

of the LETTER from the Court of Directors of the East India Company to the Government of Bengal, dated the 2d day of August 1854, Judicial Department (No. 11); and of the REPLY of the Lieutenant-Governor of Bengal, dated the 8th day of November 1854 (No. 26), with its inclosures; and of INQUIRY and REPORT, with reference to the Statement of Mr. Theobald, as to the Employment of Torture by the Police.

Judicial Department, 2 August (No. 11) 1854.

Our Governor of the Presidency of Fort William, in Bengal.

Para. 1. In a recent debate in the House of Commons, a Member is reported to have made the statement quoted in the margin.*

Imputed abuses of
Police,
11 July 1854.

2. We desire that you will cause inquiry to be made, with the view of ascertaining the correctness of the statement in question, and report to us the result without delay.

We are, &c.
(signed) T. Oliphant,
E. Macnaghten,
&c. &c.

London, 2 August 1854.

Government of Bengal.

Judicial, No. 26 of 1854.

To the Honourable the Court of Directors of the East-India Company.

Honourable Sirs,

On the receipt of your despatch in the Judicial Department (No. 11), dated the 2d August, I requested Mr. Theobald to furnish such information on the subject referred to in Mr. Otway's speech in the House of Commons, as he might have it in his power to afford, and I have now the honour to forward a copy of the correspondence which has ensued.

2. Mr. Theobald, in his letter dated 18th ultimo, narrates the circumstances of the case alluded to by Mr. Otway; in which it appears that a native subordinate police officer suggested to a friend of Mr. Theobald's, who related the fact to Mr. Theobald, that torture should be used to extort a confession of a theft. Permission was, of course, refused, and no torture was inflicted; but Mr. Theobald adds, correcting the statement given in Mr. Otway's speech, that he may have stated, "the practice of cruelty and oppression by the police, proceeding often to the extent of torture, was not infrequent." Mr. Theobald goes on to say, that "to state that the practice of torture still exists, is, if properly apprehended, simply to state that an ancient custom of the country, which was common alike to Hindoos and Mahomedans, and was incorporated with the native systems of police and judicature, has not yet been extirpated; and neither he nor any one else ever asserted anything more, or ever meant that any British authority ever authorised either cruelty or torture."

3. I think

* "He," Mr. Otway, "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 (Barrackpore), happened to lose some property, and it was suggested to him by one of the native police that the thumb-screw 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."

3. I think this is a fair and accurate statement of the question. I do not believe the horrid practices alluded to, to be by any means necessary, or that they should occur at all, is, however, deeply to be lamented. But in a country in which the very idea of torture is well known to be held by every official and unofficial, and the rigorous severity with which it is punished, when discovered, have undoubtedly done much to put it down, combined with the gradual advance of the people in civilization and knowledge, will eventually eradicate it altogether.

4. It need hardly be observed that the application of torture to extract a confession of crime, though unknown in England for the last 200 years, was a part of the established law of several European countries up to the middle of the last century, and was not abolished in France until 1789. It can be no wonder then, that all the influence and exertions of the British Government, though honestly, sedulously, and constantly directed to that purpose, have not yet been able to eradicate from the minds of our Indian subjects the notion of its efficacy and expediency. But nothing has ever been wanting on the part of the Government or its English officers to prove their detestation of the hateful practice, and to inculcate that feeling with the utmost possible earnestness upon all their native subordinates.

5. In Mr. Theobald's second letter he has seemed to give some credit to a tale told to him by an unnamed informant, in which it is imputed to Mr. Fergusson, the magistrate of the 24 Pergunnabs, that he had been guilty of instigating the application of threats or torture, for the purpose of extracting confession. I lost no time in communicating with Mr. Fergusson upon the subject, and I have much satisfaction in appending his instant and most complete refutation of the abominable insinuation against his character.

6. Mr. Theobald's other cases are unfortunately wanting in the precision and completeness, as to names, places and dates, which are so needful to the prosecution of further inquiries, with a view to the punishment of the offenders, and he has shown less readiness than I should have expected, to assist my investigations by fuller and more practical statements, but I shall in these and all other cases of which any rumour may come to my knowledge, do all in my power to ascertain the facts, and bring to punishment convicted offenders; and I shall not fail to keep your Honourable Court fully informed of all my proceedings on the subject.

Fort William, 8 November 1854.

I have, &c.
(signed) *Fredk. Jas. Halliday.*

Judicial, No. 2,067.

From *Hodgson Pratt, Esq.*, Under Secretary to the Government of Bengal,
to *W. Theobald, Esq.*

Sir,
THE Honourable the Court of Directors having, in their despatch No. 11, of 1854, received by the last mail, directed the institution of an inquiry as to the correctness of the statement quoted in the margin,* which was made in the course of a recent debate in the House of Commons, I am directed to request that you will be good enough to favour the Lieutenant-Governor with any information on the subject which you may be able to afford.

I have, &c.
(signed) *Hodgson Pratt,*
Under Secretary to the Government of Bengal.

Fort William, 16 September 1854.

* "He," Mr. Otway, "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 (Barrackpore), happened to lose some property, and it was suggested to him by one of the native police that the thumb-screw 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."

Theobald, Esq., to Hodgson Pratt, Esq., Under Secretary to the Bengal Government.

I HAVE to acknowledge the receipt of your letter, No. 2,067, dated the 16th of August, requesting information concerning a case described by me in a letter to Mr. H. Danby Seymour, and which was read in the House of Commons on the 11th July. Before I proceed to comply with your request, I beg leave to state what I wrote according to my recollection, as the version in your letter now under acknowledgment is certainly not correct. Two ladies, a gentleman, and myself, went up to Barrackpore, in a palkee gharrie, taking with us a coarse bag of 400 rupees, which, on our arrival, could not be found, though it was certainly in the gharrie just before. The case was reported to the police at Barrackpore, and after fruitless inquiry the darogah proposed to apply torture (and as I understood by the thumb-screw) on a man whom he suspected, but permission was refused, and the thief was never traced nor bag recovered; and in relating the case, I believe I may have added, that the practice of cruelty and oppression by the police, proceeding often to the extent of torture, was not infrequent, for such is my belief.

I will now have the pleasure of adding, for your further information, as requested, that the gentleman in the gharrie with myself and the two ladies, was Mr. R. Macdonald Stephenson, to whom the money belonged; that gentleman knows that information was given to the police at Barrackpore, but I believe he knows nothing of what afterwards happened, as he left almost immediately. The communications with the police were carried on not by me but by Captain Vaughan (now commanding the 4th Punjab infantry), at whose house I was staying; the alleged proposal was made to him, and by him it was related to me. In mentioning the "thumb-screw" as being proposed, I presume this word, "thumb-screw," was selected as an equivalent, just as a kodalie might be called a spade, and such translation could scarcely be open to objection. I have only to add, that it happened eight years ago, and I regret not having been more precise as to the date; but in reply to those who assert that the practice is extinct, it is, I apprehend, a sufficiently recent instance, and quite to the purpose for which I quoted it to Mr. Seymour.

Having now replied to your letter, I trust I may be permitted to offer a few observations. I must say I am surprised at the denial and acrimonious manner with which gentlemen connected with the East India Company met Mr. Seymour's statements and my corroboration. To state that the practice of torture still exists is, if properly apprehended, simply to state that an ancient custom of the country, which was common alike to Hindoos and Mahomedans, and was incorporated into the native systems of police and judicature, has not yet been extirpated, and neither I nor any one else ever asserted anything more, or ever meant that any British authority ever authorised either cruelty or torture. My interest in the matter, I need hardly say, is only in connexion with the cause of good government and humanity; and, in this point of view, well knowing his Honor's candid and generous mind, I beg to reiterate my belief, and give a fresh proof of it. I have recently returned from Zillah Behar, or Gaya. 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. I inquired if the report, which, of course, would be made to the magistrate, would not reveal to a

person of sagacity some glimpse of the fact that the confession had been obtained with difficulty? "Not at all likely that it would do so," was the answer. "Then," I asked, "is the nature of the instructions given to the police to search and inquiry for offenders?" The reply was, "they are often urgent and imperative, and come repeated again and again with increased urgency, mainly as it were, the discovery a necessity." "Does that sort of urgency in instruction ever proceed so far as to lead to irregular means of obtaining a discovery?" I asked. "Undoubtedly it does, and great cruelty and oppression often follow," was the answer. But I remarked that it is never intended. "No, but it leads to it, and the police see no harm in it if they catch the offender." "But suppose they practise cruelty and get no confession?" "They catch some one," was the answer, "and the means are not reported." "How far," I then asked, "in this case of child murder was the place where the torture was applied from the nearest magistrate?" "Thirteen coss" (26 miles). "But," said I, "such and such a place (naming it) must be nearer than 13 coss, and there is a deputy magistrate there." "Yes, but that place is in a different zillah." "I suppose (said I) the country is very thinly inhabited?" "No, quite the reverse, it is very densely populated." "Why, are there any large towns?" "Yes, there is one with 30,000 inhabitants, about 40 miles from the magistrate, and having only a darogah and establishment of native police." I remarked, as is obvious, that in such a case the powers of the police, and to a great extent of the office of magistrate, are wielded by the darogah, according to native ideas of right, and the proper magistrate, 40 miles off, must be comparatively a cipher, and could neither effectively direct nor control. To this my informant assented.

The conversation then turned on the general character of the native police, with which I will not trouble you. But I may add that I made a great many inquiries, and the result on my mind is, that the police is thoroughly useless or cannot in the least be depended upon for good purposes, and is addicted to the practice of most of the vices (of which the use of torture, though most abhorrent, is scarcely the worst,) charged as prevailing under native governments, but which are supposed to have been eradicated by the British Government because they are repugnant to its principles and contrary to its regulations; but custom is inveterate and stronger than law, and is submitted to by the debased and prostrate masses, and in candour it ought to be confessed, even by the authorities themselves, that the East India Company's system has failed; I allude particularly to the main feature of it, that of carrying on all the Mofussil administrations by an ill-paid and almost exclusively native agency, from which natives of rank, wealth, and personal importance, and Europeans of good circumstances and condition, and the legal profession, are virtually excluded, under the sole superintendence of a few imported highly privileged persons, invidiously designated as a close body, "the civil service;" one magistrate, for example, to a large tract of country and large population, with only such a police as the existing one, is not adapted to the extirpation of native customs. *A priori*, therefore it does appear probable that oppression and cruelty are general, and that torture is likely occasionally to be resorted to; and when to this *à priori* presumption, such testimony as has been given is added, the fact I humbly venture to think is established beyond reasonable question.

Trusting his Honor will bear in mind that I have not sought for this opportunity of expressing my belief and opinions, and that he will excuse the freedom I have used, in consideration of the great moral and social interests involved,

Calcutta, 18 October 1854.

I am, &c.
(signed) W. Theobald.

Judicial, No. 2,359.

From W. Grey, Esq., Secretary to the Government of Bengal, to
W. Theobald, Esq.

Sir,

I AM desired to acknowledge the receipt of your letter dated the 18th instant, and to inform you that a copy of it will be forwarded to the Honourable the Court of Directors.

2. The

2. 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.

I have, &c.

(signed) *W. Grey,*

Fort William, 25 October 1854.

Secretary to the Government of Bengal.

From *W. Theobald, Esq.,* to *W. Grey, Esq.,* Secretary to the Government of Bengal.

Sir,

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 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., Gaya or Behar; (2) on what class of person, a woman; (3) in respect to 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 sessions judge and (3) the Nizamut Adalat. And allow me before I conclude my answer to your inquiry to point out, which I very respectfully do, the tendency of your requisition now under acknowledgment, as well as of the similar one made before to me in pursuance of the despatch of the Court of Directors: on the one hand, no person ought, I grant, to refuse to aid the course of justice, but on the other hand, such requisitions check the freedom of communication between private persons on the subject of the corruption and misconduct of the police, and thereby impair the hope of reform and of any correction of the system. I should here conclude, if I conformed myself to the limits indicated by your letter. But it appears to me fairly to raise the question, what is the belief of Government on the matter of fact of the practice of torture by the police or under the garb of official authority. It surely is of vital importance to all classes that Government should be correctly informed on this subject. From the manner in which Mr. Danby Seymour's statements concerning Madras were met in the House of Commons on the part of the gentlemen connected with the East India Company, the public have been led to suppose that the highest Indian authorities in England disbelieve the existence, to any extent, of the practice alluded to. The Madras authorities also appear to be quite surprised at the allegations made on the subject in reference to that presidency, and now it transpires that torture is deemed in your office to be extremely rare in Bengal. Under this aspect of this very important question, I instituted a new set of inquiries to satisfy my own mind. With the view of eliciting evidence, I have published, as you are aware, the first part of this correspondence, and I now beg leave to refer to some of the results. I allude

particularly to the opinions and cases which have, in consequence of that correspondence, appeared in different newspapers. I accept them as proof sufficient of the very general prevalence, on the part of the police, of the practice of torture. But I must beg leave to add to this evidence some further particulars. Besides what has appeared in the newspapers, communications have voluntarily been made to me, a brief recital of some of which may not be undeserving the consideration of his Honor. "Do you want any cases of torture?" a gentleman came to me and asked, on seeing the correspondence in the newspapers already referred to. "No; it takes up too much time, which I cannot afford," was my answer. He went on to describe very briefly a case in which a darogah, after a fruitless inquiry for the perpetrators of a then recent dacoity, endeavoured to implicate the headman and some other people of his establishment, at the same time, as I understood, demanding money, and his headman was put to torture by the darogah. On this being made known to him he went himself, and rode sixty miles to inform the magistrate of what was going on; the magistrate heard him sulkily, much as if he was committing an offence in complaining of the darogah, and when he had done, the magistrate appeared to intend to take no notice of his statement, and he was obliged to ask whether it was his intention to take no notice of what he had stated, or do nothing. The magistrate replied he should wait until he received the report of the darogah. "But it is of the darogah I come to complain." No other answer could be got, and the complainant returned from his mission utterly abortive. The sequel, though not strictly relevant to the matter now in hand, deserves to be stated. This failure of the master, the head of a great concern, which distributes twenty or thirty lakhs of rupees, or a quarter of a million sterling per annum in outlay for cultivation and other advances; his failure to get a fair degree of attention became immediately known to all the parties concerned; to the tortured man and his family and the other parties involved in the conspiracy of the darogah, it was despair of protection, despair of justice; palpably and irremediably they were in the power of the darogah, and they submitted to his terms, which were the payment of the moderate sum of rupees (900) nine hundred, the equivalent of 90 £, and per contra, a letter of thanks from the superintendent of police, or other superior authority, to the tortured man, for the assistance he gave the police in their search for the dacoits.

I will mention other evidence which was pointed out to me: "Oh!" said a friend of mine (a dissenting minister of this city), accidentally meeting me the day after the correspondence alluded to appeared in the newspapers, "do you want cases of torture by the police? go to So-and-so (the gentleman referred to is a missionary); every cold season he goes into the villages, and lives among the people; he will tell you a hundred cases of torture." "How does he know them?" I asked. "The people in the villages tell him of them." "How do you know that?" I asked. "He relates the cases in the circle of his friends, and he will tell you or any one." I have not followed up this evidence, but the report itself is evidence, and for this purpose, and as far as it goes, of a very trustworthy kind. Only yesterday too, I may mention, I received from one of the best informed and most intelligent and respectable men in India, a manager in one of the largest concerns in Bengal, a letter, the first sentence of which is as follows: "Dear Sir, the horror expressed by you, a gentleman who has been so long resident in India, of so common an occurrence in the Mofussil as the chillie torture, proves what necessity there exists that information concerning the interior should be obtained." He asserts that the use of torture by the police is general; that if the perpetrators of crime are caught, they are tortured to extort a confession from them, and if they escape, the innocent are falsely charged and tortured for the same purpose, to compel a confession. These practices, he shows, are not occasional or accidental, but they are the consequence of the existing system. Torture, he says, is resorted to as a necessity; without it crime would go unpunished; and he shows in detail that the darogah is compelled, by the nature of the orders he receives, to employ torture, in order that justice may have its victims, and he (the darogah) may preserve his reputation and situation: and, I am happy to add, the writer of these statements does not shrink from the responsibility of making them; he has requested me to have his letter published, with his name, and he informs me he has sent a copy of it to the Lieutenant-Governor of Bengal, who, when at Dacca, gave him permission to communicate his opinions to Government.

I have

I have been desirous of ascertaining what is the belief of respectable natives on this question, and I may state, that those I have consulted speak of torture by the police as common and frequent, and of various kinds, and as perfectly familiar to the mass of the people; and I am assured that the darogahs make no secret of the practice in native circles. My native testimony, if I may call it so, goes further, and charges the magistrate with connivance. Being sure this was a misconception or misconstruction, I asked for an instance, in order to see on what sort of grounds any native could entertain this opinion. "Give me a case," said I. "Well, there was the case a few weeks ago of the vender of stamps, which had been stolen from the records of the Sudder; I was pre-ent," said the speaker, "when he was brought up before Mr. Fergusson the magistrate. Mr. Buckland, the registrar, was the accuser. The man was asked which of the amlahs of the court he got the stamps from; he would not tell, and at last the magistrate, baffled by the man's obstinacy, said, 'Why does not the budyt (villain) confess (cabool na kurta)?' This question, as I understood, was addressed to the darogah, who was standing by, and in whose custody the man was. The darogah said, 'I will get him to confess.' The man was taken from before the magistrate to the further part of the room by the darogah, who, after a short colloquy with him, brought him back before the magistrate, and he accused one of the amlahs, by name, of having sold the stamps to him." "Well," said I, "how do you know what passed between him and the darogah?" He replied, "There was a great crowd; it was not in the court, but in a room in the Sudder; the man was taken through the crowd only to the further part of the room, and those near heard what passed and told the bystanders. The darogah said to the vender of stamps, 'I suppose you know who I am; if you do not confess, you will have to be shut up all night with me.'" And he did confess; that is, he accused another person, and was immediately taken before the magistrate again.

"Well," said I, "give me another instance." Another and another was given, more or less to the point; but at all events proving the great extent to which torture is practised. I will refrain from troubling you with, but I will beg to add that a gentleman much versed in the criminal business of the Nizamut Adawlut, tells me there are confessions in 75 per cent. of the cases which come up to that court, and that he believes that in 90 per cent. of the criminal cases of the sessions, torture has been practised to obtain confessions. To apply torture, therefore, is the rule, not to do so the exception, and of course it has uprooted truth among the people, and destroyed the value of evidence and public justice; and referring to the letter of Mr. Forbes, already alluded to, it is producing other consequences. I understand that the formidable organization of the Ferazees under Doodoo Meeah, and of the Kaleeas under the "chou" but unnamed "Hindoo Leader," has mainly for its object the mutual protection of the masses comprised in those two sects against—what shall I call it—the misgovernment or oppressions under which the people suffer.

I have now said enough for the object with which I commenced, partly self-vindication, partly to inform his Honor of the great extent to which torture is practised. I have not presumed to put it in the way of reproach, and it would be exceedingly unjust to do so, his Honor having been only six months in the administration of the government, too short a time to mature any extensive reform of an established system; but better than any reform which I believe to be within the legal competency of his Honor, would be a public recognition of the state of the case, and then all practicable reform would be sure to follow.

Apologising for the great length of this letter (copy of which I shall send to Mr. Danby Seymour),

6, Bankshall-street, 3 November 1854.

I am, &c.
(signed) *W. Theobald.*

To the best of my belief and recollection, there is not a word of truth in the statement of Mr. Theobald's informant regarding the case of the stamp vender at the Sudder Court.

The man had made all the admissions or confessions that he ever made before the police were sent for by me. When the darogah came, he merely repeated what he had already stated in the presence of myself and many other persons.

particularly to the opinions and cases which have, in consequence of that correspondence, appeared in different newspapers. I accept them as proof sufficient of the very general prevalence, on the part of the police, of the practice of torture. But I must beg leave to add to this evidence some further particulars. Besides what has appeared in the newspapers, communications have voluntarily been made to me, a brief recital of some of which may not be undeserving the consideration of his Honor. "Do you want any cases of torture?" a gentleman came to me and asked, on seeing the correspondence in the newspapers already referred to. "No; it takes up too much time, which I cannot afford," was my answer. He went on to describe very briefly a case in which a darogah, after a fruitless inquiry for the perpetrators of a then recent dacoity, endeavoured to implicate the headman and some other people of his establishment, at the same time, as I understood, demanding money, and his headman was put to torture by the darogah. On this being made known to him he went himself, and rode sixty miles to inform the magistrate of what was going on; the magistrate heard him sulkily, much as if he was committing an offence in complaining of the darogah, and when he had done, the magistrate appeared to intend to take no notice of his statement, and he was obliged to ask whether it was his intention to take no notice of what he had stated, or do nothing. The magistrate replied he should wait until he received the report of the darogah. "But it is of the darogah I come to complain." No other answer could be got, and the complainant returned from his mission utterly abortive. The sequel, though not strictly relevant to the matter now in hand, deserves to be stated. This failure of the master, the head of a great concern, which distributes twenty or thirty lakhs of rupees, or a quarter of a million sterling per-annum in outlay for cultivation and other advances; his failure to get a fair degree of attention became immediately known to all the parties concerned; to the tortured man and his family and the other parties involved in the conspiracy of the darogah, it was despair of protection, despair of justice; palpably and irremediably they were in the power of the darogah, and they submitted to his terms, which were the payment of the moderate sum of rupees (900) nine hundred, the equivalent of 90 £, and per contra, a letter of thanks from the superintendent of police, or other superior authority, to the tortured man, for the assistance he gave the police in their search for the dacoits.

I will mention other evidence which was pointed out to me: "Oh!" said a friend of mine (a dissenting minister of this city), accidentally meeting me the day after the correspondence alluded to appeared in the newspapers, "do you want cases of torture by the police? go to So-and-so (the gentleman referred to is a missionary); every cold season he goes into the villages, and lives among the people; he will tell you a hundred cases of torture." "How does he know them?" I asked. "The people in the villages tell him of them." "How do you know that?" I asked. "He relates the cases in the circle of his friends, and he will tell you or any one." I have not followed up this evidence, but the report itself is evidence, and for this purpose, and as far as it goes, of a very trustworthy kind. Only yesterday too, I may mention, I received from one of the best informed and most intelligent and respectable men in India, a manager in one of the largest concerns in Bengal, a letter, the first sentence of which is as follows: "Dear Sir, the horror expressed by you, a gentleman who has been so long resident in India, of so common an occurrence in the Mofussil as the chillie torture, proves what necessity there exists that information concerning the interior should be obtained." He asserts that the use of torture by the police is general; that if the perpetrators of crime are caught, they are tortured to extort a confession from them, and if they escape, the innocent are falsely charged and tortured for the same purpose, to compel a confession. These practices, he shows, are not occasional or accidental, but they are the consequence of the existing system. Torture, he says, is resorted to as a necessity; without it crime would go unpunished; and he shows in detail that the darogah is compelled, by the nature of the orders he receives, to employ torture, in order that justice may have its victims, and he (the darogah) may preserve his reputation and situation: and, I am happy to add, the writer of these statements does not shrink from the responsibility of making them; he has requested me to have his letter published, with his name, and he informs me he has sent a copy of it to the Lieutenant-Governor of Bengal, who, when at Dacca, gave him permission to communicate his opinions to Government.

I have

No such interview as is described between the magistrate, the darogah, and the stamp vender, ever took place at the Sudder Court.

7 November 1854.

(signed) *C. T. Buckland.*

From the Magistrate of the 24 Pergunnahs to the Secretary to the Government of Bengal.

Sir,

REFERRING to the letter of the 3d instant from Mr. Theobald to your address, which has been published in the newspapers of this morning, and in which it appears to be insinuated that I connived at threats to extort a confession from the vender of certain stamps lately stolen from the records of the Sudder Court, I have to give the said insinuation the most positive and unqualified denial.

2. Mr. Theobald's unnamed informant says that he was present when the vender was brought up before me in a room in the Sudder. But the said vender never was brought before me in any room in the Sudder; and to the best of my recollection and belief, I never saw the man until he was brought before me in the ordinary course of business in the criminal court, a mile from the Sudder Court.

3. Mr. Theobald's informant proceeds as follows: "The man was asked which of the amlahs of the court he got the stamps from? He would not tell; and at last the magistrate, seeing the man's obstinacy, said, 'Why does not the budyat (villain) confess?' The question, as I understood, was addressed to the darogah, who was standing by, and in whose custody the man was. The darogah said, 'I will get him to confess.'"

4. I might here remark upon the gross and glaring improbability of my having used the words here imputed to me, and of the darogah having openly and undisguisedly responded to them in a room in which it is admitted that there was a great crowd. But I have no need to refer to probabilities. I have simply to affirm in the most solemn and positive manner that there is not one syllable of truth in the above quotation, and I think that Mr. Buckland can bear me out in stating that the stamp vender, previously to the police being called in to investigate the case, had admitted to him (Mr. Buckland) the receipt of the stamps, and named the individual from whom he had received them.

5. As to the darogah saying to me, "I will get him to confess," I deny, in the most emphatic manner, the truth of the statement, that any words of the sort were ever addressed to me by any darogah, either on the occasion alluded to or on any other occasion whatever; and had they been so, the darogah would most indubitably have been severely reprehended, or at once removed from the police.

6. I may add, in conclusion, that when the stamp vender did come before me in the criminal court, I questioned him repeatedly as to his statement being perfectly voluntary. He assured me most positively that it was so; that he had been led away by the man who stole the stamps; and that he wished to tell the whole truth, in hopes of bringing the thief to justice.

7. I have called upon Mr. Buckland for a statement of what actually took place at the Sudder Court on the occasion alluded to by Mr. Theobald's veracious informant, and shall forward the said statement to you as soon as I receive it.

I have, &c.

7 November 1854.

(signed) *H. Fergusson*, Magistrate.

T. L. Peacock,
Examiner of India Correspondence.

EAST INDIA.

COPY of LETTER from the Court of Directors of the East India Company to the Government of *Bengal*, dated 2 August 1854, and REPLY of the Lieutenant-Governor of *Bengal*, dated 8 November 1854; and of INQUIRY and REPORT with reference to the STATEMENT of Mr. *Theobald* as to the Employment of TORTUAS by the Police.

(*Mr. Otway.*)

Ordered, by The House of Commons, to be Printed,
18 April 1855.
