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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.

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L I S T.

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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 of the Government of Bengal, in the Judicial Department, forwarding further papers connected with the alleged case of torture in Behar. No. 11, dated 16 April 1855.

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.

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: Mossumut 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 Mussomut 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* Mossamutt 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 Baidrabad;

Badrabad ; on his demise, I formed an intimacy with Bundha Layhéera, inhabitant of Belkhurrah.

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 djed, on Saturday, when two hours of day remained. After midnight, Juggar Keelal (inhabitant of Belkhurrah), 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.

Mulloo Oilman, Belkhurrah Perg^h Urwal.

Parshun Hulwae, Belkhurrah.

Beekharee Hulwae, Belkurrah.

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,

Mulloo Oilman, of Belkurrah.

Purchun Halwae, of Belkhurrah.

Bheekharee Halwae, of Belkhurrah.

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 kus-sowlee. 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 buttock, 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 Khessaree (*lathyrus sativus*).

I, darogah, and the burkundauzes, have carefully examined the husk of Khessaree, 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, Belkhorrah, Pergunnah Urwul.
Purchund Hulwae, Belkhorrah, ditto.
Bheekharee Hulwae, Belkhorrah, 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." Alleged torture by police.

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 magistrate 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 newspapers, 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 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 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.*
