sir,

I AM directed by the Right honourable the Governor in Council to forward to you for submission to the Legislative Council the accompanying draft of an Act prepared by the Honourable Company's acting solicitor, for providing for the punishment of abuse of authority on the part of persons in the service of the East India Company, and employed within the Presidency of Fort St. George.

2. In the Report on the alleged use of torture by the native revenue and police officers of the Madras Presidency, the Commissioners, para. 76, drew attention to the existing state of the law for the repression of the practices which they had been engaged in investigating. "The law," they stated, "appears to us both circuitous in its procedure, and inefficient in its provisions for the prevention

tion and punishment of personal violence illegally administered by an abuse of authority. We have collected the main provisions of the law on this subject, and we deem that we have sufficiently discharged our duty in drawing the attention of Government to its state as it stands, leaving such amendment or alteration as may be thought expedient, to the better consideration of the Right Honourable the Governor in Council." The Commissioners then recited those parts of the Regulations or Acts applicable to the Madras Presidency, bearing on the offence of abuse of authority on the part of native revenue or police servants.

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3. The Government extract Minutes Consultation, 7th June 1855, No. 747, in their review of this part of the Commissioners' Report, resolved to request the Advocate-general and Government pleader to confer upon the subject, and to submit the draft of the Act which they would propose in amendment of the present law, to be applicable to all cases of abuse of authority committed by public servants or parties assuming to act as such, and either in the Police or in the Revenue department.

4. The Advocate-general, in his letter of 21st September 1855, represented that he and the Government pleader had experienced much difficulty in the preparation of such an Act as was desired by the Madras Government, and he suggested that the measure should for the present be suspended, on the grounds, first, that no really efficient measures could be carried out until the revenue and police agencies were wholly separated; and, secondly, that the subject of the proposed Act was peculiarly one that should be embodied in the forthcoming new Penal Code, rather than be provided for by special and independent legislation.

5. In this suggestion the Government acquiesced, but they were subsequently made aware that the views of the Advocate-general and Government pleader were not held valid by the home authorities, and they consequently desired the Honourable Company's acting solicitor, the Advocate-general having in the interim proceeded to England on medical certificate, to resume the consideration of the question and to submit the draft of an Act for the punishment of abuse of authority by native servants as early as possible. Subsequently to the issue of these orders they have further received a despatch, No. 14, of 1856, Judicial department, from the Honourable the Court of Directors, strongly expressive of the opinion that there was a call for immediate legislation on the subject.

Vide speech by the Right hon. T. Vernon Smith, in the House of Commons, 21 July 1856.

6. In deference to these sentiments the present draft is submitted. It appears to this Government well adapted to secure the end desired. There are but few points in it which it seems requisite to notice.

7. It will be observed that it is proposed to make the offence punishable, either by a magistrate or by a district moonsiff, but to allow the former to inflict a much heavier degree of punishment than the latter.

8. It seems clear that to confine the jurisdiction in these cases to the European magistrate must, in many instances, involve impunity, and consequently hold out encouragement to the offence. If any uncovenanted officers are to have jurisdiction, it can only be the district moonsiff, as the conferring such powers on the heads of police would be open to obvious objections.

9. Other points noticeable are that heinous cases committed by the magistrate or district moonsiff, to the sessions judge, are to be sent to that authority direct, and not through the intervention of the sub-judge or principal Sudr Ameen. It is to be presumed that European magistrates and district moonsiffs (which last now pass a legal examination), are able to get up committable cases in proper form, and that it is therefore unnecessary, and would only lead to delay, to have a second committing officer between them and the sessions judge.

10. Another point is, that in such committed cases the judgment of the sessions judge is final, as it may be presumed that sentence passed after the case has gone through two authorities rests on sufficient grounds, and should not be liable to be disturbed!

The Government, I am instructed to state, had allowed this part of the draft to stand for the consideration of the Council, but they do not approve it, experience having, as it appears to them, amply proved that there is no class of offences

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in which it is more requisite that the judgment of the lower court should, on good cause shown, be subjected to the scrutiny of the Foujdaree Adalat.

11. With these remarks I am desired, by the Right honourable the Governor in Council, to forward copies of the correspondence on the subject, as per margin,* and request that the draft, No. 1, submitted by the Government pleader (late Honourable Company's acting solicitor), with his letter of 24th ultimo, may be laid before the Legislative Council at your early convenience.

12. I am at the same time directed to forward copy of a minute upon the draft Act, recorded by the Honourable Mr. Elliot, who, it will be seen, questions the necessity for special legislation upon the subject.

Fort St. George, Judicial Consultation, 27 January 1857.

READ the following letter:

(No. 14.)

From *D. Elliott*, Esq., Member of the Legislative Council, to *T. Pycroft*, Esq., Chief Secretary to Government; dated Fort William, 8 January 1857, No. 78.

Sir,

THE Penal Code was read a second time on Saturday last, the 3d instant; and as it may be convenient to the Right honourable the Governor in Council to have copies of it in the form in which it was laid before the Council, with the clauses of the original Code, printed in a parallel column, to show the alterations proposed by the Select Committee, I have directed that two such copies shall be transmitted to you by this mail.

Yesterday I received your letter of 24th December, with the accompanying draft of an Act for the punishment of abuse of authority on the part of persons in the service of the East India Company, within the Presidency of Fort St. George, with reference to which, I have the honour to request you will submit to the Right honourable the Governor in Council the following observations.

The subject of the proposed Act was fully considered by the Select Committee on the Penal Code, having in view the disclosures contained in the Report of the Madras Commissioners on the alleged use of torture in that Presidency, and the observations of the Commissioners upon the existing state of the law, adverted to in the 2d para. of your letter.

The penal provisions which the Select Committee recommend to be enacted for the punishment of persons committing offences of the nature contemplated in the draft Act, as described in the definition of the expression "abuse of authority," will be found in clauses 31 to 34 and 50 and 51 of chapter 17 of the code relating to offences affecting the human body; and again in clauses 5 to 11 of chapter 18, under the head of extortion. It will be observed, that the clauses referred to do not apply peculiarly to public servants, but include persons being public servants in common with all men who commit the offences described. The illustrations to clause 33, chapter 17, it will be remarked, are all instances of torture so called. Two are cases of torture by police officers, the first to induce the confession of a crime, the second to induce a person to point out stolen property. One is a case of torture by a revenue officer, to compel payment of arrears of revenue. The last is the case of a zemindar torturing a ryot to compel him to pay his rent.

The punishments provided in the Code are much heavier than those proposed in the draft Act. The maximum in the latter is imprisonment, with or without hard labour, for a term not exceeding three years, or a fine not exceeding 5,000 rupees, or both.

Section 6.

The

* Report of Commissioners for Investigation of Alleged Cases of Torture in the Madras Presidency, para. 76; extract Min. Cons. 7 June 1855, para. 21; from Advocate-general, 21 September 1855; extract Min. Con. 14 November 1855; Judicial despatch from Honourable Court of Directors, 10 September 1856, No. 14; from Government pleader, 24 November 1856.

The penalty in the Code for the offence of causing hurt for the purpose of extorting property, &c., is imprisonment of either description, rigorous or simple, for a term which may extend to 14 years, to which may be added an unlimited fine. Ch. 17, clause 34.

If the hurt be grievous, the offender may be sentenced to transportation for life. Clause 32.

Causing hurt for the purpose of extorting a confession, &c., is punishable with imprisonment of either description, which may extend to seven years, and if the hurt be grievous, to 14 years, and with fine to any amount. Clause 33.
Clause 34.

The wrongful confinement of a person for the purpose of extorting property, or a confession from him, is punishable with imprisonment of either description, which may extend to three years, and with fine to any amount. Clauses 50 and 51.

Extortion is punishable with imprisonment of either description, which may extend to three years, or with fine, or both, and if the extortion is committed by putting the person in fear of death or grievous hurt, with imprisonment which may extend to 14 years, and must not be less than five, to which an unlimited fine may be added. Ch. 18, clause 6.
Clause 8.

Putting a person in fear of an injury in order to the committing of extortion, is punishable with imprisonment, which may extend to two years, or with fine, or both. Clause 7.

Putting him in fear of death is punishable with imprisonment which may extend to seven years, and shall not be less than three, and with fine in addition. Clause 9.

Heavier penalties are provided for the offences described in clauses 10 and 11.

The Right honourable the Governor in Council will probably be of opinion with the Select Committee on the Penal Code, that the provisions they have made are sufficiently comprehensive, and that the penalties proposed for the offences indicated are adequate.

If his Lordship in Council would suggest any modifications, the opportunity will be afforded when the Penal Code is published for general information. In the mean time, I believe, the Legislative Council would be unwilling to entertain a Bill framed according to the draft Act, and, I trust, his Lordship in Council will approve of my not bringing it forward.

The provisions regarding procedure will fall to be considered in the course of the preparation of the code of criminal procedure.

ORDER thereon, No. 89; dated 22 January 1857.

(No. 15.)

RESOLVED, that the above letter and the correspondence to which it refers, be brought to the notice of the Honourable the Court of Directors, in reference to their despatch of the 10th September, No. 14 of 1856.

(signed) T. Pycroft,
Chief Secretary.

(True extract.)

(signed) D. F. Carmichael,
Deputy Secretary to Government.

Judicial Department, 10 June 1857.

Our Governor in Council, at Fort St. George.

OUR views on this subject have been fully communicated to you, in our despatch dated 10th September (No. 14) 1856. Should there be any great delay in the passing of the Penal Code, we think that you should again press on the member of the Legislative Council for your Presidency, the expediency of laying before the Council the draft Act prepared by the Government pleader. In the meanwhile we trust that you will rigidly enforce the execution of the existing law against the abuse of authority by public servants. Public letter, dated 11 Sept. (No. 27) 1856, extract Judicial Letter, 10 Feb. (No. 3) 1857, para. 2. Abuse of authority by public servants.

London, 10 June 1857.

We are, &c.
(signed)

Fort St. George.

— No. 2. —

COMPLAINT OF ILL-USAGE AGAINST THE TAHSEELDAR OF BRAWAHDESEM,
OF TINNEVELLY.

EXTRACT Judicial Letter from Fort St. George; dated 10 April, No. 9 of 1856.

In Diary to Cons.,
28 Aug. 1855,
Nos. 10 and 11.

Para. 32. IN reporting upon a complaint of ill-usage, addressed to us by one Kylasa Pillay against the tassildar of Bhrumadesem, and his peons, in the district of Tinnevelly, the magistrate solicited our instructions on the recommendation of the joint magistrate, by whom the inquiry had been made, that for reasons assigned, the sentence of dismissal, which should be passed under para. 9 of Government Circular dated 7th June 1855, be not carried out on the peons who stood convicted of the charge. In consideration of the recommendation made in favour of these peons, who were probably only instruments in the hands of others, we did not insist upon their dismissal, but directed that, in addition to the fine of three rupees each imposed upon them, they be suspended from their pay and duty for a period of six months.

(No. 811.)

To the Commissioners for the Investigation of Alleged Cases of Torture.

PETITION of Complaint respectfully presented by Kyala Pillay, of Umbo Samoodrum, attached to the Talook of Brawahdasem, in the Zillah of Tinnevelly, against Appah Moodelly, Tasildar of Soarnamadavee Talook, of the same Zillah, and his Peons, Koopoo Naicken, Jyasamy Naicken, Loobramaniah Pillay, Loobben Moottoosawmy Naicken, Teroovian Pillay, his son Erooluppen Pillay, and Danookooty, the watchman.

1. THIS tasildar having before him the notice of your Honor, dated 7th October 1854, tortured me in several ways on the 7th December 1854 and prior to it; the particulars of which are hereunder detailed, a perusal of which will convince to you the irregularities of this tahsildar.

2. I possess few nunjay lands in the talook of Soarnamadavee, and in Fusly 1261 I left the same to be cultivated for three years successively by seventh defendant, under deeds executed to each other, to the effect that 12. 5. 22. veray cootay should be paid to me yearly, including the Cirkar kist and sawmy boagum allowance thereof, and in obedience to which the seventh defendant was punctual for the first two years, but in Fusly 1263 he gave me only two veray coaty, sending word that the remainder will be paid in the next Pessanum crop.

3. This crop of the year falling short, owing to the fall of a less rain, the Cirkar estimated the crop of the country twice, and allowed the same to be reaped in the presence of Cirkar people; but this peon, without waiting himself to submit to such arrangement of the Cirkar, reaped and enjoyed the crop himself, to which neither my consent was obtained or the Cirkar rent was paid; and in Fusly 1264 the said lands being left uncultivated by the seventh defendant, I allowed the same to the cultivation of one Nullakunnoo. Out of 12. 5. 22. veeray coatay, which the seventh defendant agreed to pay me yearly, inclusive of Cirkar rent and sawmy bogum, he paid me only two veeray coatay for Fusly 1263, and the remainder is, according to the current rate of 5½ rupees for each veeray cootay, valued 53 rupees and odd, of which the Cirkar due is Rs. 22. 11, and the rest is due to me for sawmy boagum allowance. But 14 rupees and odd being already paid to the Cirkar by the seventh defendant, the remainder of the sist is in arrears against him; to enforce the collection of the same from me, the tasildar of Soarnamadavee sent a memorandum to the tasildar of Bramhadasesw talook, wherein I reside, and in consequence this tasildar sending for me, detained me in custody, and on his demanding of me the said arrears, I informed him that it is due by the seventh defendant; thereupon the tasildar of Bramhadasesw talook wrote the same to the other, and then the seventh defendant, who alone should discharge the arrears, paid three rupees for it.

4. Terooviam.

4. Terooviam Pillay, the seventh defendant, being a tynat peon of Soarnamadavee tasildar, and his son, being the above tasildar's source of obtaining household things from villages without paying for them; my said tenant Nullakunnoo, who cultivates the said lands for Fusly 1264, was taken over, beaten, and detained in custody, and his females were also abused disgracefully. Therefore the said tenant came and informed me of this demand, and that he also informed the tasildar of the fact, from whom the said arrears is to be collected.

5. Subsequently, myself being detained in the talook cutcherry of Brawah-dasem, I sent my son, who is yet a minor, and my said tenant with a letter of the address of Soaranawadavee tasildar, requesting him to enforce the payment of the said arrears from his tynat peon. Even then the tasildar unnoticed my request, and again annoyed my said tenant to have the same collected from him. On whose coming again to me I went and demanded the said seventh defendant of his dues to the Circar and myself, to which he answered me that he will pay it by-and-by, and forthwith he went and informed of my arrival there to his said tasildar, who sent the fifth defendant to bring me to the tasildar, who annoyed and abused me disgracefully, and caused the defendants, with the exception of the fifth, to take and beat me in front of his cutcherry, exposing me to the sunshine in a stooping posture. The tasildar, some time afterwards, ordered his peons, the defendants, to take me moreover to the public street, which is to the east of his cutcherry, and through which the temple chariot use to pass, and there to beat and abuse me disgracefully, exposing me to the sunshine and the laughter of the mob throughout the whole day, in a stooping posture, with a load of heavy rock on my back. Thus starving myself the whole day, I was in the night delivered over to the close custody of the ninth defendant; then the Moozoomdar, who saw and heard my said sufferings with pity, paid himself 3½ rupees for the arrears in demand, and promised to pay the rest from his next pay. Not only I was thus tortured by the defendants for the arrears due by another, my tenant was also subjected to both the torture and loss of 150 rupees, in consequence of his house having been destroyed by fire, and his cultivation neglected during the time he was in custody, and in his way to inform me of what had happened to him. On my complaining to the Hoozoor against the defendants for their torturing me and my tenant, to whom was thereby caused such a severe loss, the Hoozoor, unnoticed my petition hitherto, referred it now to the said tasildar's inquiry, and it is left to the judgment of your Honors, that how justice can be rendered to me by that functionary.

6. Consequently it is requested, that after a thorough inquiry of the matter of this petition, your honours will take pity on me, and issue orders to the effect that the sum which is due to me by the said seventh defendant, both on account of kist and sawmy bogum, should be paid to me; and my said tenant and myself should be compensated both for the personal and property damages alluded to in the above.

Witnesses.—Bashcaravien, residing at Cushbah Soarnamadavee, Sangara Koottalum Pillay, Kooppen Pillay, Appooda Naicken Pillay, Terooviam Pillay, Ananta Narrainen, Karoor Valoy ooden Pillay, Aroomooga Pillay, Dayevo Naiken Pillay, of Tinnevelly, Anunda Row Indvee, goomastah of the talook, Sadasiva Row, head goomastah, Narraina Pillay, Sumpretee Kallacoorhee Vencatasien, and others.

4 January 1855.

(signed) *Kylasam Pillay.*

Translated by T. Teroovengadachary.

(No. 811.)

FORWARDED to the magistrate of Tinnevelly for personal inquiry and disposal, and report.

Fort St. George, 8 June 1855.

(signed) *W. Hudleston,*
Deputy Secretary to Government.

Fort St. George.

EXTRACT Fort St. George Judicial Diary to Consultation of 28 August 1855.

RECEIVED the following letter :

(No. 169.)

From *C. J. Bird*, Esq., Magistrate, to *T. Pycroft*, Esq., Chief Secretary to Government, Fort St. George.

No. 10.

Sir,

Para. 1. In returning Petition, No. 811, bearing the endorsement of Government, I have the honour to report that the joint magistrate inquired into the complaint of torture therein preferred, and convicted the tahsildar of Sharenmadvay and six of his peons, the former of having ordered the latter, and them of having obeyed the order to maltreat the petitioner, "but not in any way to cause him any severe or bodily injury, or that would have caused him more than temporary inconvenience," and considered it "very doubtful whether a stone was placed on his back or not." The tahsildar was sentenced to pay a fine of 20 rupees, and the peons fines of three rupees each, or in default to suffer one month's imprisonment.

2. In a separate letter, the joint magistrate says, "as the amount of ill-treatment alleged to have been sustained by Kylasem Pillay is proved to be greatly exaggerated, I beg to recommend that the sentence of dismissal which should be passed under para. 9 of Government Circular, dated 7 June 1855, be not carried out, as I am certain that the punishment awarded will effectually prevent the recurrence of such practices."

3. The proceedings of the joint magistrate having been reviewed by the sessions judge of Tinnevely, that officer coincided with the joint magistrate in the conviction of the peons, but annulled that part of his sentence which convicted the tahsildar, and directed that the fine imposed upon him should be refunded.

4. Under these circumstances I have the honour to solicit the instructions of Government, whether the peons who stand convicted should be discharged or not.

I have, &c.

(signed) *C. J. Bird*, Magistrate.

Tinnevely, Teucansey, 10 August 1855.

(No. 600.)

No. 11.

In consideration of the recommendation made in favour of these peons, who were probably only instruments in the hands of others, the Governor in Council will not insist upon their dismissal, but directs that, in addition to the fine imposed upon them, they be suspended from pay and duty for six months, at the expiration of which time they may be re-employed.

Fort St. George,
27 August 1855.

(True extracts.)

(signed) *Geo. Taylor*,
Acting Deputy Secretary to Government.

EXTRACT Judicial Letter to Fort St. George ; dated 17 December (No. 19) 1856.

62. WE are of opinion that the punishment inflicted by the magistrate upon the tehseldar and his subordinates was very inadequate. The conviction recorded against the tehseldar, however, has been set aside by the session judge; otherwise we should have ordered his immediate dismissal from office. We are at a loss to discover from the proceedings reported to us, upon what grounds the session judge remitted the fine on the tehseldar, whilst he upheld the conviction against the peons, who, it is stated, only obeyed the orders of their superior officer.

Letter from, dated 10 April (No. 9) 1856.

(32) Complaint of ill-usage by one Kylasa Pillay against the tahseldar of Brahmadasew and his peons, in Tinnevely. The dismissal of the peons not insisted on, but their suspension from pay and duty for six months, in addition to the fine imposed on them, directed.

— No. 3. —

BY THE TEHSILDAR OF PERIAPOLIEM, ON CERTAIN WEAVERS OF THAT DISTRICT.

Judicial Department, 10th June (No. 19) 1856.

To the Honourable the Court of Directors of the East India Company.

Honourable Sirs,

1. IMMEDIATELY on the receipt of your despatch in the Public department, dated 25th April 1856, No. 19, we called on the collector and magistrate of Chingleput, to submit the original documents required by the Right honourable the House of Lords, in the case of torture alleged to have been inflicted by the tehsildar of Periapoliem on certain weavers of that district; and we at the same time desired the judges of the Foujdaree Udalut, to forward the calendar of the magistrate disposing of the complaint preferred by the weavers against that functionary, together with any proceedings in review of the case which may have been held by themselves or by the session judge. In Rev. Cons. 27 May 1856.

2. We have now the honour to submit copies and translations of the under-mentioned papers, and to solicit your attention to the letter from the Collector of Chingleput, dated 5th instant, forwarding the order of the 5th July 1855, and explaining the circumstances connected with the whole case, as well as to the letter from the register of the Foujdaree Udalut, dated 2d instant, as to the proceedings taken by that Court in the matter.

From Foujdaree Udalut, 2d June 1856, No. 26, with the following enclosures :

- No. 1. Calendar of persons punished by the magistrate during the last quarter of 1855.
- No. 2. Extract Proceedings of the Session Court, dated 18th February 1856.
- No. 3. Letter from the Register of the Foujdaree Udalut to the Session Judge, 17th May 1856.
- No. 4. Reply of Session Judge, 28th May 1856, with a letter from the Magistrate enclosed.

From the Session Judge of Chingleput, dated 4th June 1856, with two enclosures :

- No. 1. Tamil record, consisting of nine documents, of the case of torture tried by the Magistrate of Chingleput, with translations of same, made by Government Translator.
- No. 2. Original Petition of the Weavers, dated 1st August 1855.

From the Collector of Chingleput, 5th June 1856, No. 3, with six enclosures : viz. :

- Extract Proceedings of Session Court of Chingleput, in a case which occurred in St. Thomas's Mount in 1854.
- Report of persons punished in 1854, by Mr. Shubrick, when acting Principal Assistant Magistrate of Vizagapatam.
- Report of persons punished in 1845 for extortion, and abuse of authority, by Mr. Shubrick, acting Principal Assistant Magistrate.
- Urzee or Address from the Tehsildar of Peddapollim to the Collector of Chingleput, dated 2d July 1855.
- Takeed or Order sent by the Collector to the Tahsildar, dated 5th July 1855.
- Also, Copy of a Letter from the Magistrate of Chingleput, referred to in the above letter, dated 21st December 1855, with Extract Minutes of Consultation in the Judicial Department, 10th January 1856, No. 22.

George Letter from Collector and Magistrate of Chingleput, dated 9th June, forwarding copy of sentence passed by him in a case of torture while Special Assistant in Vizagapatam.

We have, &c.
(signed) *Harris.*
Walter Elliot.
H. C. Montgomery.

Fort St. George, 10 June 1856.

P.S.—Since the above was written, we regret to find that it has not been possible to complete the translations of the vernacular documents in time to admit of their being sent by this mail. They will therefore be forwarded by the next mail.

Judicial Department, No. 20 of 1856.

To the Honourable the Court of Directors of the East India Company.

Honourable Sirs,

WITH reference to the postscript to our letter to your Honourable Court of the 10th instant, No. 19 of 1856, we have the honour to transmit translations of the vernacular papers connected with the complaint of torture preferred against the tehsildar of Periapoliem, in the district of Chingleput.

We have, &c.
(signed) *Harris.*
Patk. Grant.
Walter Elliot.
H. C. Montgomery.

Fort St. George, 21 June 1856.

Révenue Department, No. 17 of 1856.

To the Honourable the Court of Directors of the East India Company.

Honourable Sirs,

WE have the honour to submit for your information copy of a letter from the Board of Revenue, dated 15th May last, giving cover to copy of correspondence on the records of their office, relating to a case of torture in the Chingleput district, together with copies of minutes recorded by the Right honourable the President and by the Honourable the members of Government, and an extract from the minutes of consultation containing the views of Government on the subject. The Board placed these papers before us in consequence of having observed in the newspapers of the day an allusion made to the subject by Lord Albemarle in the House of Lords, and in anticipation of a call from us for them.

2. It will be observed from this correspondence that extracts from the memorial of the Madras Native Association having appeared in the "Spectator" newspaper of the 13th March, the Board of Revenue called on the Collector of Chingleput for an explanation of the circumstances. The result of this inquiry is shown in the documents forwarded, but we have not deemed it necessary to express any opinion on the subject, because the order of the Board of Revenue appeared sufficient in all the main points of the case, and because the case had not come before Government in such a shape as at all to require an order. In the usual course of business indeed it would not have come before Government at all, but considering it very desirable that in future Government should exercise supervision in such matters, we have directed the Board of Revenue to issue orders to the several Collectors and magistrates, and through them their subordinate officers, requiring that in all cases of alleged torture henceforward either in the Revenue or Police department, copies of the plaints and of all proceedings thereon shall be sent up to Government without delay.

3. We

3. We must however record our firm belief that nothing short of the measures already recommended by us to the Supreme Government for the improvement of the administration, can render it possible for this Government to put a stop to the practice of resort to illegal coercion in revenue and police matters, and particularly in the latter. Among those measures, we would more especially refer to the abolition of the moturfa taxes, the re-adjustment of the assessment on the land, the reorganization of the police, and the more extended employment of uncovenanted agency, all which were brought under the notice of the Government of India, and eventually under that of your Honourable Court on the dates noted in the margin.*

Fort St. George.

4. In your review of the Report of the Commissioners appointed to investigate cases of torture, your Honourable Court remark that we must chiefly look to the spread of education and to the general improvement of the habits and feelings of the population to the eradication of this detestable practice. This is true; but there can be no doubt, that if the circumstances of the taxpayers and of the tax collectors are improved, a much more rapid change in the habits of the population may be anticipated than can otherwise be looked for. The measures proposed for this object more particularly alluded to above, have long since been recommended by us, but as yet we have received no orders, nor has any notice been taken of those recommendations by superior authority; it is however most important at the present time that this Government should be vested with power to act on them at an early period, and we beg again to press on your earnest attention those measures of reform previously suggested by us.

Public despatch,
12 Sept. 1855,
No. 44, para. 17.

5. The Honourable Mr. Elliot, it will be observed, considers the measures proposed, desirable as they are, to be insufficient to check the practice as regards the Revenue department. One of the greatest evils of the present fiscal administration, he remarks, consists in the settlement of the demand annually, which necessitates frequent inspections of the lands under cultivation, and interference with the cultivators by the ill-paid subordinate officials; and he suggests as an alternative, a settlement with the ryots for terms of years, whereby the whole class of inferior servants now employed in the examination of details may be dispensed with. We do not deem it necessary to go into the question raised by Mr. Elliot, as although we fully concur in the advisability of preventing as far as possible the constant interference of officials with the occupiers of the soil, and our plan of a revenue survey and re-assessment comprehends measures designed with that view, we are not prepared to discuss the merits of the change suggested, especially when doubting the feasibility of bringing the plan directly and at once into operation. We refer you more particularly to the views expressed on this point in his Lordship's minute of the 31st May.

Ex. Min. Cons.
14 Aug. 1855,
No. 951, paras.
28 and 2.

We have, &c.

(signed) *Harris.*
Walter Elliot.
H. C. Montgomery.

Fort St. George, 10 June 1856.

To *C. J. Shubrick*, Esq., Collector of Chingleput, &c. &c. &c.

THE humble Petition of the undersigned Weavers of Commarapettah, of the Periapallum Talook in the Zillah of Chingleput.

Humbly sheweth,

That the subject of their petition is such as to require your mature deliberation, and deserving of the redress for which they now pray. The subject of torture is

one

* To Government of India, 26 May 1853, No. 572; to Government of India, 14 August 1855; to Honourable Court, 11 October 1855, No. 44; to Government of India, 14 August 1855, No. 31; to Honourable Court, 20 October 1855, No. 32; to Government of India, 13 August 1855, No. 949; to Honourable Court, 25 September 1855, No. 42.

Fort St. George.

one which has excited so much attention lately, as to call for a special commission to investigate it; notwithstanding it is still resorted to to enforce a demand which your humble petitioners submit is not just.

Remark by the Session Judge—
This is not alluded to in the depositions on oath.

Remark by the Session Judge—
This is not alluded to in any way in the depositions on oath, nor has this part of the charge which refers to the 27th July been investigated.

Remark by the Session Judge—
Not so by the depositions on oath.

Before the expiration of Fusly 1264, which came to a termination on the 30th June last, the tasildar, zilladar, peons, &c., whose duty it is to collect the revenues, came to your humble petitioners and demanded the payment of the kist. But on that occasion, though your humble petitioners pleaded poverty, the Circar servants above named pressed them so much as to extort from them bribes, on which consideration they allowed your humble petitioners a short respite. Your humble petitioners believed that the respite would continue sufficiently long to enable them to procure the necessary amount to meet the demand against them; but, on the 27th ultimo, the tasildar of the Pareapollum talook sent eight peons to bring your petitioners to his presence; fourteen of them arrived at their destination on Friday morning, at about eight o'clock, when they were abused and otherwise maltreated. They were made to stand the whole day exposed to a burning hot sun. You are aware of the excessive heat which prevailed lately, even within doors; you can easily judge, therefore, what their pain must have been while exposed to the sun. Their thighs were pinched in a most painful manner. They were made to stoop down, and while in that posture they had to bear the weight of one man on the back of each. Some of them were knocked down upon a dung-hill hard by, and they were designedly besmeared all over with cow-dung, which emitted a most offensive smell, very distressing to bear. All this, and many other modes of annoyance, they had to suffer from early in the morning till 10 o'clock in the night; all which time they were made to starve, denying them even a drink of water to slake their thirst. When their meals were brought to them, they allowed them at 10 o'clock in the night to eat, but for that purpose they assigned them a place which is used as a privy. They remonstrated long and earnestly, and they were at last allowed to go away under the surveillance of peons. The following day being Saturday, 28th ultimo, the tasildar took them to their own village, and bringing with him a great many people to assist and defend him, repeated the same outrages upon them, but with greater cruelty and malice. At this time, so great were their sufferings, that one man, compassionating the pitiful state of bodily and mental anguish to which the unfeeling and fiendlike tasildar had reduced them, voluntarily offered to pay the money claimed; but of course the honest tasildar rejected the offer with indignation and scorn, and got him turned out of his presence. The little money which they had, had been taken from them, taxing them with the payment of batta to the tasildar and his myrmidons during the days they were engaged in all the sharp practices above described, though but in part.

Remark by the Session Judge—
On oath it is stated they had no marks even of violence.

Under these circumstances, as they really have no money, and it is not possible to draw blood out of a stone by any process short of miracle, your humble petitioners humbly and earnestly solicit that they may be allowed a reasonable time to pay their dues, and be mercifully secured from the clutches of the tasildar and his assistants; so great was the cruelty they endured, that many of them are suffering till the present day, and unable to stir from their houses; they are suffering besides from the want of means of support, being separated from their families and other sources of assistance; many have even left the village and absconded, and it is highly questionable if they will ever return; they therefore beg that they be allowed a short respite till they are capable of finding the wherewithal to satisfy the kist.

For which act of benevolence your petitioners, as in duty bound, shall ever pray.

[Here follows eight signatures in the native character.]

1 August 1855.

(signed) C. J. Shubrick.

Deposition given before the Magistrate by Sowduppen, son of Chengulva Chetty, of Rolluppady, in support of the complaint preferred by him for himself and five others, including one Ragava Chetty, against the Tasildar.

Fort, St. George.

Oath was administered according to the Act.

Q. State the circumstances about which you and others have preferred a complaint against the Tasildar of Pareyapalayem?—A. I do not recollect the date, but on a Friday in the month of Andy, the peon Moonesawmy, and the duffadar Mookoonda Naicker came to my village,* and saying that the tasildar wanted us, took us, and left us before the Tasildar Seenevasarow at Pareyapalayem. The persons who appeared before the tasildar were Vencuttaisun, Naul Gooroonappen, Naul Moonesawmy, a substitute peon, Chengulvaroyen, Naul Boady Chetty, Naul Bedoo Chetty, Naul Veerasawmy, Yerra Sooboo Chetty, Cauttam Vairacoloo, Vencattasawmy, Veeramooshtemoottoo and Naul Gooroonuppen and myself. As soon as we went to the tasildar, he asked us to pay the balance of the loom-tax. We promised him to pay the sum of 50 rupees. He said that half of the balance due by the whole village, 100 rupees and upwards, must be paid. We told him that we had no means to pay it then; at which the tasildar ordered us to be kept in a bowing posture in the sunshine. It was about eight o'clock in the morning. The peon Moonesawmy Naicken and Mookoonda Naicken came and kept us all to be stooping down in the sunshine in the street, in front of the Chetty Chuthum, in Pareyapalayem. We were stooping down in the same posture till eight o'clock at night. We were not allowed to take our meals. When we asked leave to go to take our food, he told us to go after paying the money. We were allowed to go and take our meals about 10 o'clock at night. We took our food, and remained in the cutcherry, under the custody of the peons. On the next morning, we were carried to Rolluppady, and forced to stand in the sunshine in the street of the village moonsiff. At about four o'clock in the evening, he ordered the peons to pinch us on our thighs. The peon Mookoonda Naicken held both of my hands; a Mooselman peon, whose name I do not know, pinched my thigh; Moonesawmy Naicken gave me a blow on the neck. Ebooram and some other peons, whose names I do not know, joined together, and treated me as stated above. They let us go after we paid the money. None of us were wounded (i. e. had marks of violence upon our persons).

* Rallapody.

Remark by the Session Judge— Quite impossible.

Remark by the Session Judge— These names do not correspond with those mentioned by Cowden.

How did you pay the money at the time?—Our females being unable to endure seeing us ill-treated, disposed of the articles in their houses, by sale and mortgage, and brought and gave us money, and we paid it.

What did the peon Audum Kan do?—He ill-treated Soobhou Chetty.

(marked) Sowduppen.

Solely affirmed before me, this 23d day of August 1855.

(signed) C. J. Shubrick.

Deposition given before the Magistrate of Chingleput by Vencattasawmy, Son of Vunneappen, of Coomarapettah of Mootteryah; Caste, Vistnoo; sect, a Cultivator; and aged about 40, and a Witness.

Oath was administered to him according to the Act.

Q. Sowduppen and others have preferred a complaint, stating that they were ill-treated by the tasildar of Pareyapalayem in collecting arrears of tax; state what you know of the truth of the matter?—A. I do not recollect the date and month, but 10 days ago, about noon, there was a noise near the house of Naul Gooroonappa Chetty, the village moonsiff, situated at a little distance in front of my house. I looked at this standing in the street of my house. The tasildar was holding cutcherry at the time on the outer pval of the said Gooroonappa Chetty's house.† In the front of the house, and at the distance of 10 fathoms in the street, there were kept more than 10 persons in number, stooping down in

† Remark by the Session Judge.— This was at Rollapody.

Remark by the Session Judge—
These complainants were inhabitants of his village.

the sunshine. I did not know who they were, but I saw Sooboo Chetty and Ragava Chetty, now before the (magistrate) court, stooping down among them. Peons were pinching the said two individuals on their thighs, at two peons to each. They cried out, alas! alas! I did not know the peons that pinched them, nor did I see the other persons being ill-treated by the peons, as stated above, for I went away afterwards; nor did I hear the tasildar order the peons to conduct themselves in the above manner. Many females and children were looking on at the time in the street; nor did I see the village moonsiff Gooroonuppa Chetty present there.

Remark.—The tasildar had no question to put to the deponent.

(marked) *Vencattasawmy.*

Solely affirmed before me, this 23d day of August 1855.

(signed) *C. J. Shubrick.*

DEPOSITION given before the Magistrate of Chingleput, by Cundum, Son of Aundeappan of Rollapandy, of Palayagar; caste, Vishtnoo; sect, a Peon; and aged about 30 years, and a Witness.

Oath was administered according to the Act.

Q. A complaint has been preferred by Sowduppen and others now before the (Magistrate) Court, stating that they were ill-treated by the tasildar of Pareyapoluyem, on account of some arrear of rent due by them. State what you know of the truth of the matter?—A. About 20 days ago, one morning about six o'clock, I and one Venguppa Chetty, went to the house of Gooroonuppa Chetty, opposite to that of another Gooroonuppa Chetty, the village moonsiff of Rollapady, for asking a debt due by him. The tasildar of Pareyapalayem was holding his cutcherry at the same time on the street pyal of the house of the said village moonsiff. Sowduppa Chetty and others, now before the (Magistrate) Court, were kept in a stooping posture in the street of the said house. The peon Moonesawmy Naicken, and Mookoonda Naicken, whom I now point out, were with the complainant and others at the time. Some other peons, whose names I do not know, were in the act of bringing and leaving there certain individuals. When Mootoonerummal, the wife of Gooroonuppa Chetty, to whose house we went, handed over then a "rettaygoondattegay," or a neck ornament, to Venguppa Chetty, saying that her son also was undergoing an ill-treatment for a balance, and requested him to get and give money for it. The said Venguppa Chetty received the jewel, and went to the tasildar, and told him that he would pay money within three days to the person to whom it may be ordered to be given; that the said persons should therefore be set at liberty, and that he would mortgage the said jewel till that time. The tasildar said that he was not a merchant, and told him to go away. The said persons were kept in the same posture till the noon; and when the tasildar went to take his meals, he let the complainant and others go to take their food. On the return of the tasildar, after taking his meals, the complainant and others were again made to stoop down in the street as before; and the tasildar bade his peons pinch their thighs. The peon Moonesawmy and Mookoonda Naicken pinched Sooboo Chetty, Ragava Chetty, and Sowduppa Chetty, each at their thighs; and it was after they had agreed to pay the money they were set at liberty. I did not see the peons pinch the other persons' thighs. All were set at liberty after they paid the money. The village moonsiff Gooroonuppa Chetty was with the tasildar.

(marked) *Cunden.*

Remark.—Tasildar had no question to put to the deponent.

Solemnly affirmed before me, this 23d day of August 1855.

(signed) *C. J. Shubrick.*

Remark by the Session Judge—
This does not correspond with Venguppa Chetty's statement.

Remark by the Session Judge—
Vide complaint.

DEPOSITION given before the Magistrate of Chingleput, by Vencattachella Chetty, son of Angoo Chetty, of Mungalum, of Chetty caste, Vistnoo sect, a merchant and a cultivator, and aged about 40 years, and a Witness. Fort St. George.

Oath was administered to him in accordance to the Act.

Q. A COMPLAINT has been preferred by Sauduppen and others now before the (magistrate) Court, charging the tasildar of Pareyapolayen with having ill-treated them in the collection of balance of revenue. State what you know of the truth of the matter?—A. About a month ago, i. e. in last month, I went to the house of one Gooroonuppa Chetty, which is opposite to that of the village moonsiff, in Rolluppady, to demand payment of the balance of a debt. When the wife of the said Goorooappa Chetty told me that the tasildar had pressed her for payment of a balance of the tax on loom, and desired me to get and give her some money, I said I had no money, at which she gave to me an addeay, or neck ornament, which I gave to another person, and getting from him seven rupees, gave the same to her. She gave that sum to the cirkar, through her son Chungely, and got him set at liberty. Some other females in the village came and told me that their husbands were undergoing ill-treatments, and that money should be paid for it. I went and saw the tasildar holding cutcherry on the street pyal of the village moonsiff's house. The complainants and others were placed in a stooping posture in the sunshine in front of it. Peons were beating those who refused to keep in a stooping posture. I do not know the names of those peons; they are not present here. I did not see the peons now before the cutcherry beat any one. I went and told the Curnum Palayutta Pillay that I would deposit certain gold ornaments as security for the payment of the money. I offered myself to be answerable, and also promised to bring and pay the money in course of three days. On which the said Curum and Audumkan went and informed the circumstance to the tasildar, when the tasildar bade me go away. Afterwards I went to take my meals and returned; the tasildar also went for the same purpose. On his return, after taking his meals, he ordered the peons to pinch the complainant and others on their thighs. In obedience to his said order, the peons, three or four in number, joined together and ill-treated the complainant and others, who were exposed to the sunshine; two of them (peons) pinching their thighs, one seizing hold of their hands, and one giving blows on the neck and pressing them down. I do not know the names of those peons; they are not present here. Owing to the above ill-treatments they disposed of their jewels, and articles, &c. by sale and mortgage, and paid the money. The village moonsiff continued coming and going. The peon whom I now point out, named Moonesawmy, was ill-treating the complainant and others, in company with the other peons. The complainant and others were not sent to take their food till the evening.

Why was not the woman examined?

This does not correspond with the statement of Cundun.

He said before none of the peons were present. Cunden states they were allowed to go about noon and take their food.

Remark.—The tasildar had no question to put to the deponent.

(signed) *Chuckaray Vencattachella Chetty.*

Solemnly affirmed before me, this 23d day of August 1855.

(signed) *C. J. Shubrick.*

(No. 2.)

Before the Magistrate of Chingleput.

I, SAVOODUPPEN, son of Rallapandy Cheagulva Chetty, hereby depose, on behalf of myself, Ragava Chetty, and four others, residing at Rallapandy, regarding the complaint preferred by us against the Tehsildar.

Sworn according to the Act.

Q. RELATE in detail the circumstances what took place in the matter of the complaint preferred by yourself and others against the tahsildar of Periapolliam talook?

117—Sess. 2.

K

—A. I do

—A. I do not recollect the date, but on a Friday, in the month of Andee, peon Moonesawmy and Duffadar Mookoondoo Naik came to our village, and saying that the Tahsildar Sreenwassa Rao, who was at Periapolliam, wanted us, carried us before him.

The persons who so went before the tahsildar were myself, 1; Vencatasew, 1; Nabn Goorooruppa, 1; Nabn Moonesawmy, 1; Chengulwyen, 1; Nabn Potte Chetty, 1; Naboo Beeke Chetty, 1; Naboo Veerasawmy, 1; Yerra Soobboo Chetty, 1; Cotton Vennilu, 1; Vencatasawmy, 1; Veeramooshtee Mootoo, 1; Nabn Goorooovuppa Chetty, 1. As soon as we arrived the tahsildar ordered us to pay the balance of the loom tax. We said we would pay 50 rupees; but the tahsildar said that we must pay a moiety of the amount; viz., 200 rupees and odd, due for the whole village. When we replied that we were not then able to do so, he ordered us to be placed in a stooping posture in the sun. It was about eight o'clock in the morning when the peon Moonesawmy Naik and Mookoondoo Naik came and made us all stoop in the sun, in the street, opposite to Chetty's choultry, in Periapolliam; we were in the same stooping position until eight in the evening. They did not even let us go to our meals; when we asked leave to go to our meals, they said that we could go after we had paid the money. At 10 o'clock at night we were sent to our meals, and when we had finished, we were placed in the catcherry, under the custody of peons. On the next morning we were taken to Rallapandy, in the same manner, and made to stand in the sun in the street in which the moonsiff's house is situated; and, moreover, at four in the evening, he (the tahsildar) ordered the peons to pinch us on our thighs. The peon, Mookoonda Naik, took hold of both of my hands; a Moosulman peon, whose name I do not know, pinched my thighs; and Moonesawmy Naik thumped me on my neck. These and some other peons, whose names I do not know, combined, and treated us all as above described. After we had paid the money they set us at liberty. None of us received any wounds.

Q. Whence did you obtain the money that you paid?—A. Our females, unable to bear the sight of our sufferings, sold and mortgaged the chattels in the house, and brought us the money, which we accordingly paid.

What did the peon, Adam Khan, do?—He ill-treated one Soobboo Chetty.

(Mark of) *Savoodappa Chetty*.

Solemnly affirmed before me, this 23d day of August 1855.

(signed) *C. J. Shubrick*.

(No. 3.)

To *C. J. Shubrick*, Esq., Magistrate of Chingleput.

URZEE humbly addressed this 23d August 1855, from Sydapet, by
C. Sreenooassa Rao, Tahsildar of Periapolliam Talook.

I WAS surprised when I saw the hoozor order, No. 136, dated 17th instant, and beg to make the following representation on the subject therein alluded to; a perusal of the same will convince your Honor of the true state of things.

Arrears of the loom tax for Fusly 1264 last, amounting to 210 rupees and odd, having been due by certain individuals in Rullapully village, attached to this talook, I called upon the defaulters personally several times, both before and after the expiration of Fusly 1264 to pay up the said arrears; and also sent takeeds to the zilladar and watching peon to collect them; but the defaulters, although the year had expired together with a month of the new Fusly 1265, had not paid the arrears within the time within which they had promised to do so. I therefore sent a strict order to the zilladar of the locality to collect them, and he and the watching peons made a report, stating that, upon their demanding the balance, the weavers had agreed to pay 50 rupees, of which 30 rupees in cash had been realised; that the zilladar had left orders with Nanboo Goorooovuppa Chetty, the putta maneagar, and the moonsiff of the said village, to levy and remit the remainder; that the said maneagar had accordingly collected the remainder, and applied it to his own private use, and

and suggesting that he should be examined and punished. Thereupon I went to Periapolliam on the 27th June, and having examined and taken depositions from the moonsiff and puttah maneagar, Nanboo Gooroovppa Chetty, and from some others who owed balances, I addressed an urzee on 2d July 1855, and requested an order permitting me to punish the said moonsiff for having misappropriated about 30 rupees which had been realised, and to recover the said sum from him by distress on his property. In reply to this, I received an order, dated 5th July 1855, directing me to proceed immediately to the said village, and collect the arrears; and stating that a further order would be issued regarding the punishment of the moonsiff. Pursuant to this order, I went to Periapolliam on 27th July, and after sending for the weavers who owed balances of the loom tax, their village, Rallapully, being in the immediate vicinity, demanded them to pay up what was due; but they requested to be allowed 10 days more, on the ground of their inability to pay the money. I refused, however, to give them further time, explaining that the fusly as well as a month of the new year had elapsed, and that they must therefore pay it up at once. I then ordered the acting duffadan, Mookoondoo Naiken, and peons Moonesawmy, Jayram, and Adam Khan, to collect the money from the defaulters; but none paid the money in that village, and most of them said that if they went to their own village they would produce it. Thinking that if I went to their village, Rallapully, and did my best, the balances would be realised, I proceeded there the next day, 28th July, with my cutcherry, and on my insisting upon payment being made, they all, with the exception of a few, discharged their balances before evening. About 160 rupees were collected; but certain others, against whom there was a balance of 50 rupees, concealed themselves; those who paid took leave, and instantly went away. After remitting the money collected, I went the next day, 29th, to Chinnamadoo with my cutcherry, to collect others' arrears of revenue. This is what really took place, as I had collected arrears which they had delayed paying, because they thought that the Government were about to abolish the loom tax; and as I had addressed an urzee to your Honor on the 8th August, requesting that the said moonsiff and puttah, and maneagar, who belongs to the weaver caste, might be punished for having embezzled the 30 rupees and odd he had collected; entertaining enmity against me, and instigated by certain evil-disposed persons, they have preferred this false charge, alleging things that never occurred, and this with no other view than to bring me into disgrace. I did not order the complainant and others to be kept in the sun in a stooping position, nor thighs to be pinched, as they were standing in the place where I was holding my cutcherry; the peons certainly did not do so. The complainants have bribed some coolies to give evidence in the case. These facts will be evident to your Honor if you peruse the urzee above mentioned, which I have addressed to you at different times. If necessary, your Honor can examine, as witnesses for my defence,

- 1st. Palayetha Pillay, another puttah maneagar of the said village.
- 2d. Koodookhan Sahib, a hoozoor delayet. And,
- 3d. Peons Jayram, who were then present at the time, and will fully prove the charge to be false.

(signed) C. Sreenevassa Rao, Tahsildar.

(signed) C. J. Shubrick.

(No. 4.)

Before the Magistrate of Chingleput.

DEPOSITION given by me, witness Condan, son of Audeappen, aged about 30 years, of Poleagar caste, Vishnoo sect, living by service, and residing at Rallapandy.

Sworn according to the Act.

Q. SAVOODUPPEN and others, who are now before the Court, have preferred a complaint against the Periapolliam tahsildar of oppression in collecting the balance due by them; state the true facts, as far as you know them?—A. About

20 days ago, on a certain day, at six in the morning, myself and one Venkappa Chetty went to Rallapully, to the house of one Gooroovappa Chetty, opposite to that of another Gooroovappa Chetty, the moonsiff, to collect a certain debt, when the tahsildar of Periapolliam was holding his cutcherry on the street pial of the moonsiff's house; Sauvoduppa Chetty and others now before the Court were bent down in a stooping posture in the street of the moonsiff's house. The peons Moonesawmy Naiken and Mookoonda Naiken, whom I now point out, were there with the complainant and others, and besides them some other peons, whose names I do not know, brought certain other individuals, and left them there. Moottooveerummal, the wife of Gooroovappa Chetty, to whose house we went, came, saying that her son also was being ill-treated on account of a balance, and brought an ornament called "Rettagoondoo Addegay," requesting us to lend her some money upon it. One Venkaya Chetty took the ornament, and went and told the tahsildar that he would undertake to pay the balance due by certain individuals in three days, and requested that they might be released, and offered to deposit the ornament till then; thereupon the tahsildar told him to go away, saying he was not a merchant, and after detaining the complainant and others until now, he then went to his meals, and sent the complainants to theirs also; after the tahsildar had returned from his meals, the said complainant and others were again placed in the street as before. The tahsildar also ordered the peons to pinch their thighs: hereupon the peons Moonesawmy and Mookoondoo Naiken began pinching the thighs of Sooboo Chetty, Ragava Chetty, and Savoodiah Chetty, each pinching one leg, until they agreed to pay the balance, upon which they let them go. I did not see the peons pinching the other individual's thighs. They were all released after paying the balance.

The moonsiff Gooroovappa Chetty was with the tahsildar.

(marked) *Conden.*

Note.—The tahsildar has no questions.

Solemnly affirmed before me this day, the 23rd day of August 1855.

(signed) *C. J. Shubrick.*

(True translation.)

(signed) *C. F. Chamier,*
Tamil Translator to Government.

(No. 5.)

Before the Magistrate of Zillah Chingleput.

DEPOSITION given by me, witness Vencatasawmy, son of Nyniappen, aged about 40 years, of Moottria caste, Vishnoo sect, living by cultivation, residing at Commarapet.

Sworn according to the Act.

Q. STATE the truth, as far as your knowledge goes, in the matter of the complaint of oppression, in the collection of arrears of rent, preferred against the tahsildar of Periapolliam, by Savooduppen and others now present in Court?—

A. I do not recollect the month and date, but about ten days ago, one day a little before noon, there arose a noise near the house of the moonsiff Nara Gooroovappa Chetty, situated a little distance opposite my house. I stood and looked from my side of the street, and saw the tahsildar holding cutcherry on the pial of Gooroovappa Chetty's house. In the front, at a distance of about 20 yards, more than ten persons were kept in a stooping position in the street, exposed to the sun. I did not know who they were, but I observed that Soobboo and Rasappa Chetty, who are present in Court, were among the number kept in that posture. Each of these persons was being pinched on both his thighs by two peons, and was crying out, "Ayo! ayo!" I did not know the peons who were pinching them. I did not see any other persons ill-treated by the

the peons as above stated. I then went away. I did not hear the tahsildar order the peons to act in the above manner. At that time there were many women and children in the street witnessing the scene. I did not see the moonsiff Gooroovappa Chetty there.

(Mark of) *Vencatasawmy*.

Remark.—The tahsildar has no questions.

Solemnly affirmed before me, this 23d day of August 1855.

(signed) *C. J. Shubrick.*

(No. 6.)

Before the Magistrate of Chingleput.

DEPOSITION given by me, witness, Vencatachella Chetty, son of Ankoo Chetty, aged about forty years, of the Chetty caste, Vishnoo sect, earning my livelihood by trade and cultivation; and residing at Mangolom.

Sworn according to the Act.

Q. STATE the truth, as far as your knowledge goes, in the matter of the complaint of oppression in the collection of arrears of rent, preferred against the tahsildar of Periapolliam, by Sadayeppen and others now present in court?
—A. About a month ago in last month, I went to Rallapandy to realise a debt, and visited Paedevy Gooroovappa Chetty's house, which is situated opposite the moonsiff's. The said Gooroovappa Chetty's wife came and asked me to lend her some money, saying that the tahsildar was oppressing her son for payment of balance of the loom tax. I replied that I had no money; she then gave me an ornament called "Addegay," which I mortgaged to a third person, and obtaining seven rupees I gave them to her; she took the money and gave it to her son Sengaly and got him liberated, after the sum had been paid to the Circar. Some other females also came and asked me entreatingly for money, saying, that their husbands were being ill-treated. I went to see. The tahsildar was holding his cutcherry in the street pial of the moonsiff's house; the complainants and others were placed in a stooping posture in the sun, and the peons were beating such as refused so to stoop. I do not know the names of the peons; they are not here, nor did I see the peons who are now present beat them. I went and told the Curnum Paleatha Pillay who was there, that I would deposit a gold ornament, as security, on behalf of certain individuals, and that in two or three days I would bring and pay the money due by them. Upon the said Curnum and one Adam Khan going and mentioning this to the tahsildar, the latter ordered me to go away. I then took my meals and returned, which the tahsildar did also; he then ordered the peons to pinch the thighs of the complainants and others; accordingly three or four peons came together, and two pinched the thighs of the complainants and others individually, while standing in the sun, while one caught hold of their hands, and the remaining one thumped and pressed down their necks. In this manner they oppressed them. I do not know the names of these peons, nor are they here. After they had been thus maltreated they mortgaged or sold their ornaments and other articles, and paid the balance, after which they were released. The village Moonsiff frequently visited the spot whilst all this was going on. The peon Moonesawmy, whom I now point out, was also oppressing the complainants, &c., together with the other peons. The complainants and others were not sent to their meals till the evening.

(signed) *Suckary Vencatachella Chetty.*

Note.—The tahsildar has no questions to put.

Solemnly affirmed before me, this 23rd day of August 1855.

(signed) *C. J. Shubrick.*

(True translation.)

(signed) *C. F. Chamier,*

Tamil Translator to Government.

LETTER from Seenevasa Row to *C. J. Shubrick*, Esq., Magistrate of the Zillah of Chingleput.

URZY, dated 23d August 1855, Sidapetta, and submitted by Seenevasa Row, the Tasildar of Pareyapolayem.

I RECEIVED your takeed, No. 136, dated 17th instant, and the following explanation in answer thereto will convince you with the truth of the case :

There having been a balance of moturfa, or loom tax, of 210 and odd rupees due in the village of Rallapody, in the said talook, for Fusly 1264, orders were given in person to the defaulters at several times, both before and after the expiration of the said fusly, to liquidate the same, and takeeds were issued to the zilladar and peons ; but as they did not pay the tax, even after the expiration of the first month, in the next Fusly 1265, and so failed in their promises of payment, I sent a strict takeed to the zillahdar of that place. He submitted a report to me, stating that he and his peons went and asked for the arrears ; that the defaulters agreed to pay 50 rupees, but that only a sum of 30 rupees was collected in ready money ; that he (zillahdar) gave instructions to the puttamoneyem, and the village moonsiff Naub Goroovauppa Chetty, to realise the remainder money, and remit the same ; but that that moneyagar appropriated the money collected to his own use ; that he (zilladar) therefore could not remit the money, and that therefore an inquiry should be made, and punishment be awarded. On which I went to Pareyapolayem on the 27th June last, sent for and inquired the moonsiff puttamoneyagar Naub Goroovuppa Chetty, and some of the defaulters, and taking depositions from them, sent an urzy to your Honor on the 2d July 1855. In that urzy I requested for an order to punish the moonsiff and realise the sum of 30 rupees he had appropriated by attachment (of his property). I then received an order from you, dated the 5th July 1855, in which you directed me to go to the village immediately and collect the money, and also observed, that you will send another order afterwards about punishing the moonsiff. In accordance to the above order I went to Pareyapolayem on the 27th July, sent for and demanded the defaulters in the village of Rolluppady, which is situated very near to the talook, to pay their arrears of the looms tax. They said they were unable to pay, and requested me to allow them a time of 10 days to pay the balance. I told them that the time cannot be allowed, that the money should be paid down ; because the year was over, and a month in the current year was past. I gave order to the duffadar Moockoonda Naicken, Moonesawmy, Jayaram, and Adumkan to collect the balance from the above defaulters. But no one in the village paid any money. As many of the defaulters promised to pay money, after going to their village Rolluppady, I thought that the collection could (easily) be made if I go and make exertions in the village ; and accordingly I went thither on the next day, the 28th July last, with my cutcherry, and on demanding them to pay the money, they all liquidated the balance in small sums at a time within the evening of that day. The sum collected amounted to about 160 rupees. There was still a balance of 50 rupees, and the persons who owed it absconded. Those who paid money took leave and went away immediately. I remitted the sums collected, and on the next day, the 19th, I went to Chinna Naidoo with cutcherry in order to collect balance of revenue. This is all that took place ; in fact, I collected the balance of the tax from those who owed it, but who withheld payment in the hope that moturfa tax would be remitted by the Government. But the moonsiff puttamoneyagar, who is of the same caste as the defaulters, having appropriated the collection of 30 rupees and odd, I again sent an urzy, No. 73, to you on the 8th August, informing you of the above circumstances. It is owing to the instigation of certain persons who bear enmity, and who are of bad conduct, the complaint has been preferred against me, in order to bring on disgrace on me by inserting circumstances which never did take place at all. I did not order the peons either to cause the defaulters to be kept stooping down or to pinch their thighs. The defaulters remained in my presence at the place where I held the cutchery, and therefore, peons and others (would not have behaved themselves as stated above), nor did they do so. False witnesses have been caused to give evidence by bribery ; therefore a reference to the urzees, which I submitted occasionally, as stated above, will show the reality of the case. Should the other puttamoneyagar of the village at that time, Polayuttan Pillay,

Pillay, the huzoor daloyet Thandookan, and the peon Jayaram be examined as witnesses for the defence, provided the same be necessary, it will fully appear that the complaint was a false one. Please know this.

Fort St. George.

(signed) *Seenevasa Row.*

N. B.—The investigation appears hastily concluded.

(countersigned) *C. J. Shubrick.*

EXTRACT from the Diary of the Magistrate of Chingleput.

Magistrate Court was held on Friday, at Sudyapetta.

No. 22.—21st
Poorattary of
of Retehasaor, 5th
October 1855.

Complainants, Sowduppen and others.—Defendants, 1. Seenevasa Row, the Head of Police of Paryapolayen; 2. Mookkoondoo Naicken; and 3. Moonesawmy Naicken.

THE defendants were charged with having on the 27th July 1855, in the village of Coommapetta, in Paryapolayem talook, made the complainant and others to be kept stooping down in the sunshine, seized and pinched their thighs, and beat and ill-treated them.

The witnesses Vengattasawmy and Cunden have deposed that, by order of the first, the other defendants caused the complainant and others to be kept stooping down in the sunshine, pinched their thighs, and ill-treated them. On a consideration of the fact of the first defendant having been directed to go in person (by the issue of an order in the Revenue Department) and collect the arrears of the loom tax which had been due for a long time by the complainant and other "Jaindevers," or weavers, who had delayed payment, there appear sufficient reasons to believe that the first defendant might have put the complainant and others in constraint as charged by them; and as the evidence of the above witnesses is in this case worthy of credit, a fine of five rupees was imposed on the first defendant under the provisions of Section 32, Regulation IX. of 1816, and the other defendants were set at liberty with a reprimand, they having acted under the order of the first defendant.

*Cf. with
case reports
on p. 66*(signed) *C. J. Shubrick, Magistrate.*

(No. 26.)

LETTER from *George Ellis, Esq.*, Register to the Court of Foujdaree Udalt; to *T. Pycroft, Esq.*, Chief Secretary to Government.

Sir,

1. I HAVE the honour by direction of the judges of the Court of Foujdaree Udalt to acknowledge the receipt of Extract from the Minutes of Consultation, under date the 27th May 1856, requesting to be furnished with a copy of the calendar from the magistrate of Chingleput, relative to the fine of five rupees imposed on the Tahsildar Streenevasa Row, on complaint of torture made by the weavers of Periapolliam, with any proceedings in review of the case which may have been held by the Court of Foujdaree Udalt or by the session judge.

2. In forwarding copies of extract from the petty calendars of the magistracy of Chingleput, for the fourth quarter of 1855, as also of an extract from the proceedings held on review of the said calendars by the session judge, I am desired by the Court of Foujdaree Udalt to state that the quarterly calendar was brought under the review of the Court of Foujdaree Udalt in the usual course of procedure; but that as the particular case to which reference has been made in the Extract from the Minutes of Consultation under reply had not been noticed by the session judge to whom the original record had been submitted, and as it was headed "Misdemeanor," and a trifling fine had been imposed, the charge, too, containing no features of aggravation, the Court of Foujdaree Udalt were of opinion that it was not a case that called for any special notice from them.

So LETTERS AND EXTRACTS RELATING TO

Fort St. George. 3. Prior, however, to the receipt of the Extract from the Minutes of Consultation, dated 27th May, the attention of the Court of Foujdaree Udalt had been drawn to a debate in the House of Lords, in which the Earl of Albemarle had in the course of his speech made allusion to this particular case of torture.

4. The Court of Foujdaree Udalt, on 17th May, called upon the session judge to inform them what notice he had taken of the case when the record thereof had been submitted to him by the magistrate. The translations of the depositions taken before the magistrate have already been submitted to Government by this court, and I have now, by direction of the judges, the honour to forward a copy of this Court's letter to the session judge, together with his reply, and copy of a letter from the magistrate of Chingleput to the session judge on the same subject.

I have, &c.

Foujdaree Udalt Register's Office, (signed) *George Ellis*, Register.
2 June 1856.

(No. 1.)

CALENDAR of PERSONS punished by the Magistrate and his Assistants from 1st October to 31st December 1855, both inclusive.

1.	2.	3.	4.	5.	6.	7.	8.	9.
General No.	Office No.	Name of Prisoners.	Charge.	Date of Charge.	Date of Appearance or Appearance.	Sentence.	Date of Sentence.	REMARKS.
37	22	1. Strenewassarrow, Tahaldar of the Paripollem Talook; 2. Moccoondoo Naicken; 3. Mooneswmy Naicken.	-- By the magistrate, misdemeanor, for having on the 27th July 1855, hour unknown, at Commarapollim, in the Parapollim Talook, exposed the prosecutors to the sun for omitting to liquidate the Government demand against them.	-- 3 Aug. 1855.	-- 23 Aug. 1855.	-- The 1st defendant was sentenced to pay a fine of 5 rupees, under Section 32, Regulation IX. of 1816, and the 2d and 3d defendants were released for want of proof.	-- 5 Oct. 1855.	-- The delay arose from the non-attendance of witnesses. The parties were at large.

Chingleput District, Magistrate's Office, }
Sidapat, 9 February 1856.

(signed) *C. J. Shubrick*, Magistrate.

(No. 2.)

EXTRACT from the Proceedings of the Sessions Court of Chingleput, under date the 18th February 1856.

READ calendars, petty cases investigated and disposed of by the magistracy and his assistants during the 4th quarter of 1855.

The above calendars do not appear to call for any remark.

Ordered, that extract from these proceedings be sent to the magistrate of Chingleput for his information.

(True extract.)

(signed) *W. Dowdeswell*,
Session Judge.

(True copy.)

(signed) *George Ellis*,
Register.
Madras, 17 May 1856.

(No. 3.)

LETTER from *George Ellis*, Esq., Register to the Court of Foujdaree Udalut, to *W. Dowdeswell*, Esq., Session Judge of Chingleput.

Sir,

1. THE attention of the judges of the Court of Foujdaree Udalut has been drawn to a debate in the House of Lords, a report of which has been received by the last mail; in this debate reference was made to a decision passed by Mr. Shubrick, magistrate of Chingleput, in a charge of torture preferred against the tahsildar of Pariapolliam and certain peons.

2. The Court of Foujdaree Udalut, having referred to the petty calendars of the magistracy for the 4th quarter of 1855, observe that the case above referred to is headed "Misdemeanor," and that it was disposed of by the magistrate, under Section 32, Regulation IX. of 1816.

3. I am directed by the judges to request you will inform them, with the least possible delay, whether, when the records of the cases entered in the petty calendars for the last quarter of 1855, were submitted for your consideration by the magistrate, the record of this particular case was gone into and reviewed by you; and whether, in the event of such having been examined, you saw reason to discredit the testimony of the witnesses in the case.

Foujdaree Udalut, Register's Office,
17 May 1856.

I have, &c.
(signed) *G. Ellis*, Register.

(True copy.)

(signed) *George Ellis*, Register.

(No. 4.)

LETTER from *W. Dowdeswell*, Esq., Session Judge of Chingleput, to *George Ellis*, Esq., Register to the Court of Foujdaree Udalut, Fort St. George.

Sir,

WITH reference to your letter of the 17th instant, requiring me to report whether the record in case No. 22, contained in the petty calendars of the magistracy for the 4th quarter 1855, wherein the tahsildar of Pariapolliam was charged with maltreatment of certain parties, was gone into by me, and if so whether there were any grounds for discrediting the testimony adduced in support of the charge,—I have the honour to report that, on looking over the record in question, I found the evidence taken in that case referred solely to the charge made by the petitioners against the tahsildar for his conduct on the 28th July last, and it appears no inquiry had at that time been entered into regarding the charge which referred to the 27th July. The magistrate* considered that the evidence, although it greatly exaggerated the circumstances, and was in many instances actually contradictory as to what had really occurred, still was sufficient to prove the tahsildar has used unnecessary coercion, so far as disgracing and oppressing the petitioners, by making them stand in the sun in the public street guarded by peons; but it was clear he did not credit any other part of the evidence which referred to the torture the petitioners asserted they had suffered. I was aware that there were other charges pending against this tahsildar, and it will be observed that another charge is entered in the same report; but which the magistrate did not enter into, as the parties had already instituted a civil action against the tahsildar. Perceiving the statements were very contradictory, and that the conduct of the tahsildar was under investigation, I did not consider it necessary to pass any orders on the case, neither party having appealed to the Sessions Court.

I beg to submit a rough translation of the record, in which the judges will perceive the contradictions in the evidence are marked by myself; and I must confess I can hardly conceive it possible that any tahsildar, more particularly one so unpopular as this man appears to be, would have dared to have tortured any persons in the public street, and for so many hours, after the stringent

* Copy of his letter is herewith submitted.

Fort St. George.

orders that had just been passed by Government on this subject; and moreover, if he had actually done so, such a number of respectable witnesses could easily have been brought forward as would have clearly and satisfactorily substantiated the charge.

Chingleput Session Court,
28 May 1856.

I have, &c.
(signed) *W. Dowdeswell*,
Session Judge.

LETTER from *C. J. Shubrick*, Esq., Magistrate of Chingleput, to
W. Dowdeswell, Esq., Session Judge of Chingleput.

Sir,

Chingleput, Magistrate's Office,
Pulicat, 23 May 1856.

I HAVE the honour to forward the record of the case No. 22 of 1855, called for in your letter, No. 225, of the 19th instant.

2. As this case has lately attained some notoriety through the public prints, I would beg to be allowed to draw your attention to the complaint as given before me on solemn affirmation, and as drawn up in English by the professional petition writer; the latter containing many aggravations which the former has omitted, and which, moreover, have not in any way been alluded to by the witnesses.

3. As the smallness of the fine has also been commented on, I would beg to refer you to the very unsatisfactory nature of the evidence recorded, and which would not, in fact, have justified any conviction at all, if the first defendant, the tahsildar, had not admitted his presence at the spot, and the collection of the arrears of moturpha tax from the complainants given a colouring of truth to it, by showing, or rendering it probable, that coercion of some sort had been used towards them. The evidence by itself did not appear to me to be of that convincing nature that a severe sentence could justly be founded on it; and it was only the probability of the case, coupled, as that was, with the general disinclination of the weavers to the payment of the tax, under the idea that was prevalent amongst them that it was shortly about to be modified or abolished, and therefore increasing the chances of coercion having been used towards them, that induced me to view the evidence as sufficient for the purposes of conviction, and for a slight punishment, enough to prevent its repetition, rather than as warranting a severe sentence, which would have fairly ensued if the evidence had been of a less questionable character. In fact, so far from not punishing adequately in accordance with the evidence before me, I believe it will be allowed that, I have strained that evidence to its utmost limit, and brought in the aid of circumstantial probability to assist and bear me out in my conclusion.

4. I have further to state, though I felt myself, on the whole, warranted in convicting, I was also deterred from a greater measure of punishment by fearing it might encourage the weavers to a future resistance of the tax, by lowering the tahsildar's authority and power amongst them, and his talook generally. I was aware of their objections to the tax, and to which the tahsildar has also alluded in his defence; and I thought it was better to check him from resorting to illegal and objectionable measures in its collection by a small fine, than by a heavy punishment to encourage them to continue in their opposition by the greater triumph it would afford them; and which would not only have affected him individually, but also every tahsildar in the district.

I have, &c.
(signed) *C. J. Shubrick*,
Magistrate.

EXTRACT Fort St. George Revenue Consultations; 27 May 1857.

(No. 537.)

No. 44.

THE Right Honourable the Governor in Council proceeds to pass orders on the letter in the public department from the Honourable Court of Directors, dated 23th April 1856, No. 19.

2. Resolved,

2. Resolved, that an Extract* from the Order of the House of Lords, paras. 1, 2, and 3, be forwarded direct to the collector and magistrate of Chingleput, with instructions to submit the documents therein enumerated as soon as possible.

Fort St. George.

(signed) J. D. Bourdillon,
Secretary to Government.

LETTER from C. J. Shubrick, Esq., Collector and Magistrate of Chingleput, to J. D. Bourdillon, Esq., Secretary to Government, Fort St. George.

Sir,

5 June 1856.

WITH reference to your letter of the 2d instant, No. 557, I have the honour to forward you a copy† of my taked of the 5th July 1855, as therein requested. The original will be sent for from Peddopolliem, and submitted when received. With this taked and the original record called for from the session judge, the Government will be possessed of all the papers required to be submitted in their order of the 27th ultimo. I was not previously aware that the call for the proceedings by the Foujdarry Udalt had emanated from Government, but attributed it to the notoriety they had acquired through the medium of the public prints.

† Not sent; the original itself having been received and enclosed.

2. I beg to be permitted to make a few remarks, which the proceedings themselves, the circumstances under which they have been called for, and the comments that have been made on me individually, seem alike to require, and without which the Government would be unable to form any correct conclusions on the subjects submitted to their judgment, or be made aware of the reasons and motives that guided me in my course of procedure. The part taken by the Madras Native Association in these proceedings requires that I should refer to them first; I will afterwards proceed with the case itself on its merits.

3. It will be in the recollection of the Right Honourable the Governor in Council, that certain persons appeared in the Guntoor district in 1854, and gave themselves out as agents or emissaries of the Madras Native Association, who went about collecting subscriptions on pretence of seeking to abolish the moturpha taxes. I am not able to say that any such persons have actually appeared in Chingleput, but the connexion of the Madras Native Association with the efforts of the weavers to relieve themselves from these taxes has been very apparent. The tahseeldar does not allude to the association in his defence, but he alludes to the impatience with which the weavers looked upon their professional taxes, and the efforts they made to shake them off. The connexion of the Native Association with the weavers in their efforts is shown by the present proceedings, and they have also been guilty of stooping to obtain clandestine possession of copies of documents from my office of which no copies were publicly applied for, and consequently could not have been granted.

4. The only copy of a document granted by me was a copy of the Tamil sentence in the Diary, but the Native Association appear to have obtained possession of a copy of a rough memorandum of instructions issued by me to the magistrate's moonshee to draw up that sentence, which instructions might equally well have been given by word of mouth, and do not necessarily form any part of the record. It has, however, been sent with the record to the session judge, and will come before Government in due time. I maintain the propriety of those instructions under the circumstances of the case, and only allude to them to show the clandestine way they must have come to the knowledge of the Native Association, and the clandestine use they have made of them.

5. The

* Desire to be furnished with copies of certain documents called for by the House of Lords, connected with the steps taken by the collector of Chingleput, for the collection of the loom tax from certain weavers of Periapalleum.

† I now find that such persons did appear in Chingleput, and were reported to the Board by Mr. Smollett, in his letter, No. 156, of the 13th July 1854.

§ It will be seen that the Tamil sentence uses stronger terms than are contained in the instructions. This did not attract my attention at the time.

a. 5. The copy of the takeed of the 5th July is another document they have equally obtained clandestinely, and translations or copies of depositions, I am told, have appeared in some of the native papers, and to-day in the "Athenæum," which the weavers, the parties to the case, never applied for, as well as a translation of a subsequent takeed addressed to the tahsildar, directing him to remit the amount of the fine imposed on him to the hoozoor treasury.

6. The possession of these documents, and the use made of them by the Native Association, show the unscrupulous character of the individuals composing it, and the dangerous tendency of their proceedings towards subverting all constituted authority, and throwing distrust and suspicion between heads of offices and their subordinates. I would beg respectfully to state on this head, that, individually, I am perfectly indifferent as to what documents they may obtain, or wish to obtain, from my office; but that, as a public servant, it appears to me that the possession and use of unauthorised and unauthenticated copies of public documents by associated or single individuals may be found to be undesirable, and even, under certain circumstances, hurtful to the public interests. In the present case, of course, it only concerns me individually; but cases may occur in which greater inconvenience may be the result, and which it may therefore, perhaps, be deemed advisable to guard against.

7. I now proceed to the case on its merits, and trust I may be permitted to enter upon a full explanation, with the assured confidence that every word I say will receive its proper weight, and that nothing but the facts themselves, and their legitimate consequences, will be allowed to enter into the consideration of Government, who will discard from their minds all the prejudices and statements that have been made, both at home and in this country, in regard to these facts, which the parties making them did not understand, and were not fully informed of. Before doing so, it will, however, be as well for me to state here, which I might perhaps have better stated above, that the weavers themselves never complained against my decision, though an appeal could have been laid against it both to the session judge and Court of Foujdarry Udalut, and that their going to the Native Association shows that both they and the latter body had other motives and objects than the mere establishment of justice in their individual cases to influence them.

8. I proceed to the takeed of the 5th July, and here beg to enclose the tahseeldar's urzee of the 2d idem on which it was issued, but which has not been called for, though the document most required to understand the subsequent proceedings.

9. The Right Honourable the Governor in Council will perceive from this urzee, that the tahseeldar first brought the arrears of the weavers to my notice within nine days of the end of the fusly, and attributed his failure to make his collections to the negligence of his subordinates, and the connivance of the putta monigar, who had retained a portion of them when realised, and requested he might be allowed to distrain the property of the weavers in consequence.

10. It appeared to me, that the tahseeldar was merely endeavouring to throw off his responsibility on his subordinates, who were not the proper parties to bear it; and that before the entire taxes of all the weavers of a village for a whole twelvemonth should be levied by distress, it was advisable that he should himself go to them in person, and see what he could do towards getting them in. I accordingly sent him my takeed of the 5th July, in which I pointed out to him his negligence, and required him to remedy it. A great deal has been said and written about this takeed, and I have been accused of personally goading on the tahseeldar to the commission of torture, by the threat of a "severe order," with which it terminated; and the injunction, that he should leave no "part of the balance unrealised."

11. I beg respectfully to state, that I make no excuse or palliation for this takeed. I maintain its propriety throughout, and I have no hesitation in saying that, in common with every collector in the service, I must have signed some hundreds of similar takeeds, though not one where the conduct of the tahseeldar had been equally negligent beforehand, or followed by torture afterwards. It was an every day order, drawn up to meet the case to which it applied, and it was impossible for me to anticipate that the tahseeldar would
have

have had recourse to illegal measures in the performance of his duty; there was no reason why he should have resorted to illegal measures. He might and ought to have collected his kists regularly, and not allowed them to stand over for a whole twelvemonth, when he would have got them in with ease; that he was not doing so I never knew till the receipt of his urzee of the 2d July, written nine days before the end of the fusly year; and his resorting to illegal measures, in consequence of being goaded to them by my takeed, is absolutely negatived by the time he allowed it to remain with him without notice.

12. If my takeed was of the goading nature attributed to it, and the threat of a "severe order" was understood as anything more than "a commonplace," I would beg to ask why it was not acted on forthwith? It was dated the 5th July, and must have reached the tahseeldar on the 7th; but he does not appear to have moved in the matter till the 27th, though he might, if he had attached any special importance to it, had the weavers before him on the very day he received it, and reported his collections on the next. I have stated that I could not anticipate that the tahseeldar would resort to illegal measures; and I have shown that my order was not the immediate cause of them when he did; and I now beg to add, that I have never had a complaint of ill usage in the collection of revenue made to me during the whole of my public service. I have had complaints of ill usage and torture in police cases; and the magistrates' or agents' calendars of the Vizagapatam districts will show how I acted on them, and that I never hesitated to punish with due severity when the occasion seemed to require it. I applied for copies of these calendars to the registrar of the Foujdarry Udalut that I might be able to show (not to Government, who, I believe, have no need of it), but to others, that I was probably the least likely person against whom a charge of abetting torture could, by any possibility, be brought. I have been informed in reply that these calendars, which are of the year 1845, have been destroyed in common with all others up to 1850, on the records of the Foujdarry Udalut. I have therefore sent for them to Vizagapatam, where, if still in existence, I hope shortly to be able to furnish the Government with copies, under the attestation of the magistrate. As stated already, I have never had a complaint of torture preferred to me previously in revenue cases; and the first information I heard of its existence was through the medium of the Torture Commission. I do not believe in its existence to any extent, no more than I do generally to brutal conduct amongst the police in England, though occasional instances of such find their way now and then into the newspapers; and I positively deny its necessity. No tahseeldar who does his duty regularly would find himself obliged to resort to it; it can only be to cover laziness and previous neglect that it can ever have been inflicted. As for the charge that has been made that complaints of this nature have been indifferently received, I would be allowed to say, that the charge must be quite gratuitous and unsupported. Whatever a collector's feelings in the question might be, the charge would have come before him as a magistrate, when, if he had failed to inquire into it, or dispose of it on its merits, an application to the session court, or Foujdarry Udalut, to say nothing of the Government, would have compelled him by precept to proceed with it in regular order.

13. In regard to the other expressions objected to, "leaving no part of the balance unrealised," the Government need not be informed that it is the common idiom of the Tamil language, and not specially used for the occasion in question. Any other expression would have been extraordinary and uncommon.

14. I trust I may be excused for thus explaining matters which would not otherwise have called for explanation, being of every day occurrence; but I find myself obliged to enter into them, from their having originated elsewhere, and may still be discussed where they are not known. In this way I find myself obliged to state, that owing to the neglect of the tahseeldar the weavers had all the time allowed them to pay their taxes they could possibly have wanted, if they were intended to be paid at all. These taxes were due over a period of 13 months, and could not be prolonged. The weavers knew they stood against them the whole of that time, and if they had not been contumacious they would have been prepared to pay them on demand, and thankful for the time they had been allowed to pay them in. I believe no similar delay could have taken place in any other country; and in England it would probably

have resulted in the summary dismissal of the subordinate officer allowing it. The very time allowed the weavers shows that they ought to have been prepared at the last; and the fact of their families being possessed of jewels proves that they were not only not wanting in the means, but that they could have been ready provided with them for the payment if they had wished it.

15. It has been said that distress might at once have been resorted to. It certainly might; but the measure appeared to me to be harsh, on the mere report of the tahseeldar, without his first going and making an effort to collect the balance in person, and I believe still greater efforts would have been made to throw odium on the mohturpha taxes, if it could have been said that nothing short of distraint had been able to realise them.

16. I now proceed to the case as a question of police. In doing so I beg to draw the attention of the Right Honourable the Governor in Council to the statements of the weavers, as given by themselves on solemn affirmation before me, and as drawn up by the professional petitioner whom they employed, and who has introduced a variety of circumstances which they never hinted at, and their witnesses did not depose to. With these circumstances I had, therefore, nothing to do. My inquiry was confined, according to the circular orders of the Foudarry Udalut, dated the 24th July 1855, and Section 3, Regulation VIII. of 1832, to the complaint deposed before me by the parties themselves, and the matters elicited from their witnesses. It was on these that I based my sentence, and which I now hope to be able to justify.

17. It will be observed that the weavers depose to having been ill-treated by the tahseeldar and his peons on two days, the first day at Peddapollum, and the second day at their own village of Ralapady. Regarding the occurrences of the first day there is no corroborative evidence. The tahseeldar admits in his defence that he summoned the weavers to Pedapollum on that day, but the witnesses do not depose to what took place there. They confine their evidence to the occurrences of the second day at Rallapady. Whatever may have happened on the first day (if anything) there is no evidence to establish it, and the tahseeldar is entitled to an absolute acquittal.

18. It remains, therefore, only to consider the nature of the evidence regarding the occurrences of the second day. The first idea that will occur will be probably the meagreness and unsatisfactory nature of the evidence recorded by the complainants' spokesman, and their witnesses. Considering the length of time they profess themselves to have been suffering under the ill-treatment of the tahseeldar and his peons, and the number of the latter that must have been employed (supposing that all that has been said of them was true), it is surprising that none of the parties, either weavers or witnesses, should have been able to depose against more than two of the peons, and that one of the witnesses, (the first) Vencatasawmy, should be unable to identify even those two. There was ample time during the second day for every peon to have been identified (setting aside the first day); and the failure in this respect fully accounts for my use of the expression "questionable evidence," which has been elsewhere objected to. This "questionable evidence" is further apparent in the different statements of the witnesses relative to the time when the weavers were allowed to take their food. The second witness, Vencata Chetta Chetty, places this in the evening, meaning after they have paid their balances; while the third, Cundun, says that it was at noon, at the time the tahsildar went to his rice. The weavers themselves say they paid their money and were released at four o'clock. The reasons assigned for the presence of the second and third witnesses also appear to be "questionable," and it is strange that the same reasons should have taken them both to the spot, viz., collecting money or debts on their own account.

19. I believe I have thus very clearly shown that I was justified in using the expression "questionable evidence," and acting up to it. It was impossible for me with these discrepancies, and when the circumstances of the complaint were such as to have required better evidence, to do otherwise than consider they had very much helped to destroy it, so far as it justified me in uttering a severe sentence. I consider it possible, and very probable, that coercion of some sort had been used towards the weavers, but I did not consider it amounted to anything like what they said it did. I thought that a fine which would check a
recurrence

recurrence to coercion, and induce the tasildar to exert himself, was all that the case required, and which I hope on my explanation will now be allowed to be so. If the evidence had been conclusive, and the ill-treatment more clearly and less suspiciously established, the punishment I should have awarded would undoubtedly have been greater. I must also state that I was guided in the amount of fine by the consequences I feared might result from the imposition of a larger sum. The tasildar in his defence alludes to the impatience with which the weavers viewed the tax, and I had become aware of it long before from being frequently accosted by these people* in my morning rides, and learning from them how anxiously they were looking forward to its abolition. It is my firm belief that the whole affair, and its transmission to England, instead of the constituted authorities or Government on the spot, has been got up for the purpose of bringing the tax into odium; and at the time I was afraid lest a heavier punishment might tend to encourage further resistance, and increase the difficulties of the tahsildar. The Government will observe, that though I inquired into the case on the 23d August, my sentence was not given out till the 5th October. If I had not been afraid of the consequences, I have described it would have been given the same date as the inquiry. In another case of torture or abuse of authority preferred against this very tahsildar when in Poonamaley, where the charge was admitted and the evidence conclusive, and no consequences such as I feared in the present case likely to follow, I recommended a fine of 25 rupees to be imposed on him, which the Government approved of.

Fort St. George.

* I mean belonging to other villages.

† Vide Letter dated 21 December 1855.
‡ Vide Extract from Mins. of Cons., 10 January 1856.

20. The preceding was written yesterday, the 4th, and was in the hands of the copyist, when this morning's post brought me copies of two of the sentences; referred to by me in para. 12, and the promise of a third as soon as it could be procured from the Principal Assistant's Office.

21. I beg to enclose these sentences, with the accompanying copies of proceedings held by me in cases of torture and oppression while acting as session judge at Chingleput. They will show to Government, by the sentences passed in one case, that of a head of police, dismissal from the service and a fine of 100 rupees for "bribery and extortion under threats;" and in the other imprisonment with four months' labour, and a fine of 20 rupees, commutable to two more months' imprisonment in default of payment, on a duffadar for "extortion with ill-treatment or torture;" but I never failed to follow these cases§ to the uttermost, and set my face most determinedly against all kinds of ill-usage on the part of the police in all its various shapes. The proceedings from Chingleput will also show how I endeavoured to bring these matters to light in the case of the Saint Thomas's Mount cantonment, Cotwall, and did not hesitate to express myself regarding the joint magistrate when he appeared to me to be endeavouring to screen his subordinate officer.

§ I mean cases of torture.

22. I have thus endeavoured to bring all the matters connected with this case clearly and prominently before the Right Honourable the Governor in Council; and I trust, as an English gentleman and a public servant of 23 years standing, I may be held to have completely exonerated myself in their view. I may have erred in the amount of fine I imposed, and the consequences I feared from making it larger; but I have nothing to retract or qualify, and my whole career is a sufficient proof that I have never failed in my duty, either towards the Government or its subjects, as far as my conscience, time, and abilities permitted me.

23. The above had been written and copied fair when the original taken off the 5th July reached me from Peddapollim, and is herewith enclosed. Should I have omitted any points which may appear to call for further explanation, I request they may be intimated to me.

I have, &c.

(signed) C. J. Shubrick,
Collector and Magistrate.

Fort St. George.

TRANSLATION of an Order issued to the Peddapalium Tehsildar,
dated the 5th July 1856.

YOUR urzee, No. 9, of the 2d instant, with its enclosure, has been received. You have represented therein that Naul Gooroovappa Chetty, moonsiff and puttanigar of Rullapandy, of the above talook, has not only thwarted the collection of the loom-tax in his village, Rs. 212. 8. being the entire demand, and withheld the payment of his own tax, but that he has likewise stated that instead of remitting 15 rupees, alleged to have been collected by him on the above account, he has refunded the same to the payees, and that he should therefore be visited with a fine, and dismissed from office, and that the property of the defaulters should be distrained.

Should the entire demand on the looms remain unliquidated, you should have inquired into the subject from time to time, and collected the amount. This you have failed to do, and remained silent up to the end of the fusly; and have now addressed an urzee, as above set forth, which shows that you have paid no attention to the collections, and that you are under the impression that, by making representations against the subordinate officers, your responsibility in the matter will cease. The indolence you have displayed in the matter is very apparent. Immediately on the receipt of this order you will personally go to the village, and collect the whole amount of the demand, and report the same. Should you fail to recover the above amount, stringent instructions will be issued regarding you.

On the receipt of your report that the balance has been recovered, instructions will be issued regarding the punishment to be inflicted on the moonsiff.

(True translation.)

(signed) C. J. Shubrick, Collector.

(No. 813.)

LETTER from G. S. Forbes, Esq., Secretary to the Board of Revenue, to
C. J. Shubrick, Esq., Collector of Chingleput.

Sir,

I AM directed to forward to you the accompanying issue of the "Madras Spectator" of the 13th instant, which contains extracts from a petition addressed to Parliament by the Madras Native Association.

The Board request that you will inform them whether any charge was made against the tehsildar of abuse of authority in collecting these dues of Government; and, if so, acquaint them with the nature of the charge and the circumstances attending it.

I have, &c.

(signed) G. S. Forbes,
Secretary.

Revenue Board Office, Fort St. George,
18 March 1856.

LETTER from C. J. Shubrick, Esq., Collector of Chingleput, to G. S. Forbes, Esq.,
Secretary to the Board of Revenue, Fort St. George.

Sir,

1. I HAVE the honour to reply to your letter, No. 813, of the 18th instant forwarding the "Madras Spectator" of the 13th idem, and requesting me to inform the Board of the nature of the charge preferred against the tehsildar, and the circumstances attending it, as referred to in a petition addressed to Parliament by the Madras Native Association.

2. The charge against the tehsildar, which was disposed of by me on the magisterial side, was for using compulsory measures towards the weavers of Rallapady, with a view to forcing them to pay their arrears of loom tax, by bringing them away from their own village to where he was staying, keeping them a short time without food, making them stand in the sun, and causing his peons to pinch them on the thighs, and which resulted in the accomplishment of his intentions.

3. The

Returned.

3. The charge was denied; but the nature of the proof, though otherwise questionable, appeared to me to receive considerable force from the fact that the money was collected, and I accordingly convicted and fined the tehsildar in the sum of five rupees, and released the peons with a caution.

4. My reason for dealing thus leniently with the case, arose out of the feeling which I had become aware was very prevalent among the weaving community, that the loom-tax was about to be abolished or modified, and the impatience which they therefore evinced at being longer subjected to it. It was necessary for me to consider what the result of my decision would be on the feelings of the weavers in general, with reference to their efforts to shake off the tax; and while checking the tehsildar against a repetition of similar conduct, not to allow the weavers to suppose they could exempt themselves from future payment. The question was, it appeared to me, how to combine justice in the particular case with policy towards a whole community; how to punish the tehsildar sufficiently for his offence, and at the same time not to lessen his legitimate authority; and I have every reason to believe that my sentence met the requirements I had intended from it.

5. I think it is very possible that I may shortly have to bring this tehsildar's general conduct before the notice of the Board; but in the particular instance under reference I believe I could not have acted better or more advisedly than I did.

Chingleput District, (signed) C. J. Shubrick,
Collector's Ct. Cuty., Covelong, Collector
25 March 1856.

(No. 1047.)

EXTRACT from the Proceedings of the Board of Revenue; dated 10 April 1856.

READ letter from Collector of Chingleput, dated 25th March 1856.

Para. 1. In their proceedings, of the 18th ultimo, the Board called the attention of the Collector to a representation made by the Madras Native Association, in a petition to Parliament, that a tehsildar of his district had been only punished with a fine of five rupees on being convicted of using forcible measures for collecting an arrear of moturpha revenue due by some weavers, and they requested to be informed if the details of this representation were correct.

2. Mr. Shubrick's present letter is in reply to that call, and shows that Sreenevassarow, tehsildar of the Peddapolliam talook, was fined five rupees for abuse of authority, in resorting to illegal measures for the collection of an arrear of revenue due by some weavers in the village of Rollapaddy.

3. The tehsildar was, it appears, charged with taking the defaulters away from their village, detaining them for a time without food, and ordering his peons to make them stand in the sun, and to pinch their thighs. Mr. Shubrick states that the accusation was denied, and that the evidence in support of it was in some degree questionable: but, as the charge derived support from the fact of the money being collected, he convicted the tehsildar of using illegal violence, and sentenced him, in his magisterial capacity, to a fine of five rupees. The peons were released with a caution.

4. In explanation of this lenient sentence, Mr. Shubrick observes, that the weavers had contumaciously refused to pay their tax under an idea that the moturpha revenue was about to be abolished, and that he felt it necessary to consider what the effect of his sentence would be, lest resistance to the just demands of Government should be encouraged by it. His object was to discountenance and punish illegal modes of collecting the public revenue, and at the same time maintain the authority of the Government servants.

5. The Board have not before them the details of the accusation, and of the evidence produced in its support, but as the arrear was realised, notwithstanding the remonstrances of the defaulters, without apparently any restraint of property, and the tehsildar was convicted by the Collector and magistrate of resorting to improper measures, they must consider that he has been proved guilty of official mis-

St. George. — conduct on the occasion; such being the case, the sentence is, in their opinion, quite inadequate; and they must observe that, while the tehsildar's illegal conduct was calculated to weaken our administration, its due punishment could alone repair this evil.

Para. 6. The Board therefore feel it inexpedient to retain the tehsildar in his present office, especially when the Collector alludes* in unfavourable terms to his general conduct; and while waiting for the expected report on this subject, they accordingly direct his suspension.

7. On receiving this further report, the Board will pass final orders regarding the tehsildar, and they feel bound to remark, that in doing so, they will have to give weight to the nature of the order which the tehsildar received from the Collector for the collection of this balance; the correctness of this order, as given in the petition of the Madras Native Association, does not appear to be disputed; and, although the Board are aware that the Collector had not the slightest intention of authorising any illegal measures, its wording was unfortunately such as might have impressed the tehsildar with an idea that he incurred more risk by leaving the balance uncollected, than by employing unjustifiable means for its collection. The order was evidently sent off without its wording being duly scrutinised, when a careful order, instructing the tehsildar what steps to take if the defaulters failed to pay the arrears, should have been issued: as the present balance was due on account of moturpha, and there was, consequently, no land first to be attached and sold, immediate distress could have been made against the personal property of the defaulters, and the tehsildar should have been directed to follow this course.

8. The Board cannot too strongly impress on the Collector the important duty of carefully taking measures to prevent abuses in the collection of the public revenues, and of checking any tendency on the part of his native servants to employ means other than those which the law allows.

C. J. Shubrick, Esq.,
Collector of Chingleput.

(signed) J. D. Sim,
Sub-Secretary.

LETTER from C. J. Shubrick, Esq., Collector of Chingleput, to G. S. Forbes, Esq., Secretary to the Board of Revenue, Fort St. George.

Sir,

1. WITH reference to the Board's proceedings of the 10th instant, No. 1047, directing the suspension of the Peddapolliem tehsildar, and awaiting my further report on him, I have the honour to submit a statement showing the charges or accusations preferred against this officer, and the manner they have been disposed of, since my assumption of the charge of the district. Among the charges will be found three for felling down trees, and appropriating them to his own use, of which two have not yet been inquired into. These were the charges which I had in contemplation to investigate when addressing the Board on the 25th ultimo, before reporting on his general conduct, but under the view taken by the Board of his conduct towards the weavers of Rallapady, it appears unnecessary to await their issue, the charges against him already proved being sufficient for his dismissal, and it was only an idea of accumulating his offences before reporting on them that led to my delay in the matter, as I had long been of opinion that his removal from the public service was absolutely necessary, both for the interests of Government and their subjects.

2. I need not enlarge on the facts revealed by the statement, as they will speak for themselves. The Board will observe that the tehsildar has been four times fined within twelve months, in sums amounting to 36 rupees, two of the fines being for abuse of authority and so-called torture, and two for neglect of duty; that legal proceedings have been instituted against him in the civil court by an injured party in another case; that he acknowledged having improperly felled some trees in one case, while in two others the charges are still pending; and that in only two cases he has been acquitted, one by the non-attendance of the complainant, the other by defect of evidence.

3. As a head of police, he has proved himself decidedly inefficient, having failed in establishing before the courts more than three cases out of the 82 heinous

heinous cases perpetrated in his talook within the year, and those three cases of simple theft and housebreaking, leaving seven cases of gang robbery undiscovered.

Fort St. George.

4. With reference to the Board's observations in para. 7, relative to the correctness of the order as given in the petition of the Madras Native Association not being disputed, I have the honour to state that not deeming their call for information to apply to it, but only to the charge against the tehsildar, I confined myself to the latter only in my reply; I have now the honour to enclose a correct translation of the order in question, which, though I have not the version published by the association to refer to, I have sufficient recollection of it to know that it differs very much from the one now furnished.

5. The Board will perceive that there is nothing in the order that could have justified the tehsildar in resorting to unjustifiable measures for the collection of the moturpha balance from the weavers. His report against them, in which he solicited permission to distrain their property, was dated the 2d July, or within a week of the end of the Fusly, and showed that he had neither been to the village himself, or succeeded in collecting a single rupee through the zilladar and peons he had sent there. His application to distrain their property appeared to me therefore to be premature, and that his own personal efforts in realizing the balance should be tried before resort should be had to such a measure. It was in this spirit that the order was issued, and should have been interpreted by him. It accused him of neglect of duty, and it required him to make up for his neglect, and not to recommend a distress of property before he had personally made his demand, and tried to do without it. The measures he adopted were not called for by the order, and neither the measures nor a resort to distress would have been necessary, notwithstanding the objections to the tax on the part of the weavers, if he had attended to his duties earlier in the year, instead of waiting to enforce them till the end.

6. I have, therefore, no hesitation in declaring that he has himself alone to blame in the matter, and that his further continuance in the public service should not be allowed.

(signed) C. J. Shubrick,
Collector.

Chingleput District, Collector's Ct.
Cutcherry, 18 April 1866.

STATEMENT showing the Charges preferred against C. Shroenevassu Row, Tehsildar of the Peddapolliem Talook, Zillah Chingleput.

No.	Names of the Complainants.	Subject of Complaint.	Mode in which the Complaints were disposed of.
1.	Narrainsawmy Pillay, of Nugraharam, in the Poonamalleg talook.	Complains of having been tortured by being handcuffed, slipped, and confined to close custody.	Convicted, and fined 25 rupees under the orders of Government. Complaint preferred to the Torture Commissioners.
2.	Weavers of Rallapady	Complain of having been tortured by being made to stand in the sun, kept without food, and pinched on the thighs.	Convicted, and fined 5 rupees.
3.	Civil engineer - - -	Neglect of duty in the repair of the Cuddapah road.	Fined 10 rupees.
4.	- - - - -	Delay in the disposal of a case of assault.	Fined 1 rupee.
5.	- - - - -	Abuse of authority - - - -	Legal proceedings have been instituted in the civil court.
6.	Moses, of Pelrumbantam -	Felling down trees belonging to the villagers without authority.	Confessed the charge; was cautioned not to repeat it.
7.	Munguppa Naidoo, of Tholacadvankum.	Ill treatment for non-payment of revenue.	Acquitted, the party having failed to appear.
8.	Cooppah - - - -	Oppressive conduct - - - -	Not proved.
9.	Ramasawmy Naidoo -	[Forcibly felling down certain trees and appropriating them to his own use - - - -]	Under investigation.
10.	Teagonoy Moodelly -		

LETTERS AND EXTRACTS RELATING TO

STATEMENT of Heinous Offences committed in the Peddapolliem Talook during the Year 1855.

Offences.	No.	Persons concerned.	Whether apprehended or not.	How disposed of.
Gang robberies - - -	7	116	None apprehended.	Committed to the court, but released for want of proof. ditto, 3 cases dismissed.
Attempt at house-breaking -	9	13	- ditto.	
Theft - - - - -	7	13	cases. persons. 2 2 apprehended -	
Theft and house-breaking -	9	15	6 12 - - -	

Chingleput District, Collector's Ct. Cutcherry,
18 April 1856.

(signed) C. J. Shubrick,
Collector.

(No. 1309.—Revenue Department.)

EXTRACT from the Proceedings of the Board of Revenue; dated 2 May 1856.

Dated 18 April
1856.

READ, letter from the Collector of Chingleput, reporting the conduct of the tehsildar of Peddapolliem, and recommending his dismissal.

* Extract Mins. of
Cons. 7 June 1855,
p. 15.

In this letter the Collector details some minor instances of misconduct on the part of the tehsildar; but into these the Board will not enter, since the orders issued by Government,* when reviewing the report of the Torture Commissioners, render it impossible for them to retain, in public employ, a servant who has been a second time convicted of using illegal and harsh measures for the collection of the revenue.

2. The Board, therefore, direct the tehsildar's dismissal; but they are constrained to observe that the order issued by the Collector to the tehsildar still appears to them to give his conduct the only palliation which it could receive. They are fully satisfied that Mr. Shubrick did not perceive the construction which might be put upon his order, or contemplate for a moment that it would lead to any illegal method of collecting the arrear. But as the tehsildar had unsuccessfully requested authority for distraining the property of the defaulters, and fining the village revenue officer for his neglect, and was directed to go himself to the village and collect the arrear, under pain of serious consequences to himself, he might have been led to suppose that he would be in more danger by failing to collect the balance, than by employing irregular measures for the purpose.

3. The Board, therefore, trust that the Collector will be careful in the wording of his orders on future similar occasions; and as his letter shows that he thought it harsh to resort at once to the distraint and sale of the property of these defaulters, his attention is called to the proclamation issued with their circular order, dated 30th April 1855, which shows that the Board desired to check all improper practices in the collection of the revenue, by bringing into prompt exercise those legal means which the Regulations afford.

EXTRACT Minute by the Right Honourable the President; dated 20 May 1856.

THE Board of Revenue, in these papers, transmit to Government their proceedings with reference to a case of torture in Chingleput, in consequence of its having been mentioned, according to the reports of the newspapers, by Lord Albemarle in the House of Lords.

It appears that so soon as the memorial of the Madras Native Association was published in the newspapers, in which this matter was mentioned, the Board called on Mr. Shubrick for an explanation. The result of their inquiry is shown in the documents now circulated. It is not my intention to give expression to any opinion on this subject, in consequence of the publicity which it has obtained,

obtained, and from the fact that suggestions of various kinds have emanated from the public press. The case has come in no shape before this Government, neither could it in the usual course of procedure. Fort St. George.

I am, however, of opinion that measures should be adopted to insure the supervision of the Government in any similar instance which may occur at any future time; and I would, therefore, propose that orders should be issued to all Collectors and magistrates, and by them to their subordinate officers, that copies of all cases of alleged torture, either in the Revenue or Police departments, and of the proceedings thereon, should be sent up to Government as soon as possible after they have come to the officer's knowledge.

EXTRACT Judicial Letter to Fort St. George; dated 17 December (No. 19) 1856.

75. We have received the proceedings in this case, and transmitted them to the Commissioners for the Affairs of India, for submission to the House of Lords. Letters from, dated 10 June (No. 19) 1856; 21 June (No. 20) 1856; Revenue letter, dated 10 June (No. 17) 1856. Weavers of Periapellim, *versus* Tehsildar of ditto.

76. We entirely approve of the proceedings of the Board of Revenue in calling for the papers and directing the dismissal of the tehsildar from office. We desire that it may be publicly notified, that he shall not again be employed in the Government service, and at the same time must record our opinion that the session judge, Mr. Dowdeswell, failed in his duty in passing over the case as one not calling for his interference, and that Mr. Shubrick, with the knowledge which he possessed of the irregularities that had previously subjected the tehsildar to be fined, cannot be entirely acquitted of indiscretion in entrusting such a subordinate with any order, that, as the Board of Revenue observe, could lead him "to suppose that he would be in more danger by failing to collect the balance, than by employing irregular measures for the purpose."

B O M B A Y.

— No. 1. —

CHARGES OF TORTURE AND VIOLENCE PREFERRED AGAINST THE POONAH POLICE.

No. 41 of 1856, Judicial Department.

To the Honourable the Court of Directors for the Affairs of the Honourable
East India Company, London.

Honourable Sirs,
HAVING noticed in the "Poona Observer" of the 10th February last, a charge of torture and violence preferred against the Poonah police, in which the Foudjar, Mr. Spiers, by name, was implicated; we called on the magistrate to submit a report on the subject.

Torture: Charges preferred against the Poonah Police.
Jud. Cons. 1855.—3 March, No. 1367A/68; 7 April, No. 2781/86; 7 April, No. 2943/46; 1 May, No. 3170/73; 16 May, No. 4027/30; 8 August, No. 7014/18 n.
Jud. Cons. 1855.—16 May, No. 4076/81; 25 July, No. 6190/94.

2. From the magistrate's reply a further inquiry appeared to be necessary. We, therefore, appointed Mr. G. Inverarity, a Special Commissioner, under the provisions of Act XXXVII. of 1850, to investigate the circumstances connected with the charge.

3. The reports of the Commissioner which, with our own previous and subsequent proceedings, we now do ourselves the honour of forwarding, disclose a system of violence and intimidation, stopping short indeed of actual torture, but

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equally calculated illegally and unjustly to extort admissions of guilt from innocent persons.

4. In order to mark our sense of Mr. Spiers' misconduct, and as a warning to the police of this Presidency, to abstain from illegal and oppressive treatment of the prisoners in their custody, we have ordered Mr. Spiers to be dismissed from the service of Government.

5. We have also ordered the dismissal of the Foujdar's carkoon, Ballajee Pünt, who was proved to have been an active agent in the ill-treatment of prisoners.

6. This decision and the circumstances which led to it, have been communicated to the several magistrates and superintendents of police for their information, and for communication to their subordinates.

We have, &c.

Bombay Castle,
13 August 1855.

(signed) *J. G. Lumsden.*
A. Malet.

Jud. Cons. 1855,
8 August, No.
7014.

LETTER from the Commissioner on Special Duty at Poonah.

Sir,

In accordance with the instructions contained in your letter (No. 1410) under date the 2d ultimo, I have the honour to forward for the information of the Right honourable the Governor in Council my proceedings of inquiry into the charge of torture preferred against the Foujdar of Poonah, therein adverted to, as also my proceedings with reference to three other charges of the same description against that functionary, and which formed the subject of the magistrate of Poonah's communication to your address, No. 495, of the 4th April, and of your intimation to me, No. 1473, of the 5th idem.

2. The imputations against the Foujdar have, agreeably to the provisions of sec. 2, of Act XXXVII. of 1850, been drawn into distinct articles of charge, and my opinion recorded thereon in full at the close of each case, as required in sec. 21 of the same Act; it is unnecessary therefore that I should enter into any specific detail on the subject here; the proceedings in each case have been numbered successively from 1 to 4, according to the order into which they fell during the inquiry.

3. It will be observed, that several of the subordinate police officers have been implicated by the prosecutors along with the Foujdar in the charges which they bring. It has not, however, been possible to bring these parties under the same indictment as that officer, sec. 2 of the Act applying all investigations conducted under its provisions to persons not removable from office without the sanction of Government. The peons and carkoons being removable by the local authorities without reference to Government, do not, therefore, fall within the powers conferred upon me, and have, in consequence, been entered as witnesses* in each case where they are concerned, the point is not of much consequence as the Foujdar is presumed, if not shown, to have been the chief mover in all that is complained of, and the proceedings afford ample information as to the share which the subordinates had in his transactions.

* Not affirmed.

4. These four cases compose all the charges that have been received by me from the magistrate. A petition from Appa Wanee (prosecutor in case No. 2), was also transmitted, upon which no preliminary inquiry had been conducted by the local officers; it stated that one of his fellow prisoners, by name Atmaram Balal, has died in consequence of treatment received while in the furast khanah; upon examining this, in view to preparing the necessary indictment, I found that the son and representative of the deceased had no complaint to make on the subject, his father, according to him, having died from fever and natural causes. Appa Wanee's statement from this not appearing worthy of credence, and the family of the deceased assuring me that death occurred from natural causes, I have not considered it necessary to prosecute the case further. It also appeared

appeared that upon Atmaram's death, Appa had preferred a petition of the same kind, upon which an inquest was held upon the body, and a report drawn up confirmatory of what the son now says.

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5. Having thus completed the duty assigned to me, I beg to await the orders of Government for my future guidance.

I have, &c.
(signed) G. Inverarity,
Commissioner on Special Duty.

Poonah, 9 May 1855.

(No. 7918 A.)

RESOLUTION by the Honourable Board.

RESOLVED, Mr. Inverarity, as a Commissioner under Act XXXVII. of 1850, has investigated certain charges preferred against Mr. S. R. Spiers, the Foujdar of Poonah, imputing to that officer acts of atrocious cruelty.

2. Mr. Inverarity has handed up his proceedings in five cases, and has also commented in a letter dated 26th May, on a further petition presented by one of the accusers.

3. The charges preferred belong to that class which are easy to be made, hard to prove, and harder to disprove. The accused will seldom be able to advance more than a general denial; it becomes therefore more imperatively the duty of that authority which has ultimately to pronounce judgment, to scrutinize rigidly the statements of the accusers and their witnesses, for the purpose of ascertaining whether they are consistent and conclusive.

4. There are peculiar difficulties which surround an inquiry of this nature; as the evidence will generally be almost exclusively that of prisoners, it will necessarily be the evidence of persons upon whom there is presumptively a taint, and of persons who imagine that charges against the Foujdar will benefit themselves. On the other hand, there is unfortunately only too much probability in the assertion, that the police may, whether from mistaken zeal, or from the force of immemorial custom, which in this country carries with it so much weight, resort to illegal and barbarous modes of extorting confessions; at the same time, the Right honourable the Governor in Council feels, that the more active and zealous a police functionary may be, the more enemies he creates, and the more exposed he is to accusations of the kind now before Government. In this conflict of probabilities, the duty of deciding on the truth or falsehood of a charge becomes one of no ordinary difficulty, especially as it is hardly possible to find a witness who will not endeavour to strengthen his statement, which may in the main be true, by a few collateral falsehoods.

5. In the consideration of the charges, the Right honourable the Governor in Council will first address himself to those which allege what may reasonably be termed "torture," or which impute acts of personal violence to the Foujdar himself; he will afterwards deal with those which allege general irregularity and oppression on the part of the Foujdar and his subordinates.

6. The first case is that of Balornstna, he prefers the following charges of "torture" and personal violence against the Foujdar.

1st case, Bal
na Gunesh.

1st. That the Foujdar caused him to be hung up to a hook in a room of the city police office, and while so hung up, to be beaten and threatened.

2d. That the Foujdar did, on another occasion, strike the accuser with his own hand.

7. The Right Honourable the Governor in Council considers it to be abundantly clear upon the evidence, that the first charge has no foundation in fact. The accuser, in three several statements, has given such different accounts of the circumstances connected with the alleged torture as to render his testimony utterly worthless. Omitting numerous minor discrepancies, it will be sufficient to notice, that on the first occasion, he stated that he had been hung with his head downwards, and before the Commissioner, that he had been hung with his

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feet downwards. The Commissioner has pointed out various discrepancies in the evidences of the prisoners who have been examined in support of the accuser's statement. To some of these, the Right honourable the Governor in Council is not disposed to attach much weight, for instance, it does not appear to the Right honourable the Governor in Council to be a discrepancy when a witness states that the cries of the accuser came from the third story, while the accuser states that he was beaten in the duftur room, which is on the second story, or when one witness states that he heard a cry, but no words, and another that he heard words; but the Right honourable the Governor in Council plainly sees that the sixth witness, Naroo Balal, has committed gross perjury, having been a prisoner in the tannah zillah up to the 15th of December, the day on which the accuser Balcrustna Gunesh made his confession, before which confession the alleged torture is stated to have been inflicted. It being clear, then, that the accuser has made statements which no ingenuity can reconcile with each other, or with truth; that one witness, by a concurrence of circumstances, can be proved to have committed perjury; that the other witnesses have failed to impress upon the Commissioner any conviction of their truthfulness, but on the contrary, have inspired him with grave distrust; the Right honourable the Governor in Council has no hesitation whatever in pronouncing that the charge has not been proved.

8. The second charge, that the Foujdar himself struck the accuser on one occasion, and threatened him on another, when his confession was being recorded, has not been supported by any adequate proof; and the latter part of the charge has been distinctly disproved by the testimony of respectable parties who happened to have been at the police office at the time, and who attested the confession.

9. The Right honourable the Governor in Council therefore fully concurs in the opinion of the Commissioner, that no part of the accusation of Balcrustna Gunesh has been proved.

ad case, Appa Bin
Seteba, and two
others.

10. The second accusation is preferred by Appa Bin Seteba and two others. The general charges will be considered hereafter, but Appa has stated that he was subjected to torture of a most abominable nature; to this allegation the attention of Government will be now confined.

11. To test the truth of Appa's statement the Government has before it the depositions of four classes of witnesses. Those of members of Appa's family, who speak to the injuries from which he was still suffering when he returned home; those of his fellow prisoners; those of the Foujdar's subordinate; those of the medical witnesses. The Right honourable the Governor in Council is clearly of opinion, that in an inquiry of this kind, the evidence of the first class of witnesses is of very little value on the one side, and the evidence of the third class of no value at all on the other side. The statements of these witnesses may be safely discarded from the discussion.

12. Next, with reference to the statements of Appa's fellow prisoners, the Commissioner has carefully pointed out the grave inconsistencies which their depositions exhibit, and has rejected them as totally unworthy of credit. In this opinion, the Right honourable the Governor in Council most fully concurs; he observes that in this case, the witnesses are more cautious than in the first case; only one man, Gunesh Ramchunder, states that he heard Appa's cries while he was being tortured; the others only depose to what they were told by Appa after he had been tortured; but some of the witnesses were not told by Appa, they merely overheard him in his cell, talking to himself of his injuries. This is highly improbable, and at all events it is not evidence that can be received against the accused. Many of the witnesses say that Appa only told them in general terms of his ill usage. It is not likely that if Appa had been subjected to the shameful cruelty of which he complains, he would have spoken in general terms of his having been beaten, he would have mentioned the specific iniquity practised on him.

13. Lastly, the medical testimony, that of Dr. Keith and of four "weids," is conclusive against the statement of Appa. He states, that among other cruelties the hair was dragged out of his head, and points to certain bald patches in support of his assertion. The medical witnesses state that the baldness is of long standing

standing and the result of disease. Dr. Keith also deposed, before the first assistant magistrate, who, previously to the appointment of the Commissioner, had commenced an inquiry, that there were no marks on the complainant's body of the specific ill-treatment which is alleged to have been practised. Under all these circumstances the Right honourable the Governor in Council is of opinion that Appa's allegation of torture is utterly false, and that the Foujdar is entitled to a full acquittal on this charge.

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14. The third case is that of Gungadhur Bhugwunt. He prefers several charges of oppression, and one of direct personal violence against the Foujdar. He states, that while under examination he was beaten and kicked by the Foujdar himself.

3d case, Gungadhur Bhugwunt.

15. In support of this accusation the complainant has produced seven witnesses. Of these five are unable to state anything in support of Gungadhur's story. The sixth, Rungo Bhugwunt, states that he and all the prisoners were told by the accuser that Jendia, a police peon (he means Jendia Jemadar) had kicked him once, and struck him twice. The statement of Gungadhur being that it was the Foujdar who gave him one kick and two blows. The seventh witness, Reochunt, was charged with the commission of the same crime as the accuser, his evidence should therefore, as the Commissioner very properly observes, be received with great caution. He states that Gungadhur told him on the following day of the assault committed by the Foujdar, and showed him his side red and inflamed. The blows being on the right side must have been delivered by the Foujdar's left hand, and the Right honourable the Governor in Council concurs with the Commissioner in considering it improbable that a man not naturally left-handed should be able with that hand to strike two blows which would leave a red mark visible on the following day. It will then be observed that the red and swollen side was only seen by one man among all the prisoners, and that man the accuser's accomplice. On such evidence as this, it is impossible to pronounce the charge to be proved, and the Right honourable the Governor in Council feels it a duty to record his opinion that the alleged assault was never committed.

16. The fourth case is that of Tatia Bin Malharee. In this no charges of torture or direct personal violence are preferred against the Foujdar, the Right honourable the Governor in Council will therefore comment hereafter on the accusations of Tatia, and proceed to the consideration of the fifth case.

4th case, Tatia Bin Malharee.

17. The fifth case is that of Anundee, the wife of Ranoo: she alleges, that after having been beaten by some sepoys, when the Foujdar was not present, she was, by the Foujdar's own order, with the view that evidence might be extorted from her against some persons charged with murder, hung up by the hands, feet, and hair of the head to a beam in a room of the ferackhana. She also prefers some other charges of oppressive treatment, in which she is joined by some other women. These will be considered hereafter.

5th case, Anundee Kom Ranoo.

18. The statement made by Anundee is, in the opinion of the Right honourable the Governor in Council, invalidated by the fact, that when the accusation was first made before the session judge, she never stated that she had been hung up by the hair of the head. She only stated that she was threatened with such treatment. This the Right honourable the Governor in Council regards as a discrepancy, which renders the evidence of Anundee absolutely worthless. If she had been treated in the manner she now states, she could not have omitted the principal circumstance when she first preferred her complaint. Before the session judge, when the alleged outrage was comparatively recent, she stated that threats of hanging her were employed. Before the Commissioner she stated that she had been actually hung up. This discrepancy is fatal to the charge of actual torture, and the Right honourable the Governor in Council has no hesitation in pronouncing his entire disbelief of this part of Anundee's statement.

19. The Right honourable the Governor in Council has now disposed of those parts of the charges preferred against Mr. Spier, which allege such ill-usage as can reasonably be termed "torture," and which impute acts of personal violence to that officer. On all these accusations the Right honourable the Governor in Council is able to record an acquittal, and he now proceeds to the consideration of the other charges; all of which are of a grave character.

20. The charges may be thus stated :

1st. That untried prisoners were compelled to perform hard labour in the police office.

2d. That prisoners were confined in unwholesome cells.

3d. That prisoners were frequently detained in the ferraskana for protracted periods, without being sent before the magistrate for examination, and that eligible bail was offered, but refused.

4th. That prisoners were frequently taken up at night to the Foujdar's private quarters, and there exposed to threats and ill-treatment from the Foujdar's subordinates.

21. The first charge is admitted, and an explanation offered. It is stated, that no establishment being entertained for the daily cleansing of the prison, it was necessary that the prisoners should draw the water required for that purpose, and in answer to an allegation that prisoners were compelled to draw water for the use of the Foujdar, it is stated that the arrangement was originally made at the request of the prisoners themselves. The Right honourable the Governor in Council does not regard this explanation as satisfactory, but he considers that the blame more justly attaches to the magistrate and to the superintendent of police, who permitted arrangements in direct violation of the law to be continued, than to the Foujdar. It does not, however, appear that the practice was resorted to for purposes of intimidation or oppression, and the Right honourable the Governor in Council therefore considers it will be sufficient to express his extreme disapprobation of the system, and to direct its immediate discontinuance.

22. The second charge is also proved. The Commissioner very properly visited the cells himself, and pronounced them unfit for the confinement of prisoners. Here again the Right honourable the Governor in Council considers the magistrate and the superintendent of police more open to censure than the Foujdar. The superintendent of police is clearly shown to have seen the cells, and to have seen persons confined in them. The magistrate has also probably seen the cells; and, if not, he ought to have done so; upon them in the chief degree, and not upon the Foujdar, must the censure of the Government fall. The evil will be remedied under the instructions recently issued by Government for the proper construction and arrangement of places of custody for untried prisoners, but in the present instance no complaint would ever have been preferred if the magistrate and the superintendent of police had done their duty.

23. The third charge is considered by the Right honourable the Governor in Council to be amply proved. In the second case, that of the complaints preferred by Appa Bin Setiba, it is clearly shown that, immediately on his committal for trial before the session judge, Appa was released on security. The obvious inference therefore is, that he was able to give sufficient security to the Foujdar, if that officer had been willing to take it. But the worst case in this respect is the fourth, which has not yet been considered, the case of Tatia and Gunoo Bin Mulharee, who were kept, the one for 12, the other for 38 days in custody, upon the statement of a single man, unsupported by any other valid evidence. One of these men, Tatia, has also alleged that he was kept for five days without food. This statement, in its full breadth, the Right honourable the Governor in Council does not believe; but it is clear that Tatia was left without batta for two days, and was thus compelled to purchase some rice himself from the wani, which he was not allowed to cook, a circumstance most discreditable when it is considered that he was treated like a prisoner in all other respects.

24. The fourth charge is one of a very grave character, and the Right honourable the Governor in Council regrets that he is compelled to regard it as proved. He considers it to stand clear upon the evidence that it was a frequent custom for prisoners to be brought up for examination before the Foujdar at night time, and there subjected to threats, if not to ill usage. The evidence of Tatia Bin Mulharee, in the fourth case, appears to the Right honourable the Governor in Council to be entitled to credit. It imputes no exaggerated cruelty, and may, in the opinion of the Right honourable the Governor in Council, be taken as a fair representation of the usual "modus operandi" in the Foujdar's quarters during these nocturnal inquiries. From Tatia's statement it would appear that he was carried

carried up to the third story of the police office at one o'clock, A.M. (it was probably at an earlier hour of the night), and then subjected to a close and protracted examination by the Foujdar, who at length being tired, said, "He won't be got to confess this way." That afterwards the Foujdar's carcoon, Ballajee Punt, took up the questioning, and in the Foujdar's presence, on Tatia's remaining firm in his denial, handcuffed him. That Ballajee Punt then renewed the examination, but without success, on which he gave the prisoner, Tatia, "a severe push," and then, while the prisoner was on the ground, tore his turban into strips. On the next day more abuse and threats of fetters were employed by Ballajee Punt, but not in the presence of the Foujdar.

25. These proceedings disclose a system of violence and intimidation, stopping short indeed of actual torture, but equally calculated illegally and unjustly to extort admissions of guilt from innocent persons. A man is taken in the middle of the night, out of his cell, to a remote part of the police office. The sepoy very probably industriously spread among the other prisoners that this has been done, and that their turn may happen next night. Shortly afterwards the sepoy tells the accomplices of the prisoner, that severe measures have been taken with their comrade upstairs, that he has confessed, and that they had better make a clean breast of it at once, and avoid similar treatment. The system is intended to act thus on others. Next, as to the prisoner himself, roused up in the middle of the night, bewildered, alone, impressed with the consciousness that should ill usage be resorted to his cries will only be heard by police sepoy, he finds himself rigorously pressed by a keen examination, conducted perhaps with much asperity of tone and aspect, his various statements are compared and contrasted; if he fails to answer quickly his attention is roused by a "severe push" from the knuckles of a carcoon or sepoy. If he remains firm, which not one out of 20 guilty men, and perhaps few innocent men would do under the circumstances, handcuffs are called for; and then perhaps the prisoner asks himself the significant question, whether the police cannot, in 10 minutes, inflict a worse punishment than the judge can inflict by imprisonment and hard labour for a year or two: a confession naturally follows.

26. It appears to the Right honourable the Governor in Council to have been intended by the police to induce among the prisoners a feeling, that a visit to the third story was an event to be dreaded. To this feeling, aggravated probably by some threats of subordinates acting on a temperament unnerved by opium and other vicious indulgences, the Right honourable the Governor in Council attributes the tragic incident to which Mr. Inverarity adverts in his report of the 26th May last, of the suicide of the Mussulman boy, who threw himself from the third story of the police office, and died a few days afterwards in hospital. The Right honourable the Governor in Council is utterly unable to understand why an event which might well excite suspicion that ill-treatment had been resorted to, was not brought to the notice of Government at the time. On this subject the magistrate must submit a full explanation.

27. Mr. Jones must also be directed to make due inquiry, and submit an explanation either from himself or from the superintendent of police, as to the statement of the Commissioner that some papers required by him in the investigation of the 5th case were not furnished to that gentleman when he applied for them.

28. With respect to the charges of ill-treatment preferred by Anundee, and some other women to which allusion is made in the 17th para., the Governor in Council is of opinion that their statements are hardly susceptible of legal proof, but that still the impression is left upon the mind after perusing all these papers, that when the Foujdar himself is harsh and irregular in his procedure his subordinates are not likely to be behind-hand in following and in improving upon the example which he has set them.

29. The charge of illegally and unnecessarily detaining prisoners in the ferashkhan for protracted periods without bringing them up for examination and committal before a magistrate, seems to be fully established. The most glaring instances in the cases now before Government have been already incidentally referred to, those of Tatia and Gunnoo Bin Mulharee; but without going into details, the whole of these cases show that this illegal proceeding

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is the rule and not the exception at the faraskhana. Nothing can be more calculated to encourage the belief in the practice of torture, or to prevent its detection if it exists. The magistrate should be called upon to explain if, in every case where the detention of the prisoner before examination exceeded the time prescribed by law, a report was made to him, alleging the special reasons for such detention, and if so, whether the lengthened periods for which the prisoners had been thus detained did not lead him to bring the subject to the notice of the Foujdaree Adawlut? As the matter now stands, great blame appears to attach to both the Foujdar and the magistrate.

30. The Right honourable the Governor in Council, on a careful review of this important inquiry, considers that the charges to the extent specified in the preceding remarks have been established against Mr. Spiers. It becomes then his duty to consider in what manner he shall mark his sense of that officer's misconduct. He feels that an example is demanded as a warning to the police of this Presidency to abstain from illegal and oppressive treatment of prisoners under their custody. He therefore resolves to dismiss Mr. Spiers from the service of Government, and directs that this decision, together with the charges against Mr. Spiers, and the extent to which they have been established to the satisfaction of Government, be communicated to all magistrates and superintendents of police for their information, and for communication to their subordinates.

31. The Right honourable the Governor in Council also directs the dismissal of Ballajee Punt, the Foujdar's carcoon, who has been proved to have been an active instrument in the ill-treatment of several of the deponents in these cases, when before the police.

32. The commendations of Government may be expressed to Mr. Inverarity for the able manner in which he has acquitted himself of the duty assigned to him.

(signed) *Elphinstone.*
J. G. Lumsden.
A. Malet.

26 July 1855.

EXTRACT Judicial Letter to Bombay; dated 30 January (No. 2) 1856.

Letter from, dated 13 August (No. 41) 1855. Charges of torture and violence preferred against the Poona police.

32. You very properly submitted these charges for investigation under the provisions of Act XXXVII. of 1850, and appointed Mr. George Inverarity a Special Commissioner for that purpose. The duty seems to have been discharged by him in a very efficient and satisfactory manner. He found the charges of torture supported in some instances by perjury, and in others by inconsistent testimony, but in none by proof sufficient to entitle them to belief. Nevertheless the system pursued by Mr. Spiers, the Foujdar, towards persons charged with offences was cruel, irregular, and illegal in many respects; particularly with regard to the length of time during which prisoners were detained before being sent to the magistrate; to the place of their confinement, which was unfit for the purpose; and to a practice of calling them up for examination at a late hour of the night, and taking confessions from them. Proceedings of such a nature doubtless led to ill-usage and intimidation. This conclusion having been come to by the Commissioner and by your Government, you very properly passed a resolution, removing Mr. Spiers from the service of Government, and also dismissing the Foujdar's carcoon, Ballajee Punt. We entirely approve of the course adopted by you, and only regret that criminal proceedings were not instituted against those who were implicated in such transactions. We desire that you will convey our severe displeasure both to the magistrate and superintendent of police, for we feel persuaded that much of the ill-treatment of the prisoners was owing to the want of vigilant superintendence on their part, and we are above all surprised to find that they could have allowed any human beings to have been incarcerated in the horrible and unwholesome places of confinement so forcibly described by Mr. Inverarity.

33. We

33. We observe that you state that "the evil will be remedied under instructions for the proper construction and arrangement of places of custody for untried prisoners."

Bombay.

34. These cells are evidently unfit for prisoners of any kind, and therefore we rely upon your assurance that they will not be again used till they have been enlarged and made suitable for the reception of prisoners.

— No. 2. —

ON THE GENERAL SUBJECT OF TORTURE AT THE PRESIDENCY.
CASE OF TORTURE AT NASSICK.

Judicial Department, 3 October (No. 46) 1855.

To the Honourable the Court of Directors for the Affairs of the Honourable East India Company, London.

Honourable Sirs,

In continuation of our despatch, No. 41, dated the 13th of August last, forwarding the proceedings of an inquiry into certain charges preferred against the Poonah police, we have the honour to transmit to your Honourable Court the accompanying copy of a minute recorded by our Honourable President, under date the 20th of July last, on the subject of torture generally at this Presidency, and of the correspondence to which it gave rise.

Torture:—On the general subject of, at this Presidency. Jud. Cons. 1855, 22 August, No. 7162A/63; October, No. 8610/14.

2. In referring your Honourable Court to these proceedings, it will be sufficient in this place to explain that the case cited in example, in para. 3 of our Honourable President's minute, is one in which a number of Nassick police were charged with having tortured a prisoner to death. These proceedings (which are very voluminous) will be forwarded to your Honourable Court by the next opportunity, as will also those regarding the removal of the magistrate of Poonah alluded to in the second para. of the further minute recorded by our Honourable President on the 29th ultimo.

We have, &c.
(signed) *Elphinstone.*
J. G. Lumsden.
A. Malet.

Bombay Castle, 3 October 1855.

EXTRACT Judicial Letter from Bombay; dated 17 October (No. 51) 1855.

1. REFERRING to para. 2 of our despatch, No. 46, dated the 3d October 1855, on the subject of torture generally at this Presidency, we beg to transmit copies of the proceedings held on the trial of certain members of the Nassick police for the murder of a prisoner in their custody, whom they had tortured with the view of extracting from him a confession of guilt.

Torture:—Proceedings relative to the Nassick torture case. Jud. Cons. 1855, 3 March, No. 1038/40; 25 July, No. 6505/8; 22 August, No. 7473/75; 5 September, No. 7768/70a, and 7771/73; 5 October, No. 8590/93.

2. For the sentiments of this Government on the subject, we beg to refer your Honourable Court to our resolution of the 15th August, a copy of which accompanies.

No. 7770.

EXTRACT from the Proceedings of Government in the Judicial Department.

(No. 173 of 1854.)

LETTER from Lieutenant *Alexander Bell*, Assistant Superintendent of Police, Nassick, to the Secretary to Government, Judicial Department, Police, Bombay.

Assistant Superintendent of Police Office,
Camp Sinnur, 27 December 1854.

Sir,
I HAVE the honour to report, for the information of the Right honourable the Governor in Council, that the case of torture, for the trial of which the session judge of Ahmednuggur was sent to Nassick by the judges of the Suddur

Jud. Cons. 1855, 3 March, No. 1038.

Bombay.

Foujdaree Adawlut, under orders from Government, was brought to a close yesterday, and the seven prisoners arraigned before the Court found "guilty," as follows: Prisoners, No. 1 to 6, as per margin, of "culpable homicide," under the provisions of Regulation XIV. sect. 27, of A. D. 1827, and sentenced under the same regulation and section, to undergo four years and two months imprisonment, *i. e.*, four years with hard labour, and two months in solitary confinement, the first and last seven days of each month to be on conjee diet; and prisoner, No. 7, as per margin, found "guilty" under the provisions of Regulation XIV. sect. 1, clause 5, of A. D. 1827, of aiding and assisting in the above crime, and sentenced under the provisions of sect. 27, and sect. 1, clause 5, of Regulation XIV. of A. D. 1827, to two years and two months imprisonment, *i. e.*, two years with hard labour, and two months in solitary confinement, the first and last seven days of each month to be on conjee diet.

2. Circulars detailing the offence, and mentioning the sentence awarded, have been forwarded to all the joint police officers under my orders, to be read and explained to all the policemen in the sub-collectorate, and I confidently hope that the example made of these men will deter others from ever ill-treating prisoners in future.

I have, &c.

(signed) *Alexander Bell*, Lieutenant,
Assistant Superintendent of Police, Nassick.

Jud. Cons. 1855,
5 September,
No. 7768.

LETTER from the First Assistant Registrar of the Sudder Foujdaree Adawlut;
dated 29 May 1855, No. 1334.

Sir,

Present:
A. Remington, Esq.,
M. Larken, Esq.,
and W. H. Harrison, Esq.

I AM directed by the judges of the Sudder Foujdaree Adawlut to forward, for the purpose of being laid before the Right honourable the Governor in Council, the documents noted in the margin,* in the case of the prisoners Wakajee Wullud Ramjee and others, together with an extract from the proceedings of the Court, of the 17th January, 28th March, 4th April, and 2d and 16th May 1855.

2. This is done, I am directed to state, in view to attracting the attention of Government to the conduct of the Nassick native police in this case, and to soliciting their notice to the necessity for medical officers being proficient in the science of medical jurisprudence, in the hope entertained by the Court that this study may be a stringent test for the examination of candidates for the medical service.

RESOLUTION.

1. THE conviction and sentence of the prisoner Bappoo Wullud Hybuttee are annulled, and he is to be discharged, there being nothing to show that he counselled; assisted or interfered in the commission of the offence of which the other prisoners were convicted.

2. The petition of the other six prisoners is rejected.

3. While the Court find on the proceedings submitted reason to commend the late joint magistrate, Mr. Turquand, for the diligent prosecution of the inquiry which led to the trial, they must express their disappointment at finding the facts of the case imperfectly investigated by the session judge.

4. It was his duty to have put beyond any question the cause of Gunnoo's death, before proceeding with the evidence which was to fix the assault upon the prisoners. But the medical testimony was recorded replete with confusion, and

* 1. Original extract from the proceedings of the session judge of Ahmednuggur; 2. Original proceedings of the acting joint magistrate of Nassick.

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and essential omissions are apparent, and had there not been manifest to the Sudder Court other evidence sufficient to corroborate Gunnoo's story, and so to establish the cause of death, and to connect it with the acts of the prisoners, the conviction could not have been upheld.

5. In respect to the evidence for the defence, the session judge records extraordinary reasons for refusing credence to much of it; for instance, he rejects the evidence of Luteeb and Nunny, because they are prostitutes, and because one of them possibly prostituted herself to the prisoners every day, an assumption which there is no trace of evidence to justify.

6. Even when in the course of the evidence for the prosecution anything was elicited in favour of the prisoners, it received little consideration, and however exaggerated the prisoners' defence may be, the treatment of the case by the session judge had the effect of strengthening their hands.

7. The Court cannot withhold their opinion that proper attention was not paid to the deceased, Gunnoo, by the medical officers and the parties who had him in custody; it is impossible to believe that the symptoms of his wretched condition ought not earlier to have called for medical treatment. He was a weakly lad, over-fatigued and agitated, and suffering from the events of the day of his apprehension, and however criminal he may have been, his state must have required those offices of humanity which it is clear he did not obtain till too late.

8. The Court consider that the proceedings in this case should be laid before Government, with the object of drawing their attention to the conduct of the Nassick native police, of all grades, who are connected with this inquiry; and also to solicit their attention to the necessity for their medical officers being proficient in the science of medical jurisprudence, with the hope of the Court that this study may be a stringent test for the examination of candidates for the medical service.

RESOLUTION by the Honourable Board.

THE question for consideration before the session judge was whether the prisoners Nos. 1 to 6 caused the death of Gunnoo in the manner described in the indictment, or whether Gunnoo had died from the effects of a disease by which he had previously been afflicted. The session judge held that the prisoners Nos. 1 to 6 had caused the death of the deceased, as stated in the charge. Having arrived at this conclusion, the Right honourable the Governor in Council is unable to understand why the session judge did not find the prisoners guilty of "murder;" the Right honourable the Governor in Council is clearly of opinion that if the prisoners did perpetrate the act which forms the subject of the charge, they were guilty of "murder," and that the punishment awarded by the session judge is utterly inadequate to their crime.

No. 7770

2. The judges, in laying their proceedings before Government, have drawn the attention of the Right honourable the Governor in Council to the conduct of the Nassick native police, and to the necessity which exists for medical officers being proficient in the science of medical jurisprudence.

3. The Right honourable the Governor in Council considers that the enormity of the crime of which the prisoners Nos. 1 to 6 have been convicted, cannot be exaggerated, and he deeply laments that the punishment awarded is far too light to operate as a warning to the police subordinates in Nassick and throughout the Presidency.

4. The conduct of the Foujdar Shaik Mahomed Wullud Kazee Mahomed demands the severe notice of Government. The Right honourable the Governor in Council, without affirming it was the intention of this officer that atrocious cruelty should be practised, cannot resist the conclusion that when the Foujdar ordered the unfortunate prisoner to be taken aside, he intended that a confession should be extorted from him by threats and ill usage; holding this opinion, the Right honourable the Governor in Council has a plain duty to perform, which is to direct that the Foujdar be dismissed from the service of Government.

Bombay.

5. The suggestion of the judges of the Sudur Foujdaree Adawlut that a proficiency in medical jurisprudence should form one of the tests of examination in the competition for medical appointments in the Honourable Company's service, appears to the Right honourable the Governor in Council to be eminently judicious, although it is believed that a knowledge of this subject is already required by the College of Surgeons, and the other examining bodies in Great Britain. It should be submitted for the consideration of the Honourable the Court of Directors. It has already been recommended that this subject should be included in the examination for medical degrees in the university about to be established at Bombay.

6. The Governor in Council cannot avoid remarking that in the present case, if the evidence of the cause of death is less complete than it might have been, this is not so much to be attributed to the want of knowledge of medical jurisprudence on the part of Dr. Pelly, as to the omission of the session judge to put such questions to him as would probably have elicited the required information.

7. Such parts of the minutes and resolution of the judges as relate to this suggestion, to the defective character of the medical evidence on this trial, and to the absence of proper attention to the deceased Gunnoo by the medical officers, should be sent to the Medical Board, with a request that Government may be favoured with the opinion of that authority on the subjects under discussion.

8. The Right honourable the Governor in Council fully concurs in the opinion expressed by the judges, of the zeal and ability displayed by Mr. Turquand, the joint magistrate, in the preliminary investigation of this crime.

9. The general subject of "torture" has occupied and is still occupying the attention of his Lordship in Council, and a reference has been recently made to the judges of the Sudder as to the state of the law on the subject; his Lordship in Council will therefore reserve his opinion as to the measures which should be adopted for the suppression of this horrible system, until he has received the information required from the judges.

15 August 1855.

(signed) *Elphinstone.*

MINUTE by the Honourable Mr. *Lumsden.*

No. 7770 A.

I SHARE in the astonishment expressed by the Right honourable the President that the judge who convicted the prisoners of having caused the death of the deceased by torture, should not have convicted them of murder.

I concur in the dismissal of the Foujdar.

I concur entirely in the observation that the want of evidence as to the cause of Gunnoo's death, appears principally due to the omission of the session judge to question the medical officer, Dr. Pelly, properly on the subject. The censures of the Sudder judges in this respect appear to me to be eminently deserved; it is shown that though a conviction has been recorded and sustained, that the cause of Gunnoo's death has not been put beyond a doubt; I perfectly, however, concur in the justice and soundness of the conclusion, that the accused by their acts did cause his death.

18 August 1855.

(signed) *J. G. Lumsden.*

MINUTE by the Honourable Mr. *Malet.*

No. 7770 B.

I CONCUR entirely in the remarks of the Right honourable the President.

(signed) *A. Malet.*

EXTRACT from the Proceedings of Government in the Judicial Department.

MINUTE by the Right Honourable the Governor

1. I DEEM it right to offer a few remarks, which have suggested themselves to me from a perusal of the Madras Torture Commissioners' Report. Jud. Cons. 185
22 August,
No. 7162 A.

2. There can be no doubt of the fact that torture generally of a petty, but sometimes of an aggravated character, is still commonly resorted to by the native subordinate officials under the Madras Presidency as a means of procuring evidence of crime, of obtaining the payment of revenue, and perhaps, most frequently of all, of extorting a black mail upon their own account.

3. There is too much reason to fear that the same system, though I would hope not to an equal extent, prevails in this Presidency.

Unfortunately, we have only too recently had an example of torture of a most cruel and revolting description, inflicted by the police upon a prisoner charged with the commission of a heinous offence. Other instances also might be quoted, in which police officers have been accused of resorting to this nefarious practice; in short, we cannot yet congratulate ourselves upon exemption from an evil which has existed no doubt from time immemorial, not only in every part of India, but throughout the length and breadth of Asia.

4. The Madras Commission has no doubt been of use in establishing the fact, that the practice still prevails, although mitigated in its application by the fear of detection, and by the knowledge that if detected it will be punished; but this fact having been once established, it does not appear to me to be necessary (corroborated as it unfortunately is by the example to which I have just alluded, and by other instances,) to institute any further inquiry to arrive at a similar result in this Presidency.

5. I assume that the existence of the evil may be admitted, and that what we have now to consider is how it can be most effectually repressed and prevented.

6. The Madras Commission has largely quoted from the despatch of the Honourable Court of Directors to the Madras Government, dated the 11th of April 1826; but they have been somewhat sparing in their quotations from the reply of the Government of Madras. I think, however, that in considering the subject with a view to the discovery of a remedy for the evils there described, the opinions of such men as Sir Thomas Munro and of his council should not have been overlooked:—

“8. Your Honourable Court have animadverted at considerable length, and with just severity, upon the conduct of native police officers in extorting confessions from prisoners, and appear to apprehend that they are not sufficiently under control. In those cases where police officers have been convicted of practising cruelty on persons in their custody, it is satisfactory to know that they have been severely punished; but our belief is, that, in a great proportion of the cases where violence is charged, none has been used. It has now become so generally a practice with prisoners to bring forward at some stage of the trial a charge of having been compelled to confess the crime before the police officers, and witnesses in support of their assertions are so easily found among their relations and friends, that the tahsildars are cautious to avoid the appearance of anything which can in any way be construed into an undue use of the authority vested in them.

“9. As a proof how easily witnesses can be procured in support of accusations of violence, and how readily their evidence is received, we beg leave to refer your Honourable Court to a case brought to our notice by the magistrate of Coimbatore, and recorded in our Consultation of the 3rd April. It is there stated, that certain prisoners charged with having committed an atrocious murder in open day confessed the crime before the police, and when brought before the criminal judge denied it, and asserted that their depositions had been extorted; but alleged that they had no evidence to prove that they had

been ill-used by the police. Before the Court of Circuit, however, they called several witnesses to prove the fact, and although the depositions of the witnesses differed in all material points from the statement made by the prisoners, their evidence was received, and an opinion strongly condemning the conduct of the police was recorded by the Court, and communicated to the magistrate in order that the parties accused might be severely punished. We believe that in this and in most other cases, in which cruelty is charged against the police, there is not the slightest ground for believing that any has been practised; and it is matter of surprise that police officers, restrained on the one hand by the dread of being dragged before the Court to answer to charges of imputed irregularity for misconduct, and stimulated on the other by the fear of drawing down upon themselves the displeasure of the magistrate, in the event of any apparent remissness, discharge their duties so creditably and efficiently. The increasing tranquillity of the country, and the gradual diminution of organised bands of robbers, sufficiently prove the useful and meritorious services of the police. In the Zilla of Ganjam, the notorious freebooter Maharta and his principal accomplices, against whom a military force had on several former occasions been unsuccessfully employed, have lately been apprehended by the police alone, and the magistrate of Guntoor has reported that the principal and most troublesome, Chenchoo, Bochee, Naick, and others, had been induced to surrender themselves, and have been brought to a civil and peaceable mode of livelihood, which he justly observes could not have been effected, unless the country had been under one person in the offices of collector and magistrate; while to the southward the notorious gang of robbers, Appoo and Cantoun, who had for some years past infested the districts of Trichinopoly and Salem, have been at last secured, and their haunts and associates discovered. There are now no districts in which gangs of robbers are known to exist, and it is believed that at no former period was the sense of security of persons and property more confirmed than it is at present.

"10. With regard to the control which is exercised over the police, we are not aware that any change could render it more efficient than it is at present; and we trust that your Honourable Court, on referring to the explanation given in the 46, 47, 48, 49 and 50 paragraphs of our proceedings, will concur with us in that opinion; but if on further experience it should be found that some alteration is necessary, we think it ought to be made, not by giving any new power to the provincial courts, but by authorising the judge on circuit to pass orders on petitions from every zilla within his range during the whole course of his circuit, without reference to the particular district in which he may be at the time.

"11. We are satisfied that more courts and more intermediate checks over the police are not wanted for the protection of the ryots from exactions, and of the inhabitants in general from theft and robbery; but more systematic experience, and consequently more aptitude among our local officers, both native and European, for the discharge of their several duties; we therefore entirely agree with your Honourable Court that a system of training is as necessary in the judicial as in the revenue line, and that an intermediate class of functionaries, similar to that already established in the revenue, should be introduced into the judicial department."

(This letter is signed by Sir Thomas Munro, Sir George Walker, and Mr. Ogilvie.)

Resolution of the Madras Government, enclosed in their Letter of
27th April 1827.

"19. It is no doubt too certain that many irregularities are practised in obtaining confessions, and that in some instances atrocious acts are committed; but when the great number of prisoners apprehended is considered, and the habits of the people, themselves always accustomed to compulsion when there is suspicion, how difficult it is to eradicate such habits, and how small the proportion of cases in which violence has been used is to the whole mass, the number of these acts is hardly greater than was to be expected, and is every day diminishing. The prohibition against forced confessions is known to all the

the native police officers, and it seems extraordinary that they should ever employ force; for they know that they have much to lose and nothing to gain by such conduct. But some of them, in spite of every injunction to the contrary, when they believe that the prisoner is guilty, think it right to extort confession. Police officers in general, however, will not gratuitously expose themselves to loss of place and their families to ruin by such conduct. Prisoners are sometimes hurt in attempting to escape, and notorious offenders are sometimes roughly treated by the villagers who assist in securing them. The marks thus caused are sometimes exhibited as evidence of extorted confession. Whenever there is proof of force having been used for such a purpose, the police officer should be invariably punished, and dismissed from the service. But great caution is necessary in believing the accusation of force; it should always be very clearly established before it is entitled to credit. Police matters are so public that the charge of violence, when true, can hardly be concealed. There are two things in which there is constantly very great exaggeration, the number of persons concerned in a robbery, and the number of extorted confessions: only a small part of the alleged cases of extorted confessions are ever substantiated. The Circuit Court say that the proof is difficult; but it is believed that, when true, the proof is easy, and that the difficulty lies in by far the greater part being unfounded. The charge is easily made, and the effect of its receiving belief from the Court of Circuit is so generally known that offenders very frequently bring it forward in some stage of the trial. It is a point which demands the greatest possible circumspection on the part of the magistrate. If he lets the person escape who has been guilty of extorting confession, he encourages one of the worst offences against the administration of justice: if he punishes the police officer charged with this offence in only a very few instances on false evidence, he will effectually deter the whole body from the jealous exercise of their duty, and let loose a host of robbers upon the community. No number of zillah courts would prevent the excess complained of among the native police. Were we to double the number it would have no effect in restraining them; they can only be checked and effectually put down by the vigilance of the magistrates; by never letting them pass unpunished; by the police officers finding from experience that they never could gain anything from the use of force, but would certainly suffer disgrace and punishment, and by time working a change in their habits.

"20. The irregularities committed by the police are now much more difficult of concealment than when the offices of zillah judge and magistrate were united in one person, confined to a fixed station; and though too many of the police officers are still frequently guilty of such irregularities, yet the conduct of the great body of them is highly useful and meritorious, and its effects are becoming every day more evident in the increasing tranquillity of the country, and the gradual diminution of organised bands of robbers. The amelioration, though occasionally retarded by the misconduct of local officers, continues to advance, and is gradually diminishing the number of crimes.

"21. The cruelties reported by the circuit judge to have been inflicted on certain inhabitants by the Parbutti and Holkars in Malabar, referred to in the 23rd and 24th paragraphs of the Honourable the Court's letter, were investigated by the collector, and found to be without proof."

7. I have quoted these long passages not merely to show that former Governments of Madras have not been inattentive to the subject of the present Report, but to show the difficulty which there is in dealing with that subject, and to express my concurrence in much that these extracts contain.

8. I would especially notice the difficulties pointed out in the 19th paragraph of these Resolutions of the Government of Sir Thomas Munro; the dilemma is one from which it is impossible to escape:—

"If the magistrate lets the person escape who has been guilty of extorting confession, he encourages one of the worst offences against the administration of justice; if he punishes the police officer in only a very few instances upon false evidence, he will effectually deter the whole body from the zealous exercise of their duty."

9. In considering, therefore, the measures which have been proposed by the Madras Torture Commission, it is essential that we should not lose sight of this difficulty. These are:

- 1st. The larger employment of European agency.
- 2nd. The amendment of the law.
- 3rd. The separation of revenue from police powers.
- 4th. The subjection of the police to separate European authority.

The police in each district being commanded by a European officer who can give his undivided time and energies to this one object.

10. First, the larger employment of European agency subsequently explained as "uncovenanted" agency, which it is proposed to place at Madras upon an improved footing, more nearly approaching that of the other Presidencies.

11. To this remedy I would only object that it is by no means clear that the larger employment of European and uncovenanted agency in the other Presidencies has had the effect of suppressing these practices.

12. I need only refer to the horrible case at Nassick, where the unfortunate sufferer was examined by the superintendent of police, Lieutenant Bell, and never complained of the ill-treatment he had received, although he was actually dying of it. I may also quote the case of Mr. Spiers, the Foudjar of Poonah, who, although acquitted of employing actual torture, has been proved to have been in the habit of extorting confessions by acting on the fears of the accused, by having them taken from their cells in the middle of the night to a distant part of the gaol, where they were subjected to a severe examination, accompanied by threats, pushes, and handcuffing. The same officer has been proved to have arbitrarily refused bail in cases in which bailable offences were alone involved, and to have flagrantly disregarded the regulations which prescribe the early transmission of prisoners to the magisterial authorities. The conduct of this officer has been so highly reprehensible that we have been compelled to order his dismissal. I allude to these cases to show that these practices will not be prevented by simply having recourse to a different species of agency.

13. If, indeed, it be intended by this recommendation to urge the expediency of making a large addition to the amount of European agency, such addition being exempted from the examinations to which the candidates for the covenanted services are subject, I should strongly object to the measure, which it appears to me would be most unjust to the educated youth of India, who, after having qualified themselves to fill higher offices than any which have been heretofore open to them, would find even the share of power and authority, which has always been left to native magistrates, curtailed by the intervention of a new body of Europeans whose superiority over themselves would be, in many respects, at least doubtful. Such an increase of European agency could have no other effect than to damp the legitimate ambition of the rising generation of natives, and would go far to confirm the suspicion so recklessly instilled by certain writers and speakers, that our Government is not really anxious to advance the natives of this country, even when they deserve advancement, and that it seeks only to increase the amount of place and patronage which it may distribute among our own countrymen.

14. The second proposed remedy is the amendment of the law.

15. Under this Presidency the practice of torture is not acknowledged by any express enactment pointed against it; but there are several under which native officials in the Revenue, Judicial and Police Departments respectively may be punished for misconduct and abuse of authority generally.

16. By Regulation II. of 1827, sect. 36, it is provided, with reference to native officers of civil courts, that "Bribery, extortion, and generally all acts of abuse or misapplication of authority or neglect of duty, shall be punishable as criminal offences with fine and imprisonment, without hard labour, for a period

not

not exceeding seven years. Punishments adjudged under this Act shall not preclude any other prosecution, civil or criminal, to which the offender may be liable."

17. By Regulation XII. of 1827, chap. 1, sect. 18, the same provisions are made applicable to police officers.

18. By Regulation XIII. of 1827, chap. 1, sect. 10, the officers of criminal courts are made punishable in the same manner as enacted respecting such officers in their civil capacity.

19. By Regulation XVII. of 1827, chap. 4, sect. 16, undue exactions by revenue officers are declared criminal offences, and liable to punishment by imprisonment not exceeding seven years, and a fine not exceeding ten times the amount of the undue exaction.

20. There is further a general enactment in Regulation XIV. of 1827, chap. 5, which, providing against assaults, would include all species of abuse of authority whereby bodily suffering was inflicted; and under the provisions of which any officer not coming within the scope of the above-recited enactments might, I presume, be indicted; it declares that "any unlawful mode of wilfully producing bodily injury or suffering, though not actually an assault, shall be punishable according to the consequences produced, in the same way and to the same extent as an assault;" that is with fine, imprisonment and flogging, or any of these combined.

21. These appear to be all the penal enactments bearing on this subject in the Bombay Regulations and Acts. It may be doubted, perhaps, whether the provision against undue exactions by revenue officers is sufficiently broadly worded to include all the cases of abuse of authority which are comprised in the enactments relating to police and judicial officers, for it may be very possible that unfair means may be employed to compel payment which cannot be denominated undue exactions, but in this case the offending party might always be indicted under Regulation XIV. for an assault, and his conviction and punishment equally secured.

22. There is another very important provision in the Regulations which, although it has no penal consequences attached to it, ought to be in all cases very strictly enforced. This is contained in Regulation XII. of 1827, chap. 5, sect. 43, clause 4, and in the same Regulation, chap. 6, sect. 50, clause 4, whereby the district and village police are enjoined not to delay the transmission of prisoners to the magistrate beyond 48 and 24 hours respectively, unless for indispensable reasons, which must always be reported with the case, or before it, to the magistrate.

23. I am inclined to believe, that, on the whole, the state of the law in general on this subject is far from unsatisfactory, that its provisions are well calculated, as far as mere legal enactments can be effective for such a purpose, to aid in putting down the malpractices complained of, and that little reform or amendment will be required. But in order to be effective the law must be vigorously acted up to, and, above all, the provision against the detention of prisoners in custody for a needless length of time must be strictly and universally enforced. But although these are the results which I have arrived at from the consideration of the law as it stands, I do not think that we are in such a good position to judge of our wants and requirements in this respect, as the judges of the Sudder, whose practical experience of the working of the law enables them to pronounce upon it with greater certainty; I propose, therefore, to refer this part of the subject to them for their report, and for any suggestions that they may wish to make as to the advisability of new enactments to render the law more effective.

24. The third and fourth recommendations of the Madras Torture Commission may be said to have had a fair trial in this Presidency; but I fear that we cannot flatter ourselves with the belief that they have succeeded in effecting the object for which they are now proposed.

25. It remains for me to state my own opinions upon this painful subject, painful because I am not sanguine that any measures that can be taken will

have the effect of putting down at once and for ever a practice repugnant both to justice and to common humanity, but which is not yet viewed in its proper light by the people of this country. In time, no doubt, we shall succeed in extirpating this, as we have done greater evils; and a Government which destroyed the Pindarees, by far the most powerful organisation which the world ever saw for the purposes of plunder, commonly extorted by the most atrocious tortures; which, in more recent times, has succeeded in suppressing suttee and infanticide; which has cleared India of the Thugs, and has arrested, even in the depths of the inaccessible jungles and fastnesses of Orissa, the horrid rite of human sacrifice, will not always be baffled in its endeavours to restrain the malpractices of its own servants.

26. The only measures, however, which I can suggest are, 1st. Strict and invariable attention to the Regulations to which I have already alluded (XII. of 1827, chap. 5, sect. 43, and chap. 6, sect. 50), whereby the district and village police are enjoined not to delay the transmission of prisoners beyond 48 and 24 hours respectively. I observe that the old orders of the court of Foujdaree Adawlut at Madras repeatedly prescribe the same course; see especially Appendix B. of the Madras Torture Report. I am not going to say that if these orders had been attended to in every case no instance of torture could have occurred. The Nassick case at once forbids the supposition; but I do believe that nothing would tend more to eradicate the habit of torturing prisoners, with a view to extort confessions, than a rigid enforcement of this Regulation.

27. 2dly. The infliction, in every proved case of torture, of the heaviest penalty authorised by law. Here, too, I am met by examples of severity, which prove that although the fear of punishment may have some deterring effect, yet it will not suffice to extirpate the evil. I find the following paragraph in the Resolutions in the Government of Madras, from which I have already made some extracts:

“ 18. The Honourable Court have animadverted in paragraphs 26 to 29 of their despatch at considerable length, and with just severity, upon the conduct of the native police officers in extorting confessions from prisoners; and they specify some very atrocious cases, among which are the murder of a man by a peon in endeavouring to extort confession, and the maiming of a prisoner by a patal in torturing him for the same object. In both cases, however, it is satisfactory to know that the offenders were convicted and punished, the one capitally, and the other with two years' imprisonment with hard labour.”

28. I have already given my opinion upon the recommendation of the Madras Commission as to the employment of a larger amount of European agency; but there is one species of agency to which I have not alluded, and from which I anticipate the most effectual, though not the most immediate, results, I mean the agency of the schoolmaster. I am persuaded that if the practice of torture, and corruption, and all those kindred evils which are apparently inseparable from the possession of power by the lower grades, at least of native officials, are ever to be eradicated, it can only be done by teaching the mass of the people their rights, and by showing them how they are to be defended. The reluctance of the ryots to come forward to give evidence against those who are guilty of those malpractices does not proceed solely from apathy. The Madras Commissioners remark (paragraph 70), that “the natives will often travel at great personal loss and inconvenience to make complaints even of a very petty nature to the collector or sub-collector.” There can be no doubt that this is the case; why then do they not come forward, when black mail is wrung from them, or confessions extorted by the application of torture? Simply because such has ever been the custom of the country, and they know no better than to submit. Enlighten them as to their rights, and employ, if you will, your educational machinery, not only for the diffusion of this branch of useful knowledge, but for the detection and exposure of the particular class of malpractices to which our attention has now been called.

29. These, and the adoption of any amendment of the law which may be recommended by the Sudder, and which may, upon consideration, appear unobjectionable and expedient, are the only suggestions which I have to offer. If concurred in by the Board, they will be easily carried into effect. If any others occur

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occur to my honourable colleagues, I trust they will place them upon record, and that upon a question of so much importance, and which is likely to produce so great a sensation on the public mind at home, we shall be able, at no distant date, to transmit our collective sentiments to the Honourable Court of Directors and the Government of India.

Bombay.

20 July 1855.

(signed) *Elphinstone.*

MINUTE by the Honourable Mr. *Lumsden.*

I HAVE only at present to express my entire concurrence in these remarks by our Right honourable President. I will defer any further remarks or suggestions which I may have to offer until we receive a reply to the proposed reference to the Sudder, and the subject is again brought under our notice.

No. 7162 n.

27 July 1855.

(signed) *J. G. Lumsden.*

MINUTE by the Honourable Mr. *Malet.*

I CONCUR in the reference in the first instance to the judges of the Sudder Adawlut.

No. 7162 c.

27 July 1855.

(signed) *A. Malet.*

No. 3562 of 1855, Judicial Department.

LETTER to the Registrar of the Sudder Adawlut.

Sir,

I AM directed to transmit to you the accompanying printed copy of the "Report of the Commissioners for the investigation of alleged cases of torture" in the Madras Presidency, with an extract (paras. 1 to 5, and 14 to 23) of a minute on the subject by the Right honourable the Governor, dated 20th ultimo, and concurred in by the Honourable Board, and to request that the judges will be good enough to favour Government with their opinion, and report on the points indicated at the close of para. 23 thereof.

No. 7163.

You will have the goodness to return with your reply the printed Report of the Madras Commission now sent to you.

I have, &c.

Bombay Castle,
10 August 1855.

(signed) *H. L. Anderson,*
Secretary to Government.

From the Registrar of the Sudder Foujdaree Adawlut.

Sir,

I HAVE the honour, by direction of the judges of the Sudder Foujdaree Adawlut, to acknowledge the receipt of your letter, No. 3562, dated 10th ultimo, with enclosures, requesting the opinion of the Court as to the advisability of new enactments to render the law for punishing cases of torture more effective.

Present:
A. Remington, Esq.,
M. Larken, Esq.,
and *W. H. Harrison, Esq.,*
1855, Jud. Cons.,
October.

2. In reply, I am desired to state that the Court are of opinion that the law, as it now stands, is ample to meet any offence committed by the police, in eliciting confession by improper means, as well as to punish revenue officers guilty of extorting illicit demands by the application of torture.

No. 8610.

3. The judges consider that a great deal may be expected from the superintendents of police in checking the practice of extorting confession, and that the best protection against native officials in this respect will be found in diligence and zeal with which these officers perform their duties under the immediate

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control of Government, without exhibiting an over-anxiety for convictions, and so encouraging their subordinates to obtain confession from accused persons at any cost.

4. In respect to illegal means to collect the revenue, the Court are of opinion that they are seldom resorted to. But should unfortunately any case occur, the interpretation on section 8, Regulation XII. of 1827, of the 28th April 1836, will be found to point to a suitable punishment. Government, however, have taken the most effectual means of preventing any excess of this kind by introducing a light and equitable assessment, so as to enable the collectors to realise the year's revenue within the year, which the Court have reason to believe is now done in the Dharwar Collectorate, and that of Broach, where the rates have been revised under the able superintendence of Major Wingate and the late Messrs. Davies and Goldsmid.

5. The Court, I am desired to state, do not therefore consider any legislative enactment is called for to render the law more effective.

6. They have, however, issued a circular to all the magistrates, reminding them that they are held answerable for the responsibility imposed on them by law, of requiring that district police officers shall not retain prisoners in their custody beyond 48 hours, except for indispensable causes which they are bound to set forth fully in the quarterly returns they render to the Court under the circular order, No. 347.

7. The printed Report of the Madras Commission is herewith returned as requested in your letter under reply.

Bombay, Sudder Foujdaree Adawlut, 7 September 1855. I have, &c.
(signed) M. A. Coron,
Registrar.

MINUTE by the Right Honourable the Governor.

No. 8611.

THE papers should now be sent to my honourable colleagues. I may have something to add to the observations which I have recorded, but I will defer doing so until I have had an opportunity of seeing their remarks.

10 September 1855. (signed) Elphinstone.

MINUTE by the Honourable Mr. Lumsden.

No. 8612.

I AM disposed to think with the Sudder, that no new legislative enactment is required to suppress recourse to torture by our native police officials, with a view to procure confessions. I believe that no mere enactment, however stringent, will of itself lead to a total discontinuance of the practice. The present laws, if properly enforced, are however sufficiently severe and comprehensive for the requirements of the case. The improvement which we desire to see in our native police, implies an entire change in their views and opinions as to the manner, and even as to the matter, in obtaining evidence for criminal prosecutions. This then must be the work of time, and it is chiefly to the progress of education that we must look for the substitution in the native mind of just and enlightened notions of evidence in the room of bygone traditions and practice.

2. It may be of use to inquire, while devising a present remedy for the evil, how the practice of seeking for evidence of the guilt of the suspected in their forced confessions originated, and how it is found so difficult to eradicate it under the humane and civilized government? For we shall find, that, if it is deeply rooted, the cause is not to be looked for alone in that propensity to resort to violence for the accomplishment of its objects, which is the characteristic of all barbarous and despotic governments like the one to which we have succeeded. It is more than this. There are circumstances depending upon the peculiar social institutions of this country which place strong temptation in.

in the way of the police to resort to torture, because secret inquiries, from the very nature of the native social system, are greatly facilitated, and the strongest, and generally, it must be admitted, well-founded suspicions, are directed thereby upon particular individuals, though substantial proof may be wanting.

The systematic division of the people into castes and sections which have no sympathy in common, a system which has even strongly stamped its impress upon the descendants of the Mahometan conquerors of the country, enables the members of the same caste, whose sympathies are on the other hand concentrated upon it, to overlook each other's actions, and to pry into each other's proceedings in a manner too minute to be readily understood by a European. When a crime then has been committed, the first result of an investigation, vigorously prosecuted on the spot, is to circumscribe the area of inquiry, by its leading, immediately to the conclusion that the offenders belong to a particular caste. Once certain of this fact, it is next to certain that very many members of the caste will be able to point out the individuals, and it is then no longer difficult to obtain secret and confidential communications given on a pledge of silence.

Indeed in some parts of India, as in Goozerat, there is a class of professional informers there called *Mookhia*, who take advantage of this peculiar framework of society to hunt information regarding robberies for the police with unerring accuracy and for the sake of reward; but the invariable condition of their assistance is silence and secrecy as regards themselves.

A right clue being thus obtained the parties implicated are arrested, and under such circumstances the police of native states resorted without scruple to torture, except (as generally happened) the accused, conscious of guilt, and believing that sufficient proof against him was forthcoming, made a free and full confession.

The temptation to pursue this barbarous system of inquiry in our own provinces lies in the fact, that it is very frequently successful. A native policeman, ambitious of distinction as a detective, and removed for the time from under the eye of his European superior, can see no harm in a practice which enables him to bring unerring proof of his success, and to recover the stolen property by information furnished by the thief.

When we recollect that the practice, however barbarous and detestable, has prescriptive prestige and native opinion in its favour, and how few and far between are the European officers who administer this vast country and govern through a numerous and scattered native agency, the wonder, after what I have endeavoured to explain, is not that in spite of their best vigilance an occasional case of resort to torture should come to light, but that such cases should be so uncommon.

It remains to consider what is the best practical measure, circumstanced as we are, to give an immediate and final check to the practice.

In my own opinion, the remedy is to be found in carrying out with correctness and vigour the reformed system of police proposed by Sir George Clerk, and perfected and adopted by his successor.

If the superintendents of police are selected solely for their activity and ability; if the rule which requires them to be perpetually on the move within their districts is enforced; if they are held responsible for the state of their charge, and rigorously dismissed when found incompetent; finally, if, instead of each being left indiscreetly to his own devices and to follow his own judgment, they are placed one and all under the general control of an active and able Commissioner, I believe that few if any instances of recourse to torture could occur, and that in any rare exception the immediate and severe punishment of all concerned would be sure to follow.

It is only by such agency that the strict enforcement of the Regulations, which prescribe the period during which the accused may be detained before being forwarded to the magistrate, can be effectually secured, and this provision, as our Right honourable President has justly remarked, is one of the most effective safeguards against police mal-administration.

Of the employment of torture by the revenue authorities I have said nothing, for I believe it to be very rare indeed. But the care for the one will answer for the other; and where there is an active superintendent constantly travelling through

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through the districts, and open to the hearing of all complaining, few patells will be found to abuse the limited power entrusted to them, and to risk almost certain detection and dismissal.

17 September 1855.

(signed) *J. G. Lumsden.*

MINUTE by the Honourable Mr. Malet.

No. 8613.

I DO not find on record facts to induce me to believe that a system of torture by the police has existed in this Presidency, the small extent of our territory, the comparatively large proportion of European agency (with reference to Madras), and the character of our predatory classes which supply the greatest number of our criminals, favour my supposition that the system does not exist, and that instances of the crime are not very frequent; still as they do occur, and may at times, as in the late Nassick case, be of terrible atrocity, it is a most urgent duty that means of prevention, if wanting hitherto, should be supplied, and if they exist that they should be energetically employed.

We are, therefore, much indebted to our Right honourable President for bringing the subject under consideration, and for the manner in which he has treated it. I concur in the opinion of the state of the law recorded in the 23rd para. of our President's minute, and the Sudder judges also are of opinion that its provisions are sufficient. The new system of police when completed, and when its operations are directed and supervised by an able superintendent, appears to me to leave theoretically little to wish for; it remains that individual responsibility be invariably and rigorously imposed, and we may thus hope that the crime will become rare, though it is hardly possible that it will ever be entirely eradicated.

21 September 1855.

(signed) *A. Malet.*

MINUTE by the Right Honourable the Governor.

No. 8614.

I THINK that our proceedings on the subject of torture may now be sent to the Honourable Court. The Government of India have just sanctioned the appointment of a head of the department of police throughout this Presidency, who is to hold this office in conjunction with that of inspector of prisons. I anticipate the best results from this combined appointment.

The judges of the Sudder, who agree with us in thinking that no alteration of the existing law is required, have issued a circular to all magistrates, reminding them that they are responsible that the district police officers do not keep prisoners in their custody beyond 48 hours without bringing them before a magistrate, and they have lately brought to our notice a case in which an acquitted prisoner was detained in custody for many months under the orders of a magistrate, in the hope either of obtaining further evidence against her, or of eliciting a confession from her. This magistrate has been removed from his appointment, and I trust that this example, and the very serious notice which we have taken of another recent instance of the illegal and protracted detention of untried prisoners, will have the effect of putting a stop to a practice so contrary to justice, and so likely to encourage similar abuse of authority, and a recourse to more violent, though they scarcely can be called more arbitrary, means of eliciting confessions on the part of native subordinate officials.

The Honourable Court may be assured that our best efforts will continue to be directed to the prevention of practices so repugnant to our sense of justice, and so injurious to the character of the Government.

29 September 1855.

(signed) *Elphinstone.*

(True extract.)

(signed) *H. L. Anderson,*
Secretary to Govt.

(Extract.)

Judicial Department, 26th November (No. 12) 1856.

Our Governor in Council at Bombay.

1. We highly approve the attention given to the best means of effectually suppressing the practice of torture by the native servants of Government, in the proceedings to which the letters under reply have reference. It is gratifying to learn that the barbarous practice is believed to be rare for enforcing the collection of revenue. We observe also with satisfaction that the law, as it already exists, is considered both by your Government and by the Judges of the Sudder Court to be adequate to the punishment of persons guilty of this flagrant abuse of authority. For the purpose of removing the opportunity for such abuse, the attention of the village and district police has very properly been drawn to the rule of law by which the former are prohibited from detaining prisoners more than 24 hours, and the latter more than 48 hours.

Regarding Torture.
Letter dated 3 October (No. 46), 1855.
Letter dated 17 October (No. 51), 1855.
Letter dated 3 December (No. 61), 1855.
Letter dated 31 December (No. 65), 1855.

2. While we agree with the reflections recorded in the minutes of Lord Elphinstone and Mr. Lumsden, that it may be a common practice on the part of criminals to accuse the police of ill-usage, and that we must not allow our abhorrence of torture to be used by criminals as a means of escape from the penalty of their crimes, at the same time it must be impressed upon the minds of our native officers, by a vigorous but judicious course of action, and by prompt and adequate punishment in cases of proved delinquency, that we are resolved (to use the proper language of his Lordship's minute) not to be always baffled in our endeavours to restrain their malpractices, and although we may console ourselves with the knowledge that our European servants are to an extent exempt from this reproach, we at the same time feel it difficult to believe that superintendents, like Lieutenant Bell in the papers before us, could not, by a more strenuous vigilance and activity prevent the evil. Neither are we content to trust to the tardy check of the progress of education.

3. We had hoped that, after so long a period of European rule, it would not have been necessary to exculpate such offences against humanity by the poor plea that we derived them from our native predecessors. We have neglected a high duty if we have not better taught the natives whom we have subdued. The study from the schoolmaster may slowly settle by degrees better principles of government in the minds of the inhabitants, but in the meanwhile we must look to the sessions judge for peremptory and prompt punishment, and to your government for a vigorous tone and a public expression of your strong wish to uproot a practice which has excited disgust at home, and given us discredit in Europe. The Report of the Commission, appointed to examine into this subject in the Madras Presidency, has induced us to observe upon one of the first instances brought to our notice in Bombay with such severity, as will convince all our servants of the absolute duty of extirpating this evil.

4. Your letter, No. 51, relates principally to a case of torture at Nassick, which led to six police servants being sentenced to imprisonment for four years with hard labour, and two months more in solitary cells. In this case a prisoner had been apprehended on the 10th August 1854, for the murder of a child, whose ornaments were found concealed on his person.

5. The child was between four and five years old, and being missed by its parents for some time, suspicion was excited that it had been murdered for the sake of its ornaments; and as the prisoner, who was a cousin of the child, could nowhere be found, he was suspected of the murder. Search was immediately made by the Foudjar, and about four o'clock of the same day he was apprehended.

6. He denied his guilt at first, and did not confess it until the Foudjar said to the policeman, "Take him to one side, and question him, as he is afraid, and will not confess before me." He was then taken to a shed near, into which six policemen entered with him, while one kept watch outside. The door was shut, they remained inside 10 minutes, and when he came out he confessed the crime and pointed out a well, a mile and a half distant, where the child's body was found. He walked to and from the well, and did not appear to Lieutenant Bell, the superintendent of police (who arrived at the place shortly after the

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torture had been inflicted), or the other spectators, to be out of health. The prisoner did not complain of the torture, alleged to have been inflicted to compel him to confess, till the 12th, when he was removed to the hospital. He died on the 14th.

7. The trial of the police servants was held at Nassick, before Mr. J. W. Woodcock, sessions judge of Ahmednuggur. From the comments upon that proceeding by the judges of the Sudder Court, in their several minutes, as well as by the members of Government, we perceive that the trial was considered as having been conducted in a very unsatisfactory manner, an opinion in which we entirely concur. There is some doubt whether the crime was brought home to the prisoners by legal proof. If guilty, they had, in the judgment of the Sudder Court, committed murder, not culpable homicide, the crime of which the sessions judge convicted them. With regard to the failure in the medical evidence against the prisoners, we concur in the opinion of the medical board, in which you have expressed your concurrence, that it was not attributable to any deficiency on the part of Mr. Pelly, the surgeon, in his knowledge of medical jurisprudence, but only to the defective manner in which the judge conducted his examination.

8. Whether the guilt of the police servants was or was not established by legal proof, there was no reason to question the moral certainty that, for the purpose of extorting a confession from the deceased, they had inflicted upon him an act of atrocious cruelty, which probably was the immediate cause of his death. The sentence passed upon them by the sessions judge (inadequate as it was to their crime), having been sanctioned by the competent judicial authority, we trust that it may have a salutary effect in preventing similar practices. With the same view we think that you acted with perfect propriety in dismissing the Foujdar from his situation. He may probably not have directed the specific act of cruelty perpetrated upon the deceased, but there is every appearance of his having left it to the inferior officers of police to take their own measures for obtaining a confession. We desire that it may be publicly notified that the Foujdar, for his conduct in this transaction, shall not be again employed in any situation under your Government.

— No. 3. —

CHARGES OF TORTURE AGAINST THE SURAT POLICE.

(No. 55, of 1855.)

Judicial Department.

To the Honourable the Court of Directors for the Affairs of the Honourable East India Company, London.

Honourable Sirs,

Torture :
Alleged charges of, against the
Surat Police.
Jud. Cons. 1854.
20 December, No. 9099-9102.
" " " 9103-7.
Jud. Cons. 1855.
3 March, No. 476-80.
" " 22-25.
" " 214.
" " 467-71.
19 October, No. 8941-50.

THE proceedings, which we now do ourselves the honour of forwarding to your Honourable Court, relate to certain allegations against the Surat Police, which were brought to our notice by the judges of the Sudder Fcujdaree Adawlut in the four following cases :

1st. The case of Dyal Bugwa, an untried prisoner, who died in the Surat Hospital, on the 26th of July 1854, and who was alleged to have been starved and ill-treated by the police.

2d. The case of Hurpursad Gunpursad, alleged to have been beaten by the police.

3d. The case of Kachia Lachia, stated to have committed suicide while in the hands of the police.

4th. Case No. 23, of the general calendar for Surat.

2. Mr.

2. Mr. A. Bettington was appointed a Special Commissioner, under Act 37, of 1850, to investigate the charges, and the result of his inquiries are contained in the proceedings accompanying this despatch.

Bombay,
Jud. Cons. 1855,
19 October,
No. 8943-44.

3. For the statements of this Government on the subject we would refer your Honourable Court to our resolution of the 28th September last, a copy of which accompanies.

We have, &c.
(signed) *Elphinstone.*
J. G. Lumsden.
A. Malet.

Bombay Castle, 2 November 1855.

RESOLUTION by the Honourable Board.

MR. BETTINGTON, as a Special Commissioner, under Act 37 of 1850, has instituted an inquiry regarding certain allegations against the Surat police, which have been brought to the notice of Government by the judges of the Sudr Foujdaree Adawlut.

No. 8943-44-

2. Mr. Bettington's inquiries have had reference to four distinct cases:

1st. The case of Dyal Bugwa, an untried prisoner, who died in the Surat Hospital on the 26th of July 1854, and who was alleged to have been starved and ill-treated by the police.

2d. The case of Hurlpursad Gunpursad, alleged to have been beaten by the police.

3d. The case of Kuchia Lachia, stated to have committed suicide while in the hands of the police.

4th. Case No. 23, of the general calendar for Surat.

3. The facts involved in the case of Dyal Bugwa were briefly as follows: On the 24th of July the civil surgeon of Surat, Dr. Lawrence, reported to the session judge the "ill-condition and extremely emaciated appearance of two untried prisoners recently admitted into the hospital, and who (in the civil surgeon's opinion) had been reduced to the last stage of debility from ill-treatment and starvation." On the 26th of July one of these prisoners, Dyal Bhugwa, died. At the subsequent inquest it is stated that Captain Hodgson, the superintendent of police, interfered unduly with the kotwal, who was taking the evidence of the other prisoners.

4. The first remark which these statements demand is, that the alleged ill-treatment must be charged against the police, and the alleged starvation against the magisterial department, as the prisoner had not been in custody of the former for some months previously to the decease of Dyal Bhugwa. The Right honourable the Governor in Council will first consider the allegation relative to starvation.

5. The magistrate, Mr. Liddell, states the daily allowance of food which was granted to Dyal Bhugwa (amounting in all to 1 lb. 11 oz.); and Mr. Bettington, who now holds the office of inspector-general of prisons, and whose opinion is of peculiar value, pronounces that the allowance is "most ample." If, therefore, what was allowed was really given, and it is not alleged that it was withheld, the accusation of starvation falls to the ground.

6. But this conclusion is rendered still more clear by the certificate and examination of Dr. Lawrence, from which it would appear that starvation, which is first softened down into "insufficient nourishment," really meant a deprivation of opium, the prisoner being an habitual opium eater. Finally, it would appear that Dyal Bhugwa died of "atrophia," a disease very prevalent among prisoners in Guzerat, accelerated by the deprivation of opium.

7. The laxity and inconsistency of statement, which the latter certificate and examination of Dr. Lawrence exhibit, have been clearly set forth by Mr. Bettington, and demand an expression of the dissatisfaction of Government, which should be communicated through the Medical Board.

8. The next point presented for the consideration of Government is the conduct of Captain Hodgson, in interfering with the kotwal when taking the deposition of Purbhoo Kooshal. Mr. Bettington has recorded a complete acquittal of Captain Hodgson, and has characterised the session judge's remarks on that officer's conduct as quite "unwarrantable." The Right honourable the Governor in Council is unable to concur in Mr. Bettington's view, while, willing to accept Captain Hodgson's explanation, as interpreted by Mr. Bettington, as exculpatory, or at least palliative, so far as Captain Hodgson's intention was concerned, the Right honourable the Governor in Council cannot consider that the session judge's remarks were wholly without warrant. It is reported to the session judge, by an apparently competent authority, the civil surgeon, that two prisoners in the hospital have been reduced, in his opinion, to the last stage of debility by ill-treatment and starvation. Two days after, one of the prisoners dies. As the civil surgeon had alleged two causes of the reduced state of the prisoners, it was a reasonable inference that both causes had contributed to the death of one of the prisoners. In an inquiry, therefore, on the subject, it was obviously necessary to examine the other prisoner, who had made the same complaint, as to both causes, and especially as to the first, the ill-treatment. The examination of the prisoner was stopped by Captain Hodgson, on the ground, as stated by him, "that it appeared to have nothing to do with the case under investigation." Thus the case stood before the session judge, and he was fully justified in condemning Captain Hodgson's conduct. It is now, however, explained that Captain Hodgson's object was to keep the attention of the members of the inquest to the actual subject then before them, the examination of the body of the deceased by the civil surgeon. The Right honourable the Governor in Council is willing to accept this explanation; but he considers that Captain Hodgson would have acted with a better discretion if he had abstained even from this limited interference; and, as superintendent of police, in a matter which gravely affected the police, had strictly confined himself to watching the proceedings of the inquest. He should know that every word, every question of an officer in his position, is liable to be misinterpreted, and may, unintentionally on his part, interfere with the complete liberty of investigation by a court composed entirely of natives; while, therefore, the Right honourable the Governor in Council is glad to find that Captain Hodgson's conduct was not so reprehensible as might have been anticipated from first appearances, he cannot agree in the propriety of Mr. Bettington's strictures upon the remarks of the session judge.

9. Next, as to the ill-treatment of the two prisoners. The alleged torture is stated to have been committed under the orders of the Subedar Major Mullaree Bokur, and the joint police officer, Myasunker. It is stated that the prisoners were suspended by the feet, and dipped head foremost into a well, and also that they were allowed to drop suddenly from the branch of a tree, suspended by their arms, which were tied behind their backs. Mr. Bettington rejects these statements as unworthy of credit, being unsupported by evidence, improbable on account of the number of people whom it would be necessary to employ, provocative of observation, and certain to be accompanied with such grievous bodily injury as must ensure detection. The civil surgeon has recorded his opinion that dislocation would inevitably follow suspension by the arms from the branch of a tree. Under all the circumstances, then, the Right honourable the Governor in Council has little hesitation in recording his concurrence in Mr. Bettington's opinion, that no grounds exist for the institution of any proceedings against the subedar major and the joint police officer.

10. A difference of opinion would appear to have existed between the sessions judge and the magistrate as to the propriety of suspending the subedar major and the joint police officer from their offices, pending full investigation of the allegations against them. Mr. Bettington considers that the magistrate exercised a sound discretion in not suspending them. It is a question on which a difference of opinion may be reasonably entertained; and the Right honourable the Governor in Council does not intend to convey a censure when he expresses his inclination towards the opposite conclusion. It will be observed that the civil surgeon had made a statement, the gravity of which could hardly be exaggerated; that statement received an apparent confirmation by the death

of one of the prisoners. These were circumstances which suggested a most severe investigation; and the Right honourable the Governor in Council is of opinion that it would have inspired a more complete confidence in the public mind, and have conveyed a more clear warning to the police, that the authorities were determined to sift to the bottom every charge of torture, if the magistrate, at the commencement of the inquiry, had suspended from office the accused parties. With this expression of his opinion the Right honourable the Governor in Council passes on to the consideration of the remaining facts.

11. It would have been better if the prisoner Dyal Bhugwa had not been deprived of a small allowance of opium, if a confirmed opium eater, without reference to medical authority. To deprive an opium eater of the drug which he has habitually used, is more cruel than to deprive a cripple of his crutch. But the Right honourable the Governor in Council observes that this Dyal Bhugwa was in hospital on the 23d of May, and treated for colic; he does not, therefore, understand why, on his discharge, the medical officers did not inform the magisterial authorities that the prisoner was an opium eater, and should therefore be allowed a small quantity of opium every day. This neglect on the part of the civil surgeon in a great measure exonerates the magistrate's department; but the Right honourable the Governor in Council considers that in future the magistrate should always refer to a medical authority before discontinuing an allowance of opium to any prisoner who is known to be an opium eater.

12. But the part of this case which calls for the severest notice relates to the length of time during which the prisoners were in custody without being brought to trial. It appears that the deceased Dyal Bhugwa, and three others, were apprehended by the police on the 30th November 1853, and handed over to the mamlutdar of Kurode on the 19th December. Dyal Bhugwa died on the 26th of July 1854 an untried prisoner; the remaining prisoners were brought before the assistant magistrate on the 28th of July, on which day the case against them was dismissed. An explanatory letter from the magistrate, Mr. Liddell, is appended to Mr. Bettington's report, and though that officer has attempted to show reasons why delays and interruptions of investigation occurred, the Right honourable the Governor regrets to be compelled to observe that the explanation is utterly unsatisfactory. Nothing can excuse the neglect of the Government regulations, and the indifference to the interests of justice on the part of all concerned, which are apparent throughout these proceedings. The prisoners appear to have been handed over from one assistant to another; from deputy to assistant, and from assistant to deputy. One assistant goes away sick, another deputy goes away on private affairs; other work requires to be done, as if any other work should be permitted to take precedence of magisterial duty, and the lamentable result is, that an innocent man, certainly a man whose guilt was not susceptible of proof, dies after a detention of eight months in a gaol hospital, and two days after his death the other prisoners are discharged for want of proof. Incidents of this character are most humiliating to those concerned in the administration of justice, and most painful to those interested in the welfare of the country. It must always be a matter of regret to Government to be compelled to censure a magistrate of Mr. Liddell's standing in the service; but the Right honourable the Governor would not be doing his duty if he did not inform him that the inefficiency which he has displayed upon this occasion, and his want of all control over the proceedings of his subordinates, have greatly lowered him in the estimation of Government as a public officer, and have suggested a doubt whether he should be permitted to continue in his present office. The Right honourable the Governor in Council has just removed one magistrate for illegally detaining in custody an acquitted prisoner, and although he draws a distinction between that case and the one now before him, inasmuch as the persons unduly detained in Surat were untried, yet he observes that the difference is in the degree rather than in the nature of the offence. In both cases the powers of the magistrate have been exceeded, and individuals against whom no crime could be substantiated have been arbitrarily and illegally deprived of their liberty.

An extract from these proceedings (containing the whole of this paragraph) will be communicated to the judges of the Sudder Foujdaree Adawlut, who will be requested to state whether their attention was attracted to this case by the

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returns of untried prisoners, and, if so, what notice was taken of it by them. The judges will be pleased in future to make a special report to Government of all cases in which untried persons are detained in prison for protracted periods. A copy of this extract will be further communicated to all magistrates, and a circular letter addressed to them, pointing out the determination of Government to remove from his office any magistrate who may be guilty hereafter of this offence.

13. Before quitting this subject, the Governor in Council requests that he may be informed if there is any truth in the allegation made before Mr. Bettington, that the deceased, Dyal Bugwa, and other untried prisoners, were put in the stocks, and that Prubhoo Kooshal received some blows from a police peon named Purtal Sing; he is surprised that Mr. Bettington should have reported this allegation without stating whether he had taken any steps to ascertain whether it was true or false.

Case of Hurpursad
Gunpursad.

14. The second case on which Mr. Bettington reports is that of Hurpursad Gunpursad. This case is brought to the notice of Government by the judges of the Sudder, who transmitted with their letter a copy of a very able minute recorded by the Judicial Commissioner, Mr. W. E. Frere. That gentleman, after pointing out various grounds of suspicion against the police, stated that in his opinion further inquiry would be useless, but suggested that the necessity of immediate inquiry, when accusations are preferred against the police, should be carefully impressed upon the magistrates. The Government fully concurred in Mr. Frere's remarks, and a copy of his minute was circulated to all the magistrates. But the Government also thought that the importance of the case demanded further investigation, and therefore determined that Mr. Bettington should be directed to institute a searching inquiry.

15. The Right honourable the Governor in Council is gratified to find that Mr. Bettington's inquiries have placed the conduct of the police in a more favourable light, or at least that they lead to the conclusion that the statements of Hurpursad were grossly exaggerated. There would appear to have been three allegations: 1st. That Hurpursad was beaten at Oolpar; 2d. That he was beaten on the road between Oolpar and Surat; 3d. That he was ill-treated at the Moosafferkhana, at Surat. The first and third of these allegations Mr. Bettington rejects as wholly improbable; he considers all external circumstances to be against the truth of Hurpursad's story; for instance, the ill-treatment at Oolpar is stated to have occurred in a building, in a part of which the magistrate was himself at the very time residing with his establishment, and he shows generally, that, while circumstances are against the statements of Hurpursad, there is no evidence in their favour. With reference to the second allegation, Mr. Bettington thinks it very probable that the prisoner was beaten on the road, but states that there is no proof to the fact. The Right honourable the Governor in Council presumes that Mr. Bettington means there is only the statement of Hurpursad on the one side, and the denial of the police on the other, and that unfortunately there is no violent improbability, apart from actual circumstances, in any allegation of ill-treatment preferred against the police. The Right honourable the Governor in Council, however, considers the result of this investigation to be on the whole satisfactory, and he directs that the special warning suggested by Mr. Bettington be conveyed to the kotwal, and that the magistrate's attention should be once more drawn to the laxity of system to which the negligence of the kotwal is partly ascribed by Mr. Bettington, and to the just and forcible remarks of Mr. Frere. Government consider with that gentleman and with Mr. Bettington that it is absolutely necessary, when charges are brought against the police, that they should be promptly inquired into by the magistrate himself. The Governor in Council has recently directed the attention of all magistrates to the illegality of the police detaining prisoners before committal beyond the period allowed by the regulations, and is resolved to enforce his orders upon this subject, and by this and every other means in his power to prevent the ill-treatment of prisoners by the police.

Case of Kutchia
Lachia.

16. The third case which Mr. Bettington was directed to investigate was that of Kutchia Bheel, who was drowned while in the custody of the police. The question is not so much, as stated by Mr. Bettington, whether the Bheel committed

committed suicide; or whether he was murdered by the police by being thrown into a well; as whether he committed suicide from fear of ill-usage from the police, or from other parties. Mr. Bettington is clearly of opinion that Kutchia dreaded the vengeance of his comrades and other bheels. He sent a confidential agent to the village in which the bheel was drowned to make private inquiries, and this agent ascertained that the general opinion in the village was, that Kutchia had committed suicide from dread of his comrades. There being on direct evidence against the police, but only such suspicions as arise from constructive arguments, the Right honourable the Governor in Council has no difficulty in acquitting the police of all participation in the death of the bheel; but he considers there were sufficient circumstances of suspicion to justify the session judge in drawing the attention of the judges of the Sudder Foujdaree Adawlut to the case.

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17. Lastly, Mr. Bettington has submitted some remarks on case No. 23 of the general calendar of Surat, in which the session judge set aside some confessions on the strong suspicion that they had been extorted, and to which the judges of the Sudder had drawn the attention of Government, in connexion with the case of Dyal Bhugwa. The Right honourable the Governor in Council is inclined to agree with Mr. Bettington, that the weight of evidence is in favour of the police; but he cannot concur in all the arguments by which he has supported that opinion, still less can he agree in the implied censure of the proceedings of the session judge. That officer, a most able judge, and now occupying a seat in the Sudder Court, set aside the confessions of certain prisoners on the suspicion that they had been extorted by the subedar major and the joint police officer, who had been accused in this as in other cases of ill-treating the prisoners. There was some direct evidence on the point not sufficient for the condemnation of the police, but quite sufficient to induce a doubt in the mind of any judge, as to whether he should accept the confessions as exhibitory of the actual facts. It would be of very dubious policy if Government were to assent to a censure of a judicial officer upon whom the responsibility of the trial rests, because he had determined to allow no weight to certain confessions, on the opinion of one upon whom the responsibility of the trial did not rest. Accusations were frequent against two individuals of ill-using prisoners. A judge imbibes, he knows not how, a feeling of insecurity as to the confessions of prisoners, with the reception of which these individuals have been at all concerned. Accordingly on the trial he puts out of sight the confessions, and looks only to the independent evidence. This course evokes a protest from Mr. Bettington; but the Right honourable the Governor in Council is of opinion, that the proceedings of the judge were perfectly correct, and he is certain that they should be protected from criticism, or ought not to challenge censure. A judge, if fit for the bench, must be allowed to exercise his discretion as to what evidence is to be trusted, and what distrusted, especially when the doubt is in favour of the prisoners. Accordingly, the Right honourable the Governor in Council entirely absolves Mr. Harrison from all censure as to the conduct of these trials, and considers that he has rendered a service to Government in prominently drawing the attention of the judges of the Sudder to the many circumstances of suspicion which attended the operations of the police of Surat, but the least part of that service is, that it has enabled Government, through Mr. Bettington's investigation, to entertain a more favourable opinion, than it otherwise could have done, of the character of that police.

Case No. 23, of the
General Calendar
of Surat.

28 September 1855.

(signed) *Elphinstone.*
J. G. Lumsden.
A. Malet.

Judicial Department, 5 March (No. 4) 1856.

Our Governor in Council at Bombay.

1. In your letter in this department, dated 2d November last, No. 55, you have brought under our consideration your proceedings relative to certain cases of alleged cruelty and gross misconduct towards prisoners by the police officers at Surat. The cases were laid before you by the Sudder Foujdarry

Alleged ill-treat-
ment of prisoners
by the officers of
police at Surat.

117—Sess. 2.

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Adawlut,

Adawlut, at the instance of the sessions judge of the zillah, who was of opinion that they called for a thorough investigation.

2. You accordingly appointed Mr. Bettington, inspector of prisons, a Special Commissioner, to investigate the charges against the police. This duty he appears to have performed with great zeal and ability, and it is most satisfactory to learn that he considers the charges to be unsupported by proof. In exonerating the police officers from the accusations brought against them, Mr. Bettington has with great propriety animadverted on the culpable delay on the part of the magistrate in disposing of charges against prisoners (in one of the cases in question extending to many months), which is not only in itself an act of hardship and injustice towards the accused, but also affords opportunity for ill-treatment. We approve of the censure on this score which you passed on Mr. Liddell, the magistrate of Surat. The police are prohibited by law from detaining a prisoner above 48 hours. It may not be practicable to fix a precise time within which the magistrate shall dispose of each case, by trying the prisoner, or committing him for trial before another tribunal; but all unnecessary detention ought to be scrupulously avoided, and delay to the extent pointed out by Mr. Bettington is wholly inexcusable. We trust that effectual measures have been taken to guard against any such abuse in future. With that view it may be of advantage to ascertain the rules in force for the purpose at the other Presidencies.

3. In considering the letter now under reply, our attention has been drawn to the practice which prevails of district police officers receiving confessions from prisoners. We are aware that this is in conformity with section 43, Regulation XII. of 1827; but we have reason to believe that it is liable to great abuse. Although the law contemplates such confessions being voluntarily made, we fear that many have been extorted by compulsion on the part of the police officers.

4. In the minutes of the members of your Government, during the course of the proceedings under review, Mr. Warden expressed it as his opinion that "many confessions are extorted." Mr. Lumsden, without joining fully in that view, says "that violence is occasionally resorted to by the police to induce prisoners to confess, there is unfortunately too much reason for believing;" and Mr. Bettington, who conducted the inquiry in the present case, while acquitting the police in this instance, says that "it is neither impossible nor improbable that a policeman might maltreat a prisoner:" evidently alluding to coercion for the purpose of extorting confessions.

5. It appears to us that the admissions of guilt made by prisoners to the police officers are usually of little value in securing their ultimate conviction, followed, as they generally are, by a repudiation of the confession before the magistrate or judge who tries the case; while, on the other hand, they afford an opportunity for the exercise of cruelty on the part of the police officers in order to extort them, which it is most desirable to remove.

6. Moreover, by inducing the police to rely upon that means of securing the conviction of offenders, rather than on the more troublesome and difficult course of procuring other evidence, that body is rendered less efficient in the detection of crime, and therefore less useful for its prevention.

7. In the Report recently submitted to Her Majesty by the Indian Law Commissioners, they have proposed (from a conviction of the abuse to which the system has led), that "it shall not be competent to a darogha, or other police officer, to examine a person accused of a criminal offence, or to reduce to writing any admission or confession of guilt which he may propose to make." This provision is proposed to form part of the new code of criminal procedure; but we desire you to consider whether, in anticipation of its enactment, it would not be advisable to issue instructions to the police to abstain henceforward from receiving such confessions; for we fully concur with Mr. Lumsden that "it should be the business of the police not to rely on obtaining such confessions, but rather on an improved system of obtaining evidence, and thus diminishing the chance of being criminal with impunity."

We are, &c.
(signed) E. Macnaghten.
W. H. Sykes.
&c. &c.

London, 5 March 1856.

Bombay.

Judicial Department, 5 March (No. 11), 1856.

Our Governor-General of India in Council.

We request that you will take into your consideration the sentiments expressed in our despatch of this date to the Bombay Government, with regard to the propriety of prohibiting native police officers from receiving the confessions of prisoners.

Alleged ill-treatment of prisoners by the officers of police at Surat.

We are, &c.
(signed) *E. Macnaghten.*
W. H. Sykes.
&c. &c.

London, 5 March 1856.

Political Department.

Political Department.

CHARGES OF EMBEZZLEMENT, CRUELTY, AND EXTORTION, AGAINST THE DEWAN OF TRAVANCORE.

EXTRACT Political Letter from the Government of Fort St. George to the Court of Directors; dated 27th February (No. 2) 1855.

29. HAVING received, from parties residing in the Travancore territory, several petitions, preferring charges of embezzlement, cruelty, and extortion against the dewan and some of the district police officers, we forwarded them to the Resident for investigation, and called his attention to the frequency of complaints of the nature referred to; and desired that the specific allegations, such as those contained in the petition of Emanuel Class, as to the irregular employment of the jemadar, Neelacanden, his character, and the alleged fact of his having been declared guilty of torture, might be specially reported upon. We also requested him to report whether the statements made of the several employments of the dewan's brother and relatives were true or not.

30. In his letters of 22nd and 23rd September last, the Resident laid before us the dewan's explanation, together with the result of his own inquiry into some of the allegations the petitions contained, and his observations generally on the subject of complaint; and we have now the honour of submitting copies of these papers for the information of your Honourable Court.

EXTRACT Political Letter from the Court of Directors to the Government of Fort St. George; dated 30th April (No. 3) 1856.

23. You have received various petitions charging the administration of Travancore with some of the worst vices which can be imputed to a government: habitual use of torture to procure confessions of crime; extortion of money from the people for the profit of individuals; habitual bribery; perversion of the course of justice; falsification of accounts, and many minor irregularities. The Resident states that most of these petitions are disavowed by the persons in whose names they are drawn up. But the framers, whoever they may be, are in possession of official documents the authenticity of which is not denied, and which contain matter of serious crimination against the Travancore authorities. In some of the cases adverted to, those documents prove that the Resident took proper and perhaps sufficient notice of what was objectionable. But in the horrible case of torture in which the police jemadar, Neelacanden, is the person inculpated, the grounds laid by the Resident in his letter to the dewan, of the 17th January 1854, justified and required far more than the

Political Department.

expression of a hope that the dewan would be more careful in future as to the instructions given to the jemadar, coupled with a suggestion that it would be well if he could be employed in some other capacity; while at the same time the temporary suspension of the jemadar was removed. We are decidedly of opinion that the jemadar ought to have been dismissed; and that if no means existed of satisfactorily investigating his conduct, with a view to his punishment, a person labouring under such grave imputations ought not to have been employed by the Travancore authorities in any other capacity. There are other cases which the Resident, in his explanation, does not touch upon, particularly a formal decree of the principal judicial court of Travancore, pronouncing that the dewan himself had been personally guilty of inflicting torture to extort depositions; an allegation which, if true, demanded that the dewan should be immediately removed from office; if false, the three judges and the shastry of the appeal court, whose names are attached to the decree, are very unfit for their high judicial position. Charges of a similar nature, but of a more serious character, were subsequently brought against the dewan personally, in petitions from some inhabitants of Eddapilly, who were defendants in a case of alleged murder. From the Resident's report, it appears that these petitions contain great misrepresentations; but his statements, as to the inquiries he made into the allegations of torture, are far too general. We desire an amended report upon this subject. This case induced you very properly to order a representation to be made to the raja, on the gross impropriety of allowing a trial for murder to extend over three years, without the prospect of an early decision even after that lapse of time.

Revenue Department.

Revenue Department.

INDIA—AGRA DIVISION.

— No. 1.—

NARAIN DOSS, late TUHSEELDAR, of THUTTEEA TIROOA, STRONGLY SUSPECTED OF CORRUPTION AND TORTURE.

EXTRACT from Revenue Narrative, No. 3, dated the 18th December 1854.

Para. 247. THE Board were requested to report on a petition presented by Narain Doss, late tuhseeldar of Thutteea Tirooa, complaining of his having been dismissed from his situation on insufficient grounds. They stated in reply that, firstly, the petitioner had been found guilty of accepting a bribe to defeat the ends of justice, and of having subjected certain individuals to gross maltreatment, with a view to elicit evidence or confession, in a case of murder, in the village of Deblie, in pergunnah Muhumdabad. That, secondly, he had tampered with evidence recorded on a previous investigation by the Thannahdar, subordinate to him, in a case of wounding in Mouzah Allygurh, pergunnah Turrutpore; that, thirdly, in the case of the property of one Dhuleep Sing, deceased, of Thutteea, in pergunnah Thutteea Tirooa, he had been suspected of partiality, and that on those grounds they had rejected his appeal. The Lieutenant-governor concurred with the Board in thinking, that, under all the circumstances shown in the report, the petitioner, Narain Doss, was wholly unworthy of being retained in the office of tuhseeldar.

M A D R A S.

Revenue Department.

— No. 2. —

PETITION from GOPALAKISTNA JYENGAR, of TANJORE, COMPLAINING OF
ILL-TREATMENT and DISMISSAL from OFFICE.

EXTRACT from the Proceedings of the Honourable the Lieutenant-governor
of the North-Western Provinces in the Revenue Department; dated the
5th April 1854.

(No. 149 of 1854.)

LETTER from *G. J. Christian*, Esq., Secretary to the Sudder Board of Revenue,
North-Western Provinces, Agra, to *W. Muir*, Esq., Secretary to the Govern-
ment of the North-Western Provinces; dated Agra, the 10th March 1854.

No. 97.

Sir,

I AM directed by the Sudder Board of Revenue to acknowledge the receipt
of the orders of Government, No. 969, dated 23rd February 1854, calling for
a report on the petition of Narain Doss, late tehseeldar of pergunnah Thateea
Tiroo in zillah Furruckabad, and in reply to submit for the perusal of his
Honor the Lieutenant-governor, the record of this office, together with the
original correspondence received from the Commissioner, Agra division.

Revenue.
Present :
D. B. Morrison,
Esq., Senior
Member.

2. This correspondence relates to three different cases, the last of which
resulted in the dismissal of the petitioner. These cases are stated below,
and all three have reference to the conduct of Narain Doss, in his capacity
of officer of police in the several pergunnahs under his charge, as tehseeldar,
at different times.

3. In the first of these instances, Narain Doss was considered by the officiating
magistrate, Mr. H. G. Astell, guilty of having accepted a bribe to defeat the
ends of justice, and in consequence to have either contrived or connived at
two false charges, and subjected certain individuals to gross maltreatment with
a view to elicit evidence or confession.

4. Mr. Astell considered the accusations proved, and recommended the
dismissal of Narain Doss. The Commissioner, Mr. Robinson, took a different
view of the evidence, and directed merely his removal from Muhamadabad to
another pergunnah.

5. But the evidence adduced before the officiating magistrate, considering
the extreme difficulty in this country of bringing such charges home to a native
official, is very convincing; Narain himself, in the first instance, investigated
the facts of the murder on the spot; and on Narain and six others, the
parties whom he reported as guilty, being released by the magistrate, Mr. W. R.
Timmins, he, after a second investigation, reported the plaintiffs, Gungaram
and others, as having been guilty of preferring a false accusation of murder.

6. During that second inquiry, torture was undoubtedly used; one of the
defendants, Gungaram, was found to be lame from the effects of it, though
unfortunately this matter was not fully investigated by Mr. Timmins, who,
however, records the facts in his memorandum, dated 23rd February 1849.

7. In addition to this, there is direct evidence and corroborating circum-
stances to show that a bribe was accepted by the tehseeldar. There is grave
suspicion, if not convincing proof, on this point.

8. The Board cannot agree in the remarks contained in the Commissioner's,
Mr. Robinson's letter, No. 81, dated 8th March 1849, para. 6. Mr. Robinson
appears

* 1st. Conduct of Narain Doss, in the matter of the murder of Chaca, in the village of Deblie, in
Pergunnah Mahumdashad.

2nd. Conduct of the same in the matter of the wounding of Secabova, in Mouzah Allygurb,
Pergunnah Imrutpoor.

3rd. Conduct of the same respecting the property of Dulleep Sing, deceased, of Thaulteea, in
Pergunnah Thaulteea Tiroo.

Revenue Department.

appears to have considered Narain Doss guilty of having used or sanctioned torture, but finds an excuse for his proceedings, because they are unhappily customary in this country, and because the magistrate had expressed a strong opinion on the merits of the first charge against Narain and six others.

9. The Board not only regard the general facts elicited as unfavourable to the integrity of Narain Doss, but consider the use of torture, under any circumstances, with his sanction, as demanding his dismissal from office.

10. Narain Doss was, however, restored to his duties, but removed to pergunnah Imrutpore, where, before the year 1849 had elapsed, the second case was reported by a different magistrate, Mr. W. C. S. Cunningham.

11. In that instance, Narain Doss was found guilty of having tampered with evidence, written and recorded on a previous investigation by the Thannahdar subordinate to him. From Mr. Cunningham's report, No. 32, dated 20th October 1849, it will be seen that the alteration of the record is conclusively proved, and indeed admitted by Narain Doss. There is strong evidence to show also that, besides the admitted alteration, other statements of the witnesses were influenced or extorted by Narain Doss, in order to criminate a party not named by them before.

12. The Commissioner, Mr. Robinson, regarded the act of the petitioner as a slight informality, as respects the alteration of the record. But Narain Doss had enough experience to know that the act was illegal and unjustifiable.

13. Subsequently Narain Doss was removed to pergunnah Thutteea Tirooa, where, in 1852, in the third case above-mentioned, his partiality at first towards one party, and subsequently towards his opponent, was noticed and censured by the sessions judge.

14. Mr. Cunningham, in consequence of the remarks of the sessions judge, the recorded opinions of his predecessor and himself, in the two former cases, and the notoriety of the corruption of Narain Doss, in pergunnah Thutteea Tirooa, recommended his dismissal, which was confirmed by the Commissioner; Mr. W. H. Tyler, in his letter, No. 353, dated 2d November 1852.

15. The Board on a review of the cases above described, and with reference to the sentiments recorded by two district officers in succession, rejected the appeal.

16. I am desired to add, that Narain Doss was entered on the Board's list of candidates for deputy collectorships in 1848, before either case had come before the Commissioner. The Board had no knowledge of Narain Doss but what was contained in the nomination roll submitted in 1848, and as both the Commissioner and officiating collector recommended the insertion of his name, and his past services seemed to warrant it, and there was nothing on record then against him, the recommendation was complied with. The file relating to this latter point is also submitted.

I have, &c.

(signed) G. J. Christian, Secretary.

Sudder Board of Revenue, N. W. P., Agra,
10th March 1854.

EXTRACT Revenue Letter to India; dated 7th January (No. 1) 1857.

Narrative dated 18 December (No. 3),
1854, Furruckabad District.

(247.) Petition of Narain Doss, late Tehsildar, of Thutteea Tirooa, complaining of dismissal, rejected. He had been found guilty of tampering with witnesses and their written evidence, and was strongly suspected of corruption and torture.

85. WE must express our extreme surprise and regret that any officer in our service should have found an excuse for the infliction or sanction of torture by native officials, as appears to have been done by Mr. Robinson, when Revenue Commissioner, in the case of this tehsildar, on the grounds that such a practice was "unhappily customary" in this country; and we entirely agree with the Board of Revenue in considering "the use of torture, under any circumstances, with his (i. e. a. tehsildar's) sanction, as demanding his dismissal from office."

86. We

86. We also consider that Mr. W. R. Timmins, at that time (1849) magistrate of Furruckabad, deserved great censure for having failed fully to investigate the facts connected with the undoubted use of torture in one instance in which Narain Doss was considered to have been decidedly implicated.

Revenue Department.

87. Both the gentlemen referred to* have retired from our service, or we should have directed you to convey to them this expression of our opinion as to their proceedings in this matter. We desire, however, that you will make it clearly understood by every member of our service that any failure, direct or indirect, in reporting cases, however slight, of the infliction of torture will be visited with our severest displeasure.

EXTRACT Revenue General Letter from Madras; dated 20th July 1855,
No. 34.

*28. We received a petition from Gopalakistna Jyengar, late moonsiff and putta monigar of the Ahtoor village in the Tanjore district, complaining of his dismissal from office and the unjust distraint of his property, and representing that he had been tortured with the kittee and otherwise ill-treated. We forwarded the petition to the magistrate of Tanjore, and from the report submitted by that officer, who had instituted a personal inquiry into the case, it appeared that the allegations of ill-treatment preferred in the petition were wholly unfounded, and that the other matters complained of had already been investigated and settled by the district authorities. We therefore resolved to reject the petition as undeserving further notice.

Petition from one Gopalakistna Jyengar, of Tanjore. Cons. 6 Feb. 1855, Nos. 7 and 8.

EXTRACT Revenue Letter to Fort St. George; dated 6th August (No. 10) 1856.

32. AFTER the full inquiry which has been made into this case, we agree with you in considering the complaints of the petitioner as altogether unfounded. As we are desirous that the infliction of torture, of any kind and for any purpose, should be considered as a crime of heinous character, and punished as such, accusations of this crime against individuals, if clearly proved to be false and malicious, should be visited with some penalty.

Letter from, dated 20 July (No. 34), 1855.

(28.) Petition from one Gopalakistna Jyengar, of Tanjore, complaining of ill-treatment and dismissal from office.

* Mr. Robinson retired 1st January 1859, and is since dead. Mr. Timmins retired 13th November 1850, without an annuity.

(True copies.)

East India House, }
9 June 1857. }

J. S. Mill,
Examiner of India Correspondence.

EAST INDIA (TORTURE).

COPY of all LETTERS, or EXTRACTS from LETTERS, relating to Cases of alleged TORTURE in *India*, which have been received by the Court of Directors of the East India Company since the 12th day of September 1856; together with a Copy of INSTRUCTIONS issued by the Court of Directors of the East India Company on the same Subject.

(*Mr. Seymour.*)

*Ordered, by The House of Commons, to be Printed,
22 June 1857.*

[*Price 1 s. 5 d.*]

EAST INDIA (TORTURE).

RETURN to an Order of the Honourable The House of Commons,
dated 18 June 1855;—for,

COPY "of a DESPATCH from the President of the Council of India in Council,
in the Judicial Department, dated the 18th day of April 1855, No. 10, as to
an Alleged Case of TORTURE in *India* (in continuation of Parliamentary
Paper, No. 183, of Session 1855)."

East India House, }
25 June 1855. }

JAMES C. MELVILL.

(*Mr. Seymour.*)

Ordered, by The House of Commons, to be Printed,
27 June 1855.

L I S T.

Letter from Government of India to the Court of Directors, dated 18 April (No. 10), 1855	p. 2
Special Narrative, dated 16 April (No. 11), 1855	p. 2
Letter from Magistrate of Behar to Secretary, Government of Bengal, dated 13 November 1854	p. 3
Examination, dated 8 May 1854	p. 4
Letter from Secretary, Government of Bengal, to the Magistrate of Behar, dated 21 February 1855	p. 6
Letter from Magistrate to Secretary, Government of Bengal, dated 27 February 1855	p. 6
Answer of Rujjeah Bhatin, dated 26 February 1855	p. 7
Minute by Mr. Halliday, dated 9 April 1855	p. 7

East India House, }
25 June 1855. }

T. L. Peacock,
Examiner of India Correspondence.

COPY of a DESPATCH from the President of the Council of India in Council, in the Judicial Department, dated the 18th day of April 1855, No. 10, as to an Alleged Case of TORTURE in *India* (in continuation of Parliamentary Paper, No. 183, of Session 1855.)

Home Department.—Judicial.—No. 10, of 1855.

To the Honourable the Court of Directors of the East India Company.

Honourable Sirs,

IN continuation of our despatch No. 9, of 1855, dated 13th April, we have the honour to forward the accompanying Special Narrative* of the proceedings • No. 11, dated of the Government of Bengal, in the Judicial Department, forwarding further 16 April 1855- papers connected with the alleged case of torture in Behar.

Fort William, 18 April 1855.

We have, &c.
(signed) *J. Dorin.*
J. Low.
J. P. Grant.
B. Peacock.

SPECIAL NARRATIVE.—No. 11, of 1855.

Government of Bengal.—Judicial Department.

THE accompanying papers, as noted in the margin, are in continuation of the Lieutenant-governor's judicial despatch, No. 26 of 1854, dated the 8th of November last, addressed to the Honourable Court.

From magistrate of Behar, No. 614, dated 13 November 1854.
To - - ditto - ditto 1137, dated 21 February 1855.
From - ditto - ditto 66, dated 27 - - ditto.
Minute by the Lieutenant-Governor of Bengal, dated 9 April 1855.

2. Among the papers will be found a minute, recorded by the Lieutenant-governor, dated the 9th April 1855, showing the measures pursued for ascertaining the correctness of the statement made by Mr. Theobald, regarding the alleged case of torture in Behar, the result of which leaves no reason for doubting that the particulars, as stated by Mr. Theobald in his letter of the 18th of October last, are wholly incorrect.

(signed) *W. Grey,*
Secretary to the Government of Bengal.

Fort William, 16 April 1855.

No. 641.

From *F. C. Fowle*, Esq., Magistrate of Behar, to *W. Grey*, Esq., Secretary to the Government of Bengal, Fort William.

Sir,

SOME short time ago, I observed a letter in the "Englishman" newspaper, signed by Mr. Theobald, in which he alluded to a case of torture by the police, as having occurred in the district of Behar. I was then strongly inclined to address the Government on the subject, but was advised to wait until his Honor should call on me for a statement, but having seen subsequently, in the same paper, a letter from yourself to Mr. Theobald, in which you observe, that the magistrate's attention will be called to the circumstance, I consider that it will not be unacceptable to the Government to be furnished immediately with the facts of the case as they occurred.

346:

2. There

2. There can be no doubt as to what case Mr. Theobald alluded to, and which occurred in the jurisdiction of Thannah Urwul. The particulars are as follows: Mossamut Rujjea and a boy of the name of Booluck were inhabitants of the same village, in the jurisdiction of Thannah Urwul. On the 7th of May last, the boy, seven years of age, was playing near the house of Mussamut Rujjea (as he had frequently done before), and about the middle of the day in question was enticed by Rujjea to enter her house; an unusual time having elapsed without his returning home, his mother went in search of him, and hearing that he had been seen in company with Mussamut Rujjea, she repaired to her house, but was obstinately denied admittance, the woman stating at the same time that she knew nothing of her child. In the evening a fire broke out in another part of the village, and during the confusion occasioned thereby, she was seen to move some heavy load from her house, and place it in a patch of jungle which was close by. On this place being examined, there was found the body of the missing child, stripped of its ornaments, valued at 36 rupees 4 annas.

3. The body was sent into the station, and inspected by the civil assistant surgeon.

4. The accompanying is a translation, word for word, of the woman's defence when apprehended.

5. On her way into the station she managed to effect her escape from the custody of the police, and though every exertion has been made to re-apprehend her, and a reward of 100 rupees offered for her re-capture, she has hitherto evaded arrest. She is reported to be a person of notoriously bad disposition, and her treatment of the man with whom she lived was the cause of his leaving his home some two years since.

6. Mr. Theobald has been thus shown to be incorrect. He stated that the body of the child had been cut up into pieces, whereas it was sent in whole into the station, but too far decomposed as to admit of a *post-mortem* examination. It is also extraordinary that when the minute details were related to him, the circumstance of the fire (no doubt caused by the same hand as the murder) should have been omitted. That torture had been applied for the purpose of extorting a confession has never come to my knowledge, nor did the nature of the woman's defence in any way excite my suspicion. She strenuously denied the charge of murder throughout, and her answers to questions put to her are framed with great cunning, and with the sole object of throwing suspicion on others. She appears also to have secreted some of the ornaments at the time of search on the premises of her neighbours, and then to have produced them as if accidentally discovered by herself; hoping by that means to corroborate her false statement, and substantiate her own innocence, a degree of cunning which would have been scarcely possible to have been accomplished by a person under the influence of fear or torture.

I have, &c.
(signed) F. C. Fowle, Magistrate.

Behar Magistracy, Gya,
13 November 1854.

Panchoo Gorait, Informer; Narkoo Abkar, Inhabitant of Mouzah Bel Khurrah,
Plaintiff, *versus* Mossamut Rujjea, Defendant.

In the case of murder of Booluck boy (deceased), son of the said Narkoo Abkar, and of taking away the ornaments, valued at Rs. 36. 4. from the person of the said Booluck boy (deceased).

8 May 1854.

Reply of Mossamut Rujjea, Defendant.

My name is Rujjea; my father's name is Sheoun; my husband's name is Deena; I am about 40 years old; I support myself by spinning cotton; I formerly lived at Baidrabad, and now reside at Belkhurrah. I was by caste Brahmnee, but, under some mistake, I got married with a Rajbhat, resident of Badrabad;

Badrabad; on his demise, I formed an intimacy with Bundha Layheera, inhabitant of Belkurrāh.

Question. Did you kill Booluck (boy), son of Nurkoo Abkar, and take his ornaments?—*Reply.* No, I did not kill him, nor did I take his ornaments; but there is a well in the khund of Nurkoo Abkar, where the boy fell down, and died, on Saturday, when two hours of day remained. After midnight, Juggar Keelal (inhabitant of Belkurrāh), son-in-law of Bhutree Kullaleen, took him out from the well. In the meantime, the mother and wife of Nurkoo Abkar were overwhelmed with grief for the loss of the boy. Dookhnee, sister of Nurkoo Abkar, and* to Bhutnee Abkareen, that they are at present quite insensible you can take away the ornaments from the person of the boy and keep them at home. The ornaments are in the house of Bhutnee. There existed an enmity between one Dookhnee and Bhutnee, they therefore threw away the dead body behind my house, with a view to bring me into a scrape; but I do not know at what time they did so. The cause of enmity is, that about five or seven years ago, I destroyed the eyes of a she goat belonging to the paternal aunt of Nurkoo. I have seen the body when it was taken out from the well. In my presence Bhutnee Kullaleen took away the ornaments to her own house. I was then asleep in the house of Norr Ally Kulah. On a cry being raised that Booluck fell in the well, I went there.

Are you in a perfect state of health; have you ever been imprisoned?—I am in a perfect state of health; I was never imprisoned.

Whose houses are situated near yours?—Danoo Tailor's, Jhurree Laiherree's, and Bhutnee Kallaleen's.

Attesting Witnesses,

Mullo Oilman, Belkurrāh Perg̃h Urwal,
Parshun Hulwae, Belkurrāh.
Beekharee Hulwae, Belkurrāh.

8 May 1854.

Question. On the house of Bhutnee being searched, four silver kurras (an ornament for the wrist), and one hursoolee, which you pointed out, were found under goetha (or dried clods or cakes of cow-dung, used for fuel); how did you get the hykul, or taboz, which I and Jowahir Sing, acting burkundauz, took from you?—*Reply.* The hykul was, in the first instance, found in a handee (or an earthen pot for boiling food), which was lying in the court-yard of Bhutnee. While his house was being searched, I went to the angan, or court-yard, where I found it.

Having searched the house of Bhutnee, we went to search your house, whence we came back; why did you not then give it to us, and tell us that you had found it in a handee which was lying in the court-yard of Bhutnee?—I concealed it, and did not give it to any one.

Attesting Witnesses,

Mullo Oilman, of Belkurrāh.
Purchun Halwae, of Belkurrāh.
Beekharee Halwae, of Belkurrāh.

8 May 1854.

Supplemental Deposition of Rujjeea, Defendant.

Question. In the presence of witnesses (named in the list of houses searched), I, darogah and burkundauzes, caused a search to be made in the house of Bhutnee, but nothing was found, with the exception of four kurras and one kusowlee. Afterwards, I, darogah, and Jowahir Sing, acting burkundauz, received a hykul, or tabiz, from you. Now, where did you find the gold of both ears,

nuthonee (or a nose ring), and three loungras, which you gave us from the buttoo, or sack?—*Reply.* The said Mossumut Bhutnee threw them away; I saw them, and gave them to you.

To whom do the three articles belong?—I don't know.

Mussumut Bhutnee was sitting outside of her house; how, and when did she go inside, and throw them?—I don't know when she threw them away; I found them in the husk of Khesaree (*lathyrus sativus*).

I, darogah, and the burkundaues, have carefully examined the husk of Khesaree, in the presence of witnesses, but could not find it; how has it now come out from the husk?—It was found in the husk, or the refuse of corn.

Attesting Witnesses.

Mulloo Oilman, Belkhurrah, Pergunfah Urwul,
Purchund Hulwae, Belkhurrah, ditto.
Bheekharee Hulwae, Belkhurrah, ditto.

(True Translation.)

(signed) *F. C. Fowle*, Magistrate.

No. 1,137.

From the Secretary to the Government of Bengal to the Magistrate of Behar.

Sir,

WITH reference to your letter, dated the 13th of November last, I am desired to say that the Lieutenant-governor having learned, while at Gya, that the woman therein referred to has been re-captured, and is now awaiting her trial in the Gya gaol, is desirous that you should ascertain from her, by direct inquiry, whether she alleges torture to have been used towards her by the police; and, if so, that you will elicit from her full particulars.

I have, &c.
(signed) *W. Grey*,
Secretary, Government Bengal.

Lieutenant-Governor's Camp, Doomree,
Hazareebaugh Division, 21 February 1855.

No. 66.

From *F. C. Fowle*, Esq., Magistrate, to *W. Grey*, Esq., Secretary to the Government of Bengal.

Sir,

IN reply to your letter, No. 1,137, of 21st instant, I have the honour to inform you that I have, by direct inquiry, ascertained from the woman alluded to therein, whether torture was used towards her by the police or not; and the accompanying vernacular paper contains her replies to the questions put to her, and the English one is a verbatim translation of the same.

2. His Honor the Lieutenant-governor will see that she distinctly denies having been tortured, though it appears that threatening expressions were made use of towards her by one of the burkundazes, Jowaher Sing. Had she been tortured, I do not think she would have omitted to mention the circumstance to the Lieutenant-governor, when personally questioned by him on his recent visit to this gaol.

I have, &c.
(signed) *F. C. Fowle*, Magistrate.

Behar Magistracy, Gya,
27 February 1855.

Rujjeah Bhatin, Prisoner's Answer, dated 26 February 1855.

Question. WHEN Bholuk (boy) was killed and you apprehended and sent to the thannah, did any of the policemen, from that time to the time you were brought to this court, oppress or maltreat you in any way?—*Answer.* The darogah and the burkundauze threatened to inflict torture with chillies, and afterwards bound and confined me in the thannah.

Did they inflict any torture, as they had threatened?—No, they only threatened, but did not torture me. The burkundauze's name is Jowahir Singh.

Did they oppress you in any other way?—No, they did not oppress me in any other way, but they searched my house.

MINUTE.

In Mr. Theobald's letter to Government, of 18 October, the following statement was made regarding a case of torture said to have occurred in Zillah Behar: "I beg to reiterate my belief, and give a fresh proof of it: I have recently returned from Zillah Behar or Gya; in that zillah a child was lost in a village remote from the Sudder station, and was believed to be murdered for the sake of its ornaments; suspicion fell on a woman of the same village as the child, and she made a confession, through which the body and ornaments were found; the body cut in pieces. On this statement being made to me, I put various questions to my informant, which I will state in detail, as nearly as I can, as they happened, in order that his Honor may see that there was not that open-mouthed credulity on my part which is too readily imputed in such cases. 'How,' I asked, 'was the woman led to confess?' I was told, in reply, by torture. 'Torture in what way?' I asked. The means were described to me; I had heard of such before, but it would be impossible to repeat the description here; suffice it to say, it was by means of chillies applied to the woman's body in the most brutal and barbarous manner, and which would produce the most horrible pain. 'How could it be known?' I asked. 'It was known; there is not the least doubt about it,' was the reply; and I accepted this answer, as such a torture could not have been applied without the concurrence of others with the darogah; and my informant proceeded to give me the details of names, &c., of which, however, I made no note, not intending to take on myself the part of an informer."

2. The reply of the Government, dated the 25th of October, was as follows: "The Government must at all times feel indebted to persons who bring to notice such a gross violation of humanity and of the laws of the country, as is involved in the history of the case related in your letter as having recently occurred in the district of Behar. The Lieutenant-governor does not gather from your letter that the case was communicated to, or was supposed to be known by, the civil authorities of the district; he thinks, however, that it is now the duty of Government, the case being brought to its notice, to direct the attention of the magistrates to it, and to order a strict inquiry to be made, with the view of ascertaining whether the crime alleged against the police was really perpetrated or not. With this object, he desires me to ask whether you have any objection to communicate to Government the name of the person who informed you of the case, and to indicate the precise locality where it was stated to have occurred."

3. Mr. Theobald replied, under date the 3d of November, as follows: "I have the honour to acknowledge the receipt of your letter of the 25th instant, and in reply to your inquiry, whether I have any objection to communicate the name of the person who informed me of the case of torture described in my letter of the 18th ultimo, and to indicate the locality where it was stated to have occurred,"

"I beg to say that I should have much pleasure in doing so, but I think I ought not without the consent of the gentleman alluded to; I have written to him, and I shall be guided by his answer. Should, however, he decline, I beg to point out the circumstances already disclosed, and hope they may be sufficient to furnish a clue to the discovery of all that it concerns the Government to

know. I have stated (1) the district in which the torture was inflicted, viz Gya or Behar; (2) on what class of person, a woman; (3) in respect of what charge, murder; (4) on whom, a child; (5) that the child and woman were of the same village; (6) that a confession was made, and (7) that the ornaments stolen from the child were recovered through that confession. Surely it must be easy to discover the case in which all these circumstances meet, especially as it has been before (1) the magistrate, and in due course has been or must come before (2) the session judge, and (3) the Nizamut Adawlut."

4. This correspondence having been published by Mr. Theobald in the news papers, produced a letter to Government from the magistrate of Behar, which contained the following statement:

"There can be no doubt as to what case Mr. Theobald alluded to, and which occurred in the jurisdiction of Thannah Urwal. The particulars are as follows: Mossumut Rujjea and a boy of the name of Booluck were inhabitants of the same village; in the jurisdiction of Thannah Urwal. On the 7th of May last the boy, seven years of age, was playing near the house of Mossumut Rujjea (as he had frequently done before), and about the middle of the day in question was enticed by Rujjea to enter her house. An unusual time having elapsed without his returning home, his mother went in search of him, and hearing that he had been seen in the company of Mossumut Rujjea, she repaired to her house but was obstinately denied admittance; the woman, stating at the same time that she knew nothing of her child. In the evening a fire broke out in another part of the village, and during the confusion occasioned thereby she was seen to move some heavy load from her house and place it in a patch of jungle, which was close by. On this place being examined, there was found the body of the missing child stripped of its ornaments, valued at Rs. 36. 4."

The body was sent into the station, and inspected by the civil assistant surgeon.

The accompanying is a translation, word for word of the woman's defence when apprehended.

"On her way into the station, she managed to effect her escape from the custody of the police, and though every exertion has been made to re-apprehend her and a reward of 100 rupees offered for her re-capture, she has hitherto evaded arrest. She is reported to be a person of notoriously bad disposition, and her treatment of the man with whom she lived was the cause of his leaving his home some two years since."

"Mr. Theobald's statement has been thus shown to be incorrect. He states that the body of the child had been cut up into pieces; whereas, it was sent in whole into the station, but too far decomposed to admit of a *post-mortem* examination. It is also extraordinary, that when the minute details were related to him, the circumstance of the fire (no doubt caused by the same hand as the murder) should have been omitted. That torture had been applied for the purpose of extorting a confession has never come to my knowledge, nor did the nature of the woman's defence in any way excite my suspicion. She strenuously denied the charge of murder throughout, and her answer to questions put to her are framed with great cunning, and with the sole object of throwing suspicion on others. She appears also to have secreted some of the ornaments at the time of search on the premises of her neighbours, and then to have produced them as if accidentally discovered by herself, hoping by that means to corroborate her false statement, and substantiate her own innocence, a degree of cunning which would have been scarcely possible to have been accomplished by a person under the influence of fear or torture."

To the Magistrate's Letter the following Depositions were appended:—

Vide Depositions appended to Magistrate's Letter, dated 13th November 1854, (page 4.)

5. This information rendered it unnecessary to pursue the subject further at that time, especially as I was about to visit the station of Gya during my tour.

6. Accordingly, while at that station, I visited the gaol, and there saw the woman to whom this correspondence referred, and who had been re-apprehended after her escape, and was, when I saw her, awaiting her trial before the Sessions Judge.

7. I questioned

ALLEGED CASE OF TORTURE IN INDIA.

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7. I questioned her, generally, about the case in which she was implicated, and was struck by her making no allusion to torture, although loudly protesting her innocence, and, indeed, telling a story which was inconsistent with the supposition of her having been tortured. I afterwards directed the magistrate, notwithstanding that the woman herself had made no complaint; either in her examination before that officer, or in any other place, to question her expressly in regard to the allegation of torture having been used towards her. From her answer*, appended to this paper, it will be seen that though she denies the actual application of torture, she asserts that it was threatened. What degree of truth there may be in this statement it is impossible to ascertain; but there can, at all events, be no reasonable ground for doubting that the particulars stated by Mr. Theobald, in his letter of the 18th of October last, are wholly incorrect.

* *Vide* Rujjeah's answer, appended to Magistrate's Letter, dated 27 February 1855. (page 7.)

The papers should be transmitted to the Honourable Court by the next mail.

9 April 1855.

(signed)

Fred. Jas. Halliday.

EAST INDIA (TORTURE).

COPY of a DESPATCH from the President of the Council of India in Council, dated 18 April 1855, as to an alleged Case of TORTURE in India (in continuation of Parliamentary Paper, No. 183, of Session 1855).

(Mr. Seymour.)

*Ordered, by The House of Commons, to be Printed,
27 June 1855.*

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Under 2 oz.