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PAPERS

CONNECTED WITH THE

RE-ORGANIZATION OF THE POLICE

IN THE

MADRAS PRESIDENCY.

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13

MADRAS:

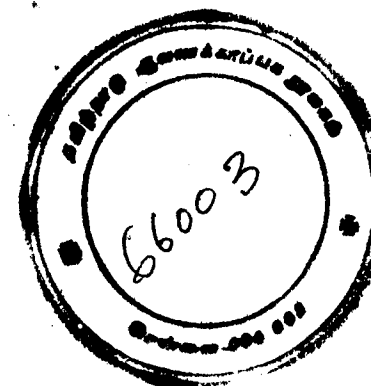
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OUR GOVERNOR IN COUNCIL AT FORT SAINT GEORGE.

Para. 1. Our attention has been recently called to the arrangements proper to be adopted for the superintendence of the local administration in Bengal and under the Presidency of Bombay. We are led to believe that the system in force under your Presidency may also stand in need of revision and improvement.

2. In Bengal, the Collectors and Magistrates of several adjacent Districts (generally five or six) are placed under the regular control of a Commissioner, who is responsible for the Revenue and Police administration within the range of his authority. Changes have been occasionally made in the details of this control, but the principle of subjecting the local officers to such superintendence is an essential part of the scheme of administration in that Presidency. Occasional tours of inspection are also made by the superior authorities as circumstances render necessary.

3. Under the Bombay Presidency the Police system both village and stipendiary is at present in a course of revision and reform. In each District a Superintendent of Police has been appointed who is subordinate to the Magistrate but is vested with the immediate direction and control of the establishment. The several Collectors (also being Magistrates) are under the control of two Revenue Commissioners, one for the Northern the other for the Southern Division; Circuits were formerly made by Judges of the Sudder Udalt, for the purpose of enquiring into the Police and Judicial administration of each District, and it is at present under consideration by what agency it may be most advisable that this duty shall be performed for the future.

4. In your Presidency the Police is immediately under the direction of the Collector who is also Magistrate.

5. Since the abolition of the Provincial Courts of Appeal and Circuit of the Madras Presidency, by Act VII of 1843, no local superintendence has been exercised over the officers intrusted with the administration of justice and Police in the several districts. Except in the case of a deputation for some temporary purpose, under Act X of 1849, no such superintendence has of late years, we believe, been exercised over Collectors, and Magistrates, whereas the principle of supervision of superior authority was maintained although imperfectly during the continuance of the office of Principal Collector, with two or sometimes three subordinate district Collectors acting under his authority. The control over the local administration is now exclusively in the hands of the Government itself, or of the Sudder Udalt, the Board of Revenue, or the head of some department, all stationed at the Presidency.

6. We are desirous that you should institute such an investigation as you may judge most advisable for the purpose of ascertaining how far this system, which is peculiar to your Presidency, has worked satisfactorily for the public interests. The inquiry has to be conducted under a two-fold aspect, first, with regard to the faithfulness, the diligence, and the efficiency of the local administration, and secondly, with regard to the means possessed by the authorities at the seat of Government, for obtaining accurate knowledge of the details of that administration, and to the competency of the said authorities, thus situated, for its direction and control.

7. Should defects be found to exist, the next question will relate to the remedy most proper to be applied to them without giving rise to evils of some other kind.

8. The elements of Police under the Madras Presidency are essentially the same as in other parts of India, consisting of two parts *viz.*

Village officers paid by land exempted from assessment and succeeding hereditarily to the office, and stipendiary servants paid by Government and appointed and dismissed by the district officers. As the Bombay system of placing the establishment under the immediate direction and control of a Superintendent of Police, although still experimental, has been reported to work satisfactorily, we are desirous that you should consider whether a similar arrangement might not be advantageously introduced under your Presidency. You may possibly have occasion to refer to the Bombay Government, from whom you will be able to obtain all necessary information.

9. One important consideration is that of not causing any unnecessary increase of expense, and none in any case, that will not bring with it an adequate advantage.

10. You will submit the result of your investigation to the Governor General of India in Council, and you will apply for sanction for any modification of the establishments which may seem to you desirable. You will also fully report your proceedings on the subject for our information and further directions.

We are,
Your loving friends,
(Signed) J. OLIPHANT,
(„) E. MACNAGHTEN,
and 8 other Directors.

London, 23rd August 1854.

JUDICIAL DEPARTMENT.

No. 763.

Extract from the Minutes of Consultation, under date the 20th October 1854.

The Right Honorable the Governor in Council proceeds to pass orders on the letter in this Department from the Honorable Court of Directors, dated 23rd August 1854, No. 8.

Ordered that copy of the above Despatch be furnished to the Court of Sudr Udalut, and to the Board of Revenue respectively, and that they be requested to submit at an early date their opinion upon the operation of the existing system of control over the local administration, in the several departments of Police and Revenue, regarded under both the points of view adverted to by the Honorable Court in para 6—and upon the reforms of which it is susceptible.

2. Referring to paras 3 and 8 of the Despatch, the Foujdaree Udalut will especially report upon the expediency of adopting in the Districts under this Presidency, the system which has been experimentally introduced in the Bombay Provinces of placing the Police establishment under the immediate direction and control of a Superintendent of Police subordinate to the Magistrate. A general description of this system will be found in para 32 and the remaining paras of a memoir of the Police reform of the Presidency of Bombay—appended to No. 1 of 1853 of the Selections from the Records of Government in the Police branch of the Judicial Department. This number will be forwarded to the Foujdaree Udalut. The Governor in Council also resolves to apply to the Government of Bombay for information as to the extent to which this system has hitherto been carried out in that Presidency, the success which has attended it, from what classes the Superintendents are taken and whether any of them are Covenanted Civil Officers and what salaries are assigned to them.

Ordered that the following letter be despatched.

(Signed) T. PYCROFT,
Chief Secretary.

JUDICIAL DEPARTMENT.

No. 764.

To A. MALET, Esq.,

Secretary to the Government of Bombay.

SIR,

In a Despatch in the Judicial Department dated 23rd August last, the Honorable Court of Directors have drawn the attention of this Government to the system which has been introduced

into the Bombay Districts, of placing the Police establishments under the immediate direction and control of a Superintendent of Police subordinate to the Magistrate, in view to its being considered whether similar arrangements might not be advantageously adopted in this Presidency.

2. It is observed that a general description of this system is to be found in the 32nd and subsequent paras of a Memoir of the Police reform of the Presidency of Bombay appended to No. 1 of the Selections from the Records of Government in the Police branch of the Judicial Department published in 1853. I am now desired by the Right Honorable the Governor in Council to request the favor of being informed as to the extent to which the system has to the present time been carried out in the Bombay Districts, the success which has attended it, from what classes the Superintendents are taken, whether any of them are Covenanted Civil Officers, and what salaries are assigned to them.

(Signed) T. PYCROFT,

Fort St. George, 20th October 1854.

Chief Secretary.

No. 108.

FROM A. J. ARBUTHNOT, Esq.,

Acting Register to the Court of Foujdaree Udalut.

To T. PYCROFT, Esq.,

Secretary to Government in the Judicial Department.

SIR,

1. I am directed by the Judges of the Court of Foujdaree Udalut to reply to the Extract from the Minutes of Consultation under date the 20th ultimo, forwarding copy of a Despatch from the Honorable Court of Directors and requesting the Court to submit their opinion upon the operation of the existing system of control over the local administration in the Police Department.

2. The Judges will premise their remarks by observing that from the tenor of para 5 of the Honorable Court's Despatch, the Court of Directors would appear to labor under considerable misapprehension in regard to the nature of the control now exercised over the Magistrates and Police in this Presidency as compared with that in force previous to the abolition of the Provincial Courts of Appeal and Circuit by Act VII of 1843. The Honorable Court observe that since the abolition of those Courts "no local superintendence has been exercised over the Officers entrusted with the administration of justice and police in the several Districts," and that "the control over the local administration is now exclusively in the hands of the Government itself or of the Sudder Udalut, the Board of Revenue or the Head of some Department, all stationed at the Presidency," apparently overlooking the fact that by the enactment above quoted the powers vested in the former Courts of Circuit were completely transferred to the present Session Judges, who within their respective Zillahs are invested with precisely the same powers of supervision over the proceedings of the Magisterial and Police Authorities as were exercised by the Courts of Circuit in the Divisions within their jurisdiction. The number of supervising authorities has consequently been nearly doubled and the facilities for local supervision have of course materially increased. There are, no doubt, disadvantages attendant on the present system which were not felt in the same degree under the old system of Provincial Courts. The number of Officers to whom the duty of supervising the proceedings of the Police and Magistracy is entrusted, while it affords increased facilities for local supervision, precludes, in a great measure, the possibility of selection according to fitness for the superior posts. Another objection to the present system is that the Zillah Judge is too much on a par in respect of position with those over whom he has to exercise control. He is always of similar standing to the Magistrate whose emoluments are the same as his own, and who is not unfrequently his senior in the service. In most Districts, the Zillah Court and the head quarters of the Magistrate and of his Assistants are at the same station, which brings the appellate authority and those whose proceedings he has to supervise in daily and familiar intercourse. The independence of mind, which is

so essential in an Officer who has to comment on the acts of others his equals in condition of life, is thus endangered. The appellate functionary may also have learnt to feel himself inferior to one or more of those placed subordinate to him and from this embarrassing position there is no escape. The Judges of the Provincial Courts, on the contrary, were decidedly raised above those whose acts they had to supervise and were greatly freed from the influence of local restraints and associations, and in respect of the Judicial proceedings of the Officers of the Magistracy and the proceedings of the Police in the cases brought to trial, the weight of their authority was felt.

3. It is not, however, in this department of the administration of justice that the want of an improved system of supervision is practically felt. The judicial powers exercised by the Magistracy are comparatively unimportant, and the want of a more efficient system of supervision over them than that which is provided by the existing system, is a want which can only be remedied by an improved system of training and selection for the judicial branch of the service,

while, as observed by the Government of Bombay in the Memoir* forwarded with the Extract from the Minutes of Consultation now under reply, the degree of supervision which can be exercised over the proceedings of the Police by a judicial functionary must, of necessity, be ineffectual, compared to that which can be effected by an efficient Superintendent of Police.

4. The evil, which in this Presidency as in Bombay, and the Judges believe all over India, is most felt in the administration of criminal justice, and which most loudly calls for a remedy is the want of an efficient preventive and detective Police.

5. The materials of a Police force, no doubt, exist, which, if sufficiently strengthened and placed under adequate supervision, might be rendered all that is required; but its present organization is extremely defective, and the degree of supervision which the Magistrates are able to exercise over its proceedings is by no means adequate. In this Presidency as in Bombay, the time of the Magistrates is principally devoted to their revenue duties, and those who take the most active interest in the superintendence of the Police are deterred by the other calls upon their attention from devoting to it that unremitting care and supervision which are essential to the prevention and detection of crime. To remedy this state of things, the Judges are of opinion that, if it be deemed expedient to separate the offices of Magistrate and Collector, the system which has been brought into operation in Bombay of placing the Police in each District under the immediate direction and control of a Superintendent of Police subordinate to the Magistrate might be advantageously adopted here. The separation of the judicial duties of the Magistrate from those which relate to the prevention and detection of crime appears to the Judges an excellent arrangement. It moreover is most desirable to have an Officer, who may be available on an emergency to trace out serious crime on the scene of its occurrence, and in whose proceedings full confidence may be placed. This duty at present devolves on Native functionaries, whose proceedings are ordinarily very ineffective and command no confidence, so that the judicial authorities have constantly to be on their guard against the machinations of the Police, by whom confessions are extorted and evidence concocted to save themselves from the stigma, and consequences of the failure in the detection of crime. In most of the districts in this Presidency two Superintendents of Police would be required.

I have the honor to be,

Sir,

Your most obedient Servant,

(Signed) A. J. ARBUTHNOT,
Acting Register.

No. 237.

TO THE CHIEF SECRETARY TO GOVERNMENT.

SIR,

Minutes Consultation, 25th
January 1855, 3950.

I am directed to acknowledge the receipt of Extract Minutes of Consultation dated 20th October last, forwarding for the consideration of the Board of Revenue a Despatch from the Honorable Court (No. 8 of 1854) regarding the system of local administration in force in the Presidency, in the Revenue and Police Departments.

2. The Honorable Court allude specially to the peculiarity in the Madras mode of management, which consists in the absence of that local supervision over the District authorities, which in the other Presidencies is exercised by Commissioners. The working of the Madras system is to be investigated, the enquiry being conducted "under a two-fold aspect; first, with regard to the faithfulness, the diligence, and the efficiency of the local administration; and 2ndly, with regard to the means possessed by the authorities at the seat of Government, of obtaining accurate knowledge of the details of that administration, and to the competency of the said authorities thus situated, for its direction and control."

3. Before entering on a consideration of the Despatch, it seems proper to correct two inaccuracies observable in its statements as to the present system of control under this Presidency. They are found in para. 5. It is there remarked by the Honorable Court that since the abolition of the Provincial Courts of Circuit, there has been no local superintendence over the administration of Justice and of Police; but this is a mistake. The whole powers of the Circuit Courts were by Act VII of 1843 transferred to the Session Judges, who now exercise precisely the same control and superintendence over the Magistrates and Police, as was exercised by those Courts. In the same para. it is also stated that the superintendence over the local Revenue administration is less now than it was formerly before the abolition of Principal Collectors. But this also is erroneous. The Principal Collectors had no larger powers in any respect than are at present possessed and exercised by the Collectors who now have charge of the very same Districts.

4. The Board will now state their opinion on the propositions referred for their consideration. They believe it to be the intention of the Government, that they should confine their remarks almost entirely to the Revenue administration, those parts of the Honorable Court's Despatch which relates to the Police and Judicial Departments having been specially referred to the Court of Fouzdaree Udalt.

5. They conclude that it is not proposed to dispense with a Presidency Board, for the general control of the Revenue Department. Supervision of this nature appears essentially necessary to preserve uniformity of system and action, and for the extension of useful improvements, and it appears to the Board that it can be most advantageously confided to a Board, whose opinions are likely to possess more weight and independence than those of a single officer, and in whose deliberations the Government have a greater degree of security against hasty innovation. It would also seem most desirable that a Board exercising such powers should be located at the Presidency, the seat of Government, and the residence of the largest and most intelligent community, European as well as Native.

6. For these reasons the Board presume that the Commissioners contemplated by the Honorable Court are to be an intermediate authority, like the Commissioners in Bengal and in the North West Provinces, between the Collectors and the controlling Board at the Presidency. The great extent of the Madras Territories would make it necessary that the number of Officers

- | | |
|---|--|
| 1. Ganjam.
Vizagapatam.
Rajahmundry.
Masulipatam. | 4. Coimbatore.
Malabar.
Canara. |
| 2. Guntoor.
Nellore.
North Arcot.
Chingleput.
Madras. | 5. Salem.
South Arcot.
Trichinopoly. |
| 3. Bellary.
Cuddapah.
Kurnool. | 6. Tanjore.
Madura.
Tinnevely. |

of this grade (to exercise any degree of supervision which could be deemed personal and efficient) should be six at the least, distributed probably in the manner shown in the margin. The salaries of six Officers of this description at Rupees 3,000 per mensem would amount to upwards of two lacs annually, independently of establishment, travelling allowances and contingent expenses, which may certainly be assumed at another lac, making three lacs in all; and

the Board are not prepared to agree that the advantages which would follow their appointment would be at all commensurate with such an outlay.

7. The position of Collectors in this Presidency has some peculiarities which bear materially on the subject under consideration. They are placed in charge of provinces which in size and revenue are often equal to three, and in some cases even to four Collectorates in the other Presidencies, at the same time in consequence of the state of the Civil Service and the small number of appointments of higher rank, they are men of long experience before they attain this office; and there seems no prospect of its being attained hereafter within a shorter period of

service than at present, *viz.*, from 18 to 20 years. The Government therefore now possess Collectors who have all the qualifications which lengthened experience and prolonged revenue training can give, and whose standing would entitle them in the other Presidencies to expect the office of Commissioner. Their general efficiency is thus assured by as strong a security as seems attainable; and their zeal and faithfulness have for guarantees (independently of higher influences) the conspicuous situation of power and trust in which they are placed, and their natural anxiety to gain the approbation of Government and rise to higher employment.

8. With respect also to the second point for consideration, *viz.*, the means which the Presidency authorities possess of ascertaining and controlling the details of the provincial administration, the Board doubt whether such a deficiency now exists as would compensate for the expensive measure in contemplation.

9. The experience possessed by servants of such long standing as the Collectors is a considerable guard against hasty and inaccurate representations or proposals; and under the present system, parties who consider themselves aggrieved have various ways of seeking redress. The Civil Courts are open to them; they can address the authorities at the Presidency in person or by petition; and it must not be overlooked that the freedom of the Press, the modified rates of postage and the spread of education, all give facilities which did not formerly exist for the promulgation of wrongs and injuries. There are also various channels through which the state of a province becomes indirectly known to the Presidency authorities; and though this information is not obtained in an official form it may equally lead to enquiry.

10. In making these observations the Board would not be understood as asserting that the present system is either in itself perfect or free from defects which the appointment of Commissioners might to a certain extent remedy. When Officers rise by seniority to a position of great labour and of very varied duties, it cannot be expected that all should be equally efficient or even efficient in every branch of duty. In regard also to control, a Board at the Presidency cannot be supposed capable of supervising minutely the acts of Officers in distant provinces and must to a certain extent be guided in the matter of complaints, by their explanation. But a Commissioner would not be in a materially better position in these respects. If six such Officers were appointed, the extent of each division would range from 20 to 28 thousand square miles, and close personal supervision could not be exercised in the majority of instances, and wherever the control was not personal it would not differ very greatly from that now exercised by the Presidency authorities.

11. There is one obvious advantage indeed in the system of Commissioners, *viz.*, that it affords the means of selection for the higher and more important post. It is evident that it will always be easier to obtain six able and efficient Officers for Commissioners than to procure twenty such for Collectors, or to put the case in a different light, the exertions of six able men (able not merely from natural qualities but from the possession also of adequate experience and knowledge of business) as Collectors would affect only six Districts, while as Commissioners they would influence the whole Presidency. The creation of these superior appointments would also make the prospect of promotion more effectively operative as a stimulus to exertion; and at present it cannot be denied that from the very small number of appointments above the rank of Collector, the prospect to any Officer of even rising above that rank is very small under this Presidency. But the Board will presently suggest another method by which the same end may be attained, and as they believe, more advantageously. On the other hand it appears to the Board that the appointment of Commissioners might tend to delay the disposal of business and to increase correspondence.

12. In the event of its being determined to appoint Commissioners, the Board are very strongly of opinion that the number of the Collectors should be increased, so as to put it in the power of those Officers, then to have primary administrative functions, to acquire a more accurate knowledge of their Districts, and to come more in contact with the people. Even if the number were raised from twenty to forty, each one would be on an average two-fifths larger, than in the N. W. Provinces. These 40 districts might be placed under six Commissioners, with the same geographical extent of jurisdiction respectively as is indicated above; and each should have a Collector,

Sq. M.	Col.	= Sq. m. in each Col.
N. W. P. 72,000	÷ 30	= 2,400
Madras 138,000	÷ 40	= 3,450

Collector.....2,000
Sub Collector...1,000
Assistant..... 500

Sub-Collector, and Covenanted Assistant with salaries as shown in the margin. Two Uncovenanted Assistants would also be required in each district, or including the salt department about ninety-five for the whole Presidency. This distribution of the territory into 40 districts would in the Board's opinion prove equally advantageous in the Judicial and Public Works Departments.

13. These are the arrangements which the Board would consider complete and sufficient in the event of its being determined to appoint Revenue Commissioners in this Presidency. But they cannot advocate such a measure either with the existing districts, or with the remodelled establishment above indicated, because it does not appear to them that the advantages to be derived from the change would nearly counterbalance the large increase of cost. They will take this opportunity however to propose some changes of a less organic kind, which it appears to them would greatly promote the efficiency of the existing arrangements.

14. In the first place, instead of incurring the heavy expense which the proposed system would involve, and lowering the position of Collectors by placing permanently between them and the Board of Revenue a new class of Officers, the Board consider that it would be a more effectual improvement in our administration to increase the efficiency of Collectors by relieving them of many of the executive details now laid upon them, and thus to raise them in some degree to the position of a Commissioner or Superintending Officer in the extensive districts placed under their charge. The Collectors now are certainly too much encumbered with detail; and this operates injuriously not by occupying time which would be more advantageously employed in general superintendence, since if the primary disposal of business was entrusted to the subordinate Officers, the public would enjoy the power of appealing to the Collectors, and the higher authorities have the benefit of their independent and unbiassed opinion. The improvement here contemplated might be gained by enlarging the separate charge of the Sub-Collector (now always an Officer of long standing) and of the Head Assistants and by the employment of

Uncovenanted Assistants as already advocated by the Board in a recent paper. Officers of the highest grades of this last class would be fully competent to perform all the independent duties of a Covenanted Assistant; and the employment also of one under the Sub-Collector would enable him to superintend a much larger charge than he can at present, at the same time the powers of the Tahsildars should be enlarged, and to meet this increased responsibility their salaries should be augmented.

15. The Board also consider it essential to effective administration, that the immense districts of Cuddapah and Bellary should both be divided, each contains now about 13,000 square miles; and will be only very slightly reduced by the proposed annexation to Kurnool. This is double the extent of North Arcot, South Arcot, Salem, and other full sized districts. Half that extent or about 6,000 square miles, would be an ample charge for a Collector, aided by a Sub-Collector and establishment as above indicated, and even the new districts so formed would still be two and a half times the average size of the Collectors of the N. W. Provinces. It may be added that both in the Judicial administration and in that of the P. W. these two Collectorates are at present notoriously very much too large for efficiency. In every point of view it is highly desirable that they should be sub-divided. Some of the Talooks contained in them are also far too large, and ought to be sub-divided also.

16. The last measure which the Board have to recommend has reference to the Collectors' salaries. Formerly the Districts were in two classes, in the larger and more important there were Principal Collectors with a higher scale of salary than that of the Collectors in the smaller Districts. In 1839 as a measure of economy, this difference was abolished and a uniform salary, lower than that before allowed to the smaller Districts, was assigned to all. The Board would not now advocate any increase for the minor Collectors; but justice and expediency seem to require that the labour of superintending the larger and more onerous provinces should be adequately rewarded and that Government should have it in their power to offer an inducement to men of superior ability, zeal, and experience to undertake the greater labour. The principle is admitted in Ganjam and Vizagapatam and in a less effective form in Guntoor and Cuddapah, and in the Board's opinion should be extended to such districts as Canara, North and South Arcot, Madura, Coimbatore and others; and perhaps even to some of the new Districts to be formed as above suggested by the sub-division of Bellary and Cuddapah. The establishment of a difference

C. O. B. Note a on page 208.

such as this would not only give the Government the power of selecting the ablest Officers, for the most arduous posts, but would be a beneficial stimulus to the service at large in the absence of the superior grade of Commissioner which exists under the other Presidencies.

17. The Board consider that the measures above advocated and especially the means proposed in para. 14 for raising the position of the Collectors and causing them to be less mixed up than at present in executive details would in a material degree supply the want of local independent control now experienced, would render the provincial administration more efficient and so lessen the need for general supervision. The improvements above recommended (in lieu of the Honorable Court's suggestion) will of course entail some increase of expense, but this will in the Board's opinion be counterbalanced by the greater efficiency of the local administration; and it seems to them far more important both to the Government and the people to secure the maximum of efficiency in the primary disposal of business, than to endeavour to compensate for deficiency at that stage by subsequent supervision. The Board may also remark that the apparent cost of collecting the Revenue in this Presidency is unduly enhanced by erroneously including therein many charges which are not so included in the other Presidencies.

18. The Board would observe lastly that the Government may increase the activity of its control over the Provincial Officers by occasionally deputing members of the Board of Revenue on temporary special missions or circuits. The Board would not advocate this as a constant or normal arrangement; but they advert to it as a measure which has been resorted to in times past and may be again, on special occasions; as when the state of a province is deemed unsatisfactory, or when the revision of its assessment, or some other reform may be under consideration.

(Signed) B. CUNLIFFE,
Acting Secretary.

REVENUE BOARD OFFICE,
FORT SAINT GEORGE,
25TH JANUARY 1855.

JUDICIAL DEPARTMENT.

No. 1531 of 1855.

BOMBAY CASTLE, 18TH APRIL 1855.

SIR,

With reference to your letters dated respectively the 24th October 1854, and the 2nd January last, Nos. 764 and 3, I am directed to forward for your information copy of a Memorandum which will furnish the information therein required.

I have the honor to be,

Sir,

Your most obedient servant,

(Signed) H. L. ANDERSON,

Secretary to Government.

TO THE SECRETARY TO THE GOVERNMENT OF FORT SAINT GEORGE.

MEMORANDUM BY THE JUDICIAL SECRETARY.

In this letter the Government of Madras requires information on five different points—

1st. The extent to which the new system of Police has been carried out in the Bombay Districts.

2nd. The success which has attended it.

3rd. From what classes are the Superintendents of Police taken.

4th. Whether any of them are Covenanted Civil Servants.

5th. The salaries of the appointments.

2. On the first point the Government of Madras may be informed that the system has been introduced throughout the whole of the regulation districts of the Bombay Presidency.

3. On the second point it may be generally stated that the system has worked well both for the prevention of crime and the detection of criminals. It may however be expected to work far better when the gradual re-organization of the Village Police has been completed and when a more efficient supervision of the Superintendents has been established. The latter object it has been proposed to attain by the appointment of a Magistrate of experience as Commissioner of Police. This Officer will be able to visit each Zillah during the year and ascertain by personal examination the defects in the operation of the new system. The Supreme Government has been solicited for its sanction to this appointment, and the reply to the reference from the Government of Madras has been kept back until the views of the Government of India on this proposition have been announced. But as the Government of Madras has somewhat urgently required a reply to its questions, the present memorandum has been prepared.

4. The Superintendents of Police are all Military Officers with the exception of the Superintendent of Belgaum and the Acting Superintendent of Dharwar, who are Uncovenanted Servants. The Superintendent of Police in Belgaum had formerly been Foujdar of Poonah, and just before the introduction of the new system had been employed in Belgaum in reorganizing the Shetsundees of that Collectorate into an efficient village Police. The Acting Superintendent of Dharwar had also had some experience of Police duties in the Provinces of Scinde.

5. With reference to the 4th point it may be stated that none of the Superintendents of Police are Covenanted Civil Servants.

6. The salaries of the Superintendents of Police as they at present stand are shown in the 1st column of the subjoined statement, the second column of which exhibits the scale in accordance with which the salaries are to be modified as vacancies occur. It should also be mentioned that Superintendents of Police of less than five years' service in the Police receive a deputation allowance when actually employed in the districts, of Rs. (5) five per diem and those of more than five years' service in the Police of Rupees (10) ten per diem. It should also be explained that the irregularity in the present rates of remuneration is caused by the fact that many of the present appointments have been created from previously existing appointments of Commandants of Police corps under the various denominations of Rangers, Provincial Battalions, Bheel Corps, &c., &c. The revised scale has been framed with reference to the extent and responsibility of each charge.

	Present.	Future.
	Rs.	Rs.
Superintendent of Police, Khandeish } and Commandant of the Bheel Corps. }	1,100	1,100
2nd Assistant.....	600	600
3rd Assistant.....	600	600
Adjutant of the Bheel Corps.....	500	500
Superintendent Ahmednuggur.....	716	800
Assistant Superintendent in charge of } Sub-Collectorate of Nassick..... }	427-8	500
Superintendent Belgaum.....	500	800
Superintendent Tanna.....	800	700
Assistant Superintendent Tanna.....	600	To be abolished.
Superintendent Sholapoor.....	556-10	700
Superintendent Ahmedabad.....	645-6	700
Superintendent Dharwar.....	915-6	700
Superintendent Poona.....	604	600
Superintendent Rutnagherry.....	645-6	600
Superintendent Kaira.....	645-6	600
Superintendent Surat.....	525-12	500
Superintendent Broach.....	556-10	500

(Signed) H. L. ANDERSON,
Secretary to Government.

MINUTE BY THE RIGHT HONORABLE THE PRESIDENT.

GOVERNMENT HOUSE, MAY 4TH 1855.

The Honorable Court in its Despatch No. 8 of 1854, dated August 23rd, calls the attention of this Government to the working of the present system of administration as regards the Revenue, the Magisterial and the Police authorities.

2. The important subject of this Despatch elicited the immediate consideration of this Government, and reports were instantly called for from the Sudr Court, and from the Revenue Board, and the Government of Bombay was also requested to furnish full information on the alteration which had lately been adopted in the Police force of that Presidency.

3. The opinions of the Sudr and of the Board of Revenue have been long since received, but the answer from the Government of Bombay reached me only two days ago.

4. I deemed it advisable to postpone any proceedings on this Despatch, until I should be in possession of the required information from Bombay, as it appeared to be most important to have the views of that Government from knowledge gained by actual experience, before attempting to propose any alterations in the system of Police at present in operation at Madras.

5. The Honorable Court in the first place points out the difference which exists, between the administrative system of this Presidency, and those of Bengal and Bombay, and expresses a desire that this Government should institute such an investigation, as may appear most advisable, for the purpose of ascertaining, how far this system which is peculiar to Madras, has worked satisfactorily for the public interests.

6. The peculiarity thus pointed out, is this, that, whereas in Bengal and Bombay, the local Revenue authorities are under the superintendence of Commissioners, and that the local Police authorities are under the supervision in Bengal of the same Commissioners, and in Bombay of the Sudr Judges; on the other hand, in Madras, the local Revenue authorities are directly under the Board of Revenue; the Magisterial and Police authorities, under the general direction of the Sudr.

7. In short that in the two former Presidencies, the district Officers are supervised by authorities stationed in larger local circles, in the latter the supervision takes effect directly from the chief departments at the Presidency.

8. The Despatch points out, that this inquiry was to be conducted in a two-fold respect, first, with regard to the faithfulness, the diligence and the efficiency of the local administration, and secondly, with regard to the means possessed by the authorities at the seat of Government, for obtaining accurate knowledge of the details of that administration and to the competency of the said authorities, thus situated, for its direction and control.

9. The subjects thus comprehended in this inquiry have reference to some of the most important points in the administrative powers of the Government and require the most careful consideration.

10. It happens, I think, that the proposition has come to this Government at an auspicious time, inasmuch as a great deal of information upon questions which bear upon these subjects now under review have lately and, as it were, in an independent manner, been brought to the notice of Government.

11. Amongst these I may mention—

Papers on The General Revenue Survey.

„ „ The temporary reduction of Assessment.

„ „ The question of Torture.

„ „ The Village Police authorities in several Districts.

„ „ On the introduction of an improved method of keeping accounts.

12. I propose to review the position of the three branches of administration, *viz.* Revenue, Magisterial and Police, in such a manner as that the investigation on each shall have reference to the parts into which it has been divided by the Honorable Court.

13. The subject which I shall now proceed to consider is that of Revenue, and first as regards the faithfulness, the diligence and the efficiency of the local administration.

14. It is gratifying to me to be able to state at once, that the impression which I have received, is, that speaking generally, the faithfulness and diligence of the Collectors in this Presidency cannot be surpassed. There will of course be differences in the latter of those respects, according to the varied powers and energies of the several Officers, but I believe that negligence in the performance of duties is now rarely to be met with.

15. Most of the junior Covenanted Servants also manifest proofs of industry and ability.

16. But with respect to the efficiency of the administration, it is not possible, I think, to speak favorably.

17. Considering the circumstances under which it is conducted, it is not to be expected that any great degree of efficiency should be attained.

18. This may chiefly be accounted for by these facts—

1. The number of European Officers in each district is insufficient.

2. The accounts of each district are kept in the Mahratta language, but a small class of Natives are acquainted with it, and thus the European Officer's choice of the superior Native servants is restricted to this small class, who thus possess a monopoly, which they exert every means to preserve.

3. The method of keeping the accounts is also very involved, complicated, and tedious.

19. Directions have already been given for remedying the evils, which were caused by the two last mentioned circumstances.

20. The first requires immediate attention.

21. During my residence in this Presidency the number of Covenanted Servants has been inadequate, not only for the efficient performance of the duties, but even for filling up all the vacancies which have occurred, and demands for Assistants are daily received from Collectors, which cannot be responded to favorably.

22. A remedy is absolutely required, and it appears to me that one measure which has lately been under consideration of Government, and on which an able report from the Board of Revenue accompanies these papers, should be adopted, which is, to resort to the aid of Uncovenanted Assistants.

23. The course proposed by the Board of Revenue in their report has my full concurrence and sanction, and I have no doubt that its adoption will be productive of the most beneficial results.

24. It appears to me that by additional Assistants, and by a proper division of the talooks, each being placed under the charge of an efficient Officer, the Collectors might be well able to conduct the affairs of even the largest districts.

25. The Board of Revenue in their report on the Honorable Court's Despatch propose the diminution of some of the Collectorates, but I should be more disposed to recommend the retention of these in their integrity. I would however at the same time strongly advise that larger salaries should be given to the more important Collectorates, and a stronger force of Assistants attached in proportion to the extent of the district.

26. With respect to the second point for inquiry, I am of the same opinion as the Board that Commissioners are unnecessary, and that their existence would only accumulate papers and impede business.

27. The delays which occur even at present, are most hostile to a sound and expeditious transaction of public affairs, and every exertion is necessary to promote a more rapid communication between the several Departments.

28. I fully concur with the view of the Board, that the Collectors attain their appointments, at an age when they have or ought to have gained a complete knowledge of their duties, and this is generally the case.

29. I think however that it might be advantageous if the Board of Revenue were strengthened by an additional member, which would enable Government to depute any one of them from time to time without inconvenience to inspect different parts of the Presidency.

30. This addition is more particularly required, if one member of the Board should be continued as the Commissioner of the Northern Circars.

31. I am of opinion, that if thus strengthened, and if the Collectors have at the same time sufficient assistance given to them, the authorities at the Presidency would have no difficulty in procuring accurate knowledge on Revenue subjects or in directing and controlling the administration of this department.

32. Next with regard to the performance of the Magisterial duties, and in referring to them it should be understood, that I now restrict my remarks entirely to the judicial portion of those duties.

33. I have no doubt that the Collectors and their European subordinates display equal faithfulness and diligence in endeavouring to execute these functions, as they do in those which regard the revenue, but their energies are overtaxed by the last named department, and it is therefore simply impossible, that the duties of Magistrate can be efficiently performed; as in the Revenue Department, so in this, additional assistance is required, which might be given by means of Uncovenanted Assistants.

34. My own view is, that a certain number of officers should be apportioned to each district in proportion to its area and population, whose time should be given up solely, as a general rule, to the judicial duties of the Magistrate, and who should have divisions of country allotted, say one talook or more or less, as might appear necessary, in which they should be directed to visit certain towns or localities best fitted for the purpose, a certain number of times in each month.

35. It is one of the most important duties of Government to bring the means of redress, and the distribution of justice as near to any man's door as is possible, and I know no method so likely to insure these desiderata to some extent as the above.

36. At present I am induced to think, and I think the evidence taken on the Torture Commission strengthens the impression, that the generality of the people of this country are unable to get redress, partly from the fault of the existing system, but more especially from the utter impossibility that the officers can find time to meet the demands of business.

37. It is observed by the Judges of the Sudr and by the Board of Revenue, that the Honorable Court were under a wrong impression, judging by the tenor of their Despatch, in supposing that there now exists no supervision over the proceedings of the Magistrates.

38. It would appear that the Sessions Judge possesses precisely the same powers in this respect, as those which were formerly exercised by the Judges of the Courts of Circuit.

39. I fully concur with the opinion of the Sudr, that this supervision as it is exercised at present—taking into consideration the respective positions of the Collector and of the Sessions Judge—is inexpedient.

40. The Judge should of course have full authority to call for the proceedings of the Magistrate in any particular case whenever he may require them, but the supervision of the proceedings of the Magistrate should be deputed to some higher authority if it be deemed necessary that there should be a general inspection regularly carried on.

41. I do not enter more fully into this subject, because it is supposed that changes are in contemplation in the constitution of the higher Courts of Judicature throughout India, which would probably render any suggestions nugatory.

42. The 3rd and last subject for inquiry is that of the Police as a detective and preventive force.

43. It is not in my power to assert—that my information leads me to suppose—that the Agents of Police, whether Tahsildars, Sub-officers or Peons can be declared as a body to be faithful, diligent and efficient.

44. At the same time, I am disposed to think, that many of these officers are zealous in their desires and exertions and support their superiors, though at times they may in the performance of their duties resort to measures which are not justifiable.

45. I have also good reasons for attributing the laxity which may be evinced to an accumulation of offices on individuals, and to insufficient emoluments.

46. Whether the Police of this Presidency can be positively asserted to be inefficient is a point on which I am not prepared to give an opinion.

47. There are facts which may have a tendency to lead to this conclusion, but by no means prove it.

48. One is the very small proportion of prisoners in the jails as compared with Bengal and the N. W. Provinces and Bombay.

49. Again the frequent complaints which are made of the prevalence of gang robberies, concerning which I enclose a pamphlet on the subject addressed to myself.

50. But the information which Government possesses on this subject is altogether insufficient for forming any opinion, and I have no hesitation in stating my opinion that a material alteration is requisite in the formation and arrangement of the Police Corps, before Government can obtain that accurate knowledge, which it should possess in order to enable it efficiently to protect person and property and to prevent and detect crime.

51. The system which has been adopted in Bombay appears to be working well, and I should think might easily be adopted in this Presidency.

52. The plan of leaving the village Police entirely under the local authorities and ultimately under the Collector is judicious, and almost necessary under the peculiar circumstances of Society in India.

53. I am not aware, neither do I gather from the report of that Government whether a regular Corps has been formed, or whether the change has been restricted to the appointment of a Superintendent in each district, the subordinates and peons in the district being retained in the service solely for police duties.

54. My own opinion is that eventually, though it might be advisable to introduce the plan gradually, a Police Corps should be formed for the whole Presidency, officered by Europeans, so far as to enable the chief Officer to reside principally at Madras, and to allow of one subordinate at least to be resident in each district. There would of course be subordinate Native Officers also.

55. A portion of this Corps should be mounted, and the whole force would be distributed throughout the Presidency in such manner, as should appear best to the Government.

56. The men should be armed, and good pay given to them, so as to make it an object to be received into the Corps. The strictest discipline should be enforced, and a liberal system of rewards, for zeal, activity and sagacity be adopted.

57. The Officer at the head of the police in each district would of course be under the orders of the Collector, but it would be his special duty to carry out the general rules of discipline, and he would report on these points, and also forward every kind of police information to the Commandant at Head Quarters.

58. Thus Government would be constantly supplied with information, which it always requires, and should have; and every means would be given to facilitate the activity of the police duties throughout the country.

59. With respect to the number which this Corps should contain, it is difficult at present to state anything very precisely.

60. From a Return which has been furnished me, and which I believe is pretty correct, I find that the present police force, Officers and men, independent of those attached to villages

Monthly cost.

numbers.....13,111 69,556

in addition to those who perform other duties as well as Police. 4,525 14,926

independent of the Police of Madras.

61. This force, if properly disciplined, should be almost more than sufficient for the Presidency in addition to the village Police, whose co-operation should be enforced.

62. The same Corps should furnish the Police for the Military Cantonments.

63. By habituating both Officers and men to different kinds of duty, and by requiring frequent changes to different parts of the country, a degree of efficiency would be obtained which would insure that success in the result which Government should desire.

64. The Corps could only be formed and disciplined gradually, but the Officers could not be appointed at too early a date.

65. I have circulated with the papers more particularly belonging to this subject the report by Mr. Walter Elliot on the village institutions of the Northern Circars containing a proposal of remodelling them.

66. I have not thought it necessary to add to anything to what I had previously remarked on them, because it appears to me that any plan of the sort must be modified very much by the course which Government shall take on this general question.

67. The progress of civilization in every country has always involved the inclusion of a larger area and more important duties within the scope of individual functions, while the smaller officers either merge altogether in the larger, or become merely nominal; and with the probability of this course before us, I think it would be hardly advisable for the Government to endeavour to put fresh vigour into a system which in all probability is doomed in no lengthened period to fade away.

68. The Honorable Court at the termination of their Despatch very properly call the attention of this Government to the question of expense as regards any propositions which it may deem it advisable to make.

69. This is undoubtedly a matter for anxious consideration. The additional assistance which is now being called for in every department, the institution of two new Departments, *viz.* of Education and of Public Works, will all be serious burdens on the Revenue of the Presidency, and the changes now proposed in this Minute must swell the amount.

70. But I have proposed nothing which I do not believe to be absolutely necessary for obtaining a very moderate degree of precision, rapidity and efficiency in the administration of public affairs, and I believe that any fair amount of expenditure which will obtain these is not only well bestowed, but will be found eventually to be remunerative.

71. The revenue of the Presidency can I think meet its annual departmental expenditure, including that of the portion of its Army employed beyond its limits which forms a large item; but it cannot find the funds required for new works which should properly be considered as capital realized, and for which the annual revenue should be required to find only sufficient to meet the interest and to form a sinking fund for ultimate repayment of the whole if borrowed.

72. I have stated above that the cost of the present police so far as it can be ascertained amounts to about Rupees 80,000 per mensem.

73. A thoroughly efficient force would, I have no doubt, with European Officers, and with a portion, say a third mounted, cost more; but I have little doubt that it would in a short time do away with the necessity of troops for any civil purposes, whilst the expenses would be comparatively insignificant, the work performed being taken into the calculation.

74. It will be observed, that the result of the changes and additions now proposed would be to diminish to a large extent the labors of the Collector in details. I think it is absolutely necessary that an exertion should be made to attain this object—he should be the supervisor of all the separate departments in his district—and his time might be fully occupied in performing these duties; the Revenue, the Magisterial, the Educational, the Police, the Public Works, do all in one way or another require attention from him.

75. In making changes in the administration of affairs of this Presidency it is possible to adopt another course, which would in some respects have advantages, but which I am of opinion could not be recommended under present circumstances.

76. It is to require merely the performance of its special duties from each department—each being directed by the head office at the Presidency.

77. In this case the Collector would descend into nothing more than a tax-gatherer.

78. I am convinced, that the people of this country are not ripe for any such change. Without any superior men of their own, to whom they can look for advice or assistance they depend upon the Chief European Officer in their neighbourhood for the aid which they would otherwise be without, and which he is generally able to afford.

79. This gives him an influence which it is most desirable to retain and which helps to attach the people to the Government. And this will still further increase by so much the more as they find, that the efforts of these officers are exerted for their benefit, while they are not brought so constantly in contact with him in disagreeable details of the payment of taxes.

(Signed) HARRIS.

MINUTE BY THE HONORABLE SIR H. C. MONTGOMERY, BART.

1. The Honorable Court in the remarks contained in their Despatch No. 8. of 1854 appear to have misunderstood the condition of the Revenue Officers of this Presidency charged with Police and Magisterial functions, and are under the impression that all local control over their proceedings in these Departments ceased with the abolition of the Circuit Courts. The report of the Foujdary Udalt of the 22d November last explains that the control formerly exercised over the Magistracy by the Courts of Circuit has been transferred to the Session Judge resident within each Zillah. The objections to the present system are fully stated in the report of the Foujdary Court above referred to, but as there does exist an independent local authority intermediate between the Magistracy and the superior Court at the Presidency, through whom periodical reports of the Police and the proceedings of the Magistracy are made, it does not seem necessary to do more than to bring this fact to the Honorable Court's notice.

2. There is not however similar local control over Collectors in their capacity of Revenue officers, and it is to ascertain whether such is required that the opinion of this Government is called for. In Bengal and the North West Provinces, where Revenue Commissioners are employed, there are also controlling Boards at the seats of Government, and at Bombay, where there has not hitherto been a Board of Revenue, it is understood a proposition has lately been made to establish one in supercession of the present system of local control by Revenue Commissioners. It may be presumed therefore that it is not in the contemplation of the Honorable Court to make the abolition of the Board of Revenue at this Presidency a part of any plan of improvement that it might be found advisable to introduce, and I firmly believe it would be highly inexpedient and very detrimental to the interests of Government to adopt such a course and so do away with the advantage and power of securing uniformity of system and control throughout the Provinces.

3. Neither do I believe the creation of an intermediate authority between the Board and the Collector, as in Bengal and the North West Provinces, likely to be attended with advantages commensurate with the greatly increased expense such officer with establishments would entail. The Board of Revenue in their report calculate such extra expense at 200,000 Rs. per annum. I believe that such an office would be found to retard and augment business rather than to expedite and decrease it, also to interfere with the authority and usefulness of the local officer, who requires support in the execution of his duties and augmentation rather than diminution of the importance of his office. The Collector in the Madras Presidency approximates nearer to the Commissioner than to the Collector in the N. W. Provinces. As explained by the Board of Revenue the Madras Collectorates are sometimes three times the area of those in the N. W. Provinces and it would, I believe, be an improvement somewhat still more to assimilate the position of the Collectors to that of the N. W. Provinces Commissioners, by making them more controlling and appellate authorities from their European Subordinates than their present position admits. To effect such a change Collectors must be relieved of much of the detail by which they are now pressed down; they must have more assistance and such as will be efficient. At the present moment, the state of the Covenanted Service, as the Right Honorable the President

remarks, will not admit of supplying the ordinary offices of the State. The pressure may probably be only temporary in consequence of an unusual number of gentlemen being absent, for I observe out of 180 Civil servants 40, exclusive of young men under probation, are, from absence in England and elsewhere, and other causes, not at present available for duty.

4. As therefore it is not in the power of the Government, to supply Collectors with more Assistants from the Covenanted Service competent and empowered to conduct ordinary Revenue

2 Out of employ.
1 In Egypt.
1 At Cape.
2 On Hills.
2 About to proceed to England.
32 In England.
40

details, other measures must be had recourse to. Of the two measures recommended by the Board the first appears at once partly attainable *viz.*, to augment the charges ordinarily assigned to the Sub-Collectors and Head Assistants. In most Districts this may be done with good effect and the Board should be directed to call upon the Collectors to augment the separate charges of these officers whenever practicable, reporting what they may do in the matter immediately. The next is the creation of Uncovenanted Assistants to be selected by the Government from all classes, so that each Collector should have three competent officers of this description for permanent service; and under existing circumstances this appears the best course for the Government to adopt.

5. I am not satisfied that in all Districts, Vizagapatam for instance, where there is little revenue independent of that collected from large Zemindars, and where the complement of Covenanted Assistants as maintained is ample, and Madras, where the Collector's duties though important and requiring experience, are not onerous, further Uncovenanted assistance is required. But I would make an early application to the Government of India for the entertainment of so many within 60, of such officers on the allowances proposed by the Board as this Government might find it advisable to appoint.

6. Except in one case I should with the Right Honorable the President deprecate the diminution in size or rather the division of Collectorates. Bellary and Cuddapah to which the Board specially point though extensive are not more than the Collectors of each can control when relieved of some detail and aided by efficient subordinates; a 2nd Sub-Collector in each District, where the service is more complete in numbers, available for duty, would be to my mind a preferable mode of adding to the efficiency of the European Agency.

7. The exception I make above is Canara; for part of this District, which is 300 miles in length, must always be beyond the reach of the Collector. It already forms two Zillahs and has full Sessions Courts at Mangalore and Honore, and the distance of the Sub-Collector's station from the Collector's Treasury and Head Quarters has on several occasions prevented the former officer, though the senior, taking charge of the District during the Collector's temporary absence. It seems on this and other accounts advisable to revert to the arrangement formerly in force, whereby the Northern division of Canara formed a separate Collectorate.

8. I am unable to concur in the Board's proposition for the prospective abolition of the Office of Head Sheristadar or the immediate discontinuance of that of Deputy Sheristadar. There must be in every Collector's office a responsible officer of experience at the head of the Native Account Department controlling the whole Native establishment, whom the Collector can consult and look to for advice. This Office is the object of ambition to all Native Revenue servants, and is generally conferred on men of more than ordinary ability, of high character, long service and experience; to abolish it would take away from the subordinate Revenue servants a great incentive to exertion and good conduct. Great as may be the advantage to be obtained by employing Uncovenanted Assistants, it would, I believe, be too dearly purchased at the cost of the proposed abolition of the Sheristadars, the only offices of distinction to which Natives of the provinces of a particular class can aspire. It should be borne in mind that from sickness and other causes the tenure of office by a Collector is frequently of short duration and it is obviously expedient that the frequent changes that unavoidably occur in the head of the European agency should be rendered as innocuous as possible by the maintenance in the district of a Native officer fully acquainted with its condition, its history and inhabitants, and responsible in some degree for past management.

9. The further measures proposed and approved by His Lordship for the Revenue administration are the increase of allowances attached to some of the larger Collectorates and the strengthening the Board of Revenue so that one of its members may periodically and in turn visit the provinces. Both these measures have my cordial concurrence. The occasional personal examination of the state of a district by a member of the controlling Board is beneficial to the Board as well as to the Collector and his subordinates. The former gain practical experience and the latter are stimulated to increased vigilance.

10. To these measures of improvement should be added the placing of the office of Tahsildar or Amildar on a more respectable footing. At present the salary of this important officer is insufficient for his ordinary expenses. To be efficient, he must keep conveyances; and it is notorious that the paltry salary of the office rarely above 100 Rupees a month, and generally less, is inadequate

quate to meet these expenses and the decent support of a moderate family. I am persuaded, if the integrity of the Collector of a Talook is to be expected, the amelioration of his circumstances must be effected.

11. I have not been able from the information before Government to come to any conclusion as to the working of the system of Police which has been recently introduced in the Bombay Presidency, nor do I thoroughly understand the position of the officers there maintained under the Collector and Magistrate as Superintendents of the Police force.

12. I have always been of opinion that it would be advisable to remove the supervision of the Police functions exercised by the Magistrates from the Foujdarry Udalut to the Government direct, or to a separate Officer in immediate communication with the Government. The control of the Police is incompatible with the Judicial duties of the Foujdarry Udalut, and it would be more efficiently executed by a separate agency in communication with Government than it can be by a Court having other onerous Judicial duties to perform. It is very necessary that the Government should be better informed of the operations of the Police than it now is or can be while the control remains as it is.

13. I am not inclined to the belief that our Provincial Police is so inefficient as it is the fashion to assert it to be. I believe it possesses the elements of great efficiency, but we have allowed in many parts of the country the old village system to fall into decay and the emoluments of office of the village servants to become so diminished that their services cannot be exclusively devoted to their duties.

14. The payment of the inferior village Police servants has lately been regulated in some districts and this measure of improvement is being extended as each District comes under review.

15. The renovation of the village Police appears to me to be the first step towards insuring increased efficiency. Another is the augmentation of the district stipendiary Police establishments, which throughout the country are admitted to be not strong enough for the duties required. These must be augmented, so that the range of observation assigned for each station, may be considerably diminished; at present, several villages, comprising an area of many miles, are generally left to the supervision of a single peon.

16. Whatever will give increased strength to the Magistrate in the exercise of his Police functions is highly desirable, and I therefore look upon the proposed measure of attaching to him separate European Officers, whose special duties it shall be under his control, to organize and manage an establishment to be employed exclusively in Police duties, to trace and follow up offenders and to be frequently visiting the different parts of the District assigned to them, as well calculated to promote the objects in view.

17. In some districts I believe two such officers will be requisite, and if active and zealous in the performance of their duties and aided by sufficient force, I should expect much good to follow from their employment in the suppression of crime and in the breaking up of bands of marauders with which at times some parts of the country are infested.

18. But it is not so much the detection and apprehension of offenders that will produce benefit as the greater certainty of their conviction after apprehension. I believe ordinarily the Police do find out the real offenders, but the difficulty of obtaining evidence that satisfies the Judicial tribunals is so great, that conviction is rarely secured; and the probability of the release of criminals by some of the several Courts by whom they are in succession tried is so great, that persons fear to incur their vengeance by giving evidence against them or by co-operating for their punishment.

19. The Police in fact is often enfeebled and rendered ineffective in its operations by the fastidiousness of the Courts, and the requirements of evidence which the state of society in this country does not admit of procuring. Until some remedy is found for this evil the utmost exertions of the best Police will be unavailing in the prevention of crime.

20. It was found necessary in Bengal for the suppression of dacoity to alter the law, and a more summary process against dacoits was sanctioned by Act XXIV of 1843, which has had good effect. The application of this enactment to this Presidency has, I believe been contemplated but has not been carried out, because the crime of gang robbery had not yet attained that magnitude in these territories which was considered to justify its introduction in Bengal. Whether the protection of the people against this worst class of offenders now demands a more summary

course of procedure than the existing practice recognizes seems to me a matter for grave consideration.

21. I have to express my entire concurrence in the views recorded by the Right Honorable the President in the concluding paragraphs of his Minute, as I am satisfied that it is right policy to maintain in its integrity the influence of the Collectors, the agents and representatives of the Government in their districts.

22. It is gratifying to observe the favorable opinion which the Right Honorable the present Governor has formed of the general character of the Covenanted Revenue agency of Madras. As a member of the service from which this agency is selected, it would not be becoming in me to say more than that, satisfactory as is His Lordship's testimony on this point, I believe he does no more than justice to the Officers concerned, in pronouncing them to be diligently and faithfully performing very onerous, responsible and important duties.

(Signed) H. C. MONTGOMERY.

2nd June 1855.

JUDICIAL DEPARTMENT.

No. 579 A.

Extract from the Minutes of Consultation, dated 14th August 1855.

Read the following papers.

<i>Despatch from the Honorable the Court of Directors in the Judicial Department.</i>	} Here enter 23rd August 1854, No. 8.
<i>Extract Minutes of Consultation.</i>	" 20th October 1854, No. 763.
<i>Letter to the Government of Bombay.</i>	" 20th " " No. 764.
" <i>from Foujdaree Adawlut.</i>	" 22nd November " No. 108.
" <i>Board of Revenue.</i>	" 25th January 1855, No. 237.
" <i>Secretary to the Government of Bombay.</i>	" 18th April 1855, No. 1531.
<i>Selections from the Records of the Bombay Government in the Police branch of the Judicial Department.</i>	" No. 1 of 1853.
<i>Despatch from the Honorable the Court of Directors in the Revenue Department.</i>	" 6th December 1854, No. 24.*
<i>Minute by the Right Honorable the President.</i>	" 4th May 1855.
<i>Minute by the Honorable Sir H. C. Montgomery Bart.</i>	" 2nd June " "

Ordered that the following letter be despatched.

JUDICIAL DEPARTMENT.

No. 579 B.

TO THE SECRETARY TO THE GOVERNMENT OF INDIA.

SIR,

Under date the 28th September 1854, the Madras Government received a Despatch from the Honorable the Court of Directors bearing date 23rd August comparing the systems in force in the Bengal and Bombay Presidencies for the superintendence of the local administration, with that which obtains in this Presidency.

2. In Bengal, the Honorable Court stated the Collectors and Magistrates of several adjacent Districts (generally five or six) were placed under the regular control of a Commissioner who is responsible for the Revenue and Police administration within the range of his authority. Changes had been occasionally made in the details of this control, but the principle of subjecting the local Officers to such superintendence, was an essential part of the scheme of administration in that Presidency. Occasional tours of inspection were also made by the superior authorities as circumstances might render necessary.

* NOTE.—The Despatch from the Honorable the Court of Directors in the Revenue Department dated 6th December 1854, No. 24 is not printed, as it merely contains the orders of the Court of Directors against continuing the office of Commissioner for the Northern Circars on its becoming vacant by the elevation of Mr. Walter Elliot to a seat in Council.

3. Under the Bombay Presidency again "the Police system both Village and Stipendiary, was at present in a course of revision and reform. In each District a Superintendent of Police had been appointed, who was subordinate to the Magistrate, but was vested with the immediate direction and control of the establishment. The several Collectors (also being Magistrates) were under the control of two Revenue Commissioners, one for the Northern, the other for the Southern division. Circuits were formerly made by Judges of the Sudder Udalt for the purpose of enquiring into the Police and Judicial administration of each District, and it was under consideration, by what agency it might be most advisable that this duty should be performed for the future."

4. In the Madras Presidency on the other hand the Police was immediately under the direction of the Collector who was also Magistrate and since the abolition of the Provincial Courts of Appeal and Circuit, no local superintendence had been exercised over the Officers entrusted with the administration of justice and police in the several districts. Except in the case of a deputation for some temporary purpose, under Act X of 1849, no such superintendence had of late years, it was believed by the Court, been exercised over Collectors and Magistrates, whereas the principle of supervision of superior authority was maintained, although imperfectly during the continuance of the office of Principal Collector, with two or sometimes three Subordinate District Collectors acting under his authority. The control over the local administration was now exclusively in the hands of the Government itself, or of the Sudder Udalt, the Board of Revenue, or the Head of some Department, all stationed at the Presidency.

5. The Honorable Court desired that the Government would institute "such an investigation as they might judge most advisable, for the purpose of ascertaining how far this system (i. e. that of vesting all control over the local administration in the hands of Government, or department stationed at the Presidency) which was peculiar to the Madras Presidency, had worked satisfactorily for the public interests. The inquiry had, they stated, to be conducted under a two-fold aspect; first with regard to the faithfulness, the diligence and the efficiency of the local administration; and secondly, with regard to the means possessed by the authorities at the seat of Government, for obtaining accurate knowledge of the details of that administration, and to the competency of the said authorities, thus situated, for its direction and control."

6. The Court next noticed the experiment now being tried at Bombay, of placing the Police Establishment of each District under the immediate direction and control of a Superintendent of Police; they wished this Government to consider, "whether a similar arrangement might not be advantageously introduced into this Presidency, and suggested that it might be well to refer to the Bombay Government for information on the subject."

7. Lastly, the Court adverted to one important consideration, that of causing no unnecessary expense, and none in any case that would not bring with it an adequate advantage—they desired that the result of the investigation should be submitted to the Governor General of India in Council and application made to him to sanction any modification of establishments that might seem desirable, and that the proceedings on the subject should be fully reported to them for their information and further direction.

8. On receipt of this Despatch, immediate* reference was made by the Government, to the Court of Foujdaree Udalt and Board of Revenue for their early opinion upon the operation of the existing system of control over the local administration in the several Departments of Police and Revenue, regarded under both the points of view adverted to by the Honorable Court and upon the reforms of which it was susceptible.

9. The Foujdaree were also desired specially to report "upon the expediency of adopting in the districts under this Presidency, the system which had been experimentally introduced into the Bombay Provinces, of placing the Police establishment under the immediate direction and control of a Superintendent of Police, subordinate to the Magistrate." A general description of this system they were informed was to be found in para. 32, and the remaining paras. of a memoir of the Police reform of the Presidency of Bombay appended to No. 1 of 1853 of the Selections from the Records of that Government in the Police branch of the Judicial department.

10. Application was on the same date made to the Government of Bombay "for information as to the extent to which this system had hitherto been carried in that Presidency, the

* 20th October 1854.

success which had attended it, from what classes the Superintendents were taken, whether any of them were Covenanted Civil Officers, and what salaries were assigned to them."

11. The reply to this reference was received from the Court of Foujdaree' Udalut under date 22nd November, and from the Board of Revenue under date 25th January 1855, but the answer of the Bombay Government was not received until the 27th April last.

12. I am now desired to lay these papers, with the Minutes of the Members of the Madras Government thereon recorded before the Government of India, and to submit the following remarks upon them.

13. The observations of the Honorable Court of Directors in their Despatch above quoted refer to

The nature, extent, and sufficiency of the supervision exercised in the Madras Presidency over the local Officers

In the Revenue department,

In the Magisterial department,

and in regard to the latter department both in respect to the Judicial functions of the Magistrate, and to his executive duties, as head of the District Police.

14. On the first of the questions raised by the Honorable Court, *viz.* whether the means of supervising the local revenue officers under the Madras system are adequate to the purpose or whether it be advisable to introduce an intermediate controlling agency as the Commissioner in Bengal between the Revenue authorities at the Presidency, and the Collectors in the Provinces, this Government desire me to solicit attention to the letter from the Revenue Board under date 25th January last. In that communication the Board have gone fully into the subject and their arguments could not be abridged without weakening their force. In the conclusions at which they have arrived, this Government generally concur. They believe that the appointment of Revenue Commissioners or any similar agency holding an intermediate position between the Board and the Collectors is not required at this Presidency, that it would be productive of no advantage commensurate with the cost that it would involve, and would tend greatly to accumulate papers and delay business. It is pointed out by the Board that in regard to the extent of country and amount of revenue placed under their management, as well as in regard to their own experience and standing in the service, the Madras Collectors do in fact occupy a position approaching more nearly to that of Commissioner than of Collector under the other Presidencies. If the existing system of local revenue administration in Madras has not been in all respects fully efficient, its defects are ascribable not to the want of local supervising agency, but to the vast load of detail imposed on heads of districts, and the insufficiency of the subordinate agency at their command to aid in its performance. The remedy lies in relieving the Collector from such detail and affording him more leisure for the general supervision of the province under his care and for studying the means of its improvement by the employment, or it should rather be said, the introduction of the Uncovenanted Agency (*i. e.* the Deputy Collectors) so largely used in Bombay and the North Western Provinces; a scheme for that purpose proposed by the Board of Revenue in their letter of 22nd January last has been recently forwarded to the Government of India in the Revenue Department and this Government consider that its adoption will tend more than any other measure to improve the Revenue administration of this Presidency.

15. The Board of Revenue it will be remarked have adverted to the great size of the two Districts of Cuddapah and Bellary, and given it as their opinion that each of them might be with advantage divided into two Collectorates. The Government do not concur in this. If there be any of the Madras provinces which it would be desirable to divide it would in their view be that of Canara. Its great length, 300 miles, places some parts of it almost beyond the reach of one controlling Officer. It is now divided into two Judicial Zillahs, Mangalore and Honore, and was formerly parted into the two Collectorates of North and South Canara. The Government are inclined to think that this arrangement might be with advantage reverted to and have called upon the Board for a report upon the suggestion. With this possible exception the Government would not advise any change in the extent of the existing Collectorates. It would in their opinion be a preferable arrangement to provide for the despatch of business by enlarging the charges now held by Sub-Collectors and Head Assistants, giving those Officers the benefit of Uncovenanted agency under them, or by annexing as formerly additional Sub-Collectors to the larger districts.

16. At the same time the Government think it but reasonable that higher rates of salary should be attached to the more important Collectorates both as an adequate remuneration for the labor and responsibility involved in their management, and as affording means of promotion and holding out a stimulus to exertion to Revenue Officers. The Collectors of such districts as Canara (if kept undivided) Malabar, Cuddapah, Bellary, Tanjore and the two divisions of Arcot should not be paid a lower rate of salary than Rs. 34,000 per annum.

	Area Square miles.	Population as per census of 1850-51.	Revenue Fusly 1263 (1853-54.)
Canara.....	7,720	10,56,333	27,84,210
Malabar....	6,060	15,14,909	23,43,547
Tanjore.....	3,900	16,76,986	52,52,984
South Arcot..	7,610	10,06,005	25,21,726
North Arcot..	6,800	14,85,873	19,02,015
Cuddapah...	12,970	14,51,921	22,93,205
Bellary.....	13,056	12,29,599	22,67,479

17. A further most desirable reform would be to raise the salaries of the Talook Tahsildars. The charges held by these men vary in point of Revenue from one to three and even four lacs of Rs. Their highest rate of salary and that only in a few instances is Rs. 140 per mensem while some receive as little as 60 or 70. In the opinion of Government the minimum should be 100 Rs., and when the Talook is large or difficult of management the pay should be at least double that sum. A smaller salary will not enable these Officers to live in comfort and respectability nor be a sufficient inducement to them to keep from those corrupt practices to which their position peculiarly exposes them. To which it might be added that a lower scale of remuneration would not place the Native revenue and judicial Officers on a due footing of equality. The salaries of the District Moonsiffs who are of the same class as Tahsildars vary from 200 to 100 Rs. per mensem and an application has lately been made by the Court of Sudr Udalut for their being increased. In the N. W. Provinces the salaries of Tahsildars are from Rupees 125 to 250 and the pay of the Mamlutdars of Talookas in Bombay ranges from 100 to 200 Rs., though it is believed that in size and revenue the Talooks in the Bombay and Agra Presidencies fall much below the Madras Talooks.

18. In a late Despatch the Honorable the Court of Directors have called upon this Government to consider upon the propriety of abolishing the office of Commissioner in the Northern Circars, the Officer now filling that appointment being re-called to his place in the Board. Looking to the greatly augmented amount of business of late years and the probability that it will go on augmenting the Government think that the Board should be increased to four members, and that one member should always be held available for delegation into the Provinces on emergency arising for local inquiry. On the Board being thus increased the appointment of Commissioner for the Northern Circars might determine, and the Officer now on deputation there rejoin the Board, or if his presence in the Northern Circars were required for any further time, would remain there on the footing of a Member of the Board on deputation.

19. On this part of the subject then the Government are of opinion that additional means for supervising the local revenue administration are not required, and that what is urgently demanded for the improvement of the revenue system of management is to enhance the controlling power of the Collectors of districts by relieving them from details, to attach higher rates of remuneration to the management of the more important provinces; to augment the charges of their European Covenanted Subordinates, and in some cases to add to their number; to give Collectors the benefit of Uncovenanted agency as Deputy Collectors, and to better the position and emoluments of the Tahsildars of Talooks.

20. With regard next to the supervision exercised by the Judicial authorities over the proceedings of the Magistrates, it is shown by the Judges of the Foujdaree Udalut that the Honorable Court are in error in supposing that this has in any degree been weakened by the changes effected under Act VII 1843. The effect of those changes has been to transfer to the Sessions Judges the full powers of control over the Magistrates previously exercised by the Courts of Circuit. It is true, as remarked by the Foujdaree, that the working of the new system is attended with this inconvenience, that there is not a sufficiently well marked distinction in standing and position between the supervising authorities and those whose proceedings come under review, and that the former, the present Sessions Judges, are more exposed to local influences than the old Judges of Circuit. On the other hand it is to be remarked that another effect of the

i. e. from 4 Judges on Circuit to 20 Session Judges.

change has been greatly to increase the number of controlling functionaries, and to substitute a permanent controlling authority of local knowledge and experience, for that which before could only act occa-

sionally and at intervals and under circumstances, *viz.* the distraction and labors of a Circuit, not favorable to patient and careful inquiry.

21. The Government are not of opinion that further means of supervising the acts of Magistrates in their Judicial capacity are needed. They consider however that the Magisterial department itself like the Revenue is unequal to the amount of duty devolving upon it and requires strengthening. The report of the Commissioners for the investigation of the resort to torture by Police and Revenue servants shows, that from the paucity of the Covenanted agency and their devotion to other duties, the people of the country have not the means of making their grievances known or of securing adequate protection against oppression. In no district of the Presidency are there more than four Magistrates and Assistant Magistrates, one of them being frequently a Junior Civil Servant, of standing not sufficient to admit of his being invested with a separate charge, and all overloaded with Revenue and miscellaneous duties. The remedy here (besides the withdrawal of Police powers from Native revenue officials hereafter to be noticed) lies, as in the revenue branch, in relieving the Magistrate from petty details, and giving him more leisure for controlling the acts of his Native subordinates and in increasing his staff, Covenanted and Uncovenanted; the latter by the appointment of deputy Magistrates or by conferring the powers of deputy Magistrates on the deputy Collectors when necessary.

22. I have now to approach the third branch of the Honorable Court's inquiry *viz.*, as to the nature and sufficiency of the control exercised over the Local Police and whether the system lately introduced into the Bombay territories might with advantage be extended to this Presidency.

23. The nature of this system, which as the Government learn by the late reply to their reference, obtains in all the Bombay Regulation Provinces, is given in a Memo. on the Police reform of the Presidency of Bombay at the conclusion of No. 1 of the Selections from the Records of that Government in the Police branch of the Judicial Department. Extracts from this Memo. showing the general features of the scheme have been for convenience of reference thrown into an Appendix (A) and annexed to this letter. It may be shortly stated that the Collector and Magistrate is the Head of the Police of the district. The Stipendiary District Police, however, having been separated from the Revenue Officers, are placed directly under the command of a "Superintendent" usually a Military man, though in two instances they have been selected from the Uncovenanted service. The Superintendent is to act in subordination to the Magistrate, but though invested with Magisterial powers he is to exercise them only for punishing irregularities among the men of the Police. His duties are purely executive for the prevention and detection of crime, and in this his province he is to be interfered with as little as possible by the Magistrate who is to confine himself to judicial and administrative duties. With regard to the Stipendiary Police force it is stated the Magistrate and Superintendent hold the relative position of the Civil and Military powers, the former making requisitions on the latter for the services of the Police at such time and places as he deems fit, the Superintendent on his part being left a discretionary power in obeying these requisitions by supplying a larger or smaller force as his local knowledge and experience suggest, but being responsible to the Magistrate and to Government for any failure that a deviation from the Magistrate's requisition might entail. The *Village* Police on the other hand in common with the other village establishments are wholly under the control of the Collector and Magistrate although bound to obey any emergent orders addressed to them by the Superintendent in the execution of his duty.

24. The Madras Government have referred to that of Bombay for information as to the practical working of this system. They have been told in reply that it may be generally said to have worked well both for the prevention of crime and the detection of criminals. It may however be expected to work far better when the gradual re-organization of the Village Police has been completed, and when more efficient supervision of the Superintendents has been established. For the attainment of the latter object, application had been made to the Supreme Government for the appointment of a Magistrate of experience as Commissioner of Police, who would be able to visit each Zillah during the year and ascertain by personal examination the defects in the operation of the new system. There are sixteen Superintendents in all, *viz.* 12 Superintendents and 4 Assistants. Their allowances vary from Rs. 1,100 (in one case only)

* Note.—It is not explained whether these rates are inclusive or exclusive of Military pay and allowances when the employé is an Officer in the Army.

to Rs. 500* per mensem, the aggregate according to the revised scale settled for future adoption being Rs. 10,500 per mensem or 1,26,000.

per annum, besides deputation allowance when actually employed in the Districts of Rs. 5 per diem for those below and Rs. 10 for those above five years' service in the Police.

25. The state of the Police in the Districts under this Presidency must be admitted to be most unsatisfactory. The Judges of the Court of Fouzdaree Udalut have with truth remarked that "the evil most felt in the administration of

Letter dated 22nd November 1854, Para. 4, No. 108.

criminal justice, and which most loudly calls for a remedy is the want of an efficient preventive and detective Police." The materials for such a force, they add, "no doubt exist, which if sufficiently strengthened and placed under adequate supervision might be rendered all that is required; but its present organization is extremely defective, and the degree of supervision which the Magistrates are able to exercise over its proceedings is by no means adequate. The time of the Magistrates is principally devoted to their revenue duties, and those who take the most active interest in the superintendence of the Police are debarred by the other calls upon their attention from devoting to it that unremitting care and supervision which are essential to the prevention and detection of crime." Of the correctness of this representation there can be no question—nor can it be denied that the inability of the present Police establishments to cope with the prevailing amount of crime, or to ensure protection to person and property has latterly become more than ever marked and notorious. I am desired in proof of this to annex two*

* Dated 10th and 26th July 1855.

letters from a Collector of a District but a short distance from the Presidency—the Southern

Division of Arcot—describing the state of crime in his district and applying for additional means for its repression. These have been granted as a present palliative, but the evil is not to be dealt with by such temporary expedients, nor is it confined to any single Province.

The annexed table given in the margin exhibits the number of gang robberies in the several Districts in the Presidency for the past year 1854.

Districts.	With aggravating circumstances.	Without.	Total.
Bellary	110	295	405
Nellore.....	12	64	76
Chittoor.....	29	99	128
Chingleput.....	11	23	34
South Arcot.....	15	217	232
Salem.....	37	34	71
Combaconum.....	44	93	137
Trichinopoly.....	22	56	78
Tanjore.....	3	29	32
Madura.....	32	20	52
Tinnevely.....	30	54	84
Malabar.....	19	42	61
Canara.....	12	19	31
Ganjam Agent.....	11	22	33
Vizagapatam do.....	0	3	3
Kurnool do.....	25	2	27
Guntoor.....	1	1	2
Cuddapah.....	56	81	137
Ganjam.....	0	2	2
Vizagapatam.....	1	0	1
Rajahmundry.....	0	11	11
Masulipatam.....	11	76	87
Total.....	481	1,243	1,724

26. For the re-organization of the Stipendiary Police of this Presidency and putting it upon an efficient footing, two measures seem to this Government to be indispensable—first to separate Police from Revenue functions and to confine the district Police absolutely to police duties—and secondly to place the force thus set apart under close and undivided European superintendence. The first of these measures will not only tend to secure that efficiency which is not to be expected when the Officer is liable to be employed on different and sometimes conflicting duties, but will serve to obviate the oppression which the late enquiry before the Commissioners for the investigation of Torture has evinced to be incident to and favored by the concentration of fiscal and police powers in the same hands. The second will ensure that discipline in the force and that promptitude and vigor in its action which are indispensable to an efficient police administration.

27. Commencing then with the Native District Police Stipendiary Officers, Peons, Duffadars, &c., the Government propose that in every district those who are henceforth to be employed on Police duty be wholly separated from Native Revenue servants, that none be allowed to serve but such as are of suitable age and able bodied, that they be well armed and equipped, and instructed in the use of their weapons, its members being available for "general service" or for employment in any part of the Presidency. It will be proper to have gradations of rank both

for the due maintenance of discipline and to afford means of promoting the deserving. It will also be found necessary to have a part of the force mounted.

28. The management of this force becomes the next consideration, and here this Government would advocate recourse to the plan obtaining in the Bombay Presidency and suggested for their consideration by the Honorable Court. It will be seen that this is recommended by the Magistrate of South Arcot, who urges its adoption in his district as the most efficient means for the repression of crime there. It is also highly approved by the Judges of the Court of Fouzdaree Udalut. The separation of the judicial duties of the Magistrate from those which relate to the prevention and detection of crime appears, they say, an excellent arrangement. "It moreover is most desirable to have an Officer, who may be available on an emergency to trace out serious crime on the scene of its occurrence, and in whose proceedings full confidence may be placed. This duty at present devolves on Native functionaries whose proceedings are ordinarily very ineffective and command no confidence, so that the judicial authorities have constantly to be on their guard against the machinations of the Police, by whom confessions are extorted and evidence concocted to save themselves from the stigma and consequences of failure in the detection of crime.

29. In these views the Government quite concur. They would therefore propose that, as in Bombay, a Superintendent of Police be appointed to each District, to be in general subordination to the Magistrate, but to have immediate charge of the District Police Force, and to be vested with the special duty of the prevention or, detection of crime. In some of the largest districts it may be necessary to have two Superintendents, but for the present the Government limit their calculations to one.

30. The success of the whole scheme, as experience has shewn at Bombay, will however largely depend upon its being efficiently supervised by some central controlling authority. For this purpose the Government would most strongly advocate the appointment of a Commissioner of Police for the whole Presidency. His chief station should be at Madras, the Police force of which, as that in the Mofussil, should be under his surveillance, but he would make occasional tours in the Provinces and ascertain by personal inspection the defects in the working of the system. He would be the referee and adviser of Government in all matters of Police, and the channel through which all reports and returns on Police are made to them; occupying in fact much the same relation to the Police Department as the Director of Public Instruction to that of education, or the Inspector of Prisons to that of Jail discipline. At present the Police of the country is nominally under control of the Fouzdaree Udalut, whose constitution is by no means peculiarly fitted for the trust, and who are too much occupied with other duties to give it much of their attention. The appointment of the Commissioner should, the Government think, be, the very first step towards the organization of the new system. The Superintendents would be nominated gradually as fit men could be found and arrangements made.

31. The Village Police in Madras as in the Bombay territories would for the present at least continue under the control of the Collector and Magistrate. The Government are however by no means certain that eventually it might not be found practicable as well as advisable to extend to the village establishments the separation of Police and Revenue functions which is at once to be carried out in regard to the Talook authorities. The village watcher, Taliar, Cavilcar, or whatever else might be his local designation, would then be directly under the orders of the Superintendent of Police. But this with other matters of detail will be the subject of consideration as the organization of the system proceeds.

32. It will now be proper to advert to the probable expence that will attend the adoption of the measures now advocated or at least such of them as admit of approximate calculation. The estimated charge for the Uncovenanted Assistants applied for in the letter from this Office in the Revenue Department of the 13th instant is Rupees (3,45,600) three lacs, forty-five thousand and six hundred. For the additions in the Police Department, the Commissioner of Police should, the Government think, have a salary not less than Rupees 2,500 a month, or Rupees 30,000 per annum besides travelling allowance. For Superintendents the Government would propose two classes, 12 at 600 and 8 at 800 per mensem, consolidated pay, besides travelling allowance at 5 Rupees per diem, the higher rates of pay being attached to the important districts noted in the margin. The Govern-

Canara.
Malabar.
Madura.
Tanjore.
S. Arcot.
N. Arcot.
Cuddapah.
Bellary.

12 × 600 × 12 = 86,400
8 × 800 × 12 = 76,800
2,500 × 12 = 30,000

1,93,200

Travelling allowance for Superintendents say for 150 days in the year at 5 Rs. a day.
150 × 5 × 20 = 15,000

For Commissioner at 10 Rupees.
150 × 10 = 1,500

2,09,700

34,000

28,000

6,000

7

42,000

ment would desire to have two rates, both because it is just in the abstract to annex larger rates of remuneration to the more arduous charges, and because they would thus be enabled to hold out prospects of promotion to meritorious officers and give an incentive to exertion. The expense of Commissioner and Superintendents would thus be (see margin) Rs. 1,93,200 or, say, including travelling allowances and contingencies, in round numbers two lacs and twenty thousand Rupees. The Commissioner must have an establishment of his own. Those for the Superintendents might perhaps as in Bombay be drafted from the present district establishments.

33. The expence of raising the salaries of the Collector of the Districts noted in para. 16 from 28,000 to Rupees 34,000 per annum would be 42,000 Rupees.

34. The charge of adding another Member to the Board at say Rupees 3,000 per mensem would be 3,000 × 12 = 36,000 Rupees per annum.

35. The cost of providing additional Sub-Collectors for the larger Districts and increasing the salaries of the Tahsildars generally, cannot be now stated; but, should the principle be approved, a detailed scheme will be submitted for sanction.

36. With regard to the expense to be involved in the improvement of the Stipendiary Police Force, Duffadars, Peons, &c., the Government find from a return received from the several Districts that, excluding Madras, the number of servants who now perform, or on the separation of police and revenue functions would have to perform, solely police duties is 17,636 at a monthly charge of Rupees 84,482. This is a considerable number and when the body is fully drilled, equipped, armed, habituated to the use of arms, and under good superintendence, their efficiency will be greatly increased. The rate of pay is low, scarcely averaging 5 Rupees per mensem. To what extent however it may be found expedient to increase either their numbers or emoluments, can only be known as the organization of the force proceeds. The same may be said of the village police whose emoluments, though they have of late been improved in a few districts, are yet in most parts of the country too low to secure effective service.

37. To recapitulate, the Madras Government would solicit sanction for the following measures as essential for placing the administration of the country, Revenue and Police, upon a proper footing—

1. To entertain the Uncovenanted Assistants applied for in their letter in the Revenue Department of the 13th instant.
2. To appoint a Commissioner of Police.
3. To appoint a Superintendent of Police in each district.
4. To entertain additional Sub-Collectors in the larger districts.
5. To raise the salaries of Tahsildars.
6. To revise the emoluments of the Stipendiary and Village Police.

38. They would also strongly recommend that the salaries of the seven large Collectorates, Canara, Malabar, North and South Arcot, Tanjore, Cuddapah and Bellary, be raised to Rupees 34,000 per annum, and that a fourth Member be added to the Board of Revenue.

39. The expense attendant on the first three measures noted in para. 37, which alone admits of being at present stated with any accuracy, would, as shown in the margin, amount to Rs. 5,65,600. The cost of the three further, but not less necessary, measures advocated cannot as

Uncovenanted Assistants..... 3,45,600
Superintendents and Commissioner of Police.. 2,20,000
5,65,600

already said be now given, but it will doubtless be considerable. The expense of raising the salaries of the 7 Collectors and adding a Member to the Board of Revenue would be Rupees 42,000 + 36,000 = Rupees 78,000 per annum. It is with great reluctance that the Government counsel the adoption of arrangements which involve such large charges on the public Treasury, and they do so only from the solemn and earnest conviction that of all that they have recommended, the measures proposed in para. 37 are highly desirable and just, and those submitted in the preceding para. indispensably requisite for the fiscal development of the country and for the security of person and property throughout the Madras Presidency.

I have, &c.

(Signed) T. PYCROFT, Chief Secretary.

Fort St. George, 14th August 1855.

APPENDIX A.

Extracts from a Memorandum on the Police reform of the Presidency of Bombay annexed to No. 1 Selections from the Records of that Government in the Police branch of the Judicial Department, showing the plan for the control of the Stipendiary District Police recently adopted in the Bombay Territories.

Para. 32. The Collector and Magistrate is the Head of the Village Police, and a Deputy to be styled Superintendent is placed under his orders for Police affairs.

33. The Magistrate however confines himself to judicial and administrative matters, while the Superintendent has the control (as his Deputy) of the Executive Police, the command of the entire Stipendiary body, with the initiative in the prevention and detection of crime. With regard to the Stipendiary Police Force, the Magistrate and Superintendent are to hold the relative position of the Civil and Military powers, the former making requisition on the latter for the services of the Police at such times and places as he deemed fit, the Superintendent on his part being left a discretionary power in obeying these requisitions by supplying a larger or smaller force as his local knowledge and experience would suggest, but being responsible to the Magistrate and to Government for any failure that a deviation from the Magistrate's requisition might entail.

36. It was the first business of the Magistrate to hand over to the Superintendent such of the Police as were then under him, and to make a separation of those employed on revenue and police duties indiscriminately, making over the latter to the Superintendent.

37. The two Officers were then conjointly to distribute the Police force over the Zillah. When that was once done, it was to be discretionary in future with the Superintendent to alter from time to time the details of the arrangement as circumstances might occur, communicating all important alterations to the Magistrate at once for sanction, and including the whole of them in monthly distribution returns, to be made out in duplicate, one for Government and the other for the Magistrate. In like manner he was to furnish a duplicate copy of all returns to the Magistrate, and in corresponding with Government, he was to forward his reports under a flying seal through the Magistrate for his information, and if on any emergent occasion, this should cause delay, he was to forward his report direct, and furnish the Magistrate with a copy by the same or following post.

38. On receiving charge of the Police Peons or Sebundy, the Superintendent was to examine them as minutely as Recruits for a Police Corps, and furnish Government with a Return of them in a given form, pointing out for the orders of Government, any that should, in his opinion, be discharged as inefficient.

39. He was also to have the powers of a Magistrate in his Zillah, but in the same manner as the Collector and Magistrate was to abstain from all interference beyond what might be absolutely necessary in executive functions, the Superintendent was most cautiously to refrain from engaging in any judicial operations, except in punishing the members of the Police force. His duty was to prevent and detect crime, not to try it, he was therefore to go no further than to satisfy himself that there is sufficient ground to believe that the party apprehended is the criminal, and then transfer him to the nearest Magistrate or Assistant.

41. To aid the Superintendent in the supervision of the district Police, the Magistrate was to place under his orders a Karkoon for each district, who under the title of Joint Police Amildar, was to devote his time exclusively to the duties of the executive Police: he was to correspond direct with the Superintendent, whose more immediate subordinate he is. His headquarters were to be the Mamlutdar's Cutcherry, and he was to conduct his duties in subordination to that Officer, but have a department of his own. The Joint Police Amildar was to have the control over the Police force of his district, and the same power to punish them that the Mamlutdars before possessed, but always under the control, and with the sanction of the Superintendent.

42. At the same time the Collector and Magistrate with his Assistant and the Mamlutdars, as Chief Police authorities, were not debarred from acting as executive Officers on special occasions, when immediate reference could not be made to the Superintendent or his executive

staff: orders issued by them to the Police to search for and apprehend criminals were to be obeyed as a matter of course; but in all such cases they were to report their proceedings to their own chief, the Superintendent.

43. Thus far, the principal control over the Police force has been practically vested in the Superintendent acting in subordinate co-operation with the Collector and Magistrate; but in considering the Village Police arrangements the Bombay Government determined to deviate in some important particulars from the system which had been applied to the Stipendiary branch. Although the Stipendiary Police Peons could be separated from those performing fiscal duties, the Patell and other grades must unavoidably be retained as revenue servants, and could not be placed absolutely under a Police jurisdiction so beyond the immediate control of the Collector as was intended for the Stipendiary force without almost necessarily entailing a collision of authority injurious to the efficiency of both departments.

The Village establishments and the Patels were to be placed under the exclusive protection and authority of the Collector and Magistrate. The distinction between the management of the Stipendiary and Village Police is given in the following words: Memoir, para 71.

"As regards the discipline and management of the Village Police, the Collector will exercise, under the above arrangement, an absolute and sole authority. The Village Police will obey the Superintendent's emergent orders when summoned by him to do so, and the Collector will support the Superintendent in the exercise of this authority as his own representative. But with maintaining the discipline and controlling the internal economy of the village system, the Superintendents will have nothing to do independently of the Collector."

No. 32 of 1855.

JUDICIAL DEPARTMENT.

TO THE HONORABLE THE COURT OF DIRECTORS OF THE EAST INDIA COMPANY.

HONORABLE SIRS,

Para 1. We now do ourselves the honor of replying to your Judicial Despatch bearing date 23rd August 1854, No. 8, comparing the systems in force in the Bengal and Bombay Presidencies for the superintendence of the local administration, with that which obtains in this

Judicial Diary, 24th October 1854, Nos. 10-11.
14th August 1855 Nos. 23 to 25.
14th do. 28 to 30.

Presidency; and take the opportunity of transmitting copies of the correspondence recorded in the Consultations noted in the margin, as embracing our proceedings on the subject.

2. In the above Despatch your Honorable Court observe that in Bengal, the Collectors and Magistrates of several adjacent Districts (generally five or six) are placed under the regular control of a Commissioner, who is responsible for the Revenue and Police administration, within the range of his authority—that changes have been occasionally made in the details of this control, but that the principle of subjecting the local Officers to such superintendence, is an essential part of the scheme of administration in that Presidency—and that occasional tours of inspection are also made by the superior authorities, as circumstances render necessary.

3. Under the Bombay Presidency again "the Police system, both village and stipendiary," your Honorable Court observe, "is at present in a course of revision and reform. In each district a Superintendent of Police has been appointed, who is subordinate to the Magistrate, but is vested with the immediate direction and control of the establishment. The several Collectors (who are also Magistrates) are under control of two Revenue Commissioners, one for the Northern, the other for the Southern Division. Circuits were formerly made by Judges of the Sudr Udalt for the purpose of enquiring into the Police and Judicial administration, of each district, and it is under consideration, by what agency it may be most advisable that this duty shall be performed for the future."

4. In the Madras Presidency on the other hand, your Honorable Court proceed to remark, the Police is immediately under the direction of the Collector who is also Magistrate; and since the abolition of the Provincial Courts of Appeal and Circuit, no local superintendence has been exercised over the Officers entrusted with the administration of justice and Police

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in the several Districts. Except in the case of a deputation for some temporary purpose, under Act X of 1849, no such superintendence has of late years, it is believed by your Honorable Court, been exercised over Collectors and Magistrates, whereas the principle of supervision of superior authority was maintained, although imperfectly during the continuance of the Office of Principal Collector, with two or sometimes three Subordinate District Collectors acting under his authority. The control over the local administration is now, it is stated, exclusively in the hands of the Government itself, or of the Sudr Udalut, the Board of Revenue, or the Head of some Department all stationed at the Presidency.

5. Having given the above sketch of the local administration in the three Presidencies, your Honorable Court then desired that we should institute such an investigation as we might judge most advisable, for the purpose of ascertaining how far this system (*i. e.* that of vesting all control over the local administration in the hands of Government or Departments stationed at the Presidency) which was peculiar to the Madras Presidency, had worked satisfactorily for the public interests; and you suggested that this inquiry should be conducted under a two-fold aspect; first with regard to the faithfulness, the diligence and the efficiency of the local administration, and secondly, with regard to the means possessed by the authorities at the seat of Government, for obtaining accurate knowledge of the details of that administration, and to the competency of the said authorities, thus situated, for its direction and control.

6. Your Honorable Court next noticed the experiment now being tried at Bombay, of placing the Police Establishment of each District under the immediate direction and control of a Superintendent of Police; and wished this Government to consider, whether a similar arrangement might not be advantageously introduced into this Presidency, and suggested that it might be well to refer to the Bombay Government for information on the subject.

7. Lastly, Your Honorable Court adverted to one important consideration, that of causing no unnecessary expense, and none in any case that would not bring with it an adequate advantage. You desired that the result of the investigation should be submitted to the Governor General of India in Council, and application made to him to sanction any modification of establishments that might seem desirable, and that the proceedings on the subject should be fully reported to you for your information and further direction.

8. Immediately on receipt of your Despatch we made a reference to the Court of Foujdaree Udalut and Board of Revenue for their early opinion upon the operation of the existing system of control over the local administration in the several Departments of Police and Revenue, regarded from both the points of view adverted to by your Honorable Court and upon the reforms which it was susceptible; and desired the Foujdaree Udalut to report specially upon the expediency of adopting in the Districts under this Presidency, the system which had been experimentally introduced into the Bombay Provinces of placing the Police Establishment under the immediate direction and control of a Superintendent of Police, subordinate to the Magistrate.

9. Application was at the same time made to the Government of Bombay for information as to the extent to which this system had hitherto been carried out in that Presidency; the success which had attended it; from what classes the Superintendents were taken; whether any of them were Covenanted Civil Officers; and what salaries were assigned to them.

10. On receipt of replies to these references we forwarded them to the Government of India with the Minutes recorded by the individual members of this Government on the subject; accompanied by our views and propositions, which we shall now proceed to repeat.

11. The observations of your Honorable Court in the Despatch under reply refer to the nature, extent, and sufficiency of the supervision exercised in the Madras Presidency over the local Officers. (1) In the Revenue Department. (2) In the Magisterial Department; and, in regard to the latter Department, both in respect to the Judicial functions of the Magistrates, and to his executive duties as head of the District Police.

12. In regard to the first of the questions raised by your Honorable Court, *viz.*, "whether the means of supervising the local Revenue Officers under the Madras system are adequate to the purpose, or whether it is advisable to introduce an intermediate controlling Agency as the Commissioner in Bengal between the Revenue authorities at the Presidency and the Collectors in the Provinces," we beg to solicit your attention to the very full letter on the subject from the

Board of Revenue, dated 25th January last, and to add that we concur generally in the conclusions at which the Board then arrived. The Board believe that the appointment of Revenue Commissioners or any similar Agency holding an intermediate position between the Board and the Collectors, is not required at this Presidency, that it would be productive of no advantage commensurate with the cost that it would involve, and would tend greatly to accumulate papers and delay business. They point out that in regard to the extent of country and amount of revenue placed under their management; as well as in regard to their own experience and standing in the service, the Madras Collectors do in fact occupy a position approaching more nearly to that of Commissioner than of Collector under the other Presidencies; that, if the existing system of local Revenue administration in Madras has not been in all respects fully efficient, its defects are ascribable not to the want of local supervising Agency, but to the vast load of detail imposed on Heads of Districts and the insufficiency of the Subordinate Agency at their command to aid in its performance. The remedy, they say, lies in relieving the Collector from such detail, and affording him more leisure for the general supervision of the Province under his care, and for studying the means of its improvement, by the employment or rather the introduction of the Uncovenanted Agency (*i. e.* the Deputy Collectors) so largely used in Bombay and the North Western Provinces. We would here add, that a scheme for that purpose has been separately proposed by the Board of Revenue in their letter of 22nd January last, and has been recently forwarded to the Government of India in the Revenue Department, and we consider that its adoption will tend more than any other measure to improve the Revenue administration of this Presidency.

13. The Board adverted to the great size of the two Districts of Cuddapah and Bellary, have given it as their opinion that each of them might be with advantage divided into two Collectorates; but we did not concur in this view, and held that, if there be any of the Madras provinces which it would be desirable to divide, it should be that of Canara. Its great length, 300 miles, places some parts of it almost beyond the reach of one controlling Officer. It is now divided into two Judicial Zillahs, Mangalore and Honore, and was formerly parted into the two Collectorates of North and South Canara. We were of opinion that this arrangement might be with advantage reverted to, and have accordingly called upon the Board for a report upon the suggestion. With this possible exception, we did not consider any change in the extent of the existing Collectorates advisable, but preferred providing for the despatch of business by enlarging the charges now held by Sub-Collectors and Head Assistants, giving those Officers the benefit of Uncovenanted Agency under them, or by annexing as formerly additional Sub-Collectors to the larger Districts.

14. At the same time however we considered it but reasonable that higher rates of salary

	Area Square miles.	Population as per census of 1850-51.	Revenue Fusly 1263 (1853-54.)
Canara	7,720	10,56,333	27,84,910
Malabar	6,060	15,14,909	23,43,547
Tanjore	3,900	16,76,086	52,52,984
South Arcot . .	7,610	10,06,005	25,21,726
North Arcot . .	6,800	14,85,873	19,02,015
Cuddapah . . .	12,970	14,51,921	22,93,205
Bellary	13,056	12,29,599	22,67,479

should be attached to the more important Collectorates, both as an adequate remuneration for the additional labor and responsibility involved in their management, and as affording means of promotion and holding out a stimulus to exertion to Revenue Officers; and we were of opinion that the Collectors of such Districts as Canara (if kept undivided) Malabar, Cuddapah, Bellary, Tanjore and the two divisions of Arcot, should not be paid a lower rate of salary than Rupees 34,000 per annum.

15. We considered it also desirable that the salaries of the Talook Tahsildars should be raised. The charges now held by these men vary, in point of revenue, from one to three and even four Lacs of Rupees. Their highest rate of salary, and that in only a few instances, is Rupees 140 per mensem; while some receive as little as 60 or 70. We were of opinion that the minimum amount of salary should be 100 Rupees, and when the Talook is large or difficult of management, the pay should be at least double that sum. A smaller salary would not enable these Officers to live in comfort and respectability, nor be a sufficient inducement to them to keep from those corrupt practices to temptation to which their position peculiarly exposes them; and we observed to these considerations it might be added that a lower scale of remuneration would not place the Native Revenue and Judicial Officers on a due footing of equality. The salaries of the District Moonsiffs, who are of the same class as Tahsildars, vary from 200 to 100

Consultation, 16th October 1855, Nos. 7-8.

Rupees per mensem, and an application has lately been made by the Court of Sudr Udalut for their being increased. In the North Western Provinces the salaries of Tahsildars are from 125 to 250 Rupees, and the pay of the Mamlutdars of Talookas in Bombay ranges from 100 to 200 Rupees; though it is believed that in size and revenue the Talooks in the Bombay and Agra Presidencies fall much below the Madras Talooks.

16. In your Despatch in the Revenue Department dated 6th December 1854, No. 24, which we take this opportunity of also acknowledging, your Honorable Court have called upon us to consider upon the propriety of abolishing the Office of Commissioner in the Northern Circars; the officer now filling that appointment being re-called to his place in the Board. Looking to the greatly augmented amount of business of late years and the probability that it will go on augmenting, we think that the Board should consist of not less than four Members, and that one Member should always be held available for delegation into the Provinces on necessity arising for local enquiry. On the Board being thus increased the appointment of Commissioner for the Northern Circars might determine and the officer now on deputation there rejoin the Board, or, if his presence in the Northern Circars were required for any further time, he would remain there on the footing of a Member of the Board on deputation.

17. On this part of the subject, then, we are of opinion that additional means for supervising the local Revenue administration are not required and that what is urgently demanded for the improvement of the Revenue system of management is, to enhance the controlling power of the Collectors of Districts by relieving them from details; to attach higher rates of remuneration to the management of the more important Provinces; to augment the charges of their European covenanted subordinates, and in some cases to add to their number; to give Collectors the benefit of Uncovenanted Agency as Deputy Collectors, and to better the position and emoluments of Tahsildars of Talooks.

18. With regard next to the supervision exercised by the Judicial authorities over the proceedings of the Magistrates, the Judges of the Foujdaree Udalut shew that your Honorable Court are in error in supposing that this has in any degree been weakened by the changes effected under Act VII 1843. The effect of those changes has been to transfer to the Sessions Judges the full powers of control over the Magistrates previously exercised by the Courts of Circuit. It is true, as remarked by the Foujdaree, that the working of the new system is attended with this inconvenience, that there is not a sufficiently well marked distinction in standing and position between the supervising authorities and those whose proceedings come under review, and that the former, the present Sessions Judges, are more exposed to local influences than the old Judges of Circuit. On the other hand it is to be remarked that another

effect of the change has been greatly to increase* the number of controlling functionaries and to substitute a permanent controlling authority with local knowledge and experience, for one which could only act occasionally and at intervals, and under circumstances, (*viz.*, the distraction and labors of a circuit) not favorable to patient and careful enquiry.

19. Thus we are not of opinion that further means of supervising the acts of Magistrates in their Judicial capacity are needed. We consider, however, that the Magisterial Department itself, like the Revenue, is unequal to the amount of duty devolving upon it and requires strengthening. The Report of the Commissioners for investigation regarding the alleged resort to torture by Police and Revenue

Forwarded to Honorable Court in Public Despatch, dated 7th June No. 23 of 1855.

servants, shows, that from the paucity of members of the Covenanted Agency and from their attention being divided among so many duties, the people of the country have not sufficient means of making their grievances known or of obtaining adequate protection against oppression. In no District of the Presidency are there more than four Magistrates and Assistant Magistrates, one of them being frequently a Junior Civil Servant of standing not sufficient to admit of his being invested with a separate charge, and all of them overloaded with revenue and miscellaneous duties. The remedy here (besides the withdrawal of Police powers from Native Revenue Officials hereafter to be noticed,) lies as in the revenue branch in relieving the Magistrate from petty details, and giving him more leisure for controlling the acts of his Native Subordinates, and in increasing his staff, Covenanted and Uncovenanted; the latter by the

appointment of Deputy Magistrates, or by conferring the powers of Deputy Magistrates on the Deputy Collectors when necessary.

20. We now approach the third branch of your Honorable Court's inquiry, *viz.*, as to the nature and sufficiency of the control exercised over the Local Police, and whether the system lately introduced into the Bombay Territories might with advantage be extended to this Presidency.

21. The nature of this system, which obtains in all the Bombay Regulation Provinces, is given in a Memo. on the Police reform of the Presidency of Bombay at the conclusion of No. 1 of the Selections from the Records of that Government in the Police branch of the Judicial Department, of which, for convenience of reference, Extracts* are annexed to this letter. It may be shortly stated that the Collector and Magistrate is the Head of the Police of the district. The Stipendiary District Police, however, having been separated from the Revenue Officers, are placed directly under the command of a "Superintendent," usually a Military man, though in two instances they have been selected from the Uncovenanted Service. The Superintendent acts in subordination to the Magistrate, but though invested with Magisterial powers exercises them only for punishing irregularities among the men of the Police. His duties are purely executive for the prevention and detection of crime, and in this province he is interfered with as little as possible by the Magistrate who confines himself to judicial and administrative duties. With regard to the Stipendiary Police force, it is stated, that the Magistrate and Superintendent hold the relative position of the Civil and Military powers; the former making requisitions on the latter for the services of the Police at such time and places as he deems fit; the Superintendent on his part being left a discretionary power in obeying these requisitions by supplying a larger or smaller force as his local knowledge and experience suggest, but being responsible to the Magistrate and to Government for any failure that a deviation from the Magistrate's requisition might entail. The Village Police on the other hand in common with the other village establishments are wholly under the control of the Collector and Magistrate, although bound to obey any emergent orders addressed to them by the Superintendent in the execution of his duty.

22. As to the practical working of this system, the Bombay Government inform us in reply to a reference made on the subject, "that it may be generally said to have worked well both for the prevention of crime and the detection of Criminals, but that it may be expected to work far better when the gradual re-organization of the Village Police has been completed, and when more efficient supervision of the Superintendents has been established." For the attainment of the latter object, the Government of Bombay, it would appear, have applied to the Supreme Government for the appointment of a Magistrate of experience as Commissioner of Police, who would be able to visit each Zillah during the year and ascertain by personal examination the defects in the operation of the new system. There are sixteen Superintendents in all, *viz.*, 12 Superintendents and 4 Assistants. Their allowances vary from Rupees 1,100 (in one case only) to Rupees 500 per mensem, the aggregate according to the revised scale settled for future adoption being Rupees 10,500 per mensem, or 1,26,000 per annum, besides deputation allowance when actually employed in the Districts of Rupees 5 per diem for those below, and Rupees 10 for those above, five years' service in the Police.

23. The above is the system at present in force in Bombay. As to the state of the Police in the Districts under this Presidency, it must be admitted to be most unsatisfactory. The Judges of the Court of Foujdaree Udalut have with truth remarked that "the evil most felt in the administration of Criminal Justice, and which most loudly calls for a remedy is, the want of an efficient preventive and detective Police." The materials for such a force, they add, "no doubt exist, which, if sufficiently strengthened and placed under adequate supervision, might be rendered all that is required; but its present organization is extremely defective, and the degree of supervision which the Magistrates are able to exercise over its proceedings is by no means adequate. The time of the Magistrates is principally devoted to their revenue duties, and those who take the most active interest in the superintendence of the Police, are debarred by the other calls upon their attention, from devoting to it that unremitting care and supervision which are essential to the prevention and detection of crime." Of the correctness of this representation there can be no question, nor can it be denied that the inability of the present Police Establishments to cope with the prevailing amount of crime, or to ensure protection to person and property, has latterly become more than ever marked and notori-

Dated 10th and 26th July 1855.
In Cons. 24th July 1855,
No. 9-10.
In Cons. 14th Aug. 1855,
No. 1-2.

Districts.	With aggravating circumstances.	Without.	Total.
Bellary	110	295	405
Nellore	12	64	76
Chittoor	29	99	128
Chingleput	11	23	34
South Arcot	15	217	232
Salem	37	34	71
Combaconum	44	93	137
Trichinopoly	22	56	78
Tanjore	3	29	32
Madura	32	20	52
Tinnevely	30	54	84
Malabar	19	42	61
Canara	12	19	31
Ganjam Agent	11	22	33
Vizagapatam do.	0	3	3
Kurnool do.	25	2	27
Guntoor	1	1	2
Cuddapah	56	81	137
Ganjam	0	2	2
Vizagapatam	1	0	1
Rajahmundry	0	11	11
Masulipatam	11	76	87
Total	481	1,243	1,724

rate Police from Revenue functions, and to confine the district Police absolutely to police duties— and, secondly, to place the force thus set apart under close and undivided European superintendence. The first of these measures will not only tend to secure that efficiency which is not to be expected when the Officer is liable to be employed on different and, sometimes, conflicting duties, but will serve to obviate the oppression which the late enquiry before the Commissioners for the investigation of Torture has shown to be incident to and favored by the concentration of fiscal and police powers in the same hands. The second will ensure that discipline in the force and that promptitude and vigor in its action which are indispensable to an efficient Police administration.

24. Commencing, then, with the Native District Police Stipendiary Officers, Peons, Duffadars, &c., we think that in every district those who are henceforth to be employed on Police duty should be wholly separated from Native Revenue servants; that none should be allowed to serve but such as are of suitable age and able bodied; that they should be well armed and equipped, and instructed in the use of their weapons; the members of the establishment being available for "general service," or for employment in any part of the Presidency; that there should be gradations of rank both for the due maintenance of discipline and to afford means of promoting the deserving; and that a part of the force should be mounted.

25. For the management of this force we would advocate recourse to the plan obtaining in the Bombay Presidency and suggested for our consideration by your Honorable Court. This is also recommended by the Magistrate of South Arcot, who urges its adoption in his district as the most efficient means for the repression of crime there. It is further highly approved by the Judges of the Foujdaree Udalut. The separation of the judicial duties of the Magistrate from those which relate to the prevention and detection of crime appears, they say, an excellent arrangement. It moreover is most desirable to have an Officer, who may be available on an emergency to trace out serious crime on the scene of its occurrence, and in whose proceedings full confidence may be placed. This duty at present devolves on native functionaries, whose proceedings are ordinarily very ineffective and command no confidence, so that the judicial authorities have constantly to be on their guard against the machinations of the Police, by whom confessions are extorted and evidence concocted, to save themselves from the stigma and consequences of failure in the detection of crime.

26. In these views we quite concur, and think that, as in Bombay, a Superintendent of Police should be appointed to each District to be in general subordination to the Magistrate, but to have immediate charge of the District Police Force, and to be vested with the special duty of

ous. In proof of this we would here refer to the annexed two letters from a Collector of a District but a short distance from the Presidency, the Southern Division of Arcot, describing the state of crime in his district and applying for additional means for its repression. These

have been granted as a present palliative, but the evil is not to be dealt with by such temporary expedients, nor is it confined to any single Province. The annexed table given in the margin, exhibits the number of gang robberies in the several Districts in the Presidency for the past year 1854.

26. For the re-organization of the Stipendiary Police of this Presidency and putting it upon an efficient footing, two measures seemed to us to be indispensable—first, to sepa-

the prevention or detection of crime. In some of the largest Districts it may be found necessary to have two Superintendents, though we would for the present limit our calculations to one.

27. The success of such a scheme will however, as experience has shewn at Bombay, largely depend upon its being efficiently supervised by some central controlling authority. For this purpose we are disposed most strongly to advocate the appointment of a Commissioner of Police for the whole Presidency. His chief station should be at Madras, the Police force of which, as that in the Mofussil, should be under his surveillance; but he would make occasional tours in the provinces and ascertain by personal inspection the defects in the working of the system. He would be the referee and adviser of Government in all matters of Police, and the channel through which all reports and returns on Police would be made to them, occupying in fact much the same relation to the Police Department as the Director of Public Instruction does to that of education, or the Inspector of Prisons to that of Jail discipline. At present the Police of the country is nominally under the control of the Foujdaree Udalut, whose constitution is by no means peculiarly fitted for the trust, and who are too much occupied with other duties to give it much of their attention. The appointment of the Commissioner we think should be the very first step towards the organization of the new system. The Superintendents could be nominated gradually as fit men might be found and arrangements made.

28. The Village Police in Madras, as in the Bombay territories, would, for the present at least, continue under the control of the Collector and Magistrate. We are however by no means certain that eventually it might not be found practicable, as well as advisable, to extend to the village establishments the separation of Police and Revenue functions which is at once proposed to be carried out in regard to the Talook authorities. The Village Watcher, Taliar, Cavilcar, or whatever else might be his local designation, would then be directly under the orders of the Superintendent of Police. But this with other matters of detail would be the subject of consideration as the organization of the system proceeded.

29. The probable expence that will attend the adoption of these measures, or at least of

Canara.
Malabar.
Madura.
Tanjore.
South Arcot.
North Arcot.
Cuddapah.
Bellary.

$12 \times 600 \times 12 = 86,400$
 $8 \times 800 \times 12 = 76,800$
 $2,500 \times 12 = 30,000$
1,93,200

Travelling allowance for Superintendents say for 150 days in the year at 5 Rupees a day.
 $150 \times 5 \times 20 = 15,000$
do. for Comr. at 10 Rs.
 $150 \times 10 = 15,000$
2,09,700

Superintendents might perhaps, as in Bombay, be drafted from the present district establishments.

34,000
28,000
6,000
7
42,000

30. The expence of raising the salaries of the Collector of the Districts noted in para 14 from 28,000 to Rupees 34,000 per annum would be 42,000 Rupees.

31. The charge of adding another member to the Board, at say Rupees 3,000 per mensem, would be $3,000 \times 12 = 36,000$ Rupees per annum.

32. The cost of providing additional Sub-Collectors for the larger Districts and increasing the salaries of the Thasildars, cannot be stated; but we propose, should the principle be approved by the Government of India, to submit a detailed scheme for their sanction.

33. With regard to the expense likely to be involved in the improvement of the stipendiary Police Force, Duffadars, Peons, &c, we find from a return received from the several Districts, that, excluding Madras, the number of servants who now perform, or, on the separation of police

and revenue functions, would have to perform, solely police duties is 17,636, at a monthly charge of Rupees 84,482. This is a considerable number and when the body is fully drilled, equipped, armed, habituated to the use of arms, and under good superintendence, we think that their efficiency will be greatly increased. The rate of pay is low, scarcely averaging 5 Rs. per mensem. To what extent however it may be found expedient to increase either their numbers or emoluments, can only be known as the organization of the force proceeds. The same may be said of the village Police, whose emoluments, though they have of late been improved in a few Districts, are yet in most parts of the country too low to secure effective service.

34. Pursuant to the above views, we have solicited the sanction of the Government of India to the following measures as essential for placing the administration of the country, Revenue and Police, upon a proper footing.

1. To entertain the Uncovenanted Assistants applied for in our letter to the Government of India in the Revenue Department of 13th August last.
2. To appoint a Commissioner of Police.
3. To appoint a Superintendent of Police in each District.
4. To entertain additional Sub-Collectors in the larger Districts.
5. To raise the salaries of Thasildars.
6. To revise the emoluments of the Stipendiary and Village Police.

35. We have also strongly recommended, that the salaries of the seven large Collectorates—Canara, Malabar, North and South Arcot, Tanjore, Cuddapah, and Bellary—should be raised to Rupees 34,000 per annum, and that a fourth member be added to the Board of Revenue.

36. The expense attendant on the first three measures noted in para 34, which alone admits of being at present stated with any accuracy, would amount to Rupees 5,65,600. The cost of the three further, but not less necessary, measures cannot be now given, but it will doubtless be considerable. The expense of raising the salaries of the seven Collectors and adding a member to the Board of Revenue would amount to Rupees 78,000 per annum. We informed the Government of India, that it was with great reluctance we counselled the adoption of arrangements involving such large charges on the public Treasury, but that we did so only from the solemn and earnest conviction, that, of all that we recommended, the measures mentioned in para 35 are highly desirable and just, and those detailed in the preceding para indispensably requisite for the fiscal development of the country, and for the security of person and property throughout the Madras Presidency.

We have the honor to be, &c.,

Fort Saint George, 20th October 1855.

(Signed) H. C. MONTGOMERY.

JUDICIAL DEPARTMENT.

No. 12 of 1856.

OUR GOVERNOR IN COUNCIL AT FORT SAINT GEORGE.

Proposed revision of local administration.

Para 1. In reply to our Despatch of the 23rd August 1854, No. 8, referring for your consideration whether the arrangements in force for the superintendence of the local administration under your Presidency may stand in need of improvement, you have fully communicated to us your views on this important subject in your letter of the 20th October 1855, No. 32. Important suggestions regarding your Revenue establishments had been previously submitted in your letter in that Department dated 25th September 1855, No. 42.

2. That improvement of the system in many essential respects is urgently necessary, you entertain no doubt; but you are not of opinion that it would be attended with advantage to assimilate the Madras system with that of the two Divisions of the Bengal Presidency, by the appointment of Local Commissioners of Revenue and Police. As the Madras Districts are of great-

er extent than those of the other Presidencies, and yield a larger amount of revenue, the Collectors, who are Officers of high standing may, you conceive, be regarded to a certain degree as already performing the functions of Commissioners. The change would, in your opinion, tend to swell correspondence and to retard the despatch of business. To these reasons may be added the objection that always applies to any great changes in the established modes of proceeding, to which official authorities and the community in general have been habituated.

3. The increase of efficiency which you conceive to be called for is under the Collector and Magistrate, and that chiefly in the shape of Uncovenanted Agency. The only addition to the means of superintendence recommended by you in the Revenue Department, is that of a fourth Member of the Board of Revenue, and you state, that, when that addition has been sanctioned, you propose to recall the absent Member of the Board and to discontinue the office of Commissioner in the Northern Circars.

4. In declining to recommend the appointment of Commissioners of Revenue and Circuit as in Bengal, you have pointed out that the superintendence over Magistrates formerly exercised by the Provincial Courts, which were abolished by Act VII of 1843, has devolved upon the Session Judges, and is more habitual under the present, than it was under the former, system, though more exposed to local influence.

5. The improvement suggested by you with regard to the Magistrate is of the same description as that which you had proposed with regard to the Collector in your letter above referred to, viz. a relief from petty details and an increase in the number of Officers under him, both Covenanted and Uncovenanted.

6. You also recommend that the Stipendiary Police in each District be withdrawn from Revenue duties, and placed under a Superintendent either Military or Uncovenanted, as in the Bombay Districts; leaving the Village Officers for the present to be employed according to the ancient usages of the country under the immediate authority of the Collector and Magistrate. We learn with much concern, and not without surprise, that the number of gang robberies attended with aggravating circumstances in the year 1854, amounted in the Madras Districts to no less than 481; and the total number of gang robberies of all kinds to 1,724. Such results doubtless indicate a great failure either in the means at the disposal of officers charged with preserving peace and good order, or in their use of such means, and call loudly for a remedy.

7. With regard to your proposal that the entire control of the Police in the town of Madras and in all the Districts should be vested in a Commissioner resident at the Presidency, we have to remark that an appointment in a great degree similar has recently been abolished in the Lower Provinces of Bengal; that such an appointment has long ceased to exist in the North Western Provinces; and that a frequent clashing of authority might be apprehended if the Superintendent of Police in each District were subordinate at the same time to the Magistrate, and also to the proposed Commissioner, who, from the Magistrate's position and the nature of his duties and engagements, could not be vested with any control over that officer.

8. Having taken the foregoing survey of the recommendations submitted by you in pursuance of our instructions noted in the margin, it remains for us to assure you that they shall receive our deliberate consideration, when reported upon by the Government of India, whose sanction you have solicited for the expense with which they would be attended. For many of the items of that expense we are unable to find adequate reason: and being most anxious that all practicable means should be employed for developing the resources of the country and affording protection to the people against the violence of men setting the law at defiance, and no less against oppression and extortion by the inferior agents through whom the law and the public revenues must be administered, we cannot but express regret that the measures which you have proposed with that view should involve so great an increase of expense, as must throw some difficulty in the way of adopting them. The several items which you have

Uncovenanted Assistants	3,45,600
Commissioner and Superintendent of Police	2,20,000
4th Member of Board of Revenue	36,000
Increase of Collectors' salaries	42,000
Rupees ..	6,43,600

enumerated amount to Rs. 6,43,600 per annum. To this has to be added the proposed increase to the number of Sub-Collectors, to the salaries of Tahsildars; and to the pay of the Police force, in number 17,636.

You have made no allowance for any addition to the Revenue establishment in consequence of the withdrawal of so large a body from that branch of the public service. The increased expendi-

ture could not, we compute, fall short of ten lacs of Rupees per annum. Practical benefit must arise from the examination which the subject has undergone; and it will afford us the most cordial satisfaction to sanction any well considered improvement in your system of internal administration; but we should feel more reliance on your recommendation of what is really required after the Governor has visited the interior of his Presidency and made himself practically acquainted with its wants.

We are, your loving Friends,

W. H. SYKES,
ROSS D. MANGLES,
and 8 other Directors.

London, 23rd July 1856.

MINUTE BY THE RIGHT HONORABLE THE PRESIDENT.

MADRAS, SEPTEMBER 11TH, 1856.

The Honorable Court in their Despatch in the Judicial Department, No. 12 of 1856, dated 23rd July 1856, received 26th August 1856, remark on the views expressed by this Government on the proposed revision of the local administration in the letter of 20th October 1855, No. 32.

This letter was addressed to the Honorable Court in accordance with their invitation made in the Despatch No. 8 of the 23rd of August 1854.

The Honorable Court in the Despatch No. 12 of 1856, to which I propose to advert, after commenting on the recommendations of this Government wind up with the following sentence.

"Practical benefit must arise from the examination, which the subject has undergone, and it will afford as the most cordial satisfaction to sanction any well considered improvement in your system of internal administration. But we should feel more reliance in your recommendation of what is really required after the Governor has visited the interior of his Presidency and made himself practically acquainted with its wants."

An inference which might be drawn from this remark would lead to the supposition, that this Government had deliberately (for 13 months elapsed between the receipt of the Court's Despatch and the issue of the letter in reply) recommended improvements which were not well considered, and moreover that I had been negligent in my duties by not visiting the interior of the Presidency, and had failed to make myself practically acquainted with its wants.

I can however hardly suppose that this is the virtual meaning of the sentence, or that at the time when the Despatch No. 8 of the 23rd August 1854, was written, it was intended that no answer should be made to the important enquiries contained in it, until I had visited the whole of this Presidency.

Circumstances might occur which would prevent me from travelling, and these have actually occurred; but it surely would not be deemed expedient on that account to postpone changes in the administration of the country which are urgently required.

If practical knowledge can only be acquired by this means, where, it might be asked, would any Governor General be able to recommend any one of the numerous requisitions made to him from the Subordinate Governments?

Again, can it be supposed that I should have gained a clearer insight into the practice of torture, had I, instead of instituting a Commission of enquiry, gone in search of it in the Mofussil?

Had I adopted the latter course, I believe it would be quite possible that I should not have met with a single case.

I do not, however, wish in the least to dispute the advantage of possessing a knowledge of the country by ocular inspection. On the contrary I am fully impressed with the great benefits to be derived therefrom, and I hope presently to show, that it has been only from circumstances over which I had no control that I am not already well acquainted with most parts of this Presidency.

I am desirous however, lest there should be any impression that there has been either omission or want of activity on my part, of freeing myself from any appearance of precipitancy in making the recommendations now alluded to and of accounting for my not having more largely visited the interior of the country.

It will be allowed I think at once, that the capital is, in all nations, the locality where any one will acquire the fullest information on the system of administration, where public documents of every kind are most readily procurable, and where public officers of the largest experience and of the highest attainments are at hand to be consulted.

In addition, the Governor of Madras has the opportunity of constantly seeing officers from all parts of the Presidency, who either are going on leave or are returning from leave, or who are passing from one district to another.

In my opinion a man must possess very inferior powers of observation and reflection, who with these great advantages cannot, within a certain time, be in possession of a good practical knowledge of the state of the country.

I would moreover here remark, that in the administration of Government, there are changes often proposed on which there may be much reason for hesitation and doubt, and in these cases it may be advisable to obtain a knowledge of certain localities before coming to a conclusion; but there are others also more especially of general application, when the actual state of affairs is so unsatisfactory, that there can be no hesitation, in coming to the conclusion that improvements are absolutely required.

After making every enquiry in my power, I came deliberately to the conclusion that many changes were seriously and urgently required, and knowing that my views were in accordance with those of most of the officers of Government, (all men of practical experience,) I had no hesitation in recommending them to the notice of the Honorable Court.

I may add, that every day's experience has only increased my conviction of the necessity of measures of the nature of those proposed.

The subjects which came more particularly under consideration were,

1. Increasing the numbers of the Revenue Officers.
2. Adding to the strength of the Magistrature.
3. The re-organization of the Police Force.

It is not my intention on this occasion to discuss the first point, inasmuch as the subject is under the consideration of the Commissioner, appointed by the Government of India for the investigation of Civil salaries.

I will only mention, that I am at a loss to conjecture what objection there can be to allowing Uncovenanted Assistants in the Madras Presidency, when they are found so useful in every other part of India.

Our Civilians are overworked; the districts never have the proper complement of European Officers; and the result is, that there is reason to suppose that large portions of Revenue are lost, by evasion of payment, and that the affairs of the districts cannot but fall into disorder.

At the time of writing there is not a district which is not under-officered; four have only a Collector and one Assistant, either a Sub-Collector or a Junior; and in one of these the Junior has resigned, and I have no means at the moment of supplying his place, except by sending a young man just out of College.

The Collector is the only Revenue and Magisterial European Officer, in a district 5,700 square miles in extent, and containing 1,250,000 inhabitants.

On the second point, I shall have an early opportunity of giving an opinion, which I will offer when the report on the amalgamation of the Courts comes under the consideration of Government.

I will only add here, that the proposal for increasing the number of the Moonsiffs' Courts and for entrusting them with criminal jurisdiction appears to me a valuable suggestion, and likely to meet the great want, which exists, of a sufficient number of local Magistrates.

On the third, I propose to comment at greater length.

I beg to state, that I did not enter upon the consideration of this matter either with undefined ideas of the duties and efficiency of a Police force, or without practical experience on the subject in question, in which I had previously obtained satisfactory results.

I will at once mention, that I believe that no Police force can be efficient unless it be placed under one command, and unless there be uniformity of discipline and of method throughout the whole body.

I conceive the duties of such a Corps to consist—in the preservation of the public peace—the protection of person and property—the prevention and detection of crime—and last (tho' not least important to a Government conducted by a few foreigners amidst vast masses of another race)—the procuring continued accurate information on the state of the country and the feelings and sentiments of the population.

It must be evident, that to secure the accurate and punctual performance of these important duties, the force must be under one head, who shall be capable of selecting suitable Agents and of combining plans for the accomplishment of the several objects in view—of directing the movements—of keeping up the communications, and of collecting information for Government.

Another point, which I am of opinion is absolutely required for the proper formation of a Police Corps, is, that its members should be restricted solely to the duties abovementioned, and that Judicial duties should on no account be joined with them, excepting such as may have reference to the internal discipline of the Corps.

I believe the liberty of persons is seriously involved in this question, and that it cannot but suffer detriment to a greater or less extent in all cases where Magisterial and Police duties are devolved on the same Officer.

Now, if these views are at all correct, either as to the objects to be attained by a Police force, or as to the method to be employed in attaining them, there can be little doubt that the method is totally different to the system established here at present; and that if the objects mentioned be those of a well organized Police force, they have not as yet been arrived at in the Madras Presidency.

I have no hesitation in stating my opinion, that it is scarcely possible to conceive a worse Police organization than that at present in existence, or one more unfit to meet the requirements which may be legitimately made upon it.

The theory is this, the Police force is supposed to be under the direction of the Judges of the Sudder.

Here at the out-set we find the Judicial and Police Officer combined.

How far the Judges enter into the affairs of the Police, I am not aware; but I know, that on my arrival at Madras, such a thing as a list of the numbers and distribution of the Police force was not to be procured from their Office.

In fact, the Police of the country is entirely confined to each district under the Collector, and there is no general supervision whatever, and no regular communication from one district to another or to any central Office on the several points of Police business, which so imperatively require combination of thought and action.

How far even there is any communication between the different talooks of the same district, is doubtful, or depends I imagine, very much on the orders of the Collector for the time being.

The want of combination and of effort, and the neglect of communication were very remarkably manifested in the case of the murder of the late Mr. Conolly.

The assassins, previously to committing the act, wandered about the district after having escaped from Jail, without hindrance; it being at the same time known that they intended to perpetrate some fearful deed, the Tahsildars apparently taking no notice of them, and not even informing each other of their movements.

In the case of the murder of Mr. Horsley, the Police of Bellary appear to have been entirely baffled.

It is a matter for very serious consideration, and one to which I wish to call particular attention, that European Officers can be so easily murdered.

In the letter to the Honorable Court, the number of gang and highway robberies for the year 1854 was given.

I now give those for 1854, for 1855* and for the first six months of 1856.

* Corrected from Sudder returns.

Returns of gang and highway robberies for 1854-1855, and for the 6 months of 1856.

	1854.	1855.	6 months of 1856.
	No.	No.	No.
Gang Robbery.....	1,724	1,675	604
Highway do.	831	927	475
	2,555	2,602	1,079

It is only just however to state, that the years 1854 and 1855 cannot be considered average years, as a severe drought had caused great want of food, amounting in some places to famine, and there was consequently an increase of crime.

At the same time I feel bound to state the impression which I have acquired from all I have observed during my residence in this country, which is, that there is nothing to hinder any number of men who choose to attempt acts of violence or robbery, from committing them, without much probability of prevention, and with a very fair chance of escaping detection.

But the most remarkable part of this system, is, that it would appear to be of no importance, that the Government should be in possession of any information or control on this subject.

The Government which speaks through its Chief Secretary and receives information through him, is by his department in no way directly connected with the Police arrangements of the country.

I will give an instance which has lately occurred of the way in which this works.

While reading the translation of a Native paper, I observed a statement to the effect, that, lately, at the chief town in a district of this Presidency, half the body of a child had been found partially buried; it was conjectured, that the child had been sacrificed to propitiate a demon in order that he might favour some persons, who were known to have been carrying on incantations for the purpose of finding gold.

I directed my Private Secretary to write to the Collector of the district, and to enquire if there was any truth in the story. His answer was that the facts were, he believed, as stated; the half body of the child had been found; that it bore marks of strangulation round the neck; and that it was true that some persons had been carrying on incantations, and were known to have sacrificed fowls and other animals, but he had failed in gaining information; he had offered a reward of Rupees 100, which was the extent of his power, but he had applied to the Sudder for leave to offer a reward of 500 Rupees, which was refused.

He thought he could have procured the necessary information for that sum. The child was not known, and had not been missed in the neighbourhood, and was supposed to have been brought at a distance, and brought into the town for the purpose.

Now the Sudder may have had good reasons for declining to sanction the increased reward. I at present have no information on that point. But as at present advised, I should have had no hesitation in sanctioning the additional reward asked for, or even a larger sum.

But here is a case of gross superstition, of supposed dealing in human life, and of child murder, in fact altogether, so far as can be ascertained, of a horrible tragedy, and which, according to the system in force, would never have come to the knowledge of those whose attention ought to be particularly directed to the provision of measures for preventing such crimes.

Had I not happened to read the Native paper in question, the matter would probably have never been known to Government.

Errors and omissions will occur in the best systems, but when such faults can be shewn to belong legitimately to that which is in force, there should be no hesitation in correcting them.

I have stated, that the police is in fact confined to the districts; there is moreover no general system of discipline, none of instruction, none of recruiting.

Its efficiency depends entirely upon the Collector, who may or may not have qualifications for this particular service.

Under any circumstances, the Collector with his other numerous duties, must leave the details to his Subordinates. These are principally his Tahsildars; they are generally Natives, and are at the same time Revenue Officers, and Magistrates with limited power, in addition to being heads of Police.

Now, without taking into consideration the laboriousness of these multifarious duties, I would ask, ought men with the education which they can only have had, with the habits which they must have acquired, by being born and bred in an Indian community, to be placed in so trying a position, in which every facility for oppressing their fellow-men is at hand, and in which the probability of escaping detection is very great.

I find by the returns of the Sudr, that the number of persons, who come annually under the jurisdiction of the district police, (that is to say the Native Tahsildars and Ameen's) in Criminal cases alone averages about 180,000.

The number of cases is not given in the return.

There are 244 Tahsildars and 77 Police Ameen's, throughout the Presidency.

The Honorable Court observe in their Despatch, para 7.

"With regard to your proposal that the entire control of the Police in the town of Madras and in all the districts, should be vested in a Commissioner resident at the Presidency, we have to remark, that an appointment in a great degree similar has recently been abolished in the lower provinces of Bengal, that such an appointment has long ceased to exist in the North West Provinces, and that a frequent clashing of authority might be apprehended, if the Superintendent of Police in each District were subordinate at the same time to the Magistrate and also to the proposed Commissioner."

I am not aware of the circumstances which caused the abolition of the office of Commissioner of Police in Bengal and in the North West Provinces, neither am I acquainted with the system which had been established under that officer in those Governments; and it would require a minute enquiry into those circumstances, and into that system, to enable me to judge whether the principle I have laid down, as the only one on which an efficient police can be established, was in any degree carried out.

With respect to the clashing of authority between the Magistrate and the Commissioner, I am induced to think that any collision of the kind might be entirely avoided.

The Magistrate, as a judicial officer, I hold, should have nothing to do with the Police.

I believe such a combination of duties must, speaking generally, tend to compromise the officer and to endanger the liberty of the subject.

The Collector and Magistrate should be considered as the chief administrative Officer of Government, in each Province.

In this capacity, he would direct the distribution of the Police and call for their services when required, but he would have nothing to do with the interior economy of the force. That would be regulated by the Commissioner under the orders of Government.

It was supposed, that the same difficulty would occur by separating the maramut establishment of each District from the Collector and by placing it under a District Engineer in the Public Works Department, but practically this has not been found to be the case.

The question of expense is one of far more serious consideration under the financial circumstances of the country.

But I believe it would not be so much in excess of the present cost as may be conjectured.

I am of opinion, that on an average, there should be one Police Constable to every thousand inhabitants, estimating the population of the Presidency at 22,000,000, the Police force should then be composed of 22,000 men.

The returns of the present Force, so far as they can be ascertained, (the Police and Revenue establishments being so mixed up together as to render any division almost impossible) give 18,000 men—to this number must be added the three Sibbundi forces of Ganjam and Vizagapatam, the Kurnool horse, and the Malabar Police force, in all about 1,000 men.

Then, every year, applications for additional men to be employed temporarily from some of the Collectorates, are made and sanctioned.

So that the actual force equals very nearly in numbers, that which it is proposed to organize.

The European Officers, one to each District, and the mounted portion of the force would be the chief additional expense.

Both these I consider to be absolutely required; in fact it would be useless to attempt a re-organization of the force without, in the first instance, appointing a European Officer to each District.

The mounted men would be introduced gradually, and need be no great expense at first.

On one point, since formerly writing on this subject, I have very decidedly changed my opinion, and that is with respect to the village police.

They, I think, should be under the same control as the district police, in order to ensure uniformity of discipline and action.

The chief difficulty in effecting this, would be caused by the pernicious custom which has generally prevailed of paying these men by service Enams, which have been allowed to become hereditary; but as these Enams were abolished in Tanjore and Tinnevely with good effect, there is no reason why the same course should not be gradually adopted throughout the Presidency.

One other consideration I have to urge on this subject, which I think deserves serious attention.

The principal danger to the Indian empire is to be found on its western frontier.

Should a formidable attack be made on it in that quarter, the Madras Army would have to act as the reserve to the forces of Bengal and Bombay.

The Madras Army, under the new arrangements, now covers nearly the whole peninsula of India to the south of the 22d degree of latitude, and in addition occupies Pegu and the Straits.

In the case of its being called on to move up in support of the other Armies, the only disposable troops would be those stationed within the limits of the Presidency.

In a case of emergency these territories must be denuded of them.

In such a dilemma what would there be to fall back upon?—positively nothing, except a very timorous population whose loyalty would be paralysed on any reverse overtaking our Arms.

But the position of the Government in case of such a predicament befalling it, would be totally different were there a well organized Police force, composed of well-trained men, accustomed to discipline, and imbued with the confidence which it alone can give.

I hope I have now shown that the views expressed by this Government were not given lightly or without reason.

The errors in the present Police system—if errors they be—were as patent two years ago, as now.

It is satisfactory to me to have this opportunity of again stating my opinion on the subject.

I am desirous that it should be understood, that I think the changes proposed are urgently required, and whilst pressing the re-organization of the Police, I would as forcibly advocate the separation of the functions of the Magistrate, so far as they are Judicial, from that of the Chief of Police.

I believe the latter change is as much required in order to maintain the liberty of the subject and to prevent any probability of oppression or violence, as the former is for the protection of life and property and for the service of Government.

I would also add that I see nothing to prevent the early adoption of these measures.

I now proceed to write a few lines on the second point, viz., my not having as yet visited the interior of the country.

This has been caused not from unwillingness on my part but from the force of circumstances.

I arrived at Madras at the end of April 1854, and after making myself acquainted with the details of administration, &c., I proposed in October of that year to reach the northernmost point of the Northern Circars and to march down thence to Madras, inspecting all the points of interest on the way.

The execution of this plan was prevented by the breaking down of the only Steamer belonging to this Presidency.

The Steamer was subsequently condemned as unseaworthy, and since then this Government with a sea coast of 1,400 miles has been without any steam vessel.

The monsoon had at that time set in, so that I could not proceed on my proposed tour by land, and, had travelling at that season been practicable, I could hardly have afforded time to go and return by the same route.

Early in 1855, Lord Dalhousie was expected to land at Madras, on his way to the Neilgherries, when my presence would necessarily have been required, but he ultimately determined on disembarking on the Western Coast.

He however expressed a wish that I should join him on the Neilgherries, but some delay occurred in fixing his plans, and I was not appointed to go there till September. After remaining 6 weeks, I was obliged to return rapidly to Madras in order to receive him in November, previously to his embarkation for Pegu and Calcutta.

I was, however, able during the journey from the Hills to Madras, to visit portions of the districts of Coimbatore, Trichinopoly, Tanjore, South Arcot and Chingleput.

Lord Canning was then expected early in 1856, and reached this in February.

On his departure, the hot season was just commencing, when marching should, if possible, be avoided—and subsequently, I have been waiting in hopes of receiving definite orders on the affairs of the Nabob of Arcot and of the Raj of Tanjore.

Previously to the receipt of this Despatch from the Honorable Court, I had communicated privately with the Governor General on this very subject, and had expressed my hope, that I might be informed at an early date of the views of the Government of India on the abovementioned matters, in order that, if possible, I might not be detained at Madras.

The Governor General has, I am aware, kindly put himself to some inconvenience in order to meet my wishes.

Instructions were received by the last Mail on the Raj of Tanjore, and I hope that those on the affairs of the Arcot family may arrive by the next.

I would here point out, that, whilst I have thus been prevented from visiting the interior of the country to any great extent, I have been enabled to supervise the introduction of many important changes of administration which were urgently required, and which would certainly have been postponed had my absences from the Presidency been more frequent.

I will enumerate some of these which are of general interest.

1. A general temporary remission of taxation on lands thrown out of cultivation on account of excessive assessment.
2. Remission on wells and other improvements made by Ryots.
3. A temporary re-assessment called for from all Collectors, pending a survey, and already effected partially in North Arcot, South Arcot, Salem, Trichinopoly, Nellore, Madura.
4. A plan for a General Survey and Assessment.
5. The abolition of the Mahratta language in Revenue accounts.
6. The entire charge of system in the Village talook and district accounts, partially carried out, eventually to be universally adopted.
7. The codification of the various Regulations and Acts, about 15 or more in number, bearing upon Revenue subjects into three Acts.
8. A proposition for a Commissioner to enquire into the validity of all Enams.
9. The organization of the Public Works Department, a subject requiring constant supervision and not even completed yet.
10. The organization of the Educational Department.
11. The establishment of a monthly pre-audit, instead of a yearly post audit in the Civil Audit Department.
12. A proposition for the improvement and enlargement of the Subordinate Medical Department.
13. A proposition for affording opportunities for instruction in their profession for Military Officers.
14. Rules for examination to be passed by all Uncovenanted servants, on entering the service and before obtaining promotion.
15. The reports, Commission, investigation, &c., on torture.
16. The establishment of Exhibitions at Madras, agricultural and cattle shows, in the Provinces.

These are all subjects, which required constant supervision and attention, and which I have no doubt have been supported on their first institution with much greater effect by the Governor when present at Madras, than if he had been frequently absent.

In making this statement, I would wish by no means to attribute to myself any particular merit.

I have done nothing more than endeavour to give full scope to the valuable suggestions afforded me by the many able and zealous servants of the Honorable Court, whom I found desirous of improving the state of this country, and with whose labours I have endeavoured to co-operate to the best of my abilities.

P. S.—Since writing the above, I have had the opportunity of looking through the 4th report of the Commissioners for the reform of Judicial establishments and Judicial procedure in India.

I find that they condemn the practice of entrusting Criminal Jurisdiction to Tahsildars, and their plan for the institution of Subordinate Criminal Courts appears to involve the necessity of the separation of the Judicial power from that of Police.

(Signed) HARRIS.

MINUTE BY HIS EXCELLENCY THE COMMANDER-IN-CHIEF.

20TH SEPTEMBER 1856.

I cordially concur in all the views and opinions expressed in this Minute by the Right Honorable the President, on the very important subjects on which it treats, *viz.*

Increasing the number of the Revenue Officers.

Adding to the strength of the Magistrature.

And, above all, the reorganization of the Police Force.

(Signed) PAT. GRANT.

MINUTE BY THE HONORABLE W. ELLIOT, Esq.

I have read the Minute of the Right Honorable the President with the care and attention which the importance of the subjects discussed in it, demand.

On most of these, the views of this Government have already been expressed, and had I been present on these occasions I should not have felt it necessary to enlarge on them again.

But I was absent when the state of the Police came under consideration.

I feel bound therefore to state on this occasion, the conclusions at which I have arrived on a subject of such importance.

I fully concur with the President as to the character of the existing police—its faulty organization—its defective working. For purposes of prevention it is useless, for those of detection it is far from successful.

In addition to the examples quoted by Lord Harris, I would refer to the unsuspecting security of the Police of Canara on the occasion of the insurrection in 1837,—the origin and objects of which continue a mystery to the present hour:—to the fanatical ebullitions of the Mahomedans at Cuddapah, Sirci, Bangalore and other places in 1832, the cause of which has never been traced: to the extensive combinations of the Wahabees in 1838-9 which eluded the observation of nearly all the Mofussil Magistrates and were principally developed by the exertions of the late Chief Magistrate of Madras, the only officer with an efficient establishment at his disposal. These and many other instances which could be added afford illustrations of the little that is known regarding the movements and designs of the Native population, and of the small success achieved by attempts to probe them.

I think it is not difficult to explain the cause of this state of things.

The system of Police now in force is that which was left by the Native Governments which preceded our rule. We took it exactly as we found it. It has been little altered and in no wise improved.

The foundation of the system is the Village Police.

The hereditary head man of the Village with his scribe (the Curnum), the watcher and his assistants, the Vettis,—form the working agency.

These were subject to the district or pergunnah officers, and these again to the Governor of the province.

There was no division of authority. All power, whether Revenue, Judicial, Military, or Police, was concentrated in the same functionaries throughout their several grades.

They were not fettered by forms of procedure or rules of law.

When a crime was committed, the inhabitants of the village were held responsible. They were bound to produce the perpetrator or to make good the loss, or were subjected to fine. If they succeeded in tracing the criminal to another village, the responsibility was transferred to it.

The system was rude. Its action was often arbitrary. But it imposed upon all, an interest in maintaining order.

Under vigorous control it repressed crime, but its efficiency depended on the personal character of the individual in authority.

The same machinery is still retained but its working is changed.

Village officers are no longer held answerable. It is thought unjust to amerce them for failure of success. The stimulus of joint responsibility is gone. Owing to the peculiar framework of Indian Society, the interest of the people is confined to their own village. No solicitude is felt for matters beyond its limits. They have therefore no object in joining the hue and cry, to trace the thief who has robbed their neighbours.

The proceedings of the Magistrate are under the supervision of the Judicial officers. The control of his subordinate agents under those of the Revenue. Every act and order and sentence is reviewed by the Sessions Judge and Court of Sudder Udalt. Every fine or removal of a peon or village officer is subject to the revision of the Board of Revenue.

Divided control itself weakens efficiency. But this is not all.

The Courts require an adherence to forms of procedure, and are guided by rules of evidence, which more often protect the criminal than satisfy the ends of justice.

Their tenderness in dealing with offenders, their unwillingness to convict without the clearest testimony, their fastidiousness in estimating the value of evidence are carried to an extreme. It may be that a Sub-Judge feels loath to act on his single judgment, when there is the smallest room to doubt. It may be that where the office is obtained, by the chances of the service, not by the possession of Judicial qualifications, there is often a want of the firmness and self-reliance required for arriving at a decision under such circumstances.

Whatever the cause, the effect is unquestionable. The chances of escape, compared with those of conviction are a favor of offenders.

Professional robbers let loose, are encouraged to persevere in crime. Honest men are deterred by dread of their vengeance from appearing against them. Heads of villages relieved from responsibility are often in league with the thieves. The Village watcher, selected originally from the predatory tribes, instead of serving as a check becomes their ally.* Systematic plunder by organized bands is carried on with comparative impunity. The Magistrate is discouraged. The exertions of the Police are relaxed. They may trace the authors of individual acts of violence, the outbreak of angry passions—but they fail in tracing crimes against property, whether perpetrated by fraud or by open spoliation.

Whenever this system has been found to produce evils of sufficient magnitude as peremptorily to call for a cure, the remedy has been found by suspending the system itself. Such is the explanation of Acts XXX of 1836, XVIII of 1837, XVIII of 1839, XXIV of 1839, XXIV of 1843, and XXIII of 1854, &c.

But it is only when suffering has become intolerable that relief is afforded. Meantime the people are left exposed to all the misery which insecurity of person and property produce.

I believe this to be the condition of the rural population in all the regulation provinces.

In the non-regulation provinces the case is different. There the Police is kept efficient by the unity of authority and the large discretionary powers vested in the officer at the head of affairs. The officers selected for such positions are men of acknowledged ability, and they exercise a large control over extensive tracts and over numerous subordinate officers.

* This curious arrangement appears to be universal throughout S. India. In the Carnatic the Taliahs are taken from the Maravars and Kallars, in Mysore from the Bedars, in the Dekhan from the Ramoosies, in Guzerat from the Kulis, in Central India from the Bheels, &c., &c., all of them professed and hereditary robber tribes.

In a regulation district every man rises to the head of a department in his turn, and these departments are co-ordinate and independent of each other in the same Zillah.

But the division of labor has been partial only. To secure efficiency it should be complete.

The Judicial functions have been committed to a distinct body of officers. The Revenue, Magisterial and Police duties have been left conjoined in the same hands to another.

Either there must be unity of authority and action, or the separation of functions must be carried to its legitimate extent.

But we cannot retrograde. It is too late to go back to a primitive form of administration.

Every branch of the administration therefore must be made complete in itself.

The Police requires a separate organization.

The Magistracy must be separated as far as practicable from the Police.

The cost of such changes will be considerable, but the expense will be small in comparison with the magnitude of the evils to be corrected.

I do not consider it necessary to separate the Magisterial entirely from the Revenue functions at present.

The Collector and his Assistants should still perform the duties of the Magistracy as far as relates to the disposal of minor offences. But Tahsildars should be relieved from all such power, which should be committed to Uncovenanted Deputy Magistrates, conveniently located.

Act XII of 1854 provides the means of supplying such functionaries at once. Their numbers may be increased and the more intelligent, or 1st class, Moonsiffs may be made committing officers.

I concur with the President in the propriety of placing the Police of each Zillah under a distinct Superintendent, subordinate only to the Collector, but invested with exclusive direct control, over all the Police of the district.

This should include the established Village Police, which I would make as efficient as possible and which should be organized specially as a preventive Police.

I attach little value to the Constabulary or Peon Police for such purposes. Their employment should be mainly directed to detective duties and to the general supervision of the Village Police under the Superintendent.

Some increase to their numbers will be required, because a portion of the present body will have to be allotted to the Revenue Department for exclusively Revenue purposes.

But a body not exceeding the whole number of those now enrolled should be systematically trained to the peculiar duties of a Police force, and I entirely concur in the advantage of having a certain proportion of them mounted.

I have long been convinced of the great value of such a description of force, and I have seen it exemplified in the occasional employment of irregular horse on Police service.

It will be necessary to appoint a Police head man in addition to the Revenue head man in every village. The Village Moonsiff was entrusted with Judicial, in addition to Revenue, powers by Regulation IV of 1816. But the plan has never worked. Such powers, both judicial and police, are inherent in the office, but they can only be exercised under a Native Government or under a non-regulation administration. They are incompatible with the division of labor required under the Regulations.

One of the Curnums should also be allotted exclusively to the Police. The Taliahs or Watchers, and a proportion of the Vettis or village serfs and of the Cuttoobaddies or Village Militia, where they exist, would be under the exclusive orders of the Superintendent of Police.

I think it would be advisable to introduce the plan experimentally into one Collectorate or Province first, to test its working and supply its defects. It should then be gradually extended to all.

But whatever may be the details of the system to be finally adopted, there can I think be no question, that the old Police of the Regulation Provinces has become effete and powerless, and that it can only be revived by a thorough re-organization under separate, responsible superintendence.

(Signed) WALTER ELLIOT.

27th September 1856.

JUDICIAL DEPARTMENT.

No. 1067.

Extract from the Minutes of Consultation, under date the 2nd October 1856.

Read the following Despatch from the Honorable the Court of Directors.

Here enter 23rd July No. 12 of 1856.

Review the Despatch from this Government in reply to one from the Honorable Court on the subject of the improvement of the local administration of this Presidency. Notice the opinion of this Government that no advantage would result by assimilating the Madras system with that of the two Divisions of the Bengal Presidency by the appointment of local Commissioners of Revenue and Police and add the objection that applies to any great changes in the established mode of proceeding. Learn with concern and surprise the large number of gang robberies attended with aggravating circumstances and of gang robberies of all kinds. Remark that such results indicate a great failure either in the means at the disposal of Officers charged with preserving peace and good order or in their use of such means and that they call for a remedy. For reasons stated, object to the proposal that the entire control of the Police in the Town of Madras and in all the Districts should be vested in a Commissioner resident at the Presidency. Assure this Government that their recommendations when reported on by the Government of India will receive the Honorable Court's deliberate consideration; but express regret that the measures proposed should involve so great an increase of expenditure as must throw some difficulty in the way of adopting them. Are of opinion that practical benefit must arise from the examination which the subject has undergone, and will be prepared to sanction any well considered improvement in the system of internal administration. Honorable Court would feel more reliance on the recommendations of this Government of what is really required after the Governor has visited the interior of the Presidency and made himself practically acquainted with its wants.

With reference to the assurance conveyed by the Honorable Court in para. 8, that the recommendations submitted by this Government in pursuance of the Court's orders of 23rd August 1854, should receive the Court's deliberate consideration when reported on by the Government of India, whose sanction had been solicited to the expense involved—Resolved that the Honorable Court be informed that this Government have as yet received no reply to the references made by them to the Government of India on the questions alluded to, and that copies of the further Minutes recorded by the Right Honorable the President, by His Excellency the Commander-in-Chief and by the Honorable Mr. Elliot, be forwarded to the Supreme Government and to the Honorable Court.

(Signed) T. PYCROFT,
Chief Secretary.

JUDICIAL DEPARTMENT.

No. 1061.

TO THE SECRETARY TO THE GOVERNMENT OF INDIA.

SIR,

With reference to the letters to the Government of India of the dates noted in the margin, relative to the Police and Revenue administration of this Presidency, and to the Despatch on the same subject, Judicial Department, No. 12, dated 23rd July 1856, lately received from the Honorable the Court of Directors, I am directed to forward for submission to the Right Honorable the Governor General in Council the accompanying copies of Minutes, that have been recorded by the Right Honorable the President, by His Excellency the Commander-in-Chief, and by the Honorable Mr. Walter Elliot.

2. I am desired to add that copies of these Minutes have also been forwarded to the Honorable Court of Directors, in reference to the concluding passage of their Despatch of 23rd August 1854.

(Signed) T. PYCROFT,
Chief Secretary.

Fort Saint George, 2nd October 1856.

JUDICIAL DEPARTMENT.

No. 35 of 1856.

TO THE HONORABLE THE COURT OF DIRECTORS

OF THE EAST INDIA COMPANY.

HONORABLE SIRS,
We do ourselves the honor to acknowledge the receipt of your Despatch in the Judicial Department, No. 12, dated 23rd July 1856, in reference to our letters 25th September 1855, No. 42, and 20th October 1855, No. 32.

In Diary to Con. 7th October 1856.

2. In this Despatch your Honorable Court, after taking a survey of the recommendation submitted by us in pursuance of your instructions of 23rd August 1854, assure us that they shall receive your deliberate consideration when reported upon by the Government of India, whose sanction we had solicited for the expence involved in those arrangements.

3. No communications, we beg to state, have as yet reached us from the Government of India upon the important questions above adverted to, nor are we aware when we may expect to learn the views of that authority. Meanwhile and in reference to the conclusion of your Despatch of 23rd August 1854, we beg to forward to your Honorable Court copies of Minutes which have been recorded by our Right Honorable President, by His Excellency the Commander-in-Chief and by the Honorable Mr. Walter Elliot and which have been communicated to the Government of India in continuation of the previous papers on the subject.

We have the honor to be &c.

(Signed) HARRIS.

„ PAT. GRANT.

„ WALTER ELLIOT.

FORT ST. GEORGE, 11th October 1856.

No. 1537.

HOME DEPARTMENT,
JUDICIAL.

FROM CECIL BEADON, Esq.,

Secretary to the Government of India.

TO J. D. BOURDILLON, Esq.,

Secretary to the Government of Fort St. George,

dated the 21st November 1856.

SIR,

I am directed to transmit the accompanying copy of a Despatch, No. 41 of 1856, dated the 24th September, from the Honorable the Court of Directors, regarding a proposed general re-organization of the Police of India, and to request that, after consideration of the Honorable Court's suggestions, the Right Honorable the Governor in Council will favor the Supreme Government with such observations on the subject as His Lordship in Council may feel disposed to offer.

I have, &c.,

(Signed) CECIL BEADON,

Secretary to the Government of India.

Fort William, the 21st November 1856.

JUDICIAL DEPARTMENT.

No. 41 of 1856.

OUR GOVERNOR GENERAL OF INDIA IN COUNCIL.

Police of India.

1. Our attention has been directed, on various occasions of late, to the character and proceedings of the Police in different parts of India, and the reports which from time to time have been laid before us have combined, with many incidental notices of failure or abuse, to deepen the conviction that an immediate and thorough reform of the Police in all the old Provinces of British India is loudly called for.

2. In considering the measures to be taken for effecting such a reform, it will be necessary to advert very briefly to the arrangements already existing in the several Presidencies to the evils of the present system, and to the duties for which provision must be made.

3. The Districts in all the Presidencies are sub-divided into several subordinate jurisdic-

tions, each of which has its local police. In Bengal the local police "are prohibited from enquiring into cases of a petty nature, but complaints in cases of the more serious offences are usually laid before the police Darogha who is authorized to examine the complaint, to issue process of arrest, to summon witnesses, to examine the accused and to forward the case to the Magistrate or submit a report of his proceedings according as the evidence may, in his judgment, warrant the one or the other course." They are, in fact, charged with all the duties of a preventive and detective police. In the Lower Provinces they exercise no revenue functions, but in the North Western Provinces the Tahsildars may be vested with the powers of Police Daroghas at the discretion of the Government.

4. The duties ordinarily performed in Bengal by the Police Daroghas are in the Presidency of Madras performed by the Tahsildar, who as his title implies is also a revenue officer. The powers of the Tahsildars, however, are much more extensive than those of the Police Darogha. A Tahsildar is authorized not only to enquire into petty cases, which the Bengal Darogha is prohibited, on pain of dismissal from office, from investigating, but also to proceed in certain specified instances to judgment, sentence, and the infliction of punishment.

5. In Bombay, the revenue and police functions were, up to a recent period, as much combined in the same officers as at Madras. In their police capacity, these officers were authorised to investigate all complaints of a criminal nature, and, like the Tahsildars of Madras, exercised a penal jurisdiction in respect of certain petty offences. A material alteration however has recently been made. An officer styled Superintendent of Police has been placed under the general orders of the Magistrate. While the Magistrate confines himself for the most part to judicial and administrative matters, the Superintendent has the control of the Executive Police, and the command of the entire stipendiary body, with the initiative in the prevention and detection of crime. To aid the Superintendent in the supervision of the District Police, there is placed in each police division under his orders, an officer called Joint Police Amildar whose duties in regard to the preservation of the public peace, and the investigation into crimes of a serious nature, are much the same as those of the Bengal Darogha, but who has no power to punish even the most trivial offences.

6. It thus appears, that, apart from the penal powers exercised by the Madras District Police, the Bengal Darogha, the Madras Tahsildar, and the Bombay Joint Amildar, all act to a certain extent judicially, when engaged in investigating crimes of a serious nature. They examine the parties and the evidence, and they form a judgment on the case to the extent of deciding whether it is one for immediate arrest of the accused and transmission to the Magistrate or otherwise. They are further required to act for the prevention of crime, and to apprehend and bring to justice all persons charged with serious offences.

7. That the Police in India has lamentably failed in accomplishing the ends for which it was established, is a notorious fact; that it is all but useless for the prevention, and sadly inefficient for the detection of crime, is generally admitted. Unable to check crime, it is with rare exceptions unscrupulous as to its mode of wielding the authority with which it is armed for the functions which it fails to fulfil; and has a very general character for corruption and oppression. There is moreover a want of general organization; the force attached to each division is too much localized and isolated, and the notion of combination between any separate parts of it, with the view of accomplishing the great objects of a body of Police, is seldom entertained.

8. The evils then with which, under the existing system, we have to contend are to be found both in the character, and in the want of organization of the Police.

9. The chief cause of the inefficiency of the Police, is what operates in all countries where it is not adequately overlooked and controlled; accordingly it is found in India, that only in districts of less extent than usual, or favored by an extraordinary degree of zeal, activity and bodily strength on the part of the Magistrate in the habit of making frequent tours, are the misconduct and corruption of the subordinate Police systematically subjected to be checked by the higher intelligence and sterling honesty which happily distinguish the Covenanted servants of the Government of India.

10. And, yet, notwithstanding their possession of these high qualities, combined in frequent instances with zeal and energy of no common order, it is, we repeat, not too much to say that effectual supervision and control have seldom been exercised by the English officers in charge of the Police. This in our opinion is the cause of failure and the reasons are briefly these; the

enormous size of the districts committed to the hands of each Officer in charge of the Police, and the conflicting and distracting claims of other important duties which would have been in themselves sufficient to incapacitate those in whom they are imposed, for the effectual superintendence of a Police formed of such materials as we have described; even had these respective jurisdictions been of such an area as to render it physically possible that they should keep any considerable proportion of their subordinate agents of the system under their eyes, and hold them properly in hand. If proof were needed of the truth of this position, it might be given in the simple circumstance that whenever it has been found necessary to grapple effectually with any particular crimes, such as Thuggee or Dacoity, an entirely separate instrumentality has been found to be indispensable for the purpose and generally successful, and yet, although specially selected for the peculiar duty, and acting in a comparatively limited sphere, the European Officers employed to investigate these terrible crimes, and to apprehend the offenders have not always been able to prevent their native Subordinates from harassing and preying upon the community.

11. In justice to the Native Officers of Police, mention of one other chief cause of failure must not be omitted. Although some partial improvement has taken place of late years, the majority of the principal Officers of the Native Police are much under-paid, in relation not merely to the importance of their functions, but even to the necessary expenses of their employment in the public service, and of their social position.

12. To remedy the evils of the existing system, the first step to be taken is, wherever the union at present exists, to separate the Police from the administration of the Land Revenue. No Native Officer should be trusted with double functions in this respect. We do not see the same objection to the combination of Magisterial and fiscal functions in the hands of our European Officers, because we can better hope they will not abuse their powers, and because, by employing the Collector as the principal Magistrate of each District, we are able to obtain for the chief administration of the penal laws a more efficient, and especially a more experienced, class of Officers than would otherwise be available. This is an important consideration which ought never to be lost sight of. Nevertheless, it is still more important that the Officers who control the Police should be required to undertake frequent tours of their Districts. And they must not be so burdened with other duties, such as the preparation of forms, returns, and statements, as to be deprived of the time sufficient for this essential purpose. This supervision exercised by intelligent Officers who are accessible at all times is the most certain and effectual check to every abuse of authority by subordinate servants of Police.

13. In the second place, the management of the Police of each District should be taken out of the hands of the Magistrate (who would thus have more time for exercise of the double functions adverted to in the foregoing para) and be committed to an European Officer, with no other duties, and responsible to a general Superintendent of Police for the whole Presidency.

14. Finally we must endeavour to raise the status and to secure the honesty of the principal Native Officers of Police, by raising their salaries, so as at once to place the legitimate emoluments of their several appointments in a nearer relation with the importance of their functions, with the trust that must necessarily be reposed in them, and with the great value to the people of good and honest service on their parts, and at the same time to render the tenure of their respective situations an advantage not to be lightly risked for the sake either of factitious and temporary credit with their superiors, or of illicit gain. In remodelling the Police, it might be advisable as a general measure to admit only those old Officers of Police at the higher salaries who have distinguished themselves by remarkable zeal and efficiency. We think that a large portion of those taken into the new Police should be men who have had nothing to do with the old system.

15. We are quite aware that the practical measures to which we have above adverted will not accomplish all that is requisite to a thorough reform of the Police in India. But we are persuaded that much practical improvement of the existing state of things may be effected by a better system of supervision and control, by an adequate scale of emoluments, by promptly rewarding the deserving and by more certainly and severely punishing the corrupt and cruel.

16. These measures, however, must be accompanied by another of the utmost importance. One great object to be aimed at in the reform of the Police is to convince the people that Government is earnest in its endeavours to place the system upon such a footing as shall most effectually secure the ends for which it has been instituted. To ensure this, it will be necessary to make material changes in the constitution and organization of the Police. The

existing force is so condemned by the authorities and so hated by the people, that a mere attempt at reform without such changes would be a serious error and would bring about its own failure, from the public and general conviction of its inadequacy to the great object in view. We observe with deep regret the long continuance of this evil under our administration. We think it desirable that an enactment should be passed, vesting in the Magistrate or Superintendent of Police the power of summarily inflicting severe punishment on Policemen in proved cases of delinquency, and that the Local Government should be invariably apprised of instances of their intelligence and intrepidity and be prompt and liberal in rewarding such conduct.

17. The Police in all the Presidencies, as already observed, are charged with various duties. They are required to preserve the peace, to prevent crime, to investigate crimes committed, to detect and arrest offenders, and to procure evidence of guilt. Their duties are both of a preventive and of a detective character. In the Regulation districts of the several Presidencies these duties are combined in the same persons. In some other parts of India, as in the Punjab they are separated.

18. "The Police establishments of the Punjab may be ranged under two heads, namely, the preventive Police with a Military organization, and the detective Police with a Civil organization."

1st Report on the Punjab,
page 33.

These two bodies have been in existence for some years and have done good service.

19. It will probably be objected at the outset, that while the Police of the Punjab may be well adapted to the condition of the country in which it is employed, it is wholly unsuited to the condition of the Territories which for a very long time have had a Police with nothing of a Military character.

20. We do not desire, of course, that the preventive Police should be of the same strength in those parts of India which have been for the longest period subject to our rule and where the crimes committed are generally those of fraud and stealth, as in those Provinces where the habits of the people are predatory and turbulent. The general plan should be modified so that it may accommodate itself to the various circumstances of the country and the people. But, with this obvious condition, we see nothing to prevent the extension of the system which has worked well in the Punjab, into our older possessions; and if, under that system the Police be properly organized and efficiently superintended and afford greater protection to person and property, than is the case at present, difficulties will soon be overcome and objections will disappear.

21. We think, therefore, it will be well to follow the system of dividing the Police into two separate portions, the preventive, and detective; each having its own functions, and each organized upon the most efficient plan; the latter exercising only such judicial powers as may be absolutely necessary for the investigation and detection of crime, the former exercising no judicial powers at all.

22. The size of the districts in India should however be reduced as much as possible, and such measures adopted as would enable you to dispense with the expensive machinery above adverted to, which in its full extent is not adapted to our old possessions. The great distance of the Magistrate's Court from many parts of the Territory subject to his authority will render it necessary, for the present, to give the detective Police power to make preliminary enquiries, before the parties and the witnesses are requested to appear before the Magistrate. Were the Moonsiffs however generally invested with criminal jurisdiction, or were a Criminal Court with penal jurisdiction and with power to conduct the investigation in serious cases preparatory to trial by a Superior Court, established in each division of a district, (one or other of which ends should we think be arrived at in all our plans for the improvement of the Police) it would become a question whether the strength of the detective Police might not be considerably diminished.

23. The preventive Police should be charged with the preservation of the public peace, and with the adoption of necessary measures for the prevention of crime, but not with the preparation and production of evidence against criminals, which should be left entirely to the detective Police. The preventive Police should be one force for the whole Presidency or Lieutenant Governorship, but subdivided and stationed by the General Superintendent under the orders of Government in selected localities, in the way most conducive to the attainment of the objects contemplated in its formation. The detective Police might with advantage form a constituent portion of each Battalion of the preventive Police, under the European Officers.

24. The Police of each Presidency or Lieutenant Governorship should be organized as far as possible upon a common plan for all India; it should consist of Horse and Foot; its larger divisions might be superintended by European subalterns, well acquainted with the language and of not less than from 6 to 8 years service, and the whole should be superintended by one head: its arms and equipments, clothing and internal discipline should be such as to preserve the character of a Police, and to render it serviceable and efficient, without approaching an absolutely Military organization.

25. We have thrown out the foregoing remarks merely as suggestions upon a subject to which we attach very great importance, and we desire that you will take the subject into your early consideration and, after communication with the other Presidencies, report fully to us your sentiments as to the expediency of the general re-organization of the Police throughout India upon some such system as that which obtains with respect to the Police in the Punjab; or perhaps the constabulary of Ireland, and as to the mode and cost of the proposed reform.

26. We would further suggest in connection with this subject whether the influence, services, and means of information of the land-holders and European residents in the Mofussil might not be made more available than at present for purposes of Police, especially for the prevention and detection of the more heinous crimes.

We are, &c.,

(Signed) W. H. SYKES,

(„) ROSS D. MANGLES,

and other Directors.

London, the 24th September 1856.

(True copy.)

(Signed) CECIL BEADON,

Secretary to the Government of India.

MINUTE BY THE RIGHT HONORABLE THE PRESIDENT.

GUINDY, 1ST JANUARY 1857.

I hail with great satisfaction this Despatch from the Honorable Court.

I have already expressed my opinions on the subject of the Police at such length, on more than one previous occasion, that it is hardly necessary for me now to recur to them.

There are however one or two points, on which I would wish to record a few remarks.

It appears to be decided that in the re-organization of the Police, the system to be adopted is, that there shall be in each Presidency:

1. A Chief Commissioner, in whom will be vested, in communication with the Chief Secretary to Government of course, the direction, discipline and internal economy of the Corps.

2. That there will be in each District an European Deputy Commissioner, with a sufficient number of Subordinate Officers, European, East Indians or Natives, and of Peons.

3. That the duties of the Officers shall be solely those belonging properly to a detective and preventive Police, not possessing a definitive Judicial character.

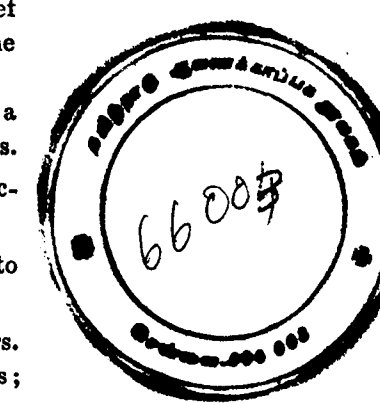
In the Despatch some suggestions are thrown out respecting the formation of the Corps, to which I will now allude.

In para : 11, reference is made to the inadequate pay hitherto given to the Native Officers. This is unquestionably true, but the statement is equally applicable to Peons or Police Constables; and I would point out, that it is impossible to expect men to act with integrity in a position where so many temptations occur, unless they are well remunerated for their services.

In para : 12, it is remarked "nevertheless it is still more important, that the Officers who control the Police should be required to undertake frequent tours of their Districts, and they must not be so burdened with other duties, such as the preparation of Forms, Returns, and Statements, as to be deprived of the time sufficient for this essential purpose."

This is a very important remark and which should be strictly attended to.

2211, 173
M59



The tendency of this age is rather to exceed than otherwise in requisitions of Returns, &c., so that the time of Officers is rather occupied in completing such documents, than in performing the active duties of their office.

The Honorable Court in paras : 20 and 21, direct attention to the Punjab Police as a system, which might be worthy of adoption.

I must confess to have great doubts on that point.

So far as I can gather from the reports, the preventive Police forms much more a Military Corps than would be necessary in this Presidency, and the detective Police are to some extent under the direction of the Revenue Tahsildars, a system now condemned.

The duties of the Police must be detective and preventive, but they may well be performed by the same Corps; the detective portion of the force being organized for their special duties, by their superior Officers.

In the Punjab, I have no doubt, a different description of force and one of a more Military character is required.

By the report, the detective in that Province appear to be nothing more than ordinary Civil Police, except in so far as some of the superior Officers perform duties, which might properly belong to the Office of Public Prosecutor.

The force of the Punjab appears very numerous, and I have no doubt necessarily so.

The preventive Police.....	12,000
The detective	9,500
For a population of.....	10,000,000

In para : 24, instructions are given respecting the general character of the Police, and it is stated "its arms and equipments, clothing and internal discipline should be such as to preserve the character of a Police, and to render it serviceable and efficient without approaching Military organization."

I sincerely hope, that the latter part of this remark will be fully appreciated.

The utility of a Police Corps is apt to be lost in attempts to imitate the Military.

I trust also, that, whilst some degree of similarity may be required in the clothing and equipments of these Corps, yet at the same time considerable latitude will be allowed to the several Governments in their selection, in order that they may be able to adapt them to the habits of the people and the climate they inhabit.

Articles which may be admirably adapted for the service in the Punjab may not be suitable for Tinnevely.

In para : 16, it is remarked, "we think it desirable that an enactment should be passed, vesting in the Magistrate or Superintendent of Police, the power of summarily inflicting severe punishment on Police-men in proved cases of delinquency."

I am fully of opinion, that misconduct in Police-men should be severely punished, but I think that they should have a right of Appeal equally with other men, and I think, moreover, that in their arduous duties, they should also have the undoubted support of the law, and that the same Act, which gives the power of punishing them, should also give the power of similar punishment for those who wrongfully charge them with offences.

The Records of this Government will shew how readily cases are got up against the Police, without any real foundation, particularly at the present time, when it appears to be generally supposed amongst the people, that any charge of Torture will be at once accepted as true.

In the commencement of the Despatch the Honorable Court call attention to the powers exercised by the Darogahs of Bengal, the Amildars of Bombay, and the Tahsildars of Madras, in investigating crimes.

This subject is one which requires much consideration, and the course to be pursued must be materially modified by the decision of the arrangements proposed for the amalgamation of the Courts.

The line which has to be drawn, so as to secure energetic movements for the detection of crime, and at the same time not unduly to interfere with individual security and independence, is a very fine one, and if required to be laid down very minutely, will demand a very expensive establishment.

If crime is to be quickly detected, and there is no such certain prevention of depredation for the future, there must be rapidity of action and the Police must not be obliged to march for miles before they can get a case investigated, in order to obtain committal.

I have previously stated the position in which the Officers of Police would stand with respect to the Collectors of Districts.

The Honorable Court made no mention of the Village Police in their Despatch, but it will be advisable, that the course to be adopted with regard to this national institution should be decided on.

(Signed) HARRIS.

MINUTE BY THE HONORABLE SIR H. C. MONTGOMERY, BART.

Having already had an opportunity of stating my views on the subject of the reform of the Police, when considering the system of the local administration in the Revenue and Magisterial Departments of the Madras Presidency, and also, connected therewith, on the occasion of considering the project for the amalgamation of the Highest Courts, I will refrain from repeating the opinions I recorded on the 2nd June 1855, and on the 17th November 1856. I will only observe that such extensive improvements as are contemplated cannot be carried into execution without considerable increase of expenditure, and unless the Honorable Court consent adequately to remunerate Native Establishments for the duties required from them, devotion to their service must not be expected. The failure of the system hitherto in force is in a great measure attributable to the small allowances of the inferior Agents. The Village Police Officers in many instances are without any emolument, and yet from prescription some service is expected from them. But it is not only a more efficient Police that is wanted for the suppression of crime. The efforts of the most vigilant have hitherto been, and will continue to be, of little avail in securing the punishment in heinous crimes, of offenders, if the Courts continue to afford to criminals such facilities for evading conviction as they now do. The evidence demanded for conviction is mostly so unsuited to the habits of the people that it is rarely forthcoming, and the consequence is the release of those whom the Police well know to be the actual perpetrators of crime, emboldened by their success to repeat their lawless acts, and to be the terror of all who aided in their apprehension.

5th January 1857.

(Signed) H. C. MONTGOMERY.

JUDICIAL DEPARTMENT.

No. 115.

Extract from the Minutes of Consultation dated 24th January 1857.

Read the following papers.

From the Government of India.....	Here enter 21st November 1856.
Minute by the Right Honorable the President. "	1st January 1856. "
do. by Honorable Sir } "	5th do.
H. C. Montgomery, Bart.	

Ordered that the following letter be despatched.

JUDICIAL DEPARTMENT.

No. 116.

TO THE SECRETARY TO THE GOVERNMENT OF INDIA,

HOME DEPARTMENT.

SIR,

I am directed by the Right Honorable the Governor in Council to acknowledge the receipt of your letter of the 21st November last, No. 1537, transmitting copy of a Despatch from the Honorable the Court of Directors, No. 41 of 1856, dated 24th September, on the proposed general re-organization of the Police of India; and requesting that, after consideration of the Honorable

able Court's suggestions, the Right Honorable the Governor in Council would favor the Supreme Government with such observations on the subject as his Lordship in Council may feel disposed to offer.

2. The Madras Government, I am instructed to state, have received with high gratification this Despatch of the Honorable Court. On previous occasions, as noted in the margin, they have so fully expressed their opinion upon the very important question to which it relates, that they have now but few observations to make. They proceed, however, to submit some few remarks on some points that appear to deserve notice.

Letter to Government of India, 14th August 1855, No 579, paras : 22-32, and Minutes of Members of Government, dated respectively 4th May, and 2nd June 1855.
Minutes of Members of Government on Honorable Court's Despatch, 23rd July 1856, forwarded to Government of India, on the 2nd October 1856.
Do. on reports of Commissioner on Judicial Establishments, Judicial Procedure and Laws of India, forwarded to Government of India, on 27th November 1856.

3. It appears to be decided that, in the re-organization of the Police, the system to be adopted is, that there shall be in each Presidency :

- 1st. A Chief Commissioner, in whom will be vested, in communication, it is presumed, with the Chief Secretary to Government, the direction, discipline and internal economy of the Corps.
- 2nd. That there will be in each District an European Deputy Commissioner, with a sufficient number of Subordinate Officers, Europeans, East Indians or Natives, and of Peons.
- 3rd. That the duties of the Officers are to be solely those belonging properly to a detective and preventive Police, not possessing a definite Judicial character.

4. These arrangements will, it is believed, be found to be in complete accordance with the proposals which have from time to time been recommended by this Government, and especially in the papers above marginally noted.

5. In the Despatch now forwarded, certain suggestions are thrown out respecting the formation of the Police Corps to which it may be proper to allude.

6. In para : 11, reference is made to the inadequate remuneration hitherto bestowed on the "Principal Officers of the Native Police," and the subject is recurred to in para : 14. The correctness of this statement cannot be questioned, but it is no less true as regards the inferior Police Servants, Peons and others : and it is clearly hopeless to expect that, in situations where they are so much exposed to temptations, these men will act with integrity unless duly compensated for their services.

7. In para : 12, after observing that, although the first step towards a reform of the existing system, is to separate the Native Police wholly from the administration of the land revenue, there may not be the same objection to the combination of fiscal and Judicial functions in the hands of the European Officer, the Court remark, "Nevertheless it is still more important that the Officers who control the Police should be required to undertake frequent tours of their Districts, and they must not be so burdened with other duties, such as the preparation of forms, returns, and statements as to be deprived of the time sufficient for this essential purpose." This is an observation of great importance and should be strictly attended to. The tendency of the present age is rather to exceed than otherwise in requisitions of returns, &c., so that the time of Officers is rather occupied in completing such documents, than in performing the active duties of their Office.

8. The Honorable Court, in paras : 20 and 21, direct attention to the Punjab Police as a system which might be worthy of adoption.

9. So far as is to be gathered from the reports, the preventive Police in the Punjab forms much more a Military Corps than would be necessary in this Presidency, and the detective Police are to some extent under the direction of the Revenue Tahsildars, a system now condemned.

10. The duties of the Police must be detective and preventive, but they may well be performed by the same Corps ; the detective portion of the force being organized for their special duties by their superior Officers.

11. In the Punjab, no doubt, a different description of force and one of a more Military character is required.

12. By the reports, the detective in that Province appear to be nothing more than ordinary Civil Police, except in so far as some of the superior Officers perform duties which might properly belong to the Office of Public prosecutor.

13. The force of the Punjab appears very numerous but, no doubt, necessarily so.

The preventive Police, 12,000

The detective..... 9,500

For a population of 10,000,000

14. In para : 24, instructions are given respecting the general character of the Police, and it is stated "its arms and equipments, clothing and internal discipline should be such as to preserve the character of a Police, and to render it serviceable and efficient without approaching Military organization."

15. It is trusted that the latter part of this remark may be fully appreciated. The utility of a Police Corps is apt to be impaired in attempts to imitate the Military.

16. Whilst, however, some degree of similarity may properly be required in the clothing and equipments of these corps throughout India, it is at the same time trusted that some considerable latitude may be allowed to the several Governments in their selection, in order that they may be able to adapt them to the habits of the people and the climate they inhabit.

17. It is evident that articles which may be admirably adapted for the service in the Punjab, may not be suitable for Tinnevely.

18. In para : 16, the Honorable Court remark "we think it desirable that an enactment should be passed vesting in the Magistrate or Superintendent of Police, the power of summarily inflicting severe punishment on Police-men in proved cases of delinquency."

19. On this, I am instructed to state, that, in obedience to the commands of the Honorable Court, this Government have recently forwarded to their Legislative Member, for submission to the Council, the Draft of an Act for the punishment of abuse of authority by Native servants in the Revenue, or Police Department. The Honorable Mr. Elliot has, however, objected to bring it before the Council, mainly on the ground that any special legislation on the subject would be superseded by the Penal Code, which is now shortly to be enacted, and which contains provisions of a sufficiently stringent character for the punishment of these offences.

20. The same cause would probably disincline the Council to entertain the enactment suggested by the Honorable Court, and which would be of a more summary and special character than the Draft above alluded to. This Government must also submit, that, entirely agreeing that misconduct in Police Officers should be severely punished, they cannot but think that such servants should have a right of appeal equally with other men. They consider, moreover, that these Officers should in the discharge of their arduous duties have the undoubted support of the Law, and that the same Act which gives the power of punishing them should also give the power of similar punishment on those who wrongfully charge them with offences.

21. The records of this Government will show how readily cases are got up against the Police, without any real foundation ; particularly at the present time, when it appears to be generally supposed amongst the people that any charge of Torture will be at once accepted as true.

22. In the commencement of the Despatch, the Honorable Court call attention to the powers exercised by the Darogahs of Bengal, the Amildars of Bombay, and the Tahsildars of Madras, in investigating crimes. The course to be pursued on this branch of the subject must be materially affected by the arrangements that may be determined on for the amalgamation of the Courts and dispensation of Criminal Justice generally.

23. If crime is to be quickly detected (and there is no such certain preventive of depredation for the future) there must be rapidity of action, and the Police must not be obliged to march for miles before they can get a case investigated, in order to obtain a committal.

24. The revision of the Judicial Establishments with this view, with the reform of the Stipendiary Police and its due remuneration and constitution on a thoroughly effective footing, together with the re-organization of the Village Police, which is not specially noticed by the Court, but which forms so essential a part of the Police system of the Madras Presidency, must needs be very costly, but the Government trust not unduly so, when the vast importance of the object in view is considered. In the absence of

Vide Minute by the Right Honorable the President, dated 18th November 1856, on the Reports of Her Majesty's Commissioner on the Judicial Establishments, Judicial Procedure, and Laws of India.

any instructions as to the general principles to be followed in the constitution and equipment of the force, the Government can form no conclusion as to the probable expense likely to be incurred. They venture, however, to recur to the opinion already expressed that the first step to be taken would be the appointment of a Commissioner of Police for the whole Presidency, who should, in immediate communication with Government, frame a detailed scheme of arrangements. The position which, in the opinion of Government, the Local Superintendents should occupy towards the Magistrates of the Districts in which they are employed, was explained on the same occasion.

Letter to Government of India, dated 14th August 1855,
Para: 30,
Ibid, para. 29.

FORT ST. GEORGE, }
24th January 1857. } (Signed) T. PYCROFT,

Chief Secretary.

JUDICIAL DEPARTMENT.

No. 13 OF 1857.

OUR GOVERNOR IN COUNCIL AT FORT SAINT GEORGE.

Letter dated 9th June (No. 16) 1857, para. 15.

Reorganization of the Police.

1. You were informed by our Despatch No. 4, dated 28th January 1857, that the Government of India had been instructed to submit their report upon the several measures proposed by you, for the revision of the local administration of your Presidency, with as little delay as possible. As, however, that Government may find it difficult under present circumstances, to give to your proposals the attention which they demand, and as that portion of them which refers to the improvement of the Police is of a pressing nature, we have deemed it expedient to communicate to you our views in regard to it, in anticipation of the report which has been called for.

2. The leading features of your plan for the improvement of the Police of the Madras Presidency, are, *first*, the appointment of a Chief Commissioner of Police for the whole Presidency, in whom will be vested, in communication with the Chief Secretary to Government, the direction, discipline, and internal economy of the Police Force;

Secondly, the appointment in each District of an European Deputy Commissioner of Police, with a sufficient number of subordinate officers and peons;

Thirdly, the entire separation of the Police from all connection with the Revenue branch of administration;

Fourthly, the separation of the judicial duties of the Magistrate from those which relate to the prevention and detection of crime;

And Fifthly, the reorganization of the Village Police.

3. In our Despatch to your Government, No. 12, dated 23rd July 1856, we stated our reasons against the appointment of a Commissioner of Police for the whole Presidency, observing "that an appointment in a great degree similar had recently been abolished in the lower Provinces of Bengal, that such an appointment has long ceased to exist in the N. W. Provinces, and that a frequent clashing of authority might be apprehended, if the Superintendent of Police in each District were subordinate at the same time to the Magistrate and also to the proposed Commissioner." The plan, which you propose, of separating the judicial duties of the Magistrate from those relating to matters of Police (which does not prevail in Bengal) obviates our objections, by drawing a clear line of demarcation between the functions of the Magistrate and those of the Chief Commissioner, and thus preventing any collision of authority between them.

4. You are probably aware, that the principle, which you so strongly advocate, of separating the Judicial from the Police functions of the Magistrate, has been as strongly opposed by men of intelligence and experience, who consider that their views are more in accordance with oriental ideas, which recognize no division of functions and regard the ruler, with as many deputies as may be needed, as exercising in his own person all the powers of the Government. The question has been fully and ably discussed on both sides. A satisfactory solution of it will best be attained by a practical application of the two systems in different localities, and as they will be tried

to the best advantage under the supervision of those who respectively favor them, we authorize you, subject to such future modification as time and experience may suggest, to organize the Police of your Presidency on the plan you have recommended in your several communications on the subject to the Government of India.

5. Your first step will, of course, be the appointment of a Chief Commissioner of Police upon such salary as may be deemed proper, and sanctioned by the Government of India. Then will follow the appointment, in like manner, of the District Deputy Commissioners. The Chief Commissioner and the Deputies, acting under the orders of Government, will then re-organize the District Stipendiary Police in the manner proposed by you, and on the completion of the new arrangements in any District, the Police functions of the Magistrate will cease.

6. You will make the necessary application for such legislative measures as may be requisite for giving effect to any part of your scheme of reform, and as the change will involve considerable additional expense, the regulation of which must remain with the Governor General in Council, you will communicate, from time to time, with the Government of India, in regard to the gradual introduction of the system into the several Districts of your Presidency.

7. We concur with you as to the expediency of putting the Village Police under the control of the District Deputy Commissioner of Police. At the same time we are decidedly of opinion that any measures which may be adopted for the improvement of this important institution, respect should be had to the leading characteristics of the system which has been found to prevail among the village communities, and may be supposed to be most in accordance with the feelings and habits of the people. The decay of the village Police system in many of our older possessions is much to be regretted, and we shall gladly give our support to any measures for re-establishing it upon such a basis as shall render it efficient for the purposes of its original institution. The appointment, duties, and allowances of the Village Watchman, the authority to which he is to be immediately subordinate, the position which he is to occupy in relation to the headman of the village, and the inferior officers of Police, and the sources from which the means of his remuneration (whether from lands held rent-free as before, or a system of town duties or a local assessment) are to be drawn, are subjects which will call for your early and attentive consideration. We deem it sufficient, for the present, to express our approval, generally, of your proposal to make the Village Police a part of the force under the superintendence of the Chief Commissioner and his district Deputies; leaving it to you to carry out, in communication with the Supreme Government, to whom a copy of this Despatch will be sent, the details of such measures as may be necessary for the fuller development of this and other portions of the plan of Police reform which you have recommended.

We are your loving friends,

(Signed) ROSS D. MANGLES,

(„) F. CURRIE,

and other Directors.

LONDON, 30th September 1857.

JUDICIAL DEPARTMENT.

No. 1584 A.

Extract from the Minutes of Consultation, dated 5th December 1857.

Read the following papers.

Despatch from the Honorable the Court of Directors. } Here enter 30th September, No. 13 of 1857.

Extract Minutes of Consultation in the Public Department. } Here enter 25th November 1857.
Referring to this Department for disposal certain reports of the Commissioner for the revision of Civil Salaries, &c.

Ordered that the following letter be despatched.

No. 1585.

FROM T. PYCROFT, Esq.,

Chief Secretary to the Government of Fort Saint George.

TO THE SECRETARY TO THE GOVERNMENT OF INDIA,

Dated the 5th December 1857.

SIR,

I am directed by the Right Honorable the Governor in Council to inform you that this Government have recently received the Despatch from the Honorable the Court of Directors dated 30th September 1857, Judicial Department, No. 13, on the re-organization of the Police in the Madras Presidency.

2. In this Despatch the Honorable Court, after re-capitulating the leading features in the plan which had been submitted to them by this Government for the improvement of the Police of the Presidency, and remarking that the measure proposed by the Government of separating the Judicial duties of the Magistrate from those relating to matters of Police had obviated the objections before expressed by the Court to the appointment of a Chief Commissioner of Police, authorized this Government, "subject to such future modification as time and experience may suggest, to organize the Police of the Presidency on the plan recommended in the several communications on the subject to the Government of India."

3. "Your first step," the Honorable Court continue, "will be, of course, the appointment of a Chief Commissioner of Police upon such salary as may be deemed proper, and sanctioned by the Government of India. Then will follow the appointment, in like manner, of the District Deputy Commissioner. The Chief Commissioner and the Deputies, acting under the orders of Government, will then re-organize the district Stipendiary Police in the manner proposed by you; and on the completion of the new arrangements in any district, the Police functions of the Magistrate will cease."

4. Lastly the Court express their approval, generally of this Government's proposals "to make the Village Police a part of the force under the superintendence of the Chief Commissioner and his District Deputies; leaving it to you, to carry out, in communication with the Supreme Government, to whom a copy of this Despatch will be sent, the details of such measures as may be necessary for the fuller development of this and other portions of the plan of Police reform which you have recommended."

5. The arrangements necessary for the reform of the Police of this Presidency under the authority thus granted by the Honorable Court will, I am instructed, to state, engage the immediate and close attention of this Government. It is however evident that, as remarked by the Court, the very first step must be the appointment of a Chief Commissioner and his District Deputies, and it is the object of the present letter to solicit the sanction of the Supreme Government to the salaries to be annexed to those offices.

6. The pay of the Chief Commissioner the Government would fix at the sum already named in my letter to the Government of India, 14th August 1855, para. 32, viz., Rupees 2,500 per mensem or Rupees 30,000 per annum. The Commissioner for the revision of Civil Salaries in his review of the Police of Madras—copy of which accompanies—states that he has no objection to offer to the amount, which is that allowed to the Commissioner of Police in Bombay, and it is clear that the remuneration should be such as to enable Government to command energy and ability of the highest order. The establishment of the Commissioner, the Government would with Mr. Ricketts fix, for the present, at a sum not exceeding 1,000 Rupees per mensem, to be subject to eventual revision on the extent of its labors being more fully developed by experience.

7. The Commissioner would, of course, be useless without efficient local Agents. The Government would propose one Superintendent on a salary of 700 Rupees a month, and an Assistant on Rupees 300, for each of the 20 Districts in the Presidency.* They would desire

*NOTE.—This appointment of Assistant did not enter into the original scheme as laid before the Government of India, but looking to the circumstances of the times and the change of feeling evoked both on the part of the rulers and ruled, the Government think it decidedly advisable. They would however desire discretionary authority to appoint to a District one Assistant of a superior class at Rupees 300, or two of a lower class at Rupees 150. They would only be appointed on clear proof of the necessity for them.

sanction at once for this number, with discretionary authority to make the appointments as opportunity should offer.

8. On these arrangements being sanctioned by the Supreme Government, the work of forming and re-organizing the Police establishments will at once be entered on and proceed gradually; progress being reported to the Government of India and their approval obtained as circumstances demand.

9. A tabular statement in the prescribed form is enclosed, and I am desired earnestly to solicit for it the favorable and immediate consideration of the Supreme Government. The necessity for the reform, of which the proposal now submitted is the indispensable preliminary, is becoming daily more imminent and is now most pressing. The means now at the command of the Government are quite inadequate for the due protection of their subjects in person and property. The northern and north eastern frontier are threatened with gangs of armed marauders. Within the last few days, a most daring attack has been made by a large body of Rohillas on an important commercial entrepôt on the Masulipatam border, the weak Sepoy guard overpowered and several of them killed, the Treasury plundered and the private property of the leading merchants carried off to a large amount. The many calls upon the Madras Native Army and the manner in which they are of necessity distributed over a large extent of country adds to the evil.

This letter and statement will be forwarded by express, and I am directed to request that any orders which may be passed upon it may be communicated in the like manner or by Steamer, and that their substance may be intimated by Electric Telegraph if the line be open.

I have the honor to be,

Sir,

Your most obedient Servant,

(Signed) T. PYCROFT,

Chief Secretary.

Fort Saint George, 5th December 1857.

No. 5347.

Extract from the Proceedings of the Right Honorable the Governor General of India in Council, in the Financial Department, under date the 22nd December 1857.

Read an Extract from the Proceedings of this Government in the Home Department, No. 2649, dated the 18th instant, forwarding for further consideration and orders with remarks, a letter No. 1585, dated the 5th idem, from the Chief Secretary to the Government of Fort St. George, and its enclosures, soliciting sanction to the salaries to be attached to the offices of the Commissioner of Police, Superintendents and Assistants to the Superintendents of Police, with the charge for establishment for the Chief Commissioner, aggregating Rupees 23,500 per mensem.

RESOLUTION.—The Right Honorable the Governor General in Council is pleased to sanction the salaries and the establishment proposed for the Madras Police, at an aggregate cost of 23,500 per month as shown in the margin, and to allow discretionary authority to the Madras Government to make the appointments of the Commissioner, Superintendents and Assistants to the Superintendents of the Police as opportunity offers, on the understanding that the Madras Government will at their discretion be at liberty to appoint to a District, one Assistant of a superior class at 300 Rupees per month or two of a lower class at Rupees 150 per month, as requested by them.

ORDER.—Ordered that a copy of the foregoing resolution be sent to the Home Department for communication to the Government of Fort St. George.

(A true Extract.)

(Signed) C. HUGH LUSHINGTON,

Secy. to the Govt. of India.

No. 2050.

Forwarded to the Government of Fort St. George, with reference to Mr. Chief Secretary T. Pycroft's letter, No. 1585, dated 5th Instant.

By order &c.,

Home Department,
The 24th December 1857.

(Signed) CECIL BEADON,

Secy. to the Govt. of India.

ORDER THEREON, No. 6; dated 4th January 1858.

Ordered to be communicated to the offices of Account and Audit.

(Signed) T. PYCROFT,

Chief Secretary.

MINUTE BY THE RIGHT HONORABLE THE PRESIDENT.

The Chief Secretary has circulated the correspondence, Proceedings of Government, and the Minutes of the Members of Council on the subject of the re-organization of the Police of this Presidency, which was first proposed by me in 1854.

2. In an accompanying Memo. the Chief Secretary mentions that there are three points "on which it is desirable, that a clear understanding should be come to," these are—

1st. The authority to have charge of, and control over, the Village Police.

2nd. The relation in which the Commissioner of Police and the Local Superintendents are to stand to the Magistrates of the several Districts.

3rd. Into how many, and what Districts, the system shall first be introduced, if it is not at once to be carried out generally.

3. It is, perhaps, impossible to give any very distinct and positive orders upon these three points, until opportunity shall have been gained for discussing the whole subject with the Commissioner; after he shall have gathered information from the several Districts of the Presidency.

4. But I have no difficulty in stating my views generally, which will be in fact little more than what I have already written previously.

5. I am of opinion, as mentioned in my Minute of September 11th, 1856, that the Village Police must be combined with the General Police, in order to render the force complete, and fully efficient, and, therefore, in considering its general arrangements and organization, this should always be kept in view. At the same time I am aware, that many impediments may be found to adopting this course immediately. The prejudices and habits of the people, the method of remunerating their Village Officers, and other circumstances, may have a tendency to raise difficulties, which will require both time and tact to overcome.

6. But this grand principle should never be lost sight of, that for the prevention of crime, and for the detection and punishment of criminals, as well as for the other important service of a Police force, the affording information to Government, there must be unity of action and identity of system, throughout the body to which these duties are deputed. Otherwise there can be no real efficiency, no correct movement, no economy of, or correct direction in, exertion.

7. And the adoption of this principle helps to answer the second point.

8. The Police of the whole Presidency should be considered as one force dependent for its orders, its Rules and Regulations, distribution, and all that concerns its internal discipline and economy, on the Commissioner.

9. But inasmuch as the Chief Magistrate of each District is and will be responsible for the peace and order of his province, it is not only advisable, but necessary, that he should have a voice in the distribution of such portion of the force, as shall be attached to his District, and should be kept acquainted with all the information gained by the Police, and receive from the force all the assistance required. In fact, for all purposes of usefulness as regards his particular functions, the Deputy Commissioner will act towards him, as his subordinate Officer.

10. There are many matters of detail which will require specific instructions, which need not be alluded to here, and which must in a short time be brought before Government by the Commissioner, and will be better answered on that opportunity being offered.

11. With respect to the third point, the rapidity of the change must depend very much on the facilities or otherwise, which may be found to exist.

12. My own opinion, however, is, that the sooner the re-organization can be universally effected, the better.

13. The experience of the last 12 months ought alone to be sufficient to teach us this.

14. The utter want of information, of unity of action, and the difficulty of obtaining the one, or of creating the other, could not but be felt as a most serious drawback to the attempts at preventive measures, which were thought of, and manifested most clearly the need of a very different system, to enable Government to be either aware of the dangers by which it was surrounded, or prepared with measures, to counteract them.

15. I am desirous of taking this opportunity of recording an explanation of the delay, which has been occasioned in commencing the first arrangements respecting the Police.

16. I was naturally most anxious to obtain the services of the person best fitted to initiate an important measure of this nature, and as soon as the sanction of the Supreme Government for the salary of a Commissioner was received, I wrote to offer the appointment to Mr. Edward Elliot, whose reputation, ability, and experience in this particular department were unquestioned.

17. He was living in Switzerland, and I in consequence did not receive his answer—which was, to my regret, unfavorable—until the end of April, and during this period, it was impossible to do more than call for some general information from the several Districts, respecting the actual Police force which it was desirable to possess.

18. There is one matter, on which I am desirous of recording my opinion again, and of calling the attention of Government, and which I wish to bring most seriously under the consideration of the Honorable Court, and of the Supreme Government.

19. A well disciplined Police force may do much no doubt to keep down crime, and maintain peace, but its action must be most seriously crippled, unless there be ready access to Courts of Justice, and no delay in its administration.

20. There is much improvement required in this respect, and I would here repeat the suggestions on this subject made by me in my Minute on the amalgamation of the Courts, November 18, 1856.

"Finally, I would earnestly urge the Supreme Government not to permit this scheme (*i. e.* of amalgamation) to come into operation, until the establishments necessary for carrying it out effectually, have been well considered, and determined on.

"Unless this is done, I see great probability of serious confusion, and of great injury to society generally.

"And for this reason, it is proposed to deprive the Tahsildars of the criminal jurisdiction in petty offences, with which they are at present invested, and to transfer the administration of this section of the law to the Moonsiffs, with enlarged powers.

"Now there are in this Presidency

Tahsildars.....	244
Police Ameens and Head of Police.....	77

Total.....321

"321 who exercise this description of authority, and there are on the average 1,80,000 persons brought annually before them.

"The labour of investigating all the cases, in which these persons are involved, will in the new system be transferred to the Moonsiff.

"The number of cases and of persons will probably be augmented in consequence of the enlarged authority, which will be confided to them.

"There are now in the Madras Presidency

District Moonsiffs.....	119
Sudr Ameens.....	22

Total..... 141

"The average number of Civil suits which these persons now have to deal with annually is 1,50,000. There will probably be an increase here also as the Moonsiffs will have more extensive jurisdiction.

"Thus not only will the work on the Civil side be greater, but the whole of the criminal cases will be transferred to these 141 men, who are quite unaccustomed to the administration of the penal law.

"It must be evident, that such an operation, if attempted without precaution, is likely to result in serious calamity.

"Not only will the administration and execution of Criminal justice be retarded, but, together with the delay, there will be the unfavorable effect which must be produced in the minds of the people, on seeing the Officers previously in Magisterial authority amongst them, deprived at once of their powers.

"Both these difficulties, which are liable to occur on the introduction of the new system should be most carefully provided against.

"My own opinion is, that this must be effected chiefly by an increase in the number of Moonsiffs.

"It is useless to attempt reforms in the administration of justice, and in the method of procedure, unless the Courts are made accessible to the people, not only by simplicity of forms, but also by propinquity as to distance.

"In order to accomplish the latter requirement, it is necessary, that the Moonsiffs should be regularly distributed over the whole country, a fixed area being allotted to each, which would vary to a certain extent, and within certain limits, with reference to the nature of the locality, and the numbers of the population, but which as a general rule should be as nearly as possible equal.

"Judging from my experience in a colony where the Stipendiary Magistrates were distributed on this plan, I think the average area should not exceed 500 square miles.

"Within this space each Moonsiff should have a head quarter station, where he would generally hold his Courts, but he should also be required to visit two or three of the principal localities in his District, once every fortnight, or month, as may be deemed advisable.

"The distance between the several places where he would hold his Courts would probably never exceed one night's run in a palankeen.

"Large towns would, of course, make exceptions, as they would of themselves require one or more Moonsiffs, according to the extent of their population.

"The area of this Presidency is stated to be 136,872 square miles, which at 500 square miles to each Moonsiff, would require 273 to complete the establishment, without taking the towns into calculation. Probably 300 would be sufficient.

"At present there are only 141. But I think it is very doubtful whether these Officers would be able to perform their duties, with the promptness, which is so important, and which it is the duty of an efficient Government to secure, seeing that in addition to the Civil and Criminal cases within their own jurisdiction, already stated, there would be numerous cases for investigation and preliminary inquiry for commitment for trial by the Higher Courts.

"I would therefore recommend that the Tahsildars should retain their powers of Magistrates for petty criminal offences, and, if shown to be qualified, they might be allowed co-ordinate criminal authority with the Moonsiffs, and thus relieve them of some of their work.

"They should be required to perform their duties in the Moonsiffs' Courts according to some prescribed arrangement.

"By this means the character and position of the Tahsildars would be upheld, and I see no objection to their performing Judicial duties of a minor description in criminal cases, whilst they continue to be Revenue Officers, and they might be of great service to the Moonsiffs.

"But I would particularly point out, that I think that it would be most impolitic to deprive them at once of their Magisterial powers.

"In fact, unless proper provision were previously made (and I do not see very clearly the means of procuring at once more efficient men) crime of every sort would sweep over the land unrestrained.

"But if this new system is introduced, I would in addition, point out the necessity for increasing the salaries of the Moonsiffs and of the Tahsildars.

"The officers who fill the places of the Moonsiffs, at present are

22 Sudr Ameens.....	at 200 Rs. a month.
District Moonsiffs 1st class 12.....	200 do.
2nd „ 32.....	150 do.
3rd „ 74.....	100 do.
4th „ 1.....	35 do.

"The salary of the third class, 100 Rupees, would be found very small, if they are required to move from one place to another in their Districts, and it appears to me, that 150 Rupees is the least which could be given. The two superior classes might be raised 50 Rupees each.

"With respect to the Tahsildars, they are generally very much under-paid, even for the performance of their Revenue duties, the average being only 95 Rupees.

"I would propose that they should have a small additional stipend, which should be modified according to the duties performed, and after proof given by examination or otherwise of the possession of qualifications for the work.

"In recommending that the Judicial authority should be retained by the Tahsildars, I have taken it for granted that they will be separated entirely from the Police force, as has been already proposed."

21. By affording ready access to the Courts not only is the administration of justice facilitated, but the infliction of much hardship on accused persons is avoided, who are frequently confined for long periods before their cases are investigated, and who may be after all liberated, there being no sufficient case against them.

June 3rd, 1858.

(Signed) HARRIS.

MINUTE BY THE HONORABLE W. ELLIOT, Esq.

In the Minute which I recorded on the 27th September 1856, I recorded my views on the points referred for orders in the Chief Secretary's Memo.

2. The distinguishing feature of the plan proposed by the Right Honorable the President appears to me to be, the organization of a system of Police as a separate Department complete in itself.

3. In this respect, it differs both from the Bengal and Bombay schemes. And the Honorable Court appear to be desirous of testing the comparative value of each of these plans by giving them a full trial.

4. I concurred in the principle laid down by Lord Harris, as I understood it, for the reasons given in my Minute above referred to, and I stated, that, to give it full effect, it would be necessary to place that portion of the village establishment vested with Police functions, exclusively under the Superintendent of Police.

5. This portion should consist of a Police Village Headman, who should be distinct from the Revenue Monegar or Headman; of a Curnum, likewise distinct from the Revenue Village Account; of the whole of the Taliaris or Village Watchers, and of one or more of the Vutter or Toties.

6. Without such exclusive control, I consider the formation of a Preventive Police to be impracticable.

7. The relation which should subsist between the District Superintendent, and the Collector and Magistrate, is a more difficult matter to determine.

8. In Bombay the Superintendent is subordinate to the Magistrate. But there, they have no Chief Commissioner, and the creation of such an Office with full control over the whole Police administration, entirely alters the position, and subordination of the District Superintendents.

9. I do not see how these local Officers can be placed under the District Magistrate in any respect when they are directly subordinate to a Chief Commissioner, and if they have separate village establishments, there is no reason why they should be.

10. The Chief Commissioner of course will only be subordinate to the Government.

11. I think there can be no question that the introduction of the new system must be gradual.

12. The Commissioner should carry out his plan, in Chingleput first; then go to North and South Arcot, taking in a larger number of Districts each time, as his experience enlarges, and as he becomes acquainted with local peculiarities, requiring modifications and adaptations of his original plan.

13. These matters however can best be determined according to circumstances and need not be considered now.

4th June 1858.

(Signed) WALTER ELLIOT.

MINUTE BY THE HONORABLE W. A. MOREHEAD, Esq.

To render the new plan effective, the separation must be complete; the Magistrates being distinct from the Police, the village Police therefore should be under the Commissioner of Police.

2. The Magistrate should have no control over the Police. At first, the Magistrate will necessarily be the person most conversant with the Police of the District; but in a very short time after the introduction of the new Police, the Commissioner and his subordinates will, if they are efficient, know more, in respect to these matters, than has as yet been the case with the most active Magistrate.

3. The Magistrates will use the Police, issuing their processes through them. In fact the Police will act, in regard to the Magistrates, exactly as is now done by the Town Police of Madras.

4. The mode of introducing the new system must be greatly entrusted to the Commissioner. I would however urge that the scheme be carried out generally, with as little delay as possible.

5. It seems to me very desirable, if it were possible, which I fear it is not, to allow no powers of a Magisterial nature to the Tahsildars. The present race of men will I think, if any pretext is left them, still use improperly such powers. The difficulty however consists in finding substitutes for them. This point the Right Honorable the President has noticed, and has suggested an increase of Deputy Magistrates. This would cost a large sum of money, and I am inclined to think, that, for the same cost, distinct Native Magistrates, who would be more efficient, might be obtained.

6. All heinous offences I presume the Police would forward direct to the Courts, without the intervention of the Magistrates, whose duties would be confined to the disposal of petty cases of theft, abuse, &c., &c., and which cases they would take up on complaints preferred to them, or on their being referred to them by the Police.

7. The requisite Act or Acts must be applied for. These had better be prepared and sent to Calcutta.

4th June 1858.

(Signed) W. MOREHEAD.

When the Tahsildars are relieved from all Police duties, being already relieved from all Maramut works; one man can look after two Talooks, or more; and if this is found to be the case, good pay can be allowed him, at no increased charge to the State.

(Signed) W. M.

JUDICIAL DEPARTMENT.

No. 276.

Extract from the Minutes of Consultation dated 1st March 1859.

Read the following Minutes.

Minute by the Right Honorable the President... Here enter 3rd June 1858, No. 2239.

„ by the Honorable W. Elliot, Esq..... „ 4th do. „ „ 2240.

„ by the Honorable W. A. Morehead, Esq... „ 4th do. „ „ 2241.

Resolved that the foregoing Minutes be recorded.

(Signed) T. PYCROFT,
Chief Secretary.

JUDICIAL DEPARTMENT.

No. 60.

FROM W. ROBINSON, Esq.,

Chief Commissioner of Police.

TO T. PYCROFT, Esq.,

Chief Secretary to Government Fort Saint George.

SIR,

I have the honor to forward for submission to the Right Honorable the Governor in Council, the accompanying papers* regarding the re-organization of

* Precipis for re-organization of the Police.
Draft of Act for giving effect to do.

the Police system of this Presidency, in accordance with the views expressed by the Government, and sanctioned by the

late Honorable Court of Directors, in their letter, bearing date 9th June 1857.

2. The question whether the Police Department in each district shall be a distinct one or not, having been settled by the highest authority, I have abstained from all remark on this material point, as well as on the present working and condition of the Stipendiary Police throughout the Presidency: and I have confined myself to the consideration of future management only. A few remarks on the past and present state of the Village Police, appeared more in place.

3. The papers I submit herewith are, a sketch of the scheme which I would venture to propose for carrying out the object in view, and the Draft of an Act for giving effect to the general change. In the former, I have entered into the subject of Police organization at some length, and in a considerable detail, in order that the matter may come under the consideration of Government in all its bearings; and that I may receive such orders as will enable me to frame rules for the general administration of the Constabulary. It may be convenient if I here briefly note its leading features.

4. As determined by authority, the Police becomes a distinct department under the direct supervision of Government: its members of all grades being divested of judicial functions, and being under the exclusive control and management of their own officers.

5. The administrative and judicial functions of the Magistracy remain as at present throughout all grades, from the Village Moonsiff up to the Magistrate, each so far as his legal jurisdiction and powers may extend. The Magistrate of each district will be kept fully and intimately acquainted with the distribution and administration of the Police. He will make requisition for their services, if the arrangements which he may think are required for the preservation of the peace and prevention of crime, have not been anticipated by its own officers: and the Police will execute all his lawful orders. But he will not interfere with the internal economy and arrangements of the District Corps, for which its own officers will be individually responsible.

6. The administrative and judicial functions of the Magistrate and his immediate subordinates will give the head of the district a general insight into the character and efficiency of the Police; and the new department will afford him an additional and independent channel of information in regard to the state of the district over which he presides. It will still be the part of the Magistrate to watch the result of the Police administration of his district, and to communicate whenever necessary, with the Chief Commissioner and Government.

7. The proposed constitution of the Police itself is as follows:

- I. *Village Police*, under the control of the District Superintendent, consisting of the *Village Watch*; constituted as at present of the official Village Watchers, but strengthened, improved, adequately remunerated and properly controlled. A *Village Police Inspector*; to exercise the executive Police functions of the present Village Moonsiff or Pottail, to superintend the Village Watch, and to form the link between the Village Police and community and the general Constabulary.
- II. *A General Stipendiary Constabulary*; consisting of "a sufficient number of Subordinate Officers and Peons," as follows:—

Privates,
Serjeants,
Inspectors,

for the regular patrol and observation of the country, preservation of peace, pre-

vention, detection and prosecution of crime, the execution of Criminal processes; and generally to conduct all executive Police duties; and in their respective grades to supervise and direct the internal economy of the force.

III. *Superintendents* in charge of the Police of their respective districts, and

IV. *A Chief Commissioner* "in whom will be vested, in communication with the Chief Secretary to Government, the direction, discipline and internal economy of the Police Force."

8. The Village Police will be thoroughly and strictly localized as at present, and will execute the public duties of Village Peace Officers and Police men, and will be in daily and systematic communication with each other, and with the General Police.

† Head Serjeant.
Deputy do,
Clerk.

9. The Stipendiary Constabulary will be located in Police parties, suitably officered† and appointed for the transaction of the General Police duty and Patrol of the country; and for support and rapid communication of intelligence. The Local Division, Sections and Beats will be so arranged, that every village and thoroughfare shall be daily and regularly patrolled and observed. The Inspectors will not only supervise and control the working of the Village and General Police, but will form the detective and, so far as falls within the proper province of the Police, the prosecuting agency of each district.

10. Measures for the proper recruiting, training and education of the different grades of the Police, occupy a very important place in the scheme: and a certain, but for so important an object, very moderate expenditure on preparatory classes is indispensable.

11. Some parties of Mounted Police are required in particular localities; and all Inspectors and Serjeants in command of parties of Police will be mounted. A suitable reserve must be maintained with the Police Head Quarters of each district.

12. Every Police Private and petty Officer must be instructed and trained in the effective use of Sword and Carbine; but the men will never carry arms except as occasion requires. The Truncheon will be their ordinary badge of office. The allotment of the arms made to the Police will bear a moderate proportion to the strength of the Corps; and the ammunition issued to the men will be very limited. The reserve ammunition being under the charge of the Superintendent, at Head Quarters.

13. The Constabulary thus re-organized should undertake every executive duty in each district, Jail and General Treasury Guards, Escorts of Revenue and Treasure, and it should execute all those duties not properly Military, and all minor Detachment duty, which now press so heavily and injuriously on the numbers and discipline of the Native Army.

14. The Police will exercise no Judicial or Magisterial function whatever. It will take the initiative only for the preservation of peace and prevention of crime, and in case of serious offence: in all other matters, it will act under a Magistrate's Warrant alone.

15. I consider the enactment of a clear and stringent Police law not only a desirable, but an indispensable measure in regard to the orderly management of the Police and guidance of the Magistracy.

16. In the concluding part of my Memo, I have ventured on some remarks on the financial bearing of the subject. The matter requires careful and minute examination in regard to each district, since there are at present considerable establishments and large expenditure employed or the joint Revenue and Police administration, of which a clear and distinct apportionment has never been effected. Authoritative measures for effecting this division of the joint establishment, must constitute the first step towards the giving effect to the views of Government and determination of the late Honorable Court. On this subject, I can at present only submit the result of my preliminary enquiries in the districts I have visited.

17. Other sources from which off-set should be obtained, have been indicated, in regard to the Village as well as General Police.

18. I need scarcely add that while I have in my Memo: treated the subject in reference to the whole Presidency, I consider that the system should be introduced under minute and close supervision and constant personal attention in a few districts at a time. Every individual of whatever grade has to learn his profession; and I would propose to take up the neighbouring districts of Chingleput and North and South Arcot at once, and carry out the instructions of Government even in anticipation of an Act.

* 1 North Arcot.
2 South Arcot.
3 Salem.
4 Tanjore.
5 Trichinopoly.
6 Coimbatore.
7 Madura.
8 Tinnevely.

† 1 North Arcot.
2 Chingleput.
3 Tanjore.
4 Trichinopoly.
5 Coimbatore.
6 Madura.
7 Tinnevely.
8 Malabar.

19. I beg likewise to submit short Memorandums of the changes proposed by the Collectors and Magistrate of eight* districts in the present constitution of the Native Public service. Likewise a short abstract of the condition of the Village Police in eight† districts with estimates of the cost of placing each on a satisfactory footing.

I have the honor to be, &c.,

(Signed) W. ROBINSON,
Chief Commissioner of Police.

Office of the Chief Commissioner of Police, }
Madras, 3rd December 1858.

JUDICIAL DEPARTMENT.

No. 9.

Extract from the Minutes of Consultation, dated 4th January 1859.

Read the following letter from the Chief Commissioner of Police.
(Here enter 3rd December 1858, No. 60.)

With the above letter, the Chief Commissioner of Police submits certain papers connected with the re-organization of the Police system of the Madras Presidency.

2. These papers are a Memo. exhibiting a sketch of the scheme proposed by him for carrying out the object in view, and the Draft of an Act for giving effect to the changes that will have to be introduced.

3. The leading features of the proposed scheme are given succinctly in Mr. Robinson's letter. They are:—

1st.—The Police becomes a distinct Department under the direct supervision of Government: its members of all grades being divested of Judicial functions, and being under the exclusive control and management of their own Officers.

2nd.—The administrative and Judicial functions of the Magistracy remain as at present, throughout all grades, from the Village Moonsiff up to the Magistrate; each so far as his legal jurisdiction and powers may extend. The Magistrate of each District will be kept fully and intimately acquainted with the distribution and administration of the Police. He will make requisition for their services, if the arrangements which he may think are required for the preservation of the peace and prevention of crime have not been anticipated by its own Officers: and the Police will execute all his lawful orders. But he will not interfere with the internal economy and arrangements of the District Corps for which its own Officers will be individually responsible.

3rd.—It will still be the part of the Magistrate to watch the result of the Police administration of his District, and to communicate whenever necessary with the Chief Commissioner and Government.

4. The following will be the constitution of the Police:—

I.—*Village Police*, under the control of the District Superintendent consisting of the *Village Watch*; constituted as at present of the Official Village Watchers, but strengthened, improved, adequately remunerated and properly controlled. *A Village Police Inspector*; to exercise the Executive Police functions of the present Village Moonsiff or Pottail, to superintend the Village Watch, and to form the link between the Village Police and community, and the general Constabulary.

II.—A general Stipendiary Constabulary, consisting of a sufficient number of Subordinate Officers and Peons, as follows:—

Privates.
Serjeants.
Inspectors.

III.—*Superintendents* in charge of the Police of their respective Districts..

IV.—*A Chief Commissioner* in whom will be vested, in communication with the Chief Secretary to Government, the direction, discipline and internal economy of the Police Force.

The duties of the Police, Village and Stipendiary, are stated in paras. 8 and 9 of Mr. Robinson's letter.

5. Measures will be taken for the recruiting and training of the different grades of Police, for which a moderate expenditure on Preparatory Classes will be indispensable.

6. Parties of Mounted Police will be maintained in certain localities.

7. All Inspectors and Serjeants will be mounted.

8. A suitable reserve will be kept with the Police Head Quarters of each District.

9. The Stipendiary Police will be duly instructed in the use of their weapons, Sword and Carbine, but will not carry Arms, beyond a Truncheon, their ordinary badge of office, except as occasion requires.

10. This Constabulary will undertake every executive duty in each District, Jail and General Treasury Guards, Escorts of Revenue and Treasure, &c.

11. The Police will exercise no Judicial or Magisterial function whatever. It will take the initiative only for the preservation of peace and prevention of crime, and in case of serious offence: in all other matters it will act under a Magistrate's Warrant alone.

12. The Commissioner considers that the system should be introduced under minute and close supervision and constant personal attention in a few Districts at a time, and he proposes to take up the neighbouring Districts of Chingleput, North and South Arcot at once.

13. The Right Honorable the Governor in Council approves generally the scheme for the re-organization of the Madras Mofussil Police as above given, and he quite concurs with the Commissioner as to the propriety of carrying out the change cautiously and gradually. Mr. Robinson will consequently proceed at once to introduce the new system into the Provinces of the two Arcots and Chingleput, and he is authorized to entertain such establishment of Inspectors, Serjeants, and Privates on his proposed rates of salary, and to adopt such of the other arrangements specified in his Memorandum as he may find necessary for the purpose. He will report his proceedings and the expenses that he may incur, from time to time, for the information of Government.

14. Mr. Robinson has submitted for eight Districts, Memoranda of the changes proposed by the Collectors and Magistrates, on the re-organization of the Police in the present constitution of the Native Public Service, as also for the same number of Districts, a short abstract of the condition of the Village Police in them, with estimates of the cost of placing each on a satisfactory footing.

15. The Honorable the Court of Directors having ordered that the Police be entirely separated from all connection with the Revenue branch of the administration, and that the Village no less than the Stipendiary Police be under the superintendence of the Chief Commissioner and his District Deputies, one of the first steps to be taken in the introduction of the new system into the three Districts to which it is for the present to be confined, will be, to determine what proportion of the existing establishment, District and Village, is to be assigned or transferred to the Police Department and what will have to be retained for purely Revenue and Magisterial duties. At present, with few exceptions, all servants both Talook and Village perform both Fiscal and Police service, and although as a matter of account a certain proportion of their salaries is debited to Revenue and Police respectively, the apportionment is quite arbitrary. The Commissioner has already been in communication on this subject with the Collectors of Chingleput, North and South Arcot, and the Memoranda which he has submitted include returns from these Districts. It is however important that these returns should be carefully examined, and the establishment that can be placed at the disposal of the Chief Commissioner be accurately ascertained. That this important branch of the subject may be fully considered, the Governor in Council resolves to request that the Board of Revenue will depute one of their body, Mr. R. D. Parker, for this peculiar duty. Mr. Parker will put himself in communication with the Collectors of the three Districts and with the Chief Commissioner, making such reference as he may find necessary to the Collective Board, and will report, at as early a period as is practicable, what should

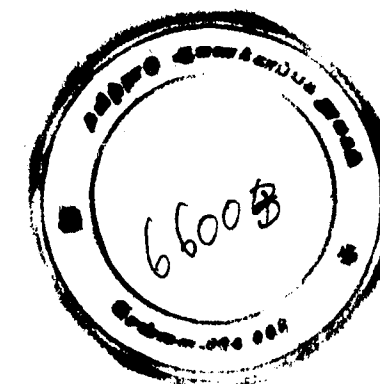
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be the establishment retained for Revenue, and what that devoted wholly to Police in each Province. When the division has been made, the salaries and allowances of the servants made over to the Commissioner will be regarded as assets available towards the general expense of the new system, and it will be for him to make such arrangements with them as may be needed for a fit carrying out of the whole measure. Similarly it will be for the Board of Revenue collectively, in correspondence with the Collectors of the three Districts, to determine what arrangements shall be made with the portions that are to be retained by those Officers, that adequate provision be made for their Revenue duties.

16. The business thus confided to Mr. Parker will be regarded as special, and will continue to occupy him after he has been relieved from his ordinary avocations as a Member of the Revenue Board by the return of Mr. Bayley. Mr. Parker will draw his present allowance as Collector and Acting Member of the Board whilst thus engaged. He may probably find it advisable to visit North and South Arcot, in which case his bonâ fide travelling expenses will be defrayed by Government, and his Bills on that account passed by the Civil Auditor on his signature. At the same time Government would observe, a great amount of information procured directly for the purpose is already in the possession of the Chief Commissioner, and Mr. Parker is particularly requested to hasten his proceedings with respect to the three Districts in question to the utmost of his power.

17. The Government think with the Commissioner that the enactment of a clear Police Law is highly necessary, but it appears to them that the Draft of such an Act should be prepared by a professional man. The Draft already submitted will be returned to Mr. Robinson, and, as both the Law Officers of Government and the Government Pleader in the Sudr Udalt are at present fully occupied, he will put it in the hands of Mr. Mayne the Professor of Law in the Madras University, and Barrister of Her Majesty's Supreme Court. On a new or a revised Draft being completed by Mr. Mayne, the Commissioner will submit it to Government, and if it be approved, he will be instructed to proceed with it to Calcutta and then communicate personally with Mr. Forbes, the Member for Madras of the Legislative Council, in view to its being passed into a Law at an early date.

(Signed) T. PYCROFT,
Chief Secretary.



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