

THE
INDIAN POLICE REVIEW.

A monthly periodical devoted to the discussion of
all Police Topics.

Edited and published by T. K. Sundara Aiyar

Vol. I.] January 1922. [No 1.



Suppliment to the Indian Police Review.

Suppliment to the Indian Police Review



H. M. Queen Mary.



H. M. King George V.

Registered No.

THE

Indian Police Review

Devoted to the Discussion of all Police Topics.

Edited and Published by T. K. Sundara Aiyar.

Vol. I.] January 1922. [No. 1.

Ourselves.

No apology is needed for launching this journal into existence. From the plan of its conception and the contents of this issue, it would be seen that it has a very useful purpose to serve. The work of the Police all over the world, especially in present day India, is widening in sphere and becoming more arduous and difficult in execution. When Lord Curzon's Commission formulated its proposals for improving the *morale* and work of the Police in India, it little anticipated the stirring events that lay in the lap of Gods. It is true, all that were expected of the reforms have not been realised. But there can be no two opinions on the result, that the Police to-day is a more enlightened department, doing its work in the light of a much higher standard and putting forth its honest effort in grappling with the problems of crime, its prevention and detection.

The great war has, however, changed the very aspect of the world and the angle of vision of all the peoples in all the countries. It has left behind a world-wide political unrest, a complete disorganization of the trade and an economic distress which no part of this vast world has escaped. The Police in India has inherited its share of troubles and anxieties. The Indian intelligenzia, especially, the ultra-enthusiastic section of it, has yet to realize that the first condition of civilized existence and governance is respect for law and order. Its politics is beyond our range, but its methods of work have materially added to the work of the Indian Police, as the guardians of law and order, and made its work extremely delicate and difficult.

The present times require of the Police Officers, from Sub-Inspectors and above, a delicate handling of

the situation coupled with a firmness to preserve law and order and to secure an even tenor of life to those who would steer clear of the political struggle in the country. The economic situation has affected the country in another direction. In spite of the fact that India's crops are most promising this year, crime has not declined and the criminal classes are taking advantage of the political confusion and pre-occupation of the authorities. Hence, the work ahead of the Police is by no means pleasant.

This Journal aims at not merely, helping the rank and file in the discharge of their normal duties, at bringing the officers in this country in touch with the work of the department in other countries and advancing their interest and prospects, but also it hopes to keep them informed of the various currents of social life that spring up every day as the result of the present general ferment and to equip them with things necessary for work in the ever widening sphere of activity, which the Police would be called upon to do, in the interest of individual and communal freedom, public peace and order and the maintenance of the majesty of law.

The Journal.

By Rai Bahadur M. SOOBIAH
Retired Dy. Supdt. of Police.

A journal specially devoted to ventilate the views, to make known

the plan, dexterity and courage of one officer or employee in one corner of the country so that he might be emulated and his valorous deeds imitated by others when confronted by similar situation, and rare ability displayed in the detection of important cases, is a welcome help to all in the Police Department. Just as the ingenuity of an inventor serves first the inventor and then the people at large, so also the devices employed by one Police Officer first brings him praise or reward and then serves his compatriots, in cases of need. Viewing in this light, the journal must be a log-book to enable the Police to steer through trying cases to a successful conviction. As I believe this is the main aim of this organ, Police Officers should be glad to have the advantage of a perusal of it.

In the old days, European gentlemen of good families and more often than not, relations of High Officers in the Government Service were recruited to the grade of Gazetted Officers. Inspectors were men who were, step by step, promoted from the lower ranks except in very rare instances of direct recruitment. Most of the Gazetted Officers had to be trained a good deal and most of the Inspectors who were Head Constables and Constables could not easily unlearn their questionable ways of detection. They were promoted in their own districts to fill vacancies therein and had their own

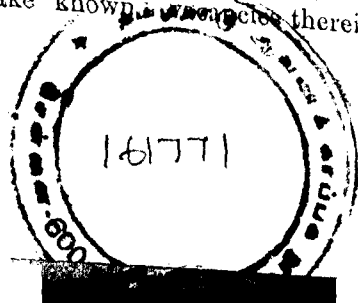
likes and dislikes and worthless pet subordinates. As regards Constables a great number of them were illiterates; mostly low set of people possessing no sense of duty and moral turpitude.

Now-a-days, gentlemen of good families with credentials of pass in difficult and high examinations at Home and in India, are recruited as Assistant & Deputy Superintendents of Police. Their views are broad and grasping power quick. As for Inspectors, men of great capacity and character are promoted to that rank according to the vacancy in the Province & direct enlistment, now & then, of men of respectable loyal families possessing superior education are of great advantage. Sub-Inspectors as a class are educated, intelligent set of people and the brunt of the real Police work has fallen on them. Head Constables of the present day are literates possessing some sense of their responsibility and character infinitely better than in the old days. Now that their pay has been increased keeping pace, no doubt a moderate pace, with the increased cost of living, this should stimulate them in the better discharge of their duties. The Police Training Schools, where young men of several districts undergo training together and where the first ground of the good Police work is laid, make them know one another, bring in harmony and sympathy amongst them, broaden their views and mould their charac-

ter. The usefulness of the strict discipline they undergo cannot be over-estimated.

All know that the London Police is the best in the world. Their word is law and their discipline is perfect. They don't move one inch from their post during rain or heat. We should wish and hope that our Police comes to the level of the exemplary London Police. For this we have every confidence in the present Inspectors-General of Police whose long experience and brilliant capacity will stand them in good stead.

As regards crime:—In the old days deplorable absence of education and of knowledge of various avenues of life in trade, difficulty to control and check the criminal classes, rich villages in distant corners, far beyond the easy reach of the Police, and insufficiency of the Police in the ranks, all these contributed, to a great degree, frequent commissions of grave crimes. Then torch-light dacoities, high-way dacoities, burglaries and other serious crimes were rife. Now we don't hear of any torch-light dacoity and seldom do we hear of road dacoities and other heinous crimes. Many towns and villages are now immune from the villainous hands of the criminals. Spread of education even among the lowest classes, various honourable walks of life and acute sense of shame, all these also have tended to minimize the criminal propensity of the people. Besides, there is now division of



Z 2, 1922

1922

labour. We have the Government Railway Police, the Criminal Intelligence Department, sufficient to control over the habitual criminal classes, such as Kallars, Koravars, Yerukalas, Dombars, Wodd and others, by giving them education, fixing them to particular areas, showing them honest ways of living and also the increased force keeping down all sorts of bad people. The watch over the K. Ds., Suspects, Receivers, Swindlers and Suspicious strangers is now infinitely better than in the old days. The predatory ways of the Maravars of the Tinnevely District, Kallars of the Madura District and so forth have now very considerably gone down. Most of the high-way crimes have been averted by the extension of Railways. The vigilant watch of the C. I. D. has been keeping in awe the turbulent characters, added to the close watch of the Police over all places. The Finger Print Bureau is producing wonderful results. But there is some difficulty in the arrest of offenders. Railways render their escape easy. There is advancement in the art of committing crimes in a skilful and delicate manner. The Police have now-a-days, to keep down frequent riots, unlawful assemblies and kindred offences, gauge the political temper of the people and watch their innumerable meetings. The heavy responsibilities of the District Officers who are the guardians of the peace are now growing every minute. The

political atmosphere is getting daily more cloudy and the officers have to keep their eyes and ears open to watch the troublesome people and protect the innocent.

I should very submissively note that the constant transfers of District Officers are prejudicial to the good work of the Police. They must know their districts well, learn about every important man and notorious character. Experience is a great asset to them.

In conclusion I feel it my duty to congratulate the present day Police on their excellent work.

The Police To-day.

By FAIRPLAY.

The vast continent of India with its multifarious castes and creeds is now allowed to have her progressive march on the road to a selfgoverning dominion within the civilized commonwealth of the British Empire. The new Government of India Act passed through the marvellously strenuous efforts of Lord Chelmsford and the Right Hon'ble Mr. Montague, has inaugurated the great Council of State, the Indian Legislative Assembly and the Provincial Legislative Councils on the one side and the noble Chamber of the Princes on the other. The Montford Reforms are a standing monument of the democratic and progressive Policy of the British Colonial administration. The road has been well chalked out in spite of the dense thorny bushes on either side and it leads to a goal

most-désirable and worthy of the great and noble traditions of the British Democracy. The generality of the millions of people in India are trying their level best to catch the opportunity by the forelock, and the majority have happily and more carefully avoided the thorny bushes. But there are many Indians who are of opinion that the Reforms are inadequate and that their great war services have not been fully recognised. They forget that it is such a recognition that has made the Britisher love his Indian subjects and this maternal fostering has compelled the best British intellects to shape out a happy future based on the general state of education and on the capacity of the common people of India to govern themselves.

To-day India, rife with political unrest, is almost in a mouldering cauldron into which the unhappy ignorant masses are snared in by Non-co-operators. Disturbances are rampant in every Province. The masses are wrecking their own future in their fanaticism and set at nought the law of the land. The Government in their loving care for the law abiding saner majority are compelled to be repressive to bring the visionaries to their senses, or, they will be failing in their elementary duty. The Government are likewise bound to restore order and preserve peace whenever the law is defied by individual or mass disobedience.

This primary task of the Government must be achieved only through its executive. The executive consists of the Magistracy and the Police. The Police have to initiate & execute the orders of the Magistracy. The ordinary every-day duties of the Police are the prevention and detection of crimes. To-day the prevention of crimes has become the primary duty of the Police. The Police of old had only, generally speaking, to prevent offences against human body, property, coinage and justice. To-day they have to prevent offences against the State and detect such offences which are not few. This is a task requiring the greatest courage, presence of mind, skill, tact and sense of duty. Mentally, morally and physically they should be equipped. They should never shun their duty, nor should they be provocative. These are elementary maxims easier to enumerate than to act upon. There are stray cases in the different provinces in which the Police have been wanting in tact. But as a rule the peace and order pervading over the whole length and breadth of India is due primarily to the rigorous discipline and splendid tact displayed in the discharge of the said arduous duties by the Police. In Bengal where sedition is rampant and the seeds of the present day unrest were first sown, the Police have been most admirably rigorous in the prevention and detection of crimes. In the Punjab the Police have been

silently but surely looking to the safety of the law-abiding citizens. In every Province, be it near Bombay or distant Burma, the Police of to-day are successfully coping with the present situation under the greatest stress and strain. The edifice of the Police organization has for its foundation the Sub-Inspector of police. The Sub-Inspectors are men generally from the middle classes, selected and trained with great care. But want of experience thwarts every attempt of theirs however clever and zealous they may be. They have to depend solely at first on their Head Constables. And the Head Constables are men of varied experience, quick in investigation and clever in detection. In fact they are the real corner stones of the whole edifice. They have real control and sympathetic check over the Constabulary because both are birds of the same feather. The Police administration reports are but the statistical summary of the crimes detected by the Head Constables. And of late the Reports have not been quite striking in the reduction of crimes. That means the Head Constables and the Constables have not been quite zealous in their work. Under the new system the great percentage of direct recruitment of Sub-Inspectors has affected the interests of the hard-working Head Constables. Rarely does a Head Constable become a Sub-Inspector. His interest wanes and crimes are not properly

detected. But the Sub-Inspector has his own functions also to fulfil. In cases where mere experience alone is not enough, where intelligence and tact to a marked degree are required just at a time like this, where inquests by the Police are to be made, where objectionable assemblies are to be dispersed and where searches of delicate nature are to be gone through, the present-day Sub-Inspector of Police is better fitted than the Head Constable of bygone tactic days. Thus the present day Sub-Inspectors of Police with a little more of practical training will be perfect. In this connection it may be added that the new men selected for becoming Sub-Inspectors are deriving at the present day the benefit of an admirable training, physical, mental and moral, in the various Provincial Police Training Schools, a training which will compare favourably with that obtained in any other part of the globe. They merge out of the School as the best disciplined, best drilled, excellently versed Policemen. But the Schools are lacking in only a single element. It is wanting in a regular practical course. The mere theoretical knowledge of investigation, detection, prevention and surveillance is really not at all sufficient for a Sub-Inspector of Police who has to take control over crimes directly he is passported from the School. Any how the brunt of the whole Police work is borne by the Sub-Inspector for the efficient

discharge of which he must be able to tactfully control the Head Constables. The responsibility of maintaining the peace in a district lies on the Gazetted Officers whose duty of controlling and guiding the Sub-ordinate Police Officers is no less arduous and difficult.

The Police administration in India and Burma to-day is really worthy of all praise especially in these days of unrest and mass awakening.

The Montford Reforms have been launched and are steering their course avoiding all dangers of wreckage, defying all icebergs of gigantic frightfulness. The Police who form the crew are strenuous, night and day at their oars, not mindful of their petty remuneration but in faithful obedience to God, Crown and Country. Then it is the barest equity that the Government should give full support to such men. The pay of the Police at present is quite inadequate in view of the abnormal increase in prices of all articles. The other departments of Government are enjoying the fruits of generously revised scales of pay. The Police Force are still in their wonted modesty and obedience waiting for the same in eager expectation. The Government should also highly encourage and strongly support the Police in all their strenuous endeavours in the maintenance of order and peace throughout the land. The Police Force should not in their turn

hamper the Government even a trice by any slight threat of strike or resignation. That is a Policy quite prejudicial as much to their own interest as it is of their country and quite out of keeping with the noble traditions of the fair name of Police. As such the deliberations of a Conference of Police Officers at Calcutta at a time when His Royal Highness the Prince of Wales, whose welcome the Police have to hail with genuine loyalty, is in our midst, is quite inopportune and is calculated to nullify the very object for which it is formed. It will clearly indicate the mentality of the Indians in the Police Force, especially when the non-co-operators are making a capital out of few misguided Policemen who have left the department. It is obvious that wiser counsels will prevail in the rank and file and any thing calculated to harass the Administration will not find favour with the public who are only too ready to record a vote of censure on the force as a whole. Let concord reign over the whole Police Force and let loyalty and good will bind the Police to the representatives of His Imperial Majesty.

Section 108 of the Code of
Criminal Procedure.

By Mr. V.A. NAGESWARA IYER,
B.A., B.L.

Now that we have quite a crop of cases under section 108 of the Code of Criminal Procedure, it might not

be without interest to take a survey of cases which arose hitherto and received the judicial attention of the Superior Courts in India. What first strikes one's attention is the dearth of cases which directly arose under this section for determination. This thinness of case-law does not seem to be likely to be improved by the present crops of cases as these latter are neither fought out on points of law nor taken up to the High Courts for eliciting authoritative pronouncements. The student of law has thus no reason to be thankful for the Non-Co-operation movement which prevents the exercise of the judicial mind of the highest judges in the land on ever-growing complications of facts and situations which follow on the wake of every big upheaval, political or religious.

It might first of all be noted that S. 108 of the Criminal Procedure Code contains three clauses with reference to the class of matter attempted to be or actually disseminated or the dissemination of which is abetted. The last clause relates to matter concerning a judge which amounts to criminal intimidation or defamation under the Indian Penal Code. It is singular that, ever since 1898 the year in which the Code came into operation, there arose not a single case under this clause. Judges might console themselves that India looks up to them with awe as well as reverence.

Some cases have arisen only under the other two clauses.

The first important case that arose under the section is not entirely disconnected with Congress activities. In 1906 Dadhabai Naoroji, who was elected President of the Congress for the third time in his life, initiated the word Swaraj in his speech in the sense of "Self-Government." Shortly thereafter a certain Zemindar who was practising as a pleader was appointed Chairman of the Reception Committee of a District Conference in 1907 and he in his speech referred to that year as being very auspicious for the inauguration of the meeting being the fiftieth Anniversary of the Indian Mutiny and asked the members of the meeting to exert themselves to secure Swaraj. He was bound down under S. 108 and the matter came up to the High Court. In the High Court, it was conceded on behalf of the crown that there was nothing seditious in the words "that the present year is very auspicious for the inauguration of the meeting as it is the fiftieth Anniversary of the Indian Mutiny." But it was argued that the use of the word Swaraj brought the speech under the section. But Their Lordships of the High Court Mitra and Fletcher; J. J. held that Swaraj which literally meant "self-Government" did not necessarily mean the exclusion of the present Government or independence and the order under

S. 108 was set aside (vide 34 Calcutta 991).

The next case under the section arose in Bombay and is reported in 11 Bombay Law-Reporter page 743. This case decided that the test under S. 108 was whether the person proceeded against has been disseminating seditious matter and whether there is any fear of the repetition of the offence. It further held that it was a mere question of fact in each case which must be determined with reference to the antecedents of the person and other surrounding circumstances.

The above two cases arose under the 1st clause of the section; and the next two cases under the section hereunder considered arose under the 2nd clause thereof: Viz., matter that could come under S. 153 A of the Penal Code.

The 1st important case under this 2nd clause arose in Burma and may be found in 10 Indian cases 789. It was here held by Twomey, J. that religious preachers are at liberty to descant on the errors of other religions and to extol their own faith to the skies. But they may not consciously inflame the minds of their hearers by holding up the ministers and followers of other religions to public execration. It was further held that it must be shown that the person concerned intended to provoke feelings of enmity or hatred between two communities though he need not neces-

sarily have succeeded in exciting such feelings.

In a case which arose some years later in Calcutta, it was held by two judges of the Calcutta, High Court that in order to justify an order under S. 108 clause (b) there must be words used in the leaflet or matter complained of, which are likely to promote feelings of enmity or hatred and once these words are present, there is no necessity to find an *intention* as would be necessary if the person was placed under trial for an offence under S. 153 A of the I. P. C. It is note-worthy in this connection that the Burma case holds that it is not sufficient to prove that the language used was highly offensive to a community and that the intention to provoke feelings of enmity or hatred was the essence of the transaction and ought to be proved.

This exhausts the case law which arose directly under the section. More of it, we cannot have in the near future, unless those that come into conflict with the law fight out the law.

A Compromise.

By:—One in the know.

While the grievances of the Subordinate Public Services are to some extent reasonable and deserving of sympathy at the hands of our Benign Government, the position of the latter especially at this stage of transition deserves greater sympathy

at the hands of the former and the co-operating public. Conditions of life have materially changed, and prices of food-stuffs and necessities of life have increased fourfold through out the length and breadth of India. But the income or the sources of income of the Government side by side have not increased to that extent; and it can be safely asserted that the income of the Government is falling down owing to the ingenious activities of the Non-co-operator. The problem to solve now is, how and where the Government has to find funds to meet the ever increasing expenditure on public service, especially on the Police Subordinates, considering for the time being that the grievances of the Subordinate Police officers are legitimate and reasonable. The only course left open is fresh taxation on the people but then, the chosen representatives of the people according to the New Reform Act, being in the majority are opposed to this course and even demand that reduction in the expenditure should be made by reducing the strength of the several public services by twenty per cent. So the idea of fresh taxation will not under the circumstances see the light of the day.

How then can this problem be solved is the question? Before attempting to suggest an answer a question arises as to why the Legislative Assembly is opposed to the sanctioning of a revision of a scale of pay to meet at least the minimum demand of the

several subordinate services and in particular the Police Service. The answer to this part relating to the subordinate Police service appears to be that the public have very little or no confidence in them. The subordinate Police are looked upon more as a menace to the well-being of the society than of any utility to them. That Police service is the most sacred of all public services the policemen are the last to realize and act up to. It is no wonder then, that Policemen with a different and prejudiced view, are looked upon with contempt and disregard. If Policemen understand that their duties are sacred and that they are the instruments of God for the safety of society, surely they will deserve all attention from the public whose lives and properties are entrusted to them for proper protection and when the public know that policemen are true to their God, Crown and Country, they will themselves take up their cause and fight for it at all times.

Has any policeman devoted his attention to this aspect of his work. The answer should necessarily be in the negative. No policeman thinks that his service is sacred and noble, nor does he think that on the well-being of the public depends his welfare. Without knowing this fundamental principle, police work is being done now-a-days with the result that the police and the public are ever at variance. To prevent this unhappy state of affairs, it is

absolutely necessary that policemen should understand their duties properly for they have to cultivate a spirit of tolerance and improve themselves in all manner of ways before they demand the sympathy of the public, as thereby, the latter will find out of their own accord the legitimate grievances of the policeman and devise means in their power to reduce them as far as possible. Has any improvement among themselves been exhibited by the policemen?

The Government with their ever gracious policy allowed service associations to come forward to improve themselves in every way by constant meetings of their members. But the several services and the police in particular who have formed several such associations have done very little work worth their existence. Without trying to find out how best they could improve the standard of their work and gain the confidence of the government and the public, they have been in season and out of season deliberating as to what extent they can improve their status and emoluments without for a moment considering that the public think that they do not rightly deserve what they now get and still less deserv- ing of what they expect.

Has any Police Association honestly done anything to make the members thereof deserve of the increase it now demands? The answer will be in the emphatic no.

Except that of passing pious resolutions, sometimes of a threatening nature praying for increase of pay, daily allowance, conveyance allowance, house rent, kit allowance and what not, none of the so called Associations has honestly done anything to improve the quality of work done by them, to keep the men under proper control & to enlist the sympathy of the public in its aspiration for higher prospects. Instead of being a helping hand to the Government at a time when non-co-operation is rife, the several Police Associations are a great menace to the Government. They speak of loyalty in terms of a very high order but yet their loyalty dwindles into nothing but disloyalty when their demands are put forward. That Government wanted to see that services improved by the formation of associations, is evident from their generosity in allowing such associations to form & exist, & because an inch of space was given, is it that advantage should be taken to abuse that generosity. While non-co-operators are straining every nerve to withdraw public servants from their offices to embarrass the Government, is it loyalty to put forth demands which it is hardly possible for the Government to face and will not non-co-operators take advantage of the situation and make misguided policemen play into their hands and then make a huge capital out of it? Supposing the demands are not fully

complied with what then will be the situation? Will Swaraj which non-co-operators claim as their birth-right be able to satisfy the demands now made, if non-co-operators were to gain the day? The situation will be much worse and probably the present emoluments may be reduced considerably. These are questions that must seriously engage the attention of the Subordinate Police Officers before they do anything calculated to embarrass the Government. The attitude of the members of the Legislative Assemblies they know to their bitter experience.

A compromise on the following lines is suggested. Instead of being a menace to the Government which gave life to their existence the Associations of Subordinate Police Officers should attempt to help the Government in every possible way to combat the present political and economic crisis and improve the work of the Police and their relations with the public and the Government and to impress the spiritual nature of the duties involved upon their members thereby enlisting the sympathy and gaining the confidence of the public, who will then very willingly take up the cause of the hard hit subordinate Police Officers and thus deserve all the demands now made, before they are actually put forth before the public. And the Government in their turn will have to redress all legitimate grievances of this branch of

public service to the extent that is possible. It is then and then alone that policemen can claim to be loyal subordinates of the Government and expect a greater sympathy from the peace loving subjects of His Imperial Majesty.

Crime and the Police.

By the Editor.

We do not propose to write here an elaborate essay on Crime or Criminology or on the philosophy of the same. We are immediately concerned with the Police and the Police have mostly to do with offences against property (Chapters XII and XVII of the Indian Penal Code) their prevention—if not possible—their detection. Though Sir Robert Peel laid the foundations of the Modern Police so early as in 1829 yet the apprehension of criminals as a distinct function to be carried on by a separate group of men, specially trained for their work, was not thought of until the latter part of the last century. The art of connecting crimes with criminals is therefore even today crude and undeveloped. The Police employ a rule-of-thumb method in which luck and guess-work play the main part. Success is more often than not the result of chance or accident and is generally not the outcome of a premeditated plan.

Detective Bureaus were no doubt organized in some countries in Europe and America but the police authorities therein admit that of the

crimes against property, the police are able to clear up only a small proportion satisfactorily as a result of deliberate action. When that is so with Europe and America what can we say of the Police of India which came into existence only in the latter part of the nineteenth century. The Policemen of India have eyes to see but see not and ears to hear but hear not. Their powers of observation are notoriously poor. They have not been trained in the art of observing. The universal complaint against the Indian youths is that they do not use their eyes as well as they ought to or as well as their brethren elsewhere do. In spite of the fact that powers of observation are absolutely necessary for the efficient discharge of a policeman's duties and the subject is included as part of the curriculum, the subject receives precious little attention even in the Police Training Schools where our young policemen are trained for the very arduous and difficult duties they have to discharge as policemen.

The result is that though the new system was introduced more than a decade & a half ago, there has not yet dawned that improvement on police work which can reasonably be expected of young educated police investigators, which our new Sub-Inspectors are. To begin with if our Sub-Inspectors possessed some idea of the origin and sequence and relations of events and some notion of crime and criminal as a whole, then,

that might have formed, as it were, a groundwork or general plan on which many details learnt by experience might take their right places. The absence of any such general plan in the mind of the Sub-Inspectors, to start with, only tended to additional confusion with additional knowledge. The Sub-Inspectors have no grip of the why and wherefore of their crime work, preventive or detective. In such a perplexed condition they deserve more sympathy than they get. It may be the police man dutifully burdens his memory with all the names, dates of convictions and addresses of all those on the pages of his registers, tackle him on a scientific basis, he is at once bewildered and lost with perhaps suppressed sense of injustice, feeling that to ask him questions outside the usual meaningless routine, rather *maimed* way, is not playing the game. His knowledge has not been founded upon a scientific basis. He has not been taught to connect events with the present or the past causes or their future developments. These play him false in his *savoir faire* and no wonder he produces those grotesque onslaughts upon chronology and probability with which trained experts are so well acquainted.

It is to meet such difficulties this Journal is more intended and our aim is to provide Sub-Inspectors of Police with a ground work at once solid and broadbased upon which

the policeman's increasing knowledge may gradually be built to trace out the main threads, which connect the crime with criminals and criminals with crime. It will help the police to ignore and omit small and useless details, to treat things in logical sequence by pursuing one method at a time and to concentrating the mind upon the course of action to be adopted in each case. In order to facilitate this course, this Journal will ever strive to encourage the development of faculties of understanding and reason from a police expert's point of view, to make the police think and find how things happened and what course of action the policeman should adopt.

Powers of Observation.

By V. GOPALA AIYAR,
Shorthand Sub-Inspector, Vellore.

The powers of observation are being trained even in Elementary Schools at greater length now-a-days than formerly in the Kindergarten and other systems, but the complaint in regard to Indian youths is that they do not use their eyes as well as they ought to, or as their brethren elsewhere do. Such powers are far more necessary for Policemen than for people in other walks of life. The Policeman's duty is to detect things generally done without the knowledge of other people, great care being always taken to keep them a secret from others. For this

purpose he has to use his eyes more than the rest with greater care than ever for, upon what he has observed depends the ultimate result or detection of offences. For this reason the training of the powers of observation has been recommended as part of curricula in the Police School instruction. But there is not much scope for doing this while in the School within the four walls of the class-room out of which they are very rarely being taken for practical instruction, having regard to the way in which instruction is being imparted & the numerous other subjects demanding the cadet's immediate attention to a greater or less extent. The cadet has therefore to fall back on self-help. Policemen of the rank of Sub-Inspectors will do well on this account to go about now with their eyes and ears more wide open than ever, observe all the various peculiarities and note them in a small private note book which they may with advantage carry about their person, or in their minds in the absence of a note book. They may often, after the day's work, talk to each other of what new things they observed during the day and take notes of what each may have observed which the other may have not. Many points which may seem trivial at first may be of considerable importance as investigation of a case proceeds and the omission to note may perhaps have to be repented when too late.

Quickness of the eye means ability to see an object the moment it is possible to so do, either in the front or behind; far away or near. It is a matter of everyday training. It has to be practised incessantly whether in moments of leisure or in little exercises. This will be found to be of very great value when serious work is on hand. The eye has to be kept well skinned and a separate pair always kept at the back of the head. In investigating a crime it will be very advantageous to see something which the village officers already at the scene of offence would generally have failed to observe. Anything thus observed has to be entered in the notebook. While out on hunting, men always look for signs. These are frequently to be found. It is only ordinary ignorant people that fail to notice them.

Criminals always have their own mode of working. Therefore the ways, habits and the modus operandi of criminals have to be carefully studied and notes made about them would enable intelligent Police Officers to classify the offenders. This kind of classification might help to direct the investigation to a certain limit. But on the other hand conclusions should not be jumped upon at random. In cases of Burglaries the sort of tool employed by the burglar should be found out. A series of burglaries had been effected in a certain locality in the following manner. Brick after brick had been

removed noiselessly as if with a knife and replaced afterwards in such a way that their removal could not be noticed for a long time. A careful Policeman used his eyes and found out that one man had this peculiar way of committing burglaries and this was the means of procuring his conviction in this series of cases.

It is often necessary to learn the art of tracking and without a knowledge thereof, a Policeman is of little use. But false tracks should always be carefully avoided. Where a track is lost, it is absolutely necessary to work round in a circle to find it again, & that, by one man, and not by a crowd. Foot-prints should often be taken care of and should not be allowed to be obliterated. That members of criminal classes always take care to obliterate their foot-prints even for a mile or two should be carefully borne in mind and attempts should be made to push on with the tracking still further too and the unexpected however may always happen. A very careful note should be made of any defects in the toe or heel marks. A cast of the print in clay, if possible with the aid of a potter who is ever available, should be taken or a careful tracing of the print on paper should be made and that by the investigating officer himself. It should also be noted if the foot print was made by a man in the act of walking or running. It is

possible that offenders might have worn sandals and if so, any peculiarities regarding nails or indenture of leather should be observed and noted. The age of the footprints should be carefully studied as the sun & the wind are factors which cannot be overlooked in this respect.

The smallest clue may enable a Policeman to detect a big case. A murderer helped himself to a glass of liquor after committing a murder. The glass had a blood stained finger print on it. This clue played a large part in the detection of the case. The offender was thus traced and convicted.

Next, sense of hearing, smell and touch should also be cultivated. When on night rounds if a Police-Officer stops at intervals and listens to sounds, he may hear a beat constable snoring and a burglar at work in the bazaar. Ears therefore should take the place of eyes during nights. When sounds are heard at nights and could not be seen how they are caused it is not safe to pass them by. The cause of the sound should be found out and the reality should be compared with what was imagined at first to have been the cause. The sense of smell also is useful, especially, when perhaps eyes and ears have failed.

There must be absolute calmness in every observation & with it every thing is either won or compromised. But there should be no confusion or fuss. A police officer should use his

eyes but never speak when it can be avoided. Nothing is too trifling to be noticed if only it be out of the way or uncommon. Once a policeman in a druggist's shop noticed an ugly looking woman buy there half-a-crown worth of fly papers. He thought the purchase curious and so noted it in his pocket book. A month later this entry formed one of the most important links in the chain of evidence which brought the purchaser to the gallows. She had long made a regular business of murder by means of arsenic extracted from the fly papers purchased from various unsuspecting chemists.

Once a constable was called in connection with a family quarrel in a slum. As there were no tables whereon the constable could place his note book and write he put his note book against the white-washed wall to jot down particulars. He found the wall so hot that he could not bear his hand against it. The woman nearby replied that it was always like that and the constable remarked carelessly that there must be big fires next door and noted the fact in his note book. His Superintendent suspected with the result that one of the biggest of the illicit distilleries ever unearthed carried on for years unobserved defrauding £s. 300 revenue, was discovered.

A parcel containing valuable jewellery was insured for Rs. 5000 and despatched from a Post Office in A to B some years ago. At B

where the parcel was delivered intact, addressee opened it only to find rubbish and a paper weight in it and the jewellery said to have been despatched was missing. Evidently the jewellery had been replaced by the rubbish. The S. H. O. nearby was called in and when he examined every bit of the contents of the parcel carefully, i.e., the rubbish and other things, he observed some paper rolled in the parcel box, and, on examining them, found among the papers some bearing certain Post office stamp, as also an empty cover, addressed to the same Post Master. He concluded that it was likely that the crime was committed in that Post Office and that it was that office from which the parcel was sent and further that the Parcel Clerk who received it might have tampered with the parcel, as the paper weight, found among the rubbish, bore initials all over it. He at once proceeded to A and found the Parcel Clerk that despatched it and searched his house and recovered a great portion of the stolen jewellery. He next recovered the rest that had been pawned by the Parcel Clerk with a marvadi shroff. The initials on the paper weight were proved to be those of the Parcel Clerk and the case ended in the conviction of the Parcel Clerk and in the recovery of the jewellery for the owner, only by the careful observation made by that intelligent S. H. O.

Cordial Relations.

A ground work for Police efficiency.

The Inspector-General of Police, Madras, says in his administration report for 1918 "I am aware that any increase in Police expenditure is jealously watched in the Legislative Council and this is natural because it is on the face of it less productive than expenditure on education and sanitation. At the same time it would, I believe, be incorrect to come to the conclusion that the expenditure on the Police is distasteful to the people of the country. The services of the police are undoubtedly appreciated by the people; what they want is not less police expenditure but more efficiency which can only be assured by a properly paid, properly housed and therefore contented force". On the subject of Conference he adds "At the suggestion of the late Mr. Gillman a conference of selected Police Officers was held in 1917 and another conference was held in the year 1918. These conferences have been most valuable as they have provided an opportunity for personal discussion of important questions. I think, it would be difficult to overrate the value of such meetings and hope that this conference will be held annually under the presidency of the Hon'ble Member in charge of the police portfolio".

"It has also been decided to hold half-yearly conference of Deputy Inspectors-General of police with the

Inspector-General of Police. The first of these was held shortly after the close of the year and was of the greatest assistance to me, particularly in assessing the relative claims of subordinate officers for promotion. District Police Sports have been held in many districts. I have attended several of these sports and am of opinion that they have a very distinct value. They are good for the training and discipline of the force, they bring officers and men into close and friendly association and most important of all, they tend to increase harmony and good feeling between the police and the public. The occasion is also taken to make a public presentation of rewards recently earned by members of the public and of the force. I should like to see every district hold its police sports annually".

In this connection we shall with advantage enlighten our readers on the working of the Police Club at Moradabad P. T. School, United Provinces.

The city gentry and officers of the station are allowed to become members thereof. It is well furnished after the fashion of the day, with a well-equipped library, hockey, tennis-lawns, cricket, gymnastics, semaphore drill. Indian clubs, golf, foot-ball, croquet with a well furnished beautiful pavilion as their back ground. An annual grant for the upkeep and improvement of these games is made by the Government.

The sports must be regarded as a means to an end and the end is the physical efficiency of the police.

The Superintendents must appreciate the promotion of a healthy rivalry feeling among the force of the various Circles in their districts. Every Circle must hold its sports and conference twice at least a year and all the leading public men of the Circle must be invited to the same. Every Circle must provide itself with a miniature Police Club at the headquarters of the Circle in which private men ought to be allowed membership. This will certainly improve the relations between the police and the public and bring about a healthy co-operation and will enable the police to have Village Defence Forces organized, who will form a very useful auxiliary to the general police and this is one of the means for the police to become efficient.

Police and Shorthand.

(By Justice)

The Art of Shorthand Writing was at one time considered a negligible factor in police work. But the years 1906-07 saw political agitation growing in intensity. It was then found out that shorthand would be a useful adjunct to the different branches of police work. With this object in view, the teaching of Shorthand was introduced into the Police Training School at Vellore in the year 1907. English Shorthand was the only subject

then prevalent for teaching, though some systems of Tamil Shorthand were under contemplation. Subsequently the Government found a necessity in systems of shorthand for the different vernaculars and made enquiries if such systems could be formulated. Rao Sahib M. R. Ry M. Srinivasa Rao Avergal, F. I. P. S., was one of the few who assured the Government that he would undertake to do the work. By this time, Mr. Rao had formulated a system for Tamil, and when the opportunity was given him, he submitted his system to the Government in a manuscript form. After close scrutiny by experts in the art, the system was approved and introduced as a subject in the Police Training School at Vellore. Some years later, a similar system for Telugu was also formulated and taught. And it can be said to his credit that his systems now play no small part in the police work. As political agitation grew stronger and stronger, and as the Police were capable of reproducing verbatim the political lectures delivered in English, the agitators resorted to propagating by means of vernaculars. But with the advent of the vernacular systems of shorthand, the agitators were faced with a peculiar kind of difficulty. Several prosecutions for seditious and objectionable speeches in vernaculars, reproduced verbatim by the Police Reporters prove a standing monu-

ment of the usefulness of shorthand for the Police. The Inspector-General of Police, in his report on the administration of the Police for the Madras Presidency for 1920 says that the Shorthand Bureau at Vellore has fully justified itself and has met a real want, and the Madras Government in their recent order on the above administration report have observed:—"The creation of the Shorthand Bureau was clearly opportune. The Government recognise the value of the work done by the Staff and have recently deputed more Sub-Inspectors for training in Urdu Shorthand at Lucknow." The above observations speak for themselves.

In this connection, it will not be out of place to give a brief life sketch of Rao Sahib M. Srinivasa Rao.

To see him is to be impressed by his proportion. Nature made him short and his life and career have proved that it was not in his line to be tall. The son of a Tahsildar of those days, he came over to Madras and made the teaching of shorthand his sole aim in life, and with that end in view he laboured hard to master the genius of the subject and qualified himself for the teaching of the art, and thereby obtained the Incorporated Pronographic Societys Teacher's Diploma, and Sir Isaac Pitman's Teachers Certificate and Proficiency Certificate, distinctions held by the only individual in the Madras Presidency

so far. His knowledge and efficiency in the subject and love and enthusiasm for the art set him thinking years ago in the direction of formulating systems of shorthand for the South Indian Vernaculars, i.e., Tamil, Telugu, Canarese and Malayalam, and he took seriously to this business and set himself to work. He joined the staff of the Police School as Shorthand Instructor in October 1907, when Government thought it necessary to introduce Shorthand in the Police School as one of the subjects to be studied by the Sub-Inspectors under training. His appointment in the Police Training School, as God-willed it, gave him the necessary opportunities to work out and develop his scheme, and very soon he felt himself on firm ground. As early as 1907, the Government felt the need for the Vernacular Shorthand and enquired of the shorthand world whether systems for the different vernacular languages could be formulated. When such invitation came, Mr. Rao was one of the few who boldly came forward with the assurance that he would undertake to do the work, and submitted his system of Tamil Shorthand which was then in the manuscript form. His system was placed for close scrutiny and for opinion by the Government before that master of many arts M. R. Ky. Dewan Bahadur L. D. Swamikannu Pillai Avergal, I. S. O., who himself is an

expert in the art. On his report that the system formulated by Mr. Rao was quite a feasible system, Government had it put to every kind of test and, on being perfectly satisfied with it, introduced the subject in the Police Training School. Since then great changes have taken place which have made the knowledge of shorthand both English and Vernacular a matter of first rate importance on the part of the Police officers. The first edition of his Tamil Shorthand Manual was published in 1907. The Government, in appreciation of his work, awarded him with a decent honorarium. Soon after, he took up Telugu Shorthand and brought out his Manual in 1916 the publication of which was undertaken by the Government, and in appreciation of this, he was awarded again with a similar honorarium. He also took up Canarese Shorthand and finished recently the book which is being printed by the Government and a similar honorarium was again granted to him. Mr. Rao has revised, enlarged and almost renovated his original system of Tamil Shorthand and has written out a new book altogether. The Government, as in other cases, have taken the publication of this revised edition.

At the present day, Mr. Rao is teaching four systems of Shorthand, i.e., English, Tamil, Telugu & Kanarese, in the Police Training School. The exertions and labour

of Mr. Rao have been of no mean value in the organization of the Police Shorthand Bureau, attached to the School at Vellore. The usefulness of such an institution would not have been realised but for the various systems of Shorthand which Mr. Rao had invented and is teaching and whose utility needs no mention. In fact, Mr. Rao has placed the shorthand world, the public and the Government under a deep debt of gratitude. It may, in the fitness of things, be said without exaggeration that if vernacular shorthand has rendered any useful service to the Government and the public, it is due entirely to Mr. M. Srinivasa Rao who may unhesitatingly be considered as the father of Vernacular Shorthand and an Indian Pitman.

In appreciation of his labours and services, the Government were pleased to graciously confer on him the distinction of Rao Sahib, and we daresay that he occupies a respectable and honourable position as a loyal servant of His Imperial Majesty. It may be said without fear of contradiction that the distinction conferred upon him was hailed with satisfaction by all those intimately connected with him.

It is difficult just at present to prophesy his future place in Indian public life. He is quite simple in his habits and there is nothing about him of the theatrical pose of greatness. Words cannot adequately

convey his largeheartedness. He is still strong and hearty and has, we trust, many years more of useful public work before him. We hope that his example of a wise and well-regulated life will serve to teach our young men the wisdom and secret of a fruitful career. We look forward to his occupying even in the immediate future a more important place than here-to-fore. And we also look forward to his continuing for long to take his proper and respected place in the public life of this country.

New Year Honours.

The following Police Officers are among the recipients of the New Year Honours for 1922.

C. I. E.—Mr. Stewart, Indian Police, Punjab. Mr. Armstrong, Indian Police, Central Provinces. Mr. Williamson, Indian Police, United Provinces.

Sardar Bahadur (Personal).—Sardar Sahab Kishan Singh, Deputy Superintendent of Police, Ajmeer, Merwara.

Khan Bahadur (Personal).—Muhammad Abdul Karim Sahab Farukhi, Special Assistant to the Deputy Inspector-General of Police, Criminal Intelligence Department, Madras. Khan Sahab Abdul Jalil, Inspector of Punjab. Maulvi Syed Mahomed Khalil, Deputy Superintendent of Police, Patna.

Bai Bahadur.—Mr. Tarak Chandra Datta, Registrar, Office of the

Inspector-General of Police, Bengal. Naib Commandant Mr. Bakhtwaar Singh, Burma Military Police. Mr. Gade Rajagopala Rao, Deputy Superintendent of Police, Madras. Mr. Edakandyil Govinda Kidavu, Inspector of Police, Calicut, Madras. Mr. Kottarathil Nilakanta Nair, Inspector of Police, Tirurangadi, Malabar, Madras. Mr. Shankar Sadasiva Metkar, Deputy Superintendent of Police, Bombay.

Khan Sahib.—Mr. Ghiasuddin Syed Abdul Karim Sahib, Inspector of Police, Criminal Intelligence Department, Madras. Mr. Jehangir Rustomji Sukhia, Deputy Superintendent, Sind Police. Mr. Shams-uddahar, Sub-Inspector, Special Branch, Calcutta Police. Mr. Mahmud Basit Ali Khan, Inspector of Police, United Provinces.

Khan Sahib (personal).—Mr. M. Abdul Haiyi, Deputy Superintendent of Police, Chandhri. Mr. Nabi Ahmad, Deputy Superintendent of Police, United Provinces. Mr. Imtiaz Mahomed Khan, Inspector of Police, Moradabad. Hakim Ikramul-Hakk, Deputy Superintendent of Police, Punjab. Mr. Abdul Gaffoor, Inspector of Police, Nagpur. Mr. Abdul Rahim Khan, Inspector of Police, Hazara District.

Rai Sahib.—Mr. Bishenlal, Inspector of Police, United Provinces. Mr. Nand Kumar Singh, Officiating Deputy Superintendent of Police, Dinapore.

Rao Sahib (Personal).—Mr. Nara-

yan Thakur Singh, Inspector of Police, Criminal Intelligence Department, Madras. Mr. Govinda Nambiar, Sub-Inspector of Police, Tirurangadi, Madras. Mr. Bithal Annaji Kakee, Inspector of Police, (Retired) East Kandesh, Bombay. Mr. Vytheeswar Subiah, Wazir Force, Lahore.

King's Police Medal, Madras.—Mr. W. H. Pitt, Superintendent; Mr. C. G. Tottenham, Superintendent; Khan Bahadur Elayath Veliyath Amu, Deputy Superintendent; Mr. W. A. P. Hankinson, Inspector; Mr. M. Narayana Menon, Inspector; Mr. S. Duraswami Pillai, Sub-Inspector, South Arcot; Mr. U. Kunhakannan, Sub-Inspector; Mr. H. E. Keats, Sergeant; Mr. T. A. Sumner, Sergeant; S. Yeshia, Constable, Nellore; K. A. Seki, Constable; K. A. Sekharan Nair, Constable.

Bombay.—G. A. Shillidy, District Superintendent; Mr. I. C. Boyd, District Superintendent; Mr. G. Atmaram Negha, Deputy Superintendent; Mr. D. A. Mandavakar, Sub-Inspector, C.I.D.; Mr. S. Bhagappa, Sub-Inspector, Dharwar; Thekye Gyann, Constable; Shripat Gappi, Constable, Nasik; Ismail Hussain, Constable, Aden.

Bengal.—Mr. J. A. M. J. Golde, Commissioner; Mr. F. J. Lowner, Superintendent; Babu U.C. Chanda, Deputy Superintendent; Constable Jagadish Dabe, Hoogly; Constable Baliram Singh, Hoogly.

United Provinces.—Mr. H. G.

Richardson Deputy Inspector, General; Mr. H. Del Ross, Deputy Inspector-General; Mr. J. E. Fife, Superintendent; Sub-Inspector Mr. Abdul Hamid Khan; Head Constable Tew Singh.

Punjab.—Sirdar Amik Singh, Deputy Inspector-General Patiala State, Mr. J. W. Bowring, Superintendent, C.I.D.; Sub-Inspector Mr. Sultan Khan, Rawalpindi; Sub-Inspector Mr. M. Mehr Del Khan, Mianwali; Head Constable, Sher Mahammad, Mianwali; Head Constable Ahamed Mivaz Khan, Shapur; Foot Constable Ali Mahammed, Ferozepur.

Burma.—Lieut. Col. F. L. Orgen, Inspector-General, Military Police; Sardar Bahadur Krishnan Singh, Naib Commandant, Military Police; Mr. Maung San Ko, Honorary Deputy Superintendent; Head Constable Telu Singh, Tharrawaddy.

Assam.—Mr. T. A. Farze, Superintendent; Constable Deodhari Singh, Likhicour; Constable Rama Dasin Chowbey, Lakshmipur.

North West Frontier Province.—Sub-Inspector, Mr. Ferozuddin; Sub-Inspector Mr. Feroz Khan; Sepoy Sarmasta Khan, Frontier Constabulary, Draban.

Hydrabad State.—Mr. Mahammad Azizulla, Touring Superintendent, C. I. D., H. E. H. Nizam's Government.

While we offer our hearty congratulations to these officers on their well merited distinctions, we feel constrained to observe that the list

has not been exhaustive enough, there being quite a good number more, deserving of similar honours and distinctions. It is a matter, for sincere regret, to note that the Reporting Staff of the Police in India have not had their share in the New Year Honours, regard being had to the dangers and odium of the Non-Co-operators and the public, they are exposed to, almost in their every day life as Police Reporters. We, however, fondly look forward to their getting a due share in the next Honour's list at least.

The Present Situation.

(By the Editor.)

The recent abnormal developments in the politics of the police world makes one shudder for a moment and look aghast with dismay as to what possibly can be behind all these and what these will lead to. We need not be misconstrued when we say abnormal developments in the politics of the police world, for, in the light of the brilliantly proved past history of the police, it can mean absolutely nothing, which the silly and mischievous interpreters may make out of it. We are on the threshold of a *new era* and we cannot in justice fail to review the events of the past—the gloomy and dreadful past, if we may so call it, and how our new police rose equal to the occasion, though, then, just out of the mother's womb, to put down with a stern hand the reign of terror by the

anarchists, comprised of the infernal bomb throwers and political dacoits. We cannot afford to neglect the past and past alone it is that can help us to correctly judge of the present and to have a glimpse into the future. To look back on things that were, and from which, the present has evolved, carrying the future in its embryo is but natural.

The bloody and revolutionary rule of terrorism of a deep-rooted conspiracy of the maddest section of political agitators who had organizations, here and there, all over the country and whose avowed object was to secure by means of terrorism the liberation of India from foreign rule! What became of it? Have not those dangerous and veritable foes to the country been swept out of it and the rule of terror nipped in the bud! Their diabolical crimes cannot be treated in the same light as the isolated acts of individual fanatics over two and a half decades ago, or, as the present day widespread manifestation of the doings of the non-co-operators with a view to cripple the administration and render the Government of the country unpopular. True, the rule of the terrorism by the infernal bomb-throwers and the anarchists, though entirely short-lived, is horrible to think of and more than anybody else even the sanest of sane non-co-operators would certainly look upon it as a national calamity, yet, we cannot ignore it for our purpose, for, it afforded an

exceptional and sure opportunity for the new police to show the spirit of self-sacrifice and unflinching loyalty they were capable of, even at the peril of their lives, which had absolutely no other value to them than to be placed at the altar of duty.

Is it possible for even the so called best and ideal police in the world to bear a more eloquent testimony of the same than the blood of Sub-Inspector, the late Nandey Lall Bannerjee and that of Deputy Superintendent of Police, Shamsul Alam, Khan Bahadur, who knew that their lives were being attempted but they did not allow themselves to be influenced by that apprehension. With what unflinching devotion to duty and praiseworthy loyalty they set themselves as ideal Police Officers of whom every one of us ought to feel proud. Do not our police too well know that Britons are nothing, if not patriots, that incredible things have been accomplished by the Britons and stupendous tasks in killing brute force have been undertaken and accomplished by them. American Slavery, Indian Thuggee and Sati and above all Kaisarism they have put down. What is it they cannot accomplish as patriots. Is it conceivable therefore, that our police, backed up by such patriots would allow opportunities go without distinguishing themselves? Or is it possible that the Britons would mistake the pathetic appeal which our new police make to their paternal Government

showing their mouths, tongue and stomach. We are sure that, as it behoves any indulgent parent, the authorities will not take amiss the unseasoned and unreasonable or extravagant nature of the demands, for children only know to ask and to cry aloud if not at once satisfied. The knowing father should pat such children on their back and, true, no explanation, short of immediate grant of what they cry for, can satisfy them; all the same they have to be some how quieted and not turned out of doors. It is possible that it will tax one's patience and render one mad, but that does not become of a father who had been found indulgent.

We need not here be misunderstood as indulging in politics, which it is our avowed policy to avoid. What we wanted, to concern ourselves with, was that aspect of the policy which the police should follow at the present crisis. They should have a very wholesome control over their feelings and not to yield even an inch space to be exasperated, however righteous the cause of indignation may be. Instead, more than ever, now is the time for the exercise of tact, wisdom and diplomacy and the truth of the Biblical Saying "wisdom is justified of her children" should be ever pondered over and lessons drawn. It now behoves them to endear themselves to the co-operating public by their cordial relations and draw them to their side, for, it is

likely that the real criminals will take advantage of the present situation and will prove formidable and to put them down the co-operation and sympathy of the co-operators will be found indispensable.

Cases of Murder.

Cases of murder are at times the easiest for Police officers to work out and at times, the same bristle with difficulties and baffle all the attempts of very clever investigators. At times such cases raise intricate questions of law and of Procedure—needing the intervention of the highest courts of justice for the settlement of the legal issues.

All of us might have come across such cases and might have had rulings for future definite courses of conduct in such cases. Cases, where in confession prevails and where in circumstantial and inferential facts of evidence prevails, offer invariably an uneven and slippery ground, for investigators to proceed on.

In all cases, it is incumbent on all Police officers to hit on facts undisputed and clear, immediately prior to the event and on facts in and around the spot and on the person of the deceased. Every investigator must make it a point to examine minutely the spot and the body. In so doing all considerations must be set aside and no time should be wasted and all promptitude should be shown. Especially in cases of murder, the gossip must be listened

to in full—for in such gossips truth could always be gleaned and the same would help an investigator in getting at the right point. Experience would amply show that in cases of murder, much talk is indulged in and various kinds of information are let loose. In cases of this kind, a regular "hue and cry" is raised and the public mind is flared in indignation and fear. Indignation, because of the dastardly and of the atrocious act, and fear because of a similar repetition of such acts. In this state of a disturbed mental temperament, the public, voluntarily, sets itself in motion, looks for the real state of circumstances that led to such commission. In some cases though it is against all the dictates of jurisprudence, the public mind comes to an equanimity and satisfaction that the deed was well merited considering the brutal qualities of the assailed. In such cases as these, the public mind constitutes itself as court of equity and shows an apathy to the inquiring efforts of an investigation. It claims itself with the thought, that an enemy to the public welfare has been rid of the society, irrespective of the question whether such murderous tendencies could be allowed to flourish unscathed and whether such perpetrators could take the law into their hands and whether such an enemy to the society, is not entitled to the lawful protection of the society or of the state, despite his innate demoniacal nature. To

a jurist and to a philosopher this state of public mind is not and could not be acceptable. Nevertheless, it is so. An investigator in such cases, must study the state of the public mind and touch on the correct line leading to the disclosure of the perpetrators of the murder and to the facts connecting such with murder. In cases of this kind, the mind of the public goes back to the primeaval state of society and travels on the skirts of barbarity. It shows its animal and self-preserving nature—setting aside the standard of natural justice and seeks satisfaction and repose under the old pernicious practice of "tooth for tooth" and "eye for an eye". Cases of this sort baffle the attempts of an investigator and the field of investigation towards gathering facts of evidence, very much narrowed and all tappings are without response.

In such cases as referred to above, the investigator and the relatives near and dear of the deceased invariably stand alone in the field of investigation. The public or the village folk stand aloof mute and unmoved. The better part, the more intelligent section, the more generously inclined section run along the current and merge in the view of the majority. An atmosphere of studied silence reigns around the investigation. This is really a hard stand for the investigation. On the one side there is a dire call from justice for a satisfactory explanation

and solution of the deed and on the other, he has to confront an unyielding and a perverse public and on the third side in a way alike himself—are the kith and kin of the deceased waiting for the solution and down-pour of justice to avenge the wrong done and to eradicate the self-destructive elements to the solidarity of society and to remove such parasites from the state. Comparison cannot go on all fours. The stand of investigator in such cases must be on Tact and Patience; Tact to be displayed is to make the motionless public move and Patience to be exercised is to refrain from any untoward act in dealing with the adamant wall before him. He must not be disturbed, when any one of the society, who promises to offer a response, is swayed and taken back by the public Tension. He must wait and tactfully probe. He is just like this. The atmosphere is full of dark clouds laden with water over the heads of the animate and of the inanimate anxiously waiting for the down pour. Every minute they expect a down pour in response to their prayers. But also, in all a sudden a gust of wind blows and carries away the clouds behind their ken-even. In such cases the anxious public, through their fret, find all frettings to be useless. Thus they succumb and continue to renew their prayers. At last they find that their prayers bear fruit and these dark mate clouds begin to respond in an

overwhelming convincing manner with lightning and thunder accompanied with torrents of water over flooding the area, giving comfort nourishing the plants and assuaging the heat.

An investigator literally occupies a position identical to this. He must be tactfully strenuous in his efforts guided by his discretion, moves are governed by law, and the bounds of law. He must see this and he must so act as to create a set of circumstances and a certain condition to self revelation. We use the word self revelation in its literal meaning. In case of this nature, circumstances permit of no other possibility for disclosure except through one of self revelation, supported and corroborated by facts of evidence. He must count for a lightning and thunder to empty their hearts of heavy contents. He must invoke by his tact and discretion the sympathetic cord of goodness in their hearts. He must so behave that the innate goodness of man vibrate in accord with his tune and wait for the dross that might be thrown out and eliminated by the vigorous vibration. As the dross is being thrown out he must watch them and see how the public gaze is on such. By a strict watch and ward, this can dross, resultant of the natural or principle of elimination finds itself stranded and unsympathised. The instinct of self preservation in such a stranded state.

makes them move in an unnatural, in an unscientific manner resulting in mutual accusations in a way, disclosing their parts in the conspiracy. In some cases where the investigator is not shrewd and proves rather hasty at times the same this dross begins to attack him and begins to inweighle him into a trap necessitating the intervention of superior heads to expose the actual state of dross at times the dross in obedience to the instinct of self-preservation run counter and moves its conspirators or any one gathered to strike a

hard blow and to show convincingly that all their attacks are but counter ones and to make a clear breast of the whole affair. In such bewilderment and unnatural variation the investigator would find to his relief and joy, that one of the conspirators coming forward like lightning exposing to the public gaze, the dark contents of the hearts his comrade or comrades who planned to escape themselves from the nefarious transaction—throwing the burnt of the same on the other comrades similarly situated.

CRIME AND POLICE IN INDIA.

(Before the East India Association.)

(1) A Meeting of the East India Association was held on Monday, February 21, 1921 at the Caxton Hall, Westminster, S. W., when a paper was read by Sir John G. Cumming K.C.I.E., C.S.I., M.A., entitled "Crime and Police in India." Sir Edward R. Henry, Bart, formerly Commissioner of Police, London, occupied the chair and the following, amongst others, were present. The Right Hon. Lord Carmichael, G.C.S.I., G.C.I.F., K.C.M.G., Colonel Sir Charles E. Yate, Bart., C.S.I., C.M.G., M.P., Sir Duncan J. Macpherson, C.I.E., Captain Sir William Nott Bower, C.V.O., Sir Christopher W. Baynes., Sir William Ovens Clark, Sir Robert F. Fulton, Major-General F. E. Charnier, C.B., C.I.E., Mr. F. H. Brown, C.I.E., Mr. C. E. Buckland, C.I.E., Mr. H. E. A. Cotton, C.I.E., Mr. C. W. Chichele Plowden, C.I.E., Mr. E. H. Man, C.I.E., Mr. N. C. Sen, O.B.E., Mr. J. B. Pennington, Lient-Colonel W. G. Hamilton, I.M.S., Mr. Thomas Luby, I.C.S., the Rev. Dr. R. H. Durham, the Rev. J. M. E. Ross, Mr. B. C. Vaidya, Mr. Bernard V. Shaw, Mr. R. A. Bhagat, Miss F. R. Scatcherd, Mr. Ronald C. Baynes, Mr. R. S. Greenshields, Mr. J. C. F. Holland, Mr. A. C. Cumming, Miss E. Binney, Mr. A. M. T. Jackson, Dr. Lawrence Fink, Mr. A. S. Hunton, Mr. Marlborough Crosse, Mr. H. R. James, Mrs. Dick Cunyngham, Mr. J. Sladen, Mr. R. H. Cust, Colonel and Mrs A. S. Roberts, Mr. F. C. Channing, Mr. S. S. Gnana Viran, Mr. H. L. Leach, Mr. G. M. Ryan, Mr. F. J. P. Richter, Mr. and Mrs. H. R. Cook,

Mr. B. C. Taylor, Mr. A. Toulmin Smith, Mrs. Creagh Osborne, Mrs. Drury, Mrs. Clark Kennedy, Miss Price, Mr. G. E. R. Grant Brown, Miss M. Sorabji, Mr. A. Page, Miss Sykes, Mr. J. W. Home Colonel A. L. Caldwell, Mr. H. C. Barnes, Major Skene Thomson, Mr. H. M. Jagtiani, Mr. G. P. Whalley, Mr. J. E. Armstrong, Mr. C. Whitmore Clark, Mr. C. O'Brien, Mr. J. M. Gosh, and Mr. Stanley P. Rice, Hon. Secretary.

The Chairman:—Ladies and gentlemen, I will now call upon Sir John G. Cumming to read his paper on "Crime and Police in India." Sir John possesses very special qualifications for the task he has imposed upon himself, for I think I may say he has held almost every post under the Government of Bengal that a civilian can hold. He was an assistant magistrate, magistrate in charge of a district, and for a time he was a Commissioner, and in addition, he has had great opportunities of learning all about the people by being a settlement officer. He has also held high posts, as he was in the Viceroy's Council. I think, therefore, we are fortunate in having one who has been for a whole generation that is to say, for over thirty years working amongst the people of India, to express his views upon so important a subject as crime and the relations between the Police and the people of India. As you know, the security of everybody, out there, is mainly dependent upon the police force, and no police can be at all effective for its work unless it is more or less popular. A police force is strong when they have popular support

behind them, and to anyone who has been entrusted with the duties of a settlement officer or who has been in charge of a district where he not only heard all the reports sent in by the police but where, as a matter of fact, being magistrate, he was responsible for the action taken on them, it is particularly helpful to him to have an intimate knowledge of the people. You have in Sir John Cumming, an officer who possesses that particular qualification.

I will now call upon him to read his paper.

The lecturer then read the paper; The wise and witty Sydney Smith wrote about a century ago that the object of all government was roast mutton, potatoes, a stout constable, an honest justice, a clear highway and a free chapel in other words, a good standard of living, the maintenance of law and order, an impartial judiciary, easy transportation and religious toleration. Now in all discussions of the functions of government, security of life and property is accepted as one of the fundamental: this means the maintenance of law and order, and includes the prevention and detection of crime.

Owing to the geographical, political and ethnical conditions of India, this duty of the maintenance of law and order has been in the past pre-eminently incumbent on the central government as established by law in India; and never was it of greater importance than now, when powerful disintegrating forces are at work, and when the transfer of certain branches of administration to indigenous responsibility has not in the least diminished the responsibility of the Indian Government to the British Parliament for the remaining branches which include the function of maintaining internal security.

The agency for exercising this function is the police force; and it is extremely necessary to realize what are the duties imposed on that force in India. In order to avoid misconception, it is desirable to remember that the analogy of this country is not altogether correct. Here in Great Britain, we are accustomed to the existence of distinct forces under boroughs or counties, subject to a certain control of the Home Office, but paid mainly from local rates. In India on the other hand, the police forces are highly centralized organizations directly under the Government, with each province as the unit, while all are paid by the State. In respect of control they are similar to the Metropolitan police, which, it should be noted, is a State police, and not a local police. The tendency has been to demunicipalize any forces

which have been paid from local sources; and even in Calcutta which has become a cosmopolitan city comparable with the great cities of the West, the police force is a State charge and not a burden on the local rates. It would indeed be more profitable to make comparison, if any comparison be made at all, with the State police in a continental country like Italy, or with the Constabulary in Ireland, if the varied duties and the centralized control of the police forces in India are to be fully appreciated. Let me mention a few of the miscellaneous duties. In some provinces, the police still is the agency for the record of all vital statistics in rural areas, though developments are in hand for the transfer of that duty to other bodies. Then again, except in certain large cities, the officer in charge of a police station has to perform the duties of a coroner in the case of unnatural deaths. Moreover, the system of keeping the funds of the State in little money-boxes, called treasuries and sub-treasuries, at administrative centres all over the country, necessitates a considerable employment of police in the constant movements of treasure; and the still imperfect railway facilities in the rural areas impose likewise an additional burden in the escort of prisoners. These instances by no means exhaust the list of such miscellaneous duties.

Just as in this and other civilized countries, the police force in India are

meant primarily for the preservation of order, the security of the person, & the safety of property—in the words of the great Prefect of Paris, M. Louis Lepine. But the police in India also represents the right hand and arm of a Government which, however benevolent in intention and impartial in act, is an alien Government. Hence a proportion of the district forces is armed; there are armed reserves at headquarters which are employed on escort and similar duties other than purely police duties; and military police battalions have been embodied at selected centres.

It is true that the military forces in India can be and have been, used for the suppression of internal disorder; but the disposition of those forces has necessarily been guided by two principles, the fixing of the centre of gravity of the military mass in accordance with the dictates of external military strategy and the protection of large centres of population. But to the great majority of Indian districts the existence of cantonments and military forces is unknown; and it is on the police, therefore, that the brunt of the burden in the repression of any local disorder naturally must fall.

Let me now describe in broad outline the present constitution and organization of the Indian police forces. At the bottom of the scale is the village watchman—in some cases the survival from Mughal or even per-

Mughal times; in others, the creation of the British Government, with varying names from province to province. His remuneration is by different methods—by land grants, by money payment, or by both—in the different provinces; and control of the village watch varies from pure state control to pure local control with combinations of the two in different proportions. But it is mainly indigenous organization, and the prevailing characteristic is the self protection of village or group of villages. It needs no argument to understand that it is essential that there should be complete co-operation between these village units and the permanent forces of the Crown; indeed, it is both the ideal and the despair of all Indian police administrators to secure that co-ordination. Reams have been written about the reform of the village watch; but, in the words of Thomas Gray.

"No sense they have of ills to come,
Nor care beyond to day."

I have a warm corner in my heart for the humble village watchman.

After the village watch come the uniformed and disciplined forces of the Crown. They number about 200,000 men, with a controlling staff of 1,000 officers for the whole of British India proper, that is, exclusive of the Native States, with a population of 240 millions. The cost is 4½ millions sterling, which is cheap. In recent years there has been a tendency in the Legislative

Councils and in the press to attack the expenditure on the police; accusations have not been wanting that it is a pampered service; the critics are zealous in expenditure for public welfare in the interests of education and health, but inclined to forget that a peaceful condition of society is the pre-requisite for all professions, for all trade, crafts and agriculture and that it is not in India alone that police administration has become more complex and more expensive. Just contrast the cost of the Metropolitan police: a force of nearly 22,000 men costs 6½ millions sterling, and the expenditure has increased more than four-fold in the last twenty years. Then consider again the vastness of the area over which it is sought to uphold the *par Britannica*,—over a million square miles in British India. It cannot be too frequently emphasized in this country that we have to deal with a continent, not a country; and that it includes people of every conceivable type of civilization, varying from those, on the one hand, who for centuries have been accustomed to prey on their neighbours, to those, on the other hand, who demand and expect all the amenities which modern civilization can furnish. The proportion varies from nearly one police officer for three square miles in the closely packed United Provinces to one for eighteen square miles in the province of Assam with its vacant spaces.

Again, there is one police officer to about 500 of the population in the turbulent North—West Frontier Province, while in the thickly populated, but generally law-abiding, area of Bihar the proportion is as small as one police officer to about 2,500 of the population. These figures are significant when one learns that in London and Paris, the ratio is about one policeman to 350 of the population, whilst in Great Britain, as a whole, the ratio is about one to 300. The recruitment is local in North, Upper, and Western India; but in Bengal and Burma the recruits have been to a great extent from Upper India. In Burma the military police includes Gurkhas and Sikhs, while the police of Rangoon are nearly all Punjabis. In Bengal before the war about two out of every three were natives of Upper India, and thus foreigners to the province; but in that province there has been a steady increase in local recruits until the proportion has been reduced to one in three. In the Madras Presidency it has not been difficult to recruit certain classes from the West Coast; but these men are foreigners in language and habits if they are allocated to the Tamil-speaking districts in the east of the Presidency. The rise in the cost of living in recent years is a well-known handicap in the matter of recruitment; but the recruitment of men who are foreigners in the districts in which they serve creates

a difficulty which is perhaps not fully appreciated. The ideal is, of course to fill the ranks with contented, competent, and self-respecting men.

The organization, as it exists at present, is mainly the result of the Police Act of 1861 and of the changes effected by the Police Commission of 1903. The unit of control is the district, familiar to all acquainted with Indian affairs as the unit of executive control, under a Superintendent; and there are widening concentric rings of authority under Deputy Inspectors-General and Inspectors-General. The administrative heads are supplied by the Indian Police Service, recruited until recently entirely in London, but gradually the grade styled Deputy Superintendent, the invention of the 1903 Commission, recruited in India, is supplying selected officers for the higher administrative duties. The Inspectors and Sub-Inspectors who form the investigating staff are locally recruited almost exclusively from the middle classes, and the rank and file of head constables and constables are from the agricultural classes.

The Sub-Inspector is the head officer at each police station, the jurisdiction of which forms the areas into which all districts and towns have been divided. He is the real centre round which all revolve; the lesser luminaries, the constables, are his agents, while the higher officers

make their tours with the periodicity of planets and occasionally with the eccentricity of comets. Instances have not been wanting in which rankers have risen to the highest position of power and responsibility: the controlling staff is only too eager to reward merit. One of the finest detectives of modern times in India joined the Bombay force as a head constable and became Superintendent of the Bombay City Police and was twice decorated. He was, it is true, a man of good family and well educated. I knew personally, in different parts of India two men who had remarkable careers. One started life as a village watchman, and had no education beyond the vernacular; yet through pure merit he rose to be a Deputy Superintendent and received decorations. The other began his service as a constable, and at present holds the rank of Deputy Inspector-General.

Each province has, within the last twenty years, made great strides in organizing training colleges and schools for the cadets in the investigating staff and for the constables. The object and the result of the curricula have been to produce better qualified servants of the public. In the case of the investigating staff, it was hoped that the taint of corruption would gradually be eliminated, as men were recruited of better education, better social status and better morals; and, in the case of constables, that there would be a gradual

approach to literacy and to the cultivation of intelligence. In three large provinces, only half of the rank and file, or even a smaller proportion, can read and write: in Madras, as might be expected, the standard of literacy is very high, and in the North-West Frontier Province very low. One result of this preliminary training has been to give to provincial organizations a greater *esprit de corps*, which as elsewhere, tends to promote pride of calling and higher ideals of duty. There is, however, some misgiving when the complaint is made that the new type of Sub-Inspector, coming as he does from the ranks of the middle class instead of the lower middle class as before, is too much of a town-bred youth who knows too little of the rural economy of the agriculturists with whom he has to deal. But there is very general evidence that the recruitment of a superior type, combined with improved training, is steadily improving the morale of the force and the respect in which it is held by the general public.

The work of the police in relation to crime falls naturally under the heads of prevention and investigation, and these heads may be considered separately. But, first, it is useful to survey as a whole the crime with which the police forces have to deal. I do not discuss here the researches of English, Continental and American sociologists into the causes of crime, or the views of cri-

minologists and social reformers on the prevention of crime. For the present purpose I take merely the fact of crime. There is in India much that is familiar to us in Western countries: there is the crime of petty thefts, due to poverty or temptation; there is the crime of passion, there is the crime of perverted brains in clever forgeries, in embezzlements by persons in positions of trust, and in swindling of all kinds, with the confidence trick in many Eastern guises. But there are certain classes of crime throughout the Indian continent with which we in Great Britain are almost entirely unacquainted: a certain type of co-operative crime, hereditary crime, and agrarian crime. By the term 'co-operative' I mean the crime in which bodies of men among the criminal classes work jointly and by "hereditary" crime I mean the commission of deeds which in the eye of the law are illegal, but which are held by the culprits to be the natural result of their birth. A peculiarly Indian type of co-operative crime is dacoity, a word which has become familiar to English ears; it is robbery with violence in bodies of five or more, as declared by Lord Macaulay's Penal Code, first framed in the late thirties of last century. The commission of an offence of this character is facilitated by the timidity of the average villager. Bands of dacoits are the real bugbear to the police officers in every province. It

is said that the professional dacoits seldom reform; and it is a labour of Sisyphus to round them up in twos or threes, or in large numbers in what is called a "gang" case, with the certainty that as soon as they come out of gaol seven or ten years hence, they will re-coalesce and start again on their career of plundering their neighbours. The subjugation of these bands formed the main pursuit of the police in the early years of the occupation of Upper Burma; but it is a trade which flourishes in the oldest provinces. Sometimes their violence makes them outlaws; and in Upper India we hear of regular battles between armed dacoits and the police. Next, there are some castes which in the past have been entirely criminal and of whom many are now criminal; others, again, have become criminal. These are what are styled the criminal classes. The Chappahands in the Central Provinces are an interesting survival; originally camp followers of the Moghul armies as hut builders, as their name indicates—they have now become professional coiners. The Dusadhs in Bihar, from whom most of the village watchmen are recruited—on the principle of setting a thief to catch a thief—were originally a criminal class; but many of them have now taken to honest avocations as labourers and domestic servants. But the real hereditary criminals are the criminal tribes.—those unfortunate

children of nature to whom crime is instinctive. While they add to the cares of administration, they certainly furnish a romance about crime, which the drab criminality of the West usually lacks. Every province in India has its representatives; there are about 4,000,000 of them in the whole of India; their numbers and variety deserve a lecture to themselves. They have been styled Ishmaelites & Outcastes by different writers. Take, for example, the Sansis of the Punjab; reputed to have had a full dose of original sin, with all the arts of the gipsy vagabond from snake charming to juggling; but every man, woman, and child a thief. The Maghaya Domes may be mentioned to a London audience, as Sir Edward Henry, for fifteen years London's Commissioner of Police, was, during his Indian service, the first to take deliberate steps to reclaim them. In the Punjab, since 1914, a definite scheme of reformation through reformatories, industrial settlements and agricultural settlements, has been adopted. In Madras, similar settlements have been placed under a Commissioner of Labour. The Salvation Army has been called upon to help in the United Provinces, Madras, Bengal, and with some of the criminal tribes a hopeful degree of success has been achieved. Twenty-eight years ago, and again three years ago I had to deal with this work at first hand, and can only

say that it is a long, tedious and uphill job. Genuine progress must not be expected within a generation, and then only in the case of the young, if there were any chance of influencing them apart from their parents.

The other class of crime which I mentioned as unfamiliar to people in Great Britain is agrarian crime; that is to say, the riots which take place over the possession of lands, crops, fisheries and the like. I exclude from this category the riots which are the result of religious antagonism or which are the culmination of turbulence in resisting constituted authority. Conflicts about land between rival claimants are troublesome enough when there is the solid land which can furnish some silent testimony; but they are ten times more troublesome in the riverain areas of Bengal, where the ever-shifting silt of the big rivers is constantly making and unmaking cultivable lands. It is of course natural that in an agricultural country in which the pressure of the population lies heavy on the land the fight for land should be acute, and this form of crime lessens in those parts of India where the pressure is not so acute. Agriculture, moreover, in India spells cattle must graze: scarcity of grazing promotes cattle trespass on crops; and this is also a fruitful source of agrarian rioting.

But apart from these main differences from Western experience,

there are individual forms of crime which are worthy of note. One such item is cattle theft. Cattle lifters were once familiar on the Scottish border; Sir Walter Scott in the "Lay of the Last Minstrel" mentioned the raiders who—

"sought the leaves that made their broth, In England and in Scotland both."

But the professional cattle thief of India would shock the Scottish or English country side of to-day. Cattle theft is rather prevalent in the Punjab, the United Provinces, the Central Provinces, and Bihar, also in Burma. Blackmail is the concomitant of theft,—a blackmail which is sometimes terrorism, sometimes unconscious humour. If so much is paid down, the owner will find that his cattle are to be found at a certain place. It is said that in Burma the owner will pay almost the value of his cattle as a ransom. In that province the increase in this class of crime within recent years has alarmed the administration. On the other hand, it is claimed for the United Provinces that this very provoking form of theft has, owing to police action been diminished within the last thirty years.

The exponent of another specific form of theft deserves mention—the professional river robber on the Ganges from Benares to the ocean. For years the existence of this menace to boatmen was hardly noticed, because the sufferers said

nothing about it. But the creation within recent years of a river police force has checked the depredations of these river pirates, in addition to saving many lives from drowning; and now it is difficult to realize how the provinces of the Gangetic valley ever managed without some organization of this kind.

Let us now briefly review crimes of violence. In the Indian records murder is associated with domestic quarrels, greed and disputes about land; but witchcraft is also a casual factor. There are in India instances of violent crime which are peculiar to the East or reminiscent of the Europe of more than a century ago. During the appalling and mysterious influenza epidemic of 1918 there was prostration from the sickness and extreme mental depression. This led in one district of the Central Provinces to the murder of several men and women who were believed to be responsible by witchcraft for the disease. Then in 1919, in the United Provinces, a sorcerer, who had not been able to drive out an evil spirit from a boy who was sick, was murdered by the boy's father. I have a painful recollection of an appeal in the case of some poor, superstitious aboriginals who had killed, as they thought, a witch and had received the capital sentence: in that appeal, I advised the head of the province on the propriety of exercising the prerogative of mercy. The villagers were perfectly frank

about it; but not infrequently there is a conspiracy of silence when such cases occur. Instances of human sacrifices are also to be found in recent records: in the United Provinces a boy was offered to the goddess Bhawani, and a girl was sacrificed in order to propitiate the goddess Kali at Cawnpore, while in Bengal also, recently, a two-year-old child was sacrificed in a state of religious frenzy to the same goddess Kali. Again, there are the diabolical cases, fortunately rare, in which children have been murdered for the sake of their ornaments usually gold ear-rings or silver anklets. One more personal experience may be mentioned. In the time of Lord William Bentinck's administration, nearly one hundred years ago, the act called "suttee", the self-immolation of a widow, was declared unlawful. Genuine cases, however, still occur, and I had once to deal with one such case of suttee. What struck me most on that occasion was that the public feeling in the village was entirely on the side of the widow. The fellow-villagers applauded her act at the time; and their mentality indicated that in their case no change in public sentiment as to the duty of a Hindu widow had been developed since 1892. The enquiries of the police were obstructed; and when at last, the leading abettors were punished, it was considered that the ways of the Sirkar were incomprehensible,

I might describe under the head of 'crimes of deceit' various forms of imposture, including the work of the professional poisoner, which always begins with imposture; but I refrain from troubling you with too much detail. There is, however, one type of swindling which has always struck me as the meanest of the mean: A party of illiterate country folk, probably unused to travel, go to a railway station to purchase tickets. A plausible man offers to help them; he takes their money, purchases some tickets, and hands the tickets to them. After they have travelled some distance, they discover at a ticket checking station that their tickets are for a very small portion of their proposed journey, and that this apparent benefactor has decamped with the excess money not required for the short journey. Or, I might dilate on various forms of anarchical crime, but I must refrain from straying into this said path, though I had much to do with this kind of crime. This much, however, I should like to say, that the courage and devotion shown by the Indian police in dealing with it cannot be too highly praised.

Before leaving the subject of Indian crime, it might be worth while to glance at the other side of the picture. Is there any form of crime common in this country which has no analogue in the East? Now, whatever may be urged in certain

quarters against the excise administration in India, this much may be asserted with confidence, that crime which is the direct result of intemperance in drinking is rare in India proper; it is from a drug like bhang, the Indian hemp, that instances may be found in which there is an outburst of ungovernable passion resulting in homicide. It is interesting to note that the Arabian preparation from Indian hemp is called hashish, and that it is the origin of our English word "assassin." This illustrates clearly the connection between this drug and murder.

I trust that you will not imagine after this short review that the Indian is exceptionally criminal, on the contrary, it is extremely difficult to appraise the incidence of crime between country and country, as the factors vary so much and the statistics available are not all based on the same principles. It is true that in the East many crimes are never reported; and hence statistical inferences are vitiated. But it is perhaps permissible to make the following generalization: the average incidence of crime for every ten thousand of the population in India and Burma as a whole is about the same as in the large industrial centres in England. We may also say that robbery, whether with or without violence, varies directly with economic stress, which again varies inversely with good or bad agricultural seasons.

Let us now consider the measures adopted by the police in dealing with crime. First of all, as explained already, let us take prevention. There is one Criminal Procedure Code for the whole of India, and in that remarkable piece of codified law there are provisions for preventing riots and for ensuring good behaviour. Suspects may at the initiative of the police be called upon by the Magistracy to show cause why they should not be bound down in specific recognizances to be of good behaviour; the most common ground is that the suspect is an habitual thief. These provisions of law, known as the bad livelihood sections, can be, if honestly and discreetly worked, a great deterrent to wrongdoers; if dishonestly and indiscriminately worked, an engine of great oppression. The local trial of such cases near the suspect's own home can usually disclose whether the prosecution is the result of personal animus, village vendetta, vague suspicion against an ex-convict, or real, thoroughly justified ill-reputation. On the occasion of a large outbreak of burglaries it is the last refuge of the incompetent officer to make an ill-regulated raid on the men who are on the police books; on the other hand, it is the first line of attack by the really competent police officer to analyze intelligently his statistics of crime, and then to institute proceedings against the important few whom the test of

elimination reveals. Sir Robert Anderson, a former head of the Criminal Investigation Department in London, once said that he could house in the wing of one prison all the English criminals who really counted. Here I would remark that in surveillance over the registered criminal, our police work in the East is generally defective. It is to say to obtain the shadow of effective control without the substance; but where ever real co-operation exists between the local public, the village watch, and the regular police, the task of real control is easy. These bad livelihood provisions of the law are strongly worked in North, Upper and Western India, and in Burma. Under the head of prevention, may also be mentioned the many cases which do not find a place in criminal statistics concerning threatened agrarian or religious disturbances, but for which the police are entitled to no credit. There are many trying occasions on which violence has been averted by the tact and good temper shown by the police officers concerned. The prevention of crime raises, of course, a much larger question than the working of the police forces; but I may mention that the creation of children's courts, of Borstal institutions, and of settlements of criminal tribes, has done something to attack at the source crime which depends on environment.

As regards the second main sub-

division of the policeman's work—namely investigation—a great advance has been made through reforms initiated after the Commission of 1903. I might mention two defects which have been combated during recent years. One was the system of judging the work of police officers by the statistical results of the cases in the courts. A system of such statistics has its use in the hands of an intelligent police administrator when the control of crime as a whole has to be reviewed, but as a mechanical check on the work of the individual police officer, it was usually an untrue and frequently an unfair guide. Even before the Commission sat, the evil had been diagnosed and more equitable tests were in process of adoption. What may be termed judicial success by the police in all but petty cases is highest in Bombay and the United Provinces, and lowest in the Central Provinces and Burma.

Another evil was the abuse of confessions. It was the aim of the old type of investigating police officers to obtain a confessing accused, and then to make him the pivot, of the whole of the prosecution before the courts. It was so obviously easy, and its evidential value was apparently conclusive. But it was a system which lent itself to all kinds of abuse. Indeed, the practice, brought about its own nemesis; for it became a byword that an accused could make sure of his release by

making a confession in a lower court and then retracting it in a higher court. An investigating staff is now growing up which is being saturated with the idea, taken from this country, that a confession should be treated as a mere incidental scene, and not the main act in the drama. Apart from that, the recruitment for the investigating staff of men of a better social status, and the improvement in the technical instruction in the training colleges, as well as the more rigorous selection of the upper grade called Inspectors, are bearing fruit.

There are two interesting departures from Western practice which deserve some comment in this connection. One is the permission given by a section of the Criminal Procedure Code to the police to refuse to investigate an alleged crime. Each province has different rules about this, and the practice varies to a remarkable extent; the application is, however, usually to thefts of unidentifiable articles. In fact there are two schools of thought as to the duties of the police with reference to petty crime. One view is that this type of refusal has to be carefully watched, as a complainant will not take the trouble to walk sometimes a considerable distance to a police-station to report his case unless his loss, is in his eyes, considerable and important to him. The other is the view that it is waste of time to enquire into hopeless, petty,

and unimportant cases. Hence we find one Inspector-General complaining because his staff refuses too many cases; and another complaining because his staff refuses too few. The varying practice is, indeed, startling: from 3 per-cent, of refusals to investigate reported crime in Burma to nearly 50 per-cent, in the Central Provinces. It appears that it is very difficult to lay down a general instruction in this matter without presuming more equality of discretion than is found among the class of investigating officers to whom it is addressed. Another instance in which Western practice differs is to be found in the law relating to statements made by an accused person during police investigation. In this instance, Indian law is more favourable to the accused than English law. In this country an arrested person is warned that any statement made by him may be used in evidence against him; but in India there is the very substantial protection to an arrested person that any self-incriminating statement made to any police officer is altogether inadmissible as evidence in court.

Under the head of investigation it may be mentioned that there is in each province a highly specialized branch known as the Criminal Investigation Department, which concentrates the detective energy of each provincial organization; and at the headquarters of the Government

of India, there is an Intelligence bureau which holds strings radiating, not only over all the Indian continent, but also to foreign countries. As the Indian criminal develops in skill and ingenuity, so must the defensive organization be developed to meet him. Indeed, from a study of the literature of crime, I venture to hold that the best type of Indian detective compares not unfavourably in acumen, pertinacity, and integrity, with any of the famed investigators of England, France, America, or Canada. The system of identification which has now received almost universal adaptation in the campaign against recidivism—I mean the system of finger prints—received its first serious practical application in India; and Sir Edward Henry's development of its possibilities, especially in the matter of indexing, has entirely supplanted the system known as the Bertillon system of body measurements; which was tried for a time in India. Before I conclude, I should like to bear testimony to the conduct of the Indian police during the strain of the Great War. Both during and since the war India has had some sore trials: unrest, actual disorder, anarchical outbreaks, inter-religious conflict, serious scarcity, economic strain owing to high prices and a disastrous outbreak of influenza. It speaks volumes for the respect and loyalty which British officers have inspired among their

Indian colleagues and subordinates in the police forces, when it is found that the Indian police forces passed through the strain not only with satisfaction, but with credit, in the control of crime, though depleted in numbers and depressed by sickness and anxiety. In the United Provinces, one-sixth of the force volunteered for the army, and in the Punjab one-eighth.

This subject of crime and police in the great Indian Dependency is, as you may imagine, one of vast extent; and I have therefore endeavoured on the present occasion to present simply a general conspectus. But I trust that I have shown that in spite of many defects—the removal of which is prevented, not by want of knowledge or want of sympathy, but want of funds—and in spite of the inheritance of bad traditions from the past, the police forces of India constitute well-organized bodies, which are a tribute to the ideals with which the men who control them have been and are guided in endeavouring to make them good servants of the public which they protect, and of the Government which they serve."

The Chairman: Ladies and gentlemen, Sir John Cumming has covered so extensive a field in his remarks that it would be quite impossible to touch upon more than one or two points. I understand it is the practice here to invite discussion, and the Chairman. I believe,

is expected to make a few remarks before inviting others to express their views.

Well, I have been so much connected with police work that I really hardly know which particular point I ought to say something about. The lecturer has referred to the reclamation of criminal tribes. My official connection with criminal tribes is this: I was District Magistrate of Champaran in Behar in the early eighties—a long time ago, I am sorry to say and Champaran has for its northern boundary the Nepal Terai, a more or less swampy tract lying between the lower ranges of hill and our territory. Very few people can live there. Those who live there are called Auliyas—i.e., men who have become immune to the dreadful malarial fever, known in the vernacular as Aul. When the rainy season is well over, it can be lived in; but taken throughout the year it is about the most pestilential place in the whole world. Here dwell a tribe of nomads known as Maghaya Dhomes. Dhomes are quite a large caste throughout India, but these, though known as Dhomes, are differentiated by the appellation Maghaya, in fact, they have no real connection with the Dhomes. They are nomads, and though able to converse in the vernacular of the district, have a language of their own, and even an epic of their own. They were born in the open, and had never been under a roof except

when in jail. All men's hands were against them, and occasionally the Nepalese sent soldiers to shoot them down, and I am afraid, our treatment of them was not much better. They used to come and harry our villages; if a villager got in the way they would not hesitate to knife him, and if the villagers were fortunate enough to resist them and get the opportunity, they trampled one or two of them to death. It was a dreadful state of things—a disgrace to civilization and to our administration. I thought therefore I would try my hand, and see if I could do anything. It so happened we were expecting a number of these men out of jail—a sort of jail delivery—and a great number were being released. They had been run in under the gang cases the lecturer has referred to. So I spoke to the Maharajah of Bettiah and other land-owners, and asked if they would help, and they said they would; and they supplied me with money and seed and bullocks, and, to make a long story short, I built some houses and got land and money, and then, when the wives and families of these people came and waited round the jail for the men to come out, I got hold of the wives. They were very fine-looking women, the men being small, wiry, and lithe; and in the statistical account of Bengal they are, Sir William Hunter says, so fleet of foot that a mounted man could not capture them. The women

were very desperate when driven to bay. On an encampment being rounded up a woman would take a child by the heel and threaten to dash its brains out if the pursuit was pressed. That they were desperate criminals was due to the manner in which they had been treated. Well, the wives of these men said they would come along, and so we got fifty or sixty of them at first, and finally we had nearly five hundred of them, and put them into houses, gave them land, and made them cultivate the land; and we induced them to cultivate it in various ways—sometimes by methods not recognized by any code of criminal procedure. Anyhow, it proved a great success, and one of the most interesting features in connection with it was to watch what Sir Alfred Lyall calls the surface-sweeping tendency of semi-Hinduism towards orthodoxy. They entertained a priest, or Gurnu, and gradually were forming themselves into a sort of Hindu sub-caste.

Well, eventually I left the district and lost sight of them; and this settlement is now being administered by the Salvation Army. I could talk to you about many things but I am told that time is limited, and I must therefore be brief, as I understand others wish to speak.

Sir John Cumming has referred to the strength of the police force, but has referred but little to the village police. You have not only

200,000 regular police, but probably eight times as many village police—something like 2,000,000 and not 200,000. And, mind you, the village policeman, the Chowkidar, is most important. For good results in investigation you are often dependent on the Chowkidar. The best detective in the world can do nothing without information, and it is from the village Chowkidar that information must be sought. In my days we tried to improve the village watchman in several ways. I got them a uniform in Bengal and got their pay increased. I think we had about 190,000 in Bengal, with a regular police force of about 22,000. Well that point has not been dwelt upon, but it is a point of importance. Anything which can be done to improve the status of the village Chowkidar will do more towards preventing crime than any other assignable improvement. That is only one of many things.

Sir John has also referred to the use of the police as an armed force for repelling disturbances. The armed police in my day had an old rifle with the rifling cut out, and they fired packets containing slugs. Personally, I would prefer a wound from a bullet to a wound from slugs. Incidentally I may say that infantry, whether they are armed police or military, are not the best agency for dealing with bodies of rioters. Mounted men are preferable. You cannot very well

have cavalry in Bengal, because the ground is unsuitable. But in England mounted men can be used, and are more effective than footmen, and I tell you why. I suppose many of you have been to the Derby, and you may have seen after the race the whole course so dense with people that you could not drop a pin between them, suddenly in the distance half a dozen mounted police are visible, and then a girl perhaps walking alone with her young man looks round, clutches his sleeve, and others gradually edge away, and the desired disintegration of the crowd begins. The fact is that people can see the mounted man because he is high up, and so it is with the rioters in the street. The rioters at the back of a crowd cannot see infantry or foot police, but if cavalry come up they see them in the distance, and as it is only the first three or four ranks that have any stomach for the fight; when they find the people at the back are beginning to edge off and that their support is melting away they often deem it advisable not to stand. That is why I think the best force for dealing with rioting in a humane way is to employ mounted men. Then your foot soldier has only one effective arm, the other is holding on to his rifle and bayonet; but the cavalryman's horse is a very efficient agent in disintegrating a crowd.

To be continued.

PART II.

Notes of Decided Criminal Cases.

Criminal Procedure Code (2 of 1898.)

(V OF 1898).

Ss. 15 and 350:—Section 350 has no application to cases tried by Bench of Magistrates. Hence a conviction of an accused by a bench of Magistrates, one of whom did not hear the entire evidence is bad in law. [EMPEROR v. ABDUL GHANI (*Moti Sagar J.*) 62 I. C. 335.]

Ss. 110 and 118:—To support an order under section 110 neither the entries in the Village Crime Note Book in themselves any evidence nor the relationship of a person with another bound down under section 118 in itself a sufficient corroboration of an approver's evidence against the former. [TEWNON and Ghose J. J. EMPEROR v. PACHAL RAI 62 I. C. 182.]

S. 118:—The fact that the proposed surety, though a substantial person, had on a previous occasion offended against the law & was punished under the Indian Penal Code does not render him unfit for ever afterwards to be surety [Richardson and Graves, J. J. EMPEROR v. BUDHAR AHI 62 I. C. 179.]

Ss. 133 and 138:—A Magistrate in making a conditional order under section 133 for the removal of an obstruction, acts improperly in referring the matter at the request of the parties to a jury of three instead of five persons and any order based on the report of the majority of the three is invalid. In respect of a public nuisance Ch. X of C. P. C. in which public interests are involved it is not permissible to refer to arbitration. [Ajit Shaikh v. Jamatulla Tarafdar 62 I. C. 335.]

S. 145:—In a proceeding under this section, a Magistrate has no jurisdiction to pass an order in favour of one of the parties, if there is no likelihood of a breach of the peace between the parties or either of them. [Rusik Chandra Hore v. Jagabandhn Roy, Bracheroft and Ghose, J. J. 62 I. C. 325.]

Ss. 235 (1) and 537:—In a case in which the accused carried two buffaloes, grazing in a field, on the 13th August 1920 and assaulted the owner on the 12th of September,

while returning to his village having recovered one of the buffaloes, joint trial under sections 392 and 323 for offences committed on different occasions irregular. Held there was a misjoinder of charges which vitiated the trial and the defect cannot be cured by Sec. 537. For several offences to be connected together so as to come under sec. 235 the question is whether they are so related to one another in point of purpose or as cause and effect or as principal and subsidiary as to constitute one continuous action (*Moti Sagar J. Emp. V. Ganda Singh* 62 I. C. 329).

Ss. 257 and 537:—In a case where accused has entered upon his defence, unless a Magistrate records a finding that the application is made for the purpose of vexation and delay he cannot refuse to summon witnesses asked for to be summoned on his behalf, and when defence witnesses have been once summoned, the Magistrate has no option or right to refuse to resummon them, if absent or the issued summonses have not been served, on the ground their evidence would be superfluous or unnecessary. Such a refusal amounts to an illegality which cannot be covered by S. 537: (*Abdul Qadar J. Emp. V. Muhammad Din* 62 I. C. 321).

In a Sessions Criminal Trial by Jury, held where, one of the jurors in answer to some questions, put to him in a private room, intimated that in his opinion the accused was guilty of the charge against him, after the conclusion of the evidence and after the conclusion of the address of the Public Prosecutor and before the defence had been heard in full and before the Sessions Judge had summed up the case to the jury, there should be a fresh trial before a fresh jury. [*Tennon and Pearson J. J. Emp. V. Nazi Ali Beg* 62 I. C. 334.]

EVIDENCE ACT, S. 18:—Admissions must be taken either wholly or not at all. A party cannot make evidence for himself by his admission. Still if it is sought to be used against him, all the words of the admission must be considered even if the same operate in his favour. [*Napier and Odgers J. J. Sree Dharam Valia Raja v. Nambudripad* 41 M. L. J. 525 (1921) M. W. N. 639].

THE INDIAN EXTRADITION ACT (1903) Ss. 2 and 18:—Chandernagore is a Foreign State according to S. 2(c) of the Act and the provisions of Chapter II thereof must be followed before a fugitive offender can be surrendered to the French Authorities. (*Buckland J. In re*

Cleste Cullington 48 Cal. 328: 63 I. C. 819.]

THE MADRAS CITY POLICE ACT (III of 1888) S. 76:—The licensee alone under the Act is liable to conviction for breaches of the conditions of the license though the breaches were committed by the licensee's servants. Proceedings under section 76 of the Act cannot be taken against the agent or servants of the licensee (*Abdul Rahim Kt. Offg. C. J. and Spencer, J. Velayudha Modelly In re*, 43 Mad. 438, M. L. J. 85; 27 M. L. T. 211; 11 L. W. 413; 62 I. C. 183).

PENAL CODE (XLV of 1860) Ss. 43 and 153:—The publication of a pamphlet, the subject matter of which leaves no doubt as to the identity of the persons against whom the writing is directed, written in a very provocative style defamatory of certain persons rendering liable for a civil action is illegal. The natural and probable result of reading such a pamphlet would be to give provocation to the readers, the person connected with the pamphlet may properly be said to have intended such provocation would cause the commission of the offence of rioting. The distribution of the pamphlet would render the person concerned liable to the punishment under section 153 I. P. I. C. 401.]

C. [*Shaw and Hayward J. J. ; Emperor v. Rahimatalli Mahommed ali* 62 I. C. 401.]

S. 292:—The test of obscenity to be applied is whether the tendency of the matter regarded as obscene is to deprave and corrupt those whose minds are open to such immoral influences. The question is one of fact [*Shah and Hayward J. J. Rahimatalli Muhammadali Nullah v. Emperor* 62 I. C. 401.]

S. 424:—In a case of removing the entire produce from the fields by tenant, the lower court must come to a clear and definite finding as to their honest intention [*Ross J. Emperor v. Noren Singh*; 2 Pat L. T. 927.]

S. 426:—Where the contending parties claimed ownership of the property in respect of which the offence was alleged to have been committed, the conviction of the accused in the absence of a finding as to ownership, cannot be sustained. In such a case the trying Magistrate should hold that the accused person was acting in the exercise of a bonafide claim of right [*Girish Chandra Roy v. Abhay Kumar Sardar* 62 I. C. 381]



THE Indian Police Review

Devoted to the Discussion of all Police Topics.

Edited and Published by T. K. Sundara Aiyar.

Vol. I.] February 1922 [No. 2.

Chauri Chaura Tragedy.

In the foreword to the January number of this journal we briefly adverted to the effect, on the police work, of the political ferment in the country and the non-co-operation movement with its programme of hartals, picketting, mass and individual civil disobedience, non-payment of taxes *et hoc genus omni*. We believe that the work of the police has become delicate and difficult requiring consummate tact and careful handling aided by a large measure of patience and discretion. The Indian police are now acquiring a new experience and a new training in a strange school. They are now called upon to handle humanity in the mass to which, unlike their brethren of the profession in Europe and America, they are unaccustomed. The unravelling of the mysteries of a crime, the pursuit of the various threads of the

plot, and the hunting down of the criminal have not much in common with the qualifications necessary for handling humanity in the mass. For the first time, the Indian police are called upon to grapple with this difficult problem. Mass psychology, at best, is a complex and abstruse study. It requires a degree of patience and cool judgment, a vivid sense of proportion, an acute observation coupled with quick decision and, above all, a fairly good insight into human nature. Handling a mob, moved by a strong political or other feeling is like handling a delicate and dangerous explosive. The ink with which we gave visible expression to such ideas had scarcely dried up, when, as if to provide a graphic illustration there was enacted in Chauri Chaura, a tragedy that has staggered the people and the Government. We give the main incidents of the outrage to draw the readers' attention

to the various points in the doleful story and the following short account is preferably taken from the "Leader" of Allahabad, a Moderate Organ which has all along set its face against the movement of non-co-operation and its programme.

"The task of picketing liquor shops and of delivering lectures among the people of Chauri Chaura and of the neighbouring villages of Dumri and Mundera was left by the District Congress Committee of Gorakhpore in the hands of some young volunteers. Babu Gupteshwar Singh, Sub-Inspector of police, who was among the persons who were killed on the 4th instant, was in charge of these villages. All these places lie within the circumference of a mile. The Sub-Inspector himself lived at Chauri Chaura at a distance of about 150 yards from the railway station. He is described as a zealous worker in the cause of Aman Sabhas. He was also awarded a sanad in an Aman Sabha Durbar held on January 19th. He was very unpopular among the non-co-operators, and it is said he did not like them very much either. On Wednesday last, which was a market day, three young volunteers who were lecturing in the bazaar of Munderi are said to have been beaten and driven away out of the village of the deceased Sub-Inspector. The Superintendent of police did not condescend to grant them even an interview. It is not possible, therefore

to say whether this statement made by the non-co-operator is accepted by the officials as true or not. The volunteers went away on Wednesday but came back in greater numbers on Saturday last, the day of the occurrence. Saturday is also a market day. A meeting of about 3,000 people was held in Dumri, about half a mile from Chauri Chaura Police Thana, where Babu Gupteshwar Singh lived. It was decided that they should all proceed to the Thana and refused to leave the place. A mob of about 2,000 persons marched from Dumri to the Thana. Sardar Har Charan Singh, an old Sikh manager of the State of Sardar Umrao Singh, who owns the village of Chauri, happened to pass by that way. He told the mob that Babu Gupteshwar Singh was sorry for what he had done and persuaded the people to return back. More than three fourths of the mob turned back. They had crossed the railway line which is at a distance of about 50 yards from the Thana when they heard some noise behind. Those that had lingered behind had meanwhile been jeering at the Sub-Inspector for having apologised. The Sub-Inspector was provoked. He is said to have ordered the Chaukidars of the neighbouring villages who had come to receive their pay to disperse the mob with their lathies and is himself reported to have beaten some. The mob retaliated by throwing brickbats,

whereupon the Sub-Inspector ordered the seven armed policemen that were in the Thana to fire blank cartridges. As this could not hurt anybody the mob cried "Gandhiji ki kripa so golian bhi pani ko gain". The whole mob then rushed into the Thana. No more than one volley of buckshot could be fired, for the mob had entered the Thana. A hand-to-hand scuffle ensued. The police were greatly outnumbered. Their total strength was 30. Lathi blows killed most of them. The Thana and the Police quarters were all set fire to and all the policemen including Babu Gupteshwar Singh were thrown into the fire, some of whom were yet breathing.

The telegraph office was next attacked and the telegraph wires were cut. The Telegraph Superintendent was spared as he promised not to transmit the news to any place. The railway line between Gorakhpur and Chauri Chaura was dismantled after which the whole mob left the village. When the District Magistrate and the Superintendent of Police arrived at Chauri Chaura at 11 in the night all had disappeared. No more volunteers are to be seen now in the village of Chauri Chaura.

There are also many points of interest in the statement made to the authorities by the only surviving constable. From his account it would appear that the mob consisted of three or four thousand and four or five hundred of them were

wearing green coloured clothes. They had eight or ten flags and were shouting Mahatma Gandhi-ki Jai. When they stopped in front of the Thana station office an armed police Sub-Inspector asked them to move on. In reply they shouted "Jai" and abused. As the demeanour of the mob became threatening the armed police Sub-Inspector ordered men to fire a volley of blank. It was fired, and no one was hurt. The crowd then began to attack the police with brickbats and Kinkar and the armed police Sub-Inspector ordered men to fire at them. The volley took effect. So long as firing continued the crowd kept at a distance, but threw brickbats and kinkar which hit many of the constables. Presently the firing became less the leaders realising that arms and ammunition had become short advanced on the Thana. A head constable was knocked down and trodden under foot. Apparently at this stage the police lost their heads and ran outside the Thana. The mob then attacked the building and the surviving constable tore off the uniform and ran away and did not stop till he reached the Chauri Police Station where he reported what had happened. There were also some women among the mob. Two of them threw stones."

Such are the grim details now available to the public. We have not heard the last word on this sad occurrence. We daresay there will

be further sifting of facts either by a committee or by the Government and we shall have the accurate bearings of this tragic drama. One salient fact comes out of this and other mob explosions, that the non-violent part of non-co-operation, where a mob is concerned, is an absolute myth. It will take years, perhaps, it may, after all the efforts, still remain a vision of unutterable bliss, that we can ever have a seething mass of non-violent saints, martyrs marching along bearing their breasts to whistling bullets in the firm faith of their cause, from which cannot be eliminated the hatred of the British Raj. Meanwhile, Mr. Gandhi fasts and has been pleased at urgent public request to reduce the period to five days from fifteen. All these, even this blend of tragedy and "Melo-Drama" are beyond our purview. The Government knows how to handle it and what to do. What we are concerned with is a problem of no mean importance to the policemen in India at the present juncture. Called upon to face an acute and dangerous situation in the country and to keep order and maintain the majesty of law, the police force in these days have to discharge their onerous duties carrying their lives in their hands. A respectable gentleman in Madras, who was an eye-witness to the non-cooperation orgies on the 13th of January last, narrated an incident which is not without a moral. On questioning a batch of

some four police constables who passively looked on a fight between the Muhamnadans and the Adi-Dravidas near a certain *paracheri* in Madras, as to why they refrained from restoring order and arresting the ring-leaders, they replied "we have also wives and children, Sir. Why don't you go and make peace between them?". That is the question which rises for consideration in this unhappy Chauri Chaura occurrence. What is to become of the families of the victims to the mob fury, now that they have lost their bread-winners? Such questions as, whether the tragedy could have been avoided, are beside the point. Here are a number of police officers done to violent death in the legitimate discharge of their duties. Perhaps, most of them might not have been eligible for even a part pension on the day of their death. The *pension rules* applicable to the Public Service in India are rigid enough and pay no regard to the nature of duties and risks of departments like the police, which is a quasi military force. At one time there was a discussion regarding the reduction of the period of service eligible for full pension in the police in a country like India. But the question was still-born.

In the United Kingdom and other European countries social amelioration has been carried to such an extent by the State that no person need starve nor beg. Under the National Assurance Act of 1911—

1916 provision is made for compulsory Insurance against loss of health, for the prevention and cure of sickness and for compulsory insurance against un-employment. About 18 millions, exclusive of those serving with the Army, Navy and of Munition workers etc., are insured. Old Age Pensions provide relief for more than a million. There is in addition a Poor Law under a variety of Statutes, by which paupers under certain conditions are relieved in their own houses or lodged in work houses or poor houses built for the purpose. The number of in-door, out-door and casual paupers obtaining relief comes to about a million. There is no such state-aided relief in this country and no sort of insurance against providential destitution. The Savings Bank statistics show how little the low paid "public servants" are able to save. The pension is the only attraction in the public service and even here thousands of cases can be pointed out where pensioners after a period of 30 years' Public Service leave their families destitute by their death; and the State looks on helpless. These are questions on which we need not dilate here. But what we do want to impress on the Government, is the need for the provision of the families of the police officers and men who come by sudden death in the discharge of their duties. There is no prospect of any calm political atmosphere in India in the future, when

the whole world is seething in unrest; and the police will be called upon to play an increasing and risky part in the task of maintaining order and securing obedience to law, in addition to their main duties regarding crimes.

Reprisals or exemplary punishments of law-breakers will in no way compensate the loss of bread-winners of a family. The police, the rank and the file are beginning to think of this aspect of this question and if they are expected even to risk their lives in the legitimate discharge of their duties, they also expect the Government to save their wives and children from destitution. It is for the Government to move in the matter and devise means by legislation for meeting this desideratum which in the long run must make the police, cold in the execution of their arduous but thankless task.

An Appeal.

(By the Editor.)

Permit me to place before you my latest venture the Indian Police Review, a monthly journal, the scope and usefulness of which will be apparent if you will kindly go through the first issue. No pains will be spared on my part to make the journal instructive and interesting. My past work and experience are to a great measure a guarantee for the success of this publication. My name might be already familiar to you, Sir, as the

originator and Editor of the "Illustrated Criminal Investigation and the Law Digest". This journal was handed over to others when my health had broken down. But unfortunately it has ceased to appear.

In July last by which time my health had improved, the Madras Police Sub-Inspectors' Central Association, Vellore, engaged me to edit and publish their journal entitled "The Police Magazine".

Dewan Bahadur P. Parankusam Naidu Garoo, I. S. O., that brilliant retired police officer who, in the course of a much honoured and appreciated service, had been raised to the office of the Officiating Commissioner of Police, Madras City, in his Presidential address during the Special Conference of the Sub-Inspectors congratulated them on their having secured my services for editing and publishing their Journal in the following words, "I would like to refer in passing to the Police Magazine, a monthly Journal, which you have started from July (this month) the first copy of which I have now the privilege to distribute to you all. I congratulate you on having secured the services of Mr. T.K. Sundara Aiyar, the well-known and capable Editor of the old Illustrated Criminal Investigation and the Law Digest which received the approbation of no less personages than Sir Murray Hammick and Sir Harold Stuart. You have been able to secure the services of Mr. Sundara

Aiyar. I know Mr. Sundara Aiyar for several years and I can testify as to his ability and you may rest assured that there will be nothing wanting on his part to make this your monthly Journal a success. Officers like Sir Harold Stuart and Sir Murray Hammick have spoken highly of him".

However as fate would have it, I did not suit to their requirements.

With the 30 years' experience in all, of my police career, if I may be permitted to so call it, I found, more than at any time, now, the necessity for an organ like the Indian Police Review, my present venture, which will deal with the broader aspects of Police work and advocate the cause of the police of all India.

Dewan Bahadur P. Parankusam Naidu Garoo gave me the lead. The Deputy Inspector-General of Police, S. R. Vellore, the Principal, P.T.S., the Superintendent of Police, Vellore, and his two Deputies, the Assistant Superintendents and Deputy Superintendents, Rao Sahib M. Srinivasa Rao Avl. of the Shorthand Bureau, the Inspectors and a few Sub-Inspectors, in short all, including the Prosecuting and Circle Inspectors of Vellore (not to add the support I was assured from outside the district) have given me their support for the Journal before you now.

It may not be out of place here for me to mention the fact that the only two journals now in existence

for the past few months, viz., The British India Police Magazine, Lucknow, and the Police Magazine, Vellore, are devoted mainly to ventilate the grievances of the subordinate police officers and the Editors of both the Magazines are gentlemen, without police experience, in their pay. This Journal is completely devoted to educate the police in their work of preventing and detecting crimes and thus rendering the task of administration and Government of securing peace and protection of person and property less difficult. The craze for sensational news, the present feeling of discontent, and the indifference that permeates, through the rank and file of the police force, throughout the length and breadth of the huge British Indian Empire, for constructive improvement in solid police work, are all too well-known to need mention here. Enough if I say that after mature consideration the annual subscription of the Journal is fixed at Rs. 10 in view of the policy of this Journal, the high prices and wages now prevailing.

TESTIMONIALS.

I know T. K. Sundara Aiyar when I was in Madras and as far as I remember he had a good knowledge of Criminal Law and much experience of police work. He was, I believe, always considered an honest loyal subject.

(Signed) M. HAMMICK, I.C.S.,
(Retired).

July 11, 1918.

* * I have known Mr. T. K. Sundara Aiyar, Editor and Proprietor of the Illustrated Criminal Investigation Journal of Vellore ever since 1907 or 1908. From that time I have been constantly in correspondence with him and he has seen me very often on matters relating to his Journal.

* * * Mr. T. K. Sundara Aiyar has always worked for the improvement of the standard of honesty and intelligence in the Police.

August 1917,
CUDDALORE.

(Signed) S. G. ROBERTS, I.C.S.,
District and Sessions Judge.

Crime and Police in India

Before the East India Association.

Continued from page 44.

To deal with rioting without blood-letting, mounted men should be tried in the first instance, with infantry or foot police as a second line. Ladies and gentlemen, I have trespassed too long on your indulgence, and will now ask others to join in the discussion. I understand Sir William Nott Bower would like to speak.

(5) Sir William Nott Bower said he was quite unable to speak on the question of police in India; his experience had been entirely in Ireland and England. He quite agreed with what the Chairman said with regard to the use of mounted men in dealing with disturbances. Naturally they had a plan of always sending

two men with truncheons, each man with a rifle, so that there was always more than the one arm which the Chairman had referred to when it came to close quarters. He had been very interested indeed, but he was quite ignorant of Indian affairs, so that he was afraid he could say nothing of the subject.

(6) A member asked why it was that the Tamils in the South of India had no police force of their own race, which the lecturer had referred to.

(7) The Lecturer: I can say at once that the inference is not to the fact that there were no Tamil police men, but that policemen from the rest of India were sent to Eastern India, where they were foreigners.

(8) A Member asked if they had altered the rules about the tom-tom sounding, and so on, because there had been recently a riot in Madras, where the great complaint was that the police fired unnecessarily, and did not sound the tom-toms, and so on. The people said they were collecting to have a meeting and complained that they were unnecessarily fired on.

(9) The Chairman said that practice of employing armed police is no innovation; they had to be employed in the Gaurakshani riots in the eighties. He remembered quite well sending out a party under a sub-Inspector, who had written instructions as to when he was to fire. He went out and unfortunately he had

to fire, and some people were killed, and for his handling of the situation he, on his return, was promoted to commissioned rank. The question was raised in Council, and the explanation offered was that this officer was promoted, not because he fired but because he showed extraordinary moderation in not firing more. That occurred thirty years ago, and a similar resort to extreme measures have not infrequently been taken since. It is a terrible thing to have to fire on an unarmed crowd, and it should only be done when there is no other way of enforcing obedience; but whoever resorts to it must be able to justify his action, and unless he can show that he acted with moderation, he would stand condemned.

(10) Colonel Sir Charles Yate said that every one would join with the lecturer in bearing testimony to the conduct of the Indian police during the strain of the Great War, and the sore trials they were put to both during the war and afterwards. The main question they were concerned with was the question of the Indian Police, and not the question of the English or Irish police. The lecturer had told them how the police force in India were responsible for the preservation of order, the security of the person, and the safety of property, and how the police had to bear the brunt of the burden in the repression of any local disorder. That was no doubt quite true and the first thing

for them to consider in India was the necessity of a contented and loyal police force. (Hear, hear). The great question was: Were the payments they made to the police in India sufficient to secure a really contented body of men? They had heard of the extraordinary small number of police there were in India in comparison with the population, and how much smaller it was as compared with England, and how very small was the cost of the police administration in India in comparison with this country. They should all take that to heart, and realize that what they had to do was to urge the Government of India to put the police once and for all on a really satisfactory basis. When one read of the miserable pay they got they realized how important it was to increase the status of the force in India. He did not know exactly what the pay of the police constable, was in the various provinces, but at any rate it was far too low, and he hoped that the Government of India, especially in view of the serious condition of India at the present time, would take that point into consideration, and that they would hear no more of what the lecturer had described as the tendency in the Legislative Councils and in the Press to attack the expenditure on the police. He trusted that the new Legislative Councils would not forget that, as the lecturer has put it, a peaceful condition of society is the

pre-requisite for all professions, for all trade, crafts, and agriculture, and that it is not in India alone that police administration has become more complex and more expensive; that, however good education might be, they would realize that education was of no use unless those educated had security to enjoy the benefits of that education, and thus quickly make up their minds that the police ought to be well paid, and that nothing should be left undone to secure that they had a really contented and well-paid body of men to look after the safety of the people of India. (Here, here).

(11) Mr. Cotton said that, first of all, he wished to say with what great pleasure he had listened to the paper of his old friend Sir John Comming. He did not think there was a single word in it to which one could take exception. It was an extremely fair and comprehensive presentment of the whole question. At the same time there was one important matter with which he could not help wishing that the lecturer had dealt. He would like to have heard from him whether the attitude of the public towards the police in India had altered from what it used to be. When he was engaged in criminal practice in Bengal, he always noticed that the prevailing atmosphere in which the police moved was one of suspicion and distrust. One always noticed that if anything occurred in a village it was usually the most unpopular man in the village

who was given in charge, that was the easiest way of settling any doubts. Then, it was always an easy matter to get hold of the police papers, and the police papers seemed to be arranged generally with a view to enabling a prisoner to have a very good chance of an acquittal. He felt sure there had been a great improvement in the *morale* of the police since those days, but it was not quite enough to improve the methods of recruitment for those at the head of affairs. He would like to have heard whether any corresponding improvement could be traced in the constitution of the lower ranks. He would also like to have heard whether local recruitment had taken the place of recruitment from outside provinces in Bengal. So long as they had what was practically a foreign police force they would never get a proper feeling between the police and the population. The people would be bound in such conditions to look upon the policeman as one who did not belong to them, and who could always be relied upon to be up to some sort of underhand game or other. He was particularly speaking of Bengal and he wished the Government of that presidency had been able to take in hand the question of superseding the foreign police by constables locally recruited. He thought the experiment would be a great success.

He was in complete sympathy with what Sir Charles Yate had said

with regard to improving the pay of the police, but there were great difficulties in the way. A very large number of heavy demands were being made, and would be made in the near future, upon the public purse, and many new developments were promised which were bound to be expensive. He would be glad if the lecturer could tell them something about the prospects of improvement in that direction; whether there had been any alteration in the popular view of the police; and, finally, whether anything was being done in the direction of getting rid of the outside element in the lower ranks of the force, all of which were subjects of great interest to him.

In conclusion, he would only say that the paper had been one of the best he had heard in connection with the Association. (Hear, hear.)

12. Mr. JAGTIANI said one point which had been rightly emphasized was with regard to the village watchman, but they had yet to give a fixed place to him. The old village watchman had a certain status in the social organization of the village which he did not occupy to-day; he was neither a man of the village nor a unit of the Crown force. In many cases he was merely a personal attendant of a certain official or the district officer who went there. The lecturer had said that success in detecting crime more or less was dependent on the amount of support he was able to get from the public

themselves, and he would like to ask the lecturer as to what were the chief causes of the lack of it where it was not forthcoming from the village. A third point which had been raised was with regard to the criminal tribes. The experiments which the Chairman had assisted to carry out by way of reforming them, by giving them houses and providing a certain amount of work, lost sight of still another point which had got to be faced, and that was the fact that those criminal tribes worked under the disadvantage of having to bring up their children in the same surroundings as themselves, and that was a reform which ought to be faced by the Government; the children of those criminal tribes ought never to be brought up in those same surroundings, and he thought it was high time their conditions were improved. (Hear, hear.) Concerning the last point, he wished to add that he wanted to suggest that the method of segregating criminals was not the right one. The English, and more particularly the Italian, efforts have been reformative rather than segregating lines.

13. Lord CARMICHAEL said that as a late Governor of a large province in India, he felt in the position of a man who ought to say a few words on the subject; there was no man who heard more of the faults of the police than the Governor, and it was his duty to try and find out the causes of the complaints. In his

opinion there was an improvement in the police in recent years, at any rate in Bengal, and he felt certain those who knew most of the subject would agree with him; and he would further go and say that the question of money had a great deal to do with it. All the time he was there that was his opinion. The police could be greatly improved still, but what they needed was money. When he was in Bengal they did get an increase of pay for the police, but it would have been far better if it had been given some years before. Unless they gave the policeman a living wage they could not expect any more than they could in this country to have a police who would do their duty, and whom the people would respect. He agreed that it was an unfortunate thing to have a policeman who did not belong to the country itself. What could they expect if they had constables in the village who did not understand the language of the people, and whom the people could not talk to in their own? It was ridiculous to imagine they could have a perfect police force under such a system. They could not expect to get suitable men if they did not pay the current rate of wages. If they paid low wages in a part where the wages were high, they could not expect to get the men they would like to have got. He would like to mention one instance bearing on the question of pay, and that was in connection

a complaint, is lodged. What is suggested is a regular station charge'. There must be the regular Sub-Inspector to assist them, for the difficulties arising out of the ignorance of the vernacular will be very great. The preparation of the charge sheet must be the young officer's work and he must attend the court even though it be that of the Sub-Magistrate and see for himself the various aspects of the police work. He will also be able to appreciate the position of the Magistrates, howat difficult and delicate is the task of appreciation of evidence and will not cry down as incompetent or corrupt those who feel that they cannot convict the accused merely because the case is put up by the police. The "cooked up" evidence, the "concocted" case, the 'gained—over witness who is the traitor in the camp, the elaborate cross-examination, all these form a fascinating study which will enlarge his horizon and enable him to take a more sympathetic view of the work of his subordinates. This is an aspect of the training of young officers which is worthy of the attention of men with the varied experience of Sir John Cumming.

The enforced attendance at the District Sessions is, it will readily be admitted, a farce in most cases. The officers attend merely to 'keep term' and feel like fish out of water. How profitable and interesting will their attendance become, if only, they had handled the case in the earlier stages and had attended the Preliminary inquiry in the Magistrate's courts.

Criminal Administration in India

The System of criminal administration now obtaining in India is based partly on the earlier indigenous systems, and partly on the system borrowed from England. But even after a hundred years of close imitation we have progressed little towards attaining that standard of co-operation between the police and the public which is the pride of England. It will perhaps take some decades more for India to attain to that standard, even if she should to day shake off the pernicious influence of the non-Co-operation and the khilafat workers and the blighting effect of the deepseated colour, caste and the creed prejudices which beset her.

Minute searching for crime begets crime, and a permanent staff engaged in such a task is a curse to any community. The best policeman is the policeman who knows how and when to look the other way. But I fear we have not hitherto had many 'best policemen' in India. However, I acknowledge we have had some excellent men like your Chairman, and especially in Bengal; as acknowledged by the lecturer.

"In dealing with riotous mobs in India, I have often thought one should be careful to use the right 'elements', and in dispersing them 'water' has often been found more effective than 'fire'. A turbulent mob has sometimes been converted thereby into a laughing crowd. Police should be taught to use the hose on occasions."

She would like to congratulate the Society on having such a practical psychologist presiding as their Chairman. She had always maintained that in the higher grade of the police force, as well as in diplomacy, they should have trained psychologists, and evidently the present Chairman was one of these. She wondered whether there was any scope in India for a department of women police, in view of the admitted failure of the men to deal with the wild women of the criminal tribes.

15. The Chairman: Sir John Cumming will perhaps now reply to one or two of the points that have been raised, and will answer any of

the points that have not been already answered.

15. The Lecturer: Mr. Chairman, ladies and gentlemen, at this stage, I shall not detain you long. In the first place, I wish to thank those who have spoken in some terms of appreciation of what I have been able to place before you.

As regards the subject of the village watchman to which reference has been made, I intended to make it clear that the 200,000 men represented the uniformed forces of the crown; and I am wholly in accord with those who have spoken in agreeing that the best work is obtained by co-operation with the village watchman. As regards the attitude of the public, to which one speaker has referred, I should like to say that it is impossible in one or two sentences to explain all the reasons why assistance is not given by the public to the officers of the Crown. One might say that in a great measure success in police work in India is in spite of the public, whereas in this country it is certainly with the assistance of the public. I quite agree with what has been said by Sir Charles Yate, Lord Carmichael, and others. In one sentence, you cannot have a good police unless you pay them well and house them well.

Lastly, on the subject of criminal tribes, with regard to which our respected Chairman has made some remarks, I had the honour of serving

in the same part of the world about six or eight years after the period to which he refers, and in a small way I endeavoured to carry on the system which he initiated. Undoubtedly the work of the Salvation Army at the present time is the direct descendant of the work which he inaugurated. I would say, in reply to the speaker who suggested that improvement of the criminal tribes could only come when the children were separated from their families, that if he or any others can tell us how to separate the children from these unfortunate people, it would be useful. That is the great problem—there is also the same difficulty in the case of lepers—how to make any improvement or reform amongst the young, and how to take the children away from their parents.

With these few remarks, ladies and gentlemen, I thank you again for your appreciation. (Loud applause).

Mr. Viran, in proposing a hearty vote of thanks to the lecturer for his interesting and instructive paper said that he came from the extreme South of India, and it might interest them to know the sort of pay the policemen got there. They got seven rupees a month, or about fourteen shillings a month, and they did good work, and the people had great respect for those men. As far as he knew they were recruited locally.

Mr. Pennington seconded the proposal, which was carried by acclamation.

The proceedings then terminated.

Crime and the working of the Police

Commissioners and Deputy Commissioners in Burma have contributed the following most instructive and interesting comments on the causes of crime and success or failure of Police work:—

Mr. Cabell, Commissioner, Pegu Division writes:—

Public spirit sufficient to take a strong stand against criminality seems entirely wanting. Drink is constantly referred to as a cause of crime, though officers have very different opinions about its effects. There is no doubt, however, that the figures given of cases in which drink is said to have been a strong contributing cause are totally incorrect. The District Officers of Prome and Tharrawaddy are strong believers in drink as a contributing cause to crime. The system of restricting retail sale and possession of liquor to one bottle has been tried in Prome and the local officers are anxious to extend it to Tharrawaddy. Temperance societies have done a good deal to restrict drinking and have certainly hampered sales both in Hanthawaddy and Tharrawaddy. It is said that their activities have encouraged illicit manufacture in Pegu. Unfortunately I fancy that the persons

whose drinking is restricted by the activities of these societies do not, as a rule, belong to the class from which criminals are drawn and I should doubt whether the activities of the societies have had an effect in reducing crime. They may, however, have some effect in the future. Personally I doubt very much whether the closing of all liquor shops in Burma would have much effect in reducing crime. I have already said that the figures regarding crime induced by drink are unreliable. One obvious omission is the case of a man who has formed an expensive habit of drinking and has to commit theft to find the money to purchase liquors. Gambling is also from time to time referred to as a strong incentive to crime, but I entirely agree with the remarks of one Superintendent who refers to innocuous character of the gambling for which the vast majority of people are convicted. These prosecutions do little harm or good: but as long as the law exists in its present form, presumably prosecutions must go on. They do little to put a stop to gambling. It is a noteworthy fact that the percentage of habitual criminals who are convicted is very high in Burma. Mr. Merrikin mentions the percentage for one year to be as high as 35 per cent. and the Jail Commission's tables showed that the percentage of habituals in Jails in Burma was as high as 31 per cent. This is a very much higher percentage than in any Pro-

vince in India and seems to show that the number of persons who habitually earn their livelihood by some form of crime is disproportionately large."

Major Sandeman, Deputy Commissioner, Pegu, writes:—

"I do not agree with the District Superintendent of Police that 'crime like the *Bedabin* has come to Burma to stay'. The Burman with the exception of a few scattered families of hereditary criminals, is not criminal by nature and of the large volume of crime in this district, a large percentage is committed by idlers and restless youngsters who find no outlet for their energies in the deadly dullness of village life. Healthy amusements such as boat-racing—for which Pegu was once famous and which is only carried on now *sub rosa*—and horse racing have been suppressed because the Burmans might gamble. A flutter on a horse-race is less frequent and much less productive of crime than the steady gambling in the *waings*, which afford the only amusement the young villager can find in his village.

Although I disagree with the district Superintendent of Police that crime is ineradicable, I do think little more can be done, to eradicate it. The police can be improved, doubtless, the new pay will, it is hoped, lead to a better class of recruit, and corruption, which has been such a curse to the force, will diminish, but reduction of crime must

come from the people themselves and it will come in Burma as it has come in other countries with increased education. It is to improvement of village administration that we must look for reduction of crime".

Mr Morris, Deputy Commissioner, Tharrawaddy, commenting on the reduction of crime in his district and its causes, writes:—

"The conditions that prevailed in the commencement of the year indicated that there would be a heavy increase of serious crime as the Superintendent has pointed out, and indeed 74 out of 105 violent crimes were reported during the 1st six months of the year: but the economic distress at any rate should have been felt most in the rains and in the autumn and it is clear that the improvement achieved must be attributed largely to the efficient working of the village administration on the lines indicated by my predecessor Colonel Nethersole, to the hard work of the Police Officers and the co-operation of all concerned—District and Police Authorities, Village Headmen, and Village elders. That this spirit of co-operation has prevailed I consider is due in no small measure to the efforts, the preaching and example of the District Superintendent of Police himself".

(ii) Mr. S. A. Smyth, Commissioner, Irrawaddy Division, writes:—

The governing factor in the increase of crime which applies to all districts, was the enhancement in

the cost of living due to the rise in prices of foodstuff and clothes. This was felt by everyone, but mostly the poorer classes. In the case of substantial cultivators it was largely set off by increased prices of produce. Hence inequalities of wealth between rich and poor were exaggerated.

The rise of prices of necessities was much aggravated in parts of the division by a serious failure of crops in the 1919-20 season. In the middle and north of the Henzada District scarcity conditions prevailed.

Among subsidiary factors may be mentioned:—

(a) General economic and social unrest, involving a loosening of civil and religious authority. It is significant that many offences against Buddhist monks were reported.

(b) Congestion of police work and inability of the investigating staff to deal with it.

(c) Inadequate action against gambling.

(iii) Mr. Stevenson, Commissioner, Tenasserim Division, remarks:—

"The general causes of crime and the possibility of its prevention have been discussed at length in all the reports. But the discussions, as it seems to me, do not differentiate sufficiently between the professional criminal and the men who are led into crime through accident or misfortune. Poverty, drink and opium are not the causes of a professional

criminal's activities. He would commit crime no matter what his circumstances were and whether he had had liquor or not. As a matter of fact he merely takes liquor in order to fortify himself and acquire some Dutch courage. Against such men the only action possible is retributive action. The cat is the obvious punishment for this offence and I would commend it to the notice of Magistrates. It has been found to be efficacious elsewhere and it would prove no less efficacious in these districts of this division where cattle theft is prevalent. In this connection it is interesting to note that Thaton has made good use of the Habitual Offenders Restriction Act, and would seem to have derived some benefit from it. It is curious to see too that criminals prefer in the provisions of this Act to the preventive sections of the Criminal Procedure Code. It may be that they are not plagued when dealt with under it with the vexations attendant on their being bound down under the preventive sections, when their sureties apprehensive for their security are too zealous concerning their whereabouts or their intentions, and that thus their liberty of action is less interfered with. It will be interesting to compare the utility of these two measures when time has allowed a fuller comparison to be made between them than is now possible.

As regards the prevention of

ordinary crime, this can only be attained by the growth of a public opinion which not only discourages crime but makes it possible for the public to co-operate actively with the police in suppressing it. Much has been said in these reports about headmen and not always in their praise. But a headman like every one else is more or less the victim of his environment and it is hardly possible for a headman to be a pillar of law and order when the village which he is supposed to control cherishes other views. In such cases the headman either joins the forces of disorder or acquires the reputation of being a bully. In either case he comes to be a bad end. It is for this reason that attempts such as those of the District Superintendent of Police of Amherst, who has associated the public of Moulmein Town with the work of the police and that of the Deputy Commissioner Thaton, who has strengthened the hands of the headmen of his district by enlisting public support for him in his surveillance of criminals and creating mutual support between groups of headmen is to be welcomed. The details of these schemes may not all commend themselves to one at present to the same degree. The schemes are admittedly more tentative just now than anything else. But they mark an advance in so far as they have been accepted as possible by a public without whose co-operation and indeed without whose

active aid suppression of crime will not be possible. In my opinion it is to such schemes as the Headmen's Associations and the Temperance Leagues of the Thaton District and to what might be called the League of Self-Help of Moulmein Town that we must look for improvement in the criminal statistics of the province in the future. Poverty and drink will always be causes of crime and will always be with us in spite of Marx's disciples and the advocates of "dry" policies. For they can change human nature no more than their opponents. But it should be possible to counteract their malignant tendency in Burma far more than is done at present. Associations and leagues if formed on the right lines and with humane objects would win much support and do a vast amount of good not less desirable because unobtrusive. Faults no doubt there will be in the initiation of such associations and their management, but they will render possible the view that the police are part of the public and not necessarily hostile to them, and when that view has gained ground a great advance will have been made in the cause of order throughout the province. I do not think that the state of the province precludes such a possibility."

(iv) Major Brown, the Deputy Commissioner of Thayetmyo, where there was a very marked increase of crime, writes:—

"The increase has been largely if

not entirely due to bad agricultural conditions combined with high prices. At the best of times the district does not produce food-crops sufficient for its own needs and the people are dependant on imported food bought with proceeds of the sale of their money crops. When the price of the former rises and the money-crops fail, or sell at a low market rate, the people are unable to make both ends meet and in an effort to do this resort to crimes. It will be noticed that the largest increase is in that class of case known as 'Pyanpe'. This is an easy offence to commit, is one in which the chances of detection, owing to the victims preferring to pay up the blackmail rather than to have recourse to the law, are in favour of the criminal and is lucrative. Had the increase of crime been due to the seriously unsettled state of the population I think we should have found a much larger increase than there has been in crimes committed by organised gangs. The increase being largely less heinous crimes the general increase may safely be said to be due to economic conditions and it is to be hoped that as these improve there will be a corresponding improvement in the volume of crime. I am unable to agree with the District Superintendent of Police that the activities of agitators has been a factor in the increase.

These persons have undoubtedly been active in the district, but their efforts have been confined to the

towns of Thayetmyo and Allamuyo and latterly to Kama. Even in those towns I do not think that they have made any serious impression or have been able to so unsettle the minds of the people as to turn them to crime. In the villages I do not think they have as yet made any impression at all.

(v) Major Lord, Deputy Commissioner, Batha, confirms the opinion expressed last year by Mr. Wilkinson. He says:—

"Much was written on this subject last year and the experience of these last 12 months has disclosed nothing new. I am more firmly convinced than ever of the truth of my predecessor's statement that the cause of crime was racial rather than economic. The figures in this district, township by township, prove this in no small degree. The two townships of Wuntho and Kawlin where the Burmans predominate are the most two criminal townships, whereas Banmauk has scarcely a crime and certainly none which could be classed as other than 'petty' against it during the whole year. Gambling, drinking and opium play their part in promoting criminal instincts, but to say that they are at all important factors is not borne out by the evidence and would be grossly misleading. By far the greatest factor in my mind is the impetuosity of the young Burman and his excitability when taunted and his readiness to listen to the orator of

the moment. High prices current, throughout the year have made little difference on the volume of crime which is against expectation but it can scarcely be hoped that without a decrease in prices there can be a decrease in petty thefts."

The Deputy Commissioner, Sagaing, Maung Shwe Tha, advances a new theory in connection with this much debated question. He blames the well-to-do for failing to give free "*Kyi Gyin pwes* and *ahlu pwes*" as was customary in former days. He points out that some excitement and amusement is necessary for the poorer classes who now are compelled to resort to petty crime to obtain the money to attend pagoda festivals and enjoy themselves.

(vi) Mr. Cooks, Commissioner, Meiktila Division, writes:—

I agree with the District Supdt. of Police that there is much to be desired still in the way of preparing cases for courts, but I think the real solution lies further back than the Court Prosecuting Officer. It is the investigating officer generally that spoils a probable conviction. He is almost incorrigible in trying to 'improve' a case. A superfluous witness often spoils a case by giving rise to the suspicion that some part of the prosecution has been concocted.

I do not think it can be argued that the magistracy has appreciably increased its scepticisms during the year under report. House-breaking cases are difficult to detect and

where evidence is insufficient, a conviction is impossible. The margin of cases in which evidence is sufficient and a conviction is not secured is due to inefficiency in detection and the remedy seems to lie in progress of education and probity'.

General Summary.—The year 1920 was distinguished by various features which were bound to operate most unfavourably upon criminal statistics. Whether the economic theory or the psychological is correct there can be no doubt whatever that failure of rain leads to crime in a double direction, first want, second ennui, thirst and irritation due to drought and enforced idleness. In addition to these causes we have the high prices of articles in demand in this division—rice and clothing—in conjunction with the fall in the prices of articles produced locally, especially cotton, white beans and chillies. The migration due to scarcity is highly favourable to crime by increasing facilities and diminishing restraints both moral and physical. The difficulties in Yamethin district are summed up thus, by Colonel Bigg-wither, who has continued to pay unremitting attention to the Police Administration of his district.—

'In spite of an increase in the population of between 40,000 and 50,000 persons, in spite of enormous immigration during the last two years (and this day 15th February 1921 I have just interviewed immi-

grants from the Magwe, Toungoo and Meiktila districts and from Nepal and elsewhere), in spite of a very bad agricultural year last year, in spite of a worse one this year and over 3,000 applications for remission dealt with each year, in spite of very heavy through traffic, in spite of serious outbreaks of plague and the consequent inoculation of 25,000 persons, in spite of imminent small-pox and the consequent vaccination of over 270,000 persons, in spite of the sudden repayment of about 7 lakhs of war loan, in spite of the heavy through opium smuggling and of other adverse circumstances, true cases of all sorts have declined as compared with the year 1912, by 494 from 1,649 to 1,155 and 481 fewer persons have been arrested and in the more serious classes I to V there have been 335 less cases and 110 fewer persons arrested. That is all crime has been decreased by 30 per cent and 1 person in 234 is now arrested against 1 in 231 are 1 in 130 and in the more serious cases crime has decreased 25 percent. and 1 in 312 against arrested. And I would point out that cattle thefts, violent crime and grievous hurt cases have declined from 134, 72 and 72 in 1912 to 97 35 and 50 now. This district has possibilities as the following extract from the Criminal Justice Report for 1912 will show where the Judicial Commissioner compares figures for the decade.—

'Yamethin returns 1851 cases reported under the Indian Penal Code an increase of nearly 75 per cent. and 3073 cases of all kinds an increase of 92 per cent, ordinary thefts have more than doubled (290 against 139) hurt cases have increased by 40 per cent. (29 to 203). Excise cases have nearly quadrupled (42 to 157), gambling cases nearly doubled (124 to 237) and the number of persons sentenced to rigorous imprisonment had risen by 93 per cent. from 321 to 618.'

We then had one sentence of rigorous imprisonment for every 508 of the population. This year in spite of the adverse conditions mentioned and the increase in population the number of persons sentenced to rigorous imprisonment is 518, that is one for every 675 of the population.

By quoting progressive figures from the year 1912 onward, he has I think proved that the favourable results in his district are not merely paper results. While giving credit to Mr. Cox and the officers he mentions for good work, I have pleasure in also noting the special services of Maung Paw Tun, Sub-divisional officer, Yamethin, and of Maung Aung Bwin, Township Officer, Lewe.

The list of rewards for services rendered by headmen and others in this district is an eloquent testimony to the co-operation of the headmen and the generosity with

which it has been recognised."

The Inspector-General of Police, Burma, says :—

"I have little to add to the above. It must be admitted that the police force itself leaves much to be desired, but considering the difficulties under which it works I consider that the force has done well. It is to the people themselves that we must look for an improvement in the criminal conditions of the province. The saying that "every nation deserves its own police" may be hackneyed, but, it has not lost its truth.

I regard the institution of the various village Headmen's Associations in the Henzada and Thabon Districts and elsewhere as a most important step in the direction of creating the much needed public spirit on the side of law and order. One other factor, which cannot be insisted on with sufficient emphasis is the absolute necessity for whole-hearted co-operation between the Police and the Magistracy. I have noticed in very many cases that where the Deputy Commissioner and the District Superintendent have combined forces and by touring together have made it patent to their subordinates that they will insist on similar co-operation between them, crime in even the most criminal districts has been put down in a manner little short of wonderful. It would be invidious to quote instances of this, but I trust that more attention will be paid to the matter

in future. Mr. Shuttleworth laid great stress on this point in his report for 1919 and I take this opportunity of endorsing his opinion."

Discharged Prisoners.

Organisation in England.

A Correspondent to the "Times" writes:—

The Archbishop of Canterbury, in a recent letter of encouragement to the Discharged Prisoners' Aid Society, said "Work like yours is essentially a work of Hope, and certainly the result which you can show 'maketh not ashamed'." The society could not have better description than this of hope, for it restores hope to those who have temporarily forfeited their natural claim to men's consideration, and enables them to begin life anew. But it needs Hope, too, on its own behalf, having fallen on days so evil that sometimes the abandonment of all further enterprise seems inevitable.

The position of the society is curious in that it suffers from the increase of virtue, or, at least, from the diminution of crime. A few words of history are necessary to understanding of so odd a case in 1863, by legal enactment. Quarter Sessions were authorised to set up a Discharged Prisoners' Aid Society (now currently known as a D.P.A.S.) for the Prison with which each was associated. Gradually every prison secured its own society; so that now the whole country is covered by

philanthropic bodies formed for the purpose of helping prisoners on their discharge. For every prisoner the Government makes a grant of about 2s. while the societies have to raise locally 10s. for every £ 1 given by the Government. Of late years the number of prisoners has been very greatly reduced; and the grant, of course, has come down in proportion. Whereas it used to run into tens and thousands sterling, it is now only some £ 4,000 a year. The local societies, instead of contending themselves with raising the £ 2,000 entailed on them by the bargain with the Government, have constantly put forth fresh efforts. Last year they collected over £ 21,000.

At the same time, the scope of the work as developed from the first conception, and the developments have brought additional expense. These include the care by the societies of prisoners' dependents while the prisoners themselves are serving their sentence, and the spread of the system of sympathetic after-care of all who are likely to benefit from it. Everybody must realise how, in these circumstances, the prevailing economic conditions add to the burdens of a D. P. A. S. The General D. P. A. S., which organises and links up the many local societies, wastes no money. The proof lies in its balance-sheet, with balancing figures of £ 1,105. Even so, it is in debt, like the society in general.

Saving States' loss

A prisoner is a dead loss to the community. Every time he goes back to prison this loss occurs. An agency which prevents his going back is therefore saving money to the State. When it makes a good citizen out of a bad one, or out of one who is no citizen at all, it puts money so to speak, in the States' pocket. It also, to this extent, saves the individual Englishman from the threat of robbery and other depredation. The last published report of the Commissioners of Prisons shows that 12,710, or 10 per cent. of the total number of discharged prisoners, were aided; and that of these, 5,301, or 42 per cent. of the aided, were placed in employment.

The societies start from the principle of making no distinction of creed or nationality. If a Turk gets into an English gaol he receives as much help as an Englishman; and some very strange and even pathetic stories could be told of Turks in misfortune. The committee of each society consists of the visiting Justices, the Governor of the gaol, the chaplains of all denominations, and benevolent people in the neighbourhood. A prisoner is seen constantly by the chaplain, who often acts as honorary secretary of the committee. The prisoner's future is discussed and planned between them; and then the committee, having had a talk with the man, take his case in hand. Women prisoners are cared for by

members of the Lady Visitors' Association: boys and girls under 21, by a special sub-committee called the Borstal Committee. Every prisoner—man, woman, or child—is offered a chance.

Opportunity well used.

The honorary secretary of the society is the Rev. S. P. H. Statham who has "made a hobby of it" for 20 years and who before them had gathered a wide and deep knowledge both of the criminal class and of mankind in general. In conversation a day or two ago he assured me that among "habitual offenders" are some who talk having "served their country for 40 years" (or 30, or 60, as the case may be), when they wish to state the extent of their offending & its punishment. As an example of another kind, Mr. Statham mentioned a Staffordshire prisoner who, having served a long sentence was assisted by the D. P. A. S. to find employment. For the rest of his days he remained honest, and bequeathed all his property, amounting to some hundreds of pounds, to the society "in gratitude". It was no uncommon thing, said Mr. Statham, for the society to receive donations from ex-prisoners in recognition of what had been done for them. He quoted the following cases which had come within his own experience of the society's successes:—

1. An auctioneer and surveyor served nine months for false pretences. He had an invalid wife. On coming

out of prison he was on the verge of suicide from depression because he was growing old and nobody wanted to employ him. With great difficulty and prolonged effort, the society keeping him and his dependents in the interim, a situation was secured for him at £ 200 a year. He did well, remained honest, and has risen to a position of some importance, where his salary is very much larger.

2. An officer of the Regular Army was court-martialled for falsification of accounts. Commercially he had no value. After continuous exertion the society got him a job in the motor industry at £ 3 10s. a week. He made good, and is now occupying a splendid post at a very large salary.

3. A bank manager, who had taken to drink, served a sentence for embezzlement. Again the society had a struggle, but eventually placed him as a clerk. From this post, owing largely to sympathetic after-care, he has raised himself to an improved one.

4. A tax collector in a Midland town received two years for embezzlement. By accident it was discovered that he could speak Spanish. A job was got for him in a South American town. His relatives subscribed £ 100 and the society gave the balance of the large sum necessary to transport him, his wife, and their numerous family. He also has made good.

5. A man, helped to small employment after completing a long

sentence, is today earning £ 1000 a year.

6. Another long-term prisoner was set up as a second-hand clothes dealer. He has become prosperous. The other day he came to the central office to ask for advice how to make his will.

When I asked Mr. Statham whether employers were as a rule, sympathetic or otherwise on being asked for employment for ex-prisoners, he replied: "It is usual, not unusual, to find an employer ready to do all he can. In this respect they are better than they used to be. But, obviously, they cannot always help as they would like—especially at the present time, when unemployment is so common". Assistance of another kind—subscriptions and donations—can always be sent of the Central Discharged Prisoners' Aid Society. Mr. W. W. Jemnett, at 14, King William street, Strand W.C.2.

Crime and the Police.

The art of connecting crimes with criminals who committed them and criminals with crimes they committed, unless taken up and studied as a science, and the criminals realize they are out-witted by the Police, there is no chance of crimes going down. The finger-print system can be said to connect criminals with crimes they committed but it can come to our aid only when the man is under arrest and where the measurements of his finger-prints are

already on file. It establishes the identity of the man under arrest and connects him with his previous criminal record. In tracing the crime to the unknown perpetrator there of, or to one known only by description the system is of no avail. It is precisely at this point that the work of the Police is a distinct failure. The result is that crime has become a career, an art with an amazing amount of skill and fineness bestowed on it. Our criminals outwit our Police in ingenuity because the former have turned to good account the wonderful discoveries of science in these days of very rapid communication.

Our Police are helpless against criminals, they are inadequately trained and are not provided with up-to-date necessary equipments to counteract the activities of criminals, unlike some western countries where the study of criminology and all the aids, which human ingenuity and science can invent, the Police have at their command, in the solution of the mysteries of crime. Would our readers in the western countries believe when we say that in India the very ordinary means of communication viz., the Railway and the Telegraph, in this twentieth century, very many Police Stations are not provided with. There are very big Town Police Stations not provided with telephones and there are no Mounted Police, either, within easy reach with the result

that street riots, riots in jails and mills which can be nipped in the bud are allowed to assume uncontrollable proportions. In addition to the fact that India is perhaps the most thinly policed country in the world now, the policemen off-duty at some First Class Stations, which are even great labour centres, cannot be mustered in a sudden emergency, because they have no quarters provided for them and men live in different corners of the towns so much so that their *esprit de corps* is deplorable and worse still they prove victims to improper influence, rendering it impossible to keep them in trim. Nay, this is not all. The Police in India are in a most pitiable condition because the law of the land helps more the criminal than the policeman in his attempt to rid the society from the clutches of the criminal.

The members of the Legislative Councils are not fully acquainted with matters concerning Police. It is therefore no fault of the Legislative Assemblies to vote against every thing Police. Will not those worthy members, who fight for retrenchments so vehemently as the representatives of the people, gladly vote for sufficient funds to provide the Police with the very necessary auxiliaries to reasonably expect a fair return in the shape of work by the Police agency. "The Police are from among the people" and "every nation deserves its Police" are all

not mere platitudes, if we go deep into matters.

To turn to our subject "Crime and the Police", the bulk of Crime with which the Police have to deal viz., that against property is committed by those who have been in the hands of the Police before and upon whom the possibility of another prison sentence exercises little restraint. "Of the 159,747 criminals received in the prisons of England and Wales during 1911, 100,605 had been previously convicted. During the same period, of the 10,646 persons sentenced for serious offences in the Court of Assize and Quarter Sessions, 7,474 had been previously convicted. Of the 2,881 persons sentenced for offences against property with violence 2,806 had had previous convictions. For twelve years the proportion of convicted persons in England and Wales recognized as having previous convictions has averaged between 60 per cent. and 70 per cent. Similarly in Scotland in 1911 of 2898 persons sentenced for crimes against property with violence 499 had been previously convicted. The same proportion of previous convictions is shown in the judicial statistics of practically every nation in Europe and America.

This shows that the bulk of crime is committed by the habitual criminal and habitual criminals are rarely versatile in their crimes. They commit the same kind of crime over

and over again. They do not risk upon forms of crimes with which they are not familiar.

In the words of Sir Henry Smith, formerly Commissioner of the London Police "Criminals show strange want of originality. The streets of London have thousands of pickpockets, and they continue to pick pockets. The Omnibus thief remains the omnibus thief: and the stealer of milk cans steals milk cans and nothing else. The stealer of dogs might surely diversify his programme by occasionally stealing a cat; but no, the feline race concerns him not. With strange stupidity they frequent the same line of omnibuses, return to the same streets, and, till Nemesis overtakes them, steal the same articles. In the higher walks of the profession these peculiarities are still more striking. The bank robber and the forger are fascinated by their own style of business. They never have an idea in their heads beyond bank robbery and forgery. The coiner is always severely dealt with; but whoever saw him take to a less dangerous pursuit? The ruffian who robs with violence, uniformly knocks his victims down as the slaughterer pole-axes an ox. The good old fashioned "stand and deliver" would in the vast majority of cases be quite sufficient, entailing possibly only six weeks or two months instead of five years or ten".

The simple and more probable reason why an habitual criminal

adheres to one form of crime is that he is used to that form and thinks that he is safest in doing what he knows best how to do. The loft thief who has been successful in his particular line is not going to run the risk of picking a man's pocket or even burglarizing a residence. The habitual criminal, from habit, expediency or limited resourcefulness, usually practises one particular form of crime. So also habitual criminals specialize in a particular method of committing their offences in some characteristically individual modes. The burglar who effects the entrance by the back door of houses with a Jimmy always attacks houses with back doors and uses the same tool. The burglar who uses skeleton keys to front doors of houses during the inmates' absence always resorts to such houses and uses only the skeleton keys. There is the burglar who always uses a crow bar to uproot the hook on the frame of the threshold which throws the door wide open with the chain, hook & lock and after the commission of the crime the burglar restores the same, as they were before, in such a fine manner that no one can suspect of any foul play. Similarly each burglar has his own favourite articles to handle and particular actions that he practises. In short every burglar stamps his individuality on his crime and successive offences of the same man are recognizably similar." In other words invariably the habitual criminal

leaves behind him very distinct clues which mark him out from all his fellows. Trained observation and a very minute classification of crimes made in the light of the above observations will surely enable the Police to locate the offender within a small class or even himself. This is true with all offences against property.

Nothing is a negligible factor to be ignored in classifying the *modus operandi* employed, the time of day or night at which the crime was committed, the victims selected, streets or houses chosen, their geography and a thousand other details connected with the commission of the offence. No doubt it involves an entire and both exhaustive and intensive study of the methods of operation and an exact and very minute analysis of the traces which every individual criminal leaves behind him. Every police officer will and must concede to the fact that generally speaking there are three ways of detecting criminals in offences against property. First the recognition of the criminal by an eye witness at the scene of crime, and seldom is the offender seen in the act of crime. It is a well known fact that the crime which the police are called upon to investigate, no one knows anything of, except that it was committed. Second, the property clue is unreliable not merely because the property is mostly unidentifiable but also because possession as well as appearance are

immediately changeable & the working of the property clue has contributed in the main to the unpopularity and the alleged unreliability of the police and their witnesses. The third and the last, though not least in importance, is the clue furnished by the traces which the criminal leaves behind. This is most convincing, and reliable. The traces are there, but the police are inefficient. They have no eyes trained in the art of observation to observe and follow the same which will surely lead to the criminal. Yet this method, though sure and certain it is, which is most neglected. By an intelligent study of the investigation notes of all classes of crime which ended in the detection of the culprits, the peculiar *modus operandi* of the individual professional criminal or criminals may be classified crime-war under various heads. But as the following of the traces clue is generally not to be found there, but merely the result of chance or guess work a classification for useful purposes may not be possible. Investigation notes made by most Police Officers are more of a routine nature and do not furnish any traces at all left behind by the offenders. In short the case diaries containing investigations and more especially of the result of inspection of the scene of crime are nothing but farce and the last thing that receives the careful scrutiny of the so called supervising officers is this most important piece of work. The

reason why state of affairs is so very deplorable resulting in the unpopularity of the Police is because a few Police Officers who are exceptions deceive their departmental superiors and the members of the public whose servants they are according to the flesh, with eye service as men-pleasers, and act not in singleness of heart fearing God. If only, whatever the Police Officers do, they do it heartily as unto the Lord God and not unto men, then, every thing will get into the right track. As it stands the ignorance of the Police in following the third clue tempts the public, from whom the Police are, to often mislead their Police with very base motives to bring to grief their enemies. The Police easily fall victims either through ignorance or through their over zeal for convictions. The conviction of innocent men follows for offences which never really were committed. We are not unmindful of a few black sheep in the Police who never register the complaints of crimes actually committed and the convictions obtained by them are of innocent persons for crimes which were never committed at all. They are a disgrace to the fair name of the Police and many honest, bold and intelligent Police officers suffer for their sins because their masters give not unto their servants that which is just and equal and because they are often pleased with eye service of humbugging and characterless subordinates. There

are some disgraceful instances, though rare, in which supervising officers place themselves under peculiar obligations to the subordinates, no matter what the shape is, and the cheap unpopularity which such supervising officers earn, though innocent as children by nature they be, leaves its disastrous results, increase in crime, conviction of innocent persons, corruption and torture by concoction and a hundred other things. The misdeeds of one mars the praiseworthy work of a hundred good & desirable officers. The real criminals increase in number and there is a rule of terrorism which is generally whitewashed. The regrettable incident of Meerut in the U. P. elsewhere published in this issue has been rectified but how many instances there are which are impossible and cannot admit of or render rectification possible? The Police who stand in their posts as stone pillars under uniform do more honorable work, for, their very sight creates a moral fear in the mind of the offending members of the public. A recidivist Police Officer who by hushing up and eye service shows a reduction in crime, an impossibility otherwise, does a very great wrong and is a traitor to the cause of Police.

It is an impossible task to watch over subordinates who have no character and who are devoid of conscience. After all the duties of a police officer are what every citizen is bound to do unto his neighbour in the

moral code and the Police officer is paid for it. The end of Police is no Police and every private individual becomes a Police man unto himself. If, on the otherhand, a Police officer is a criminal himself then that surely must lead to innocent private individuals becoming criminals also. An ideal Police officer is he who makes all his private and selfish interests subservient to those of the service he has chosen as his career. He prefers dying at the altar of duty to his living for his own sake or for the sake of his dependants. The mouth cannot speak of things which do not emanate from the heart and the readers will believe the writer of this humble exhortation to the Police that they are based upon his personal experience. If only every policeman in and out of service can speak out his honest experience, willing Police Officers will benefit by them and they will be strong eye-openers to the members of the Police. A discontented man will speak of things from his own selfish stand point of view, and the Police should not be deceived by his malicious misrepresentations.

Non-Violent Non-Co-operation— a Myth and Impossibility.

The most important topic that is engaging the attention of all thinking men in India and abroad today is 'Nonviolent Noncooperation', started by Mr. Gandhi. Disastrous are the results thereof in experience. Men in power at Simla and White Hall

are straining every nerve to find out a remedy for counteracting it. The movement, as is well known, was started by Mr. Gandhi in 1920. It was adopted by the Special Session of the Congress at Calcutta, and the resolutions adopted there were slightly modified at Nagpur. The resolutions of the Nagpur Congress were confirmed at Ahmadabad. What is the object of the movement? Its aim is to paralyze the Government, to bring the Government to a standstill. The movement has as its object the attainment of Swaraj by ending the existing Government or by mending it. This it is trying to achieve by nonviolent non-co-operation.

Now, the question is, is it possible to attain Swaraj by nonviolent non-co-operation? Will the movement be free from all traces of violence? In other words, will it not ultimately end in violence? It may be that few followers of his believe in the efficiency of nonviolence and stick on to it. But the majority of Congressmen have adopted the creed not because they believe in nonviolence but because they have no arms and cannot have recourse to violence. In other words, with the majority of people, nonviolence is only a matter of policy or a camouflage for violence. Secondly Nonco-operators themselves are not agreed on the point. It is a well known fact that the Mussalmans have always been a fighting race. History has shown that the Mussal-

mans have never identified themselves with nonviolence. The spread of Islam in Europe and Asia is one long record of massacre and bloodshed. Is it likely that such a warlike race as the Mussalmans will remain nonviolent? That they will not acquiesce long in a policy of *ahimsa* is shown by the speech of Mr. Hasrat Mohini, as President of the Khilafat conference, held at Ahmadabad in December 1921. He moved a resolution in open Congress in favour of abandoning nonviolence & having recourse to violent non-co-operation. To this the non-co-operators may say that Mr. Hasrat Mohini and others of his ilk have very little influence, and that the bulk of Mussalmans are for non-violence. During the course of his trial at Karachi he said that he was himself a believer in violence and has only temporarily approved of nonviolence under Mr. Gandhi's influence. So, with the majority of non-co-operators, non-violence is only a matter of policy. Once they find it out to be futile, there will be an outbreak of violence and Mr. Gandhi's boast will be of no avail, though he may again fast as a penance.

Further, is it humanely possible to fight out and win a battle by non-violent means? Human nature being what it is, imperfect, can passions like anger, hatred and envy be held under control for long? We have heard how even sages like Viswamitra and Dhurvasa were not able to con-

trol anger and envy. In this age of individualism when every one is self assertive and brother envies brother and rushes to a court of law on the slightest pretext, how can any one expect people to be calm and non-violent when the cause which they cherish does not succeed? The Mass in India is yet undisciplined and does not tolerate opposition. To what else are we to attribute the habit of crying 'shame' when the names of eminent persons (like Mrs. Besant or the Rt. Hon'ble Mr. V.S. Sastry) whom they do not like, is mentioned? An audience which does not allow a speaker to put forth his views before the public simply because he does not agree with Mr. Gandhi, will such an audience, we ask, calmly allow traders to deal in foreign cloths and attend Abkari sales—especially when they are conscious of their power? We are afraid, not. When persuasion fails they will certainly have recourse to violence. That this is the fact is borne out by the riot at Darwar, and the burning of liquor shops in several places.

The common folk are not and we assert with confidence, cannot be made saints and they cannot be expected to be calm and cool when they see that the cause which they are advocating fails. The psychology of the individual is quite different from the psychology of the crowd. Individuals by themselves may be calm but when they mix with a crowd the tendency is to grow per-

turbed and have recourse to rancour and abuse. The result is that when people, whom the mass consider as their leaders are being sent to prison for violating the laws, they have recourse to all sorts of rowdiness and begin to throw brickbats on the Police and the Military. The mob is so very intolerant that it will not endure the sight of people returning gaily after visiting H. R. H. the Prince of Wales. What is the result? There is violence and hooliganism, breaking of tramcars and injuring innocent passersby as it happened in Bombay and Madras.

Under these conditions the non-co-operators propose to launch mass civil disobedience and suspension of payment of taxes though they have now postponed it. Would people who have not got the patience to hear the views of their opponents sit quiet and calm while their lands are attached and sold and their cattle and movables distrained? We fear, not. Violence there will be and must be under these circumstances, for the people must somehow give vent to their anger and sorrow. The happenings in Rae-Bareilly and Malabar, are lessons which no one will forget. Mr. Gandhi himself may stand for non-violence and may preach "Ahimsa". But as he himself has acknowledged he makes a "Himalayan miscalculation" in thinking that the mass can be disciplined and brought under control. Hence we say that non-violent

non-co-operation is an impossibility. The horrible occurrences at *Chauri Chaura* are fresh in our minds and they show that the non-co-operation movement is sure to end in violence. Will the Non-Co-operators take a lesson to heart and abandon the impossible task which they have set before themselves? Mr. Gandhi has the frankness to admit that the tragedy at *Chauri Chaura* is the third warning to him from God. Is even the third warning from God to go in vain?

Meanwhile rioting in which 3 constables and 8 rioters were killed is reported from Assam.

Assam Government has issued the following communique: The Kannarighat Tahsil, in Sylhet District, being in a disturbed state public meetings were prohibited except with permission of the Deputy Commissioner. Warning was given that a meeting which was proposed to be held on February 15th at Kannarighat, must not be held without permission and the local leaders were told that if they would guarantee that the meeting would be religious and not political, permission would be given. No application was made for permission, but about 10 A. M., on the 15th instant, people began to assemble. The Commissioner of the Surma Valley Division, who was in camp at Kannairghat, went with Moulvi Muhammad Chaudhury, Extra Assistant Commissioner, and 30 armed and 12 unarmed

Police and explained the orders and the reasons for them. After some discussion, the leaders agreed not to hold the meeting, seven minutes were given for the crowd to disperse. On the expiry of this period, the main crowd was being slowly but quietly moved away by the Police, when some hundreds of persons armed themselves with bamboos attacked the police in the rear. The Commissioner, who rode forward, warned them, but the crowd threw clods at him. The Police were then ordered to disperse the crowd by force. At this point the Commissioner was assailed from all sides with lathies and order to fire was given. The crowd then dispersed for a time and the order to cease fire was sounded.

As the Police were returning to the Thana, they were again attacked and had to open fire. A rifle was wrenched from one of the constables and two constables, who became separated from the column, attempted to cross the river, were beaten to death by a party of villagers. The police were not in sufficient force to make further attempts to disperse the crowd which, however, dispersed of itself towards the evening. The total casualties were three constables & eight rioters killed, and a number of rioters wounded. Reinforcements have reached Kannairghat and no further disturbance has since occurred.

The Assam Government has

appointed additional Police force for three months at Kanarighat in Sylhet district at the cost of the inhabitants of the area.

Already we find that followers of Mr. Gandhi are impatient of restraint. What does Mr. N.C. Kelkar say of Mr. Gandhi's latest? The reader may have his own words and his alliterative fury:—

"Politics is politics and not a potch-potch of right and righteousness, and patriotism and piety, and incarcerations and incantations, and legislation and liturgy, and so on." A propagandist paper says "we should guard against degenerating into *light half-believers of casual creeds*". in a comment on the above passage. We do not like to pose as astrologers or to forebode calamity. But we do despair of all men becoming angels. If they do, they will care as little for Mr. Gandhi's Swaraj as for his methods of attaining it, for, is not Swaraj a mere state of mind?

The section of the press which is advocating the Congress propaganda is already imputing zulum and tyranny to the police and attributing to them contributory causes to the outrages that have occurred. The Publicity Bureau is doing its level best to expose the falsity of the said charges. All the same, for the sake of abundant caution, it is highly desirable that the police do practise such a non-aggressive non-violent attitude that there is not the

shadow of a handle afforded to the enemies of the public peace. We would not touch upon this topic at all but for the fact that the peace and the order in the country cannot be thought of apart from the police.

Racial Distinctions in the Criminal Procedure Code.

(Extracted from the *Madras Law Journal*.)

The special rules relating to the trial of European British subjects are to be found in Chapter XXXIII of the Criminal Procedure Code which is somewhat inappropriately described as the chapter that deals with Criminal Proceedings against Europeans and Americans. Europeans and Americans who are not British subjects have hardly any special rights, the only thing allowed to them being the right to claim that in "Every case triable by a jury or with the aid of assessors not less than half the number of jurors or assessors shall, if practicable and if such European or American so claims, be Europeans or Americans. In the Code of 1872 a European or American not being a British subject had an absolute right to be tried by Jury. This provision was omitted in the Code of 1882 and he has no longer such right. No complaint has ever been made by foreign nationals that that they have not been properly and efficiently tried by the ordinary Courts in India. Nor will the justice of such a complaint if made be

admitted for a moment by the British people whose very fame is one of impartial and efficient administration of justice in this country. It will thus be seen that the special clauses relating to European British subjects can have no international analogy to appeal to and are frankly merely privileges. They are recognised as such even by the legislature and it is provided that those privileges are forfeited when a European British subject is declared a vagrant. The Indians have always regarded them as invidious distinctions based on racial considerations. As a matter of fact, they are survivals of a by-gone age and having regard to the changed conditions, are mischievous anachronisms keeping alive a sense of racial humiliation for Indians in their own country. The humiliation is felt the more keenly when the definition of that term is scrutinised. A European British subject is defined as.

(1) Any subject of Her Majesty born, naturalised or domiciled in the United Kingdom of Great Britain and Ireland or in any of the European, American, Australian Colonies or possessions of Her Majesty or in the Colony of New Zealand or in the Colony of Cape of Good Hope or Natal; (ii) Any child or grand-child of any such person by legitimate descent. It is not merely the Englishmen, Irishmen or Scotchmen born in the British Isles but also every specified Colonial whether he

is a European, a Negro, a Maori, or one of any other of the numerous native races. An Indian woman perchance goes to England or to Natal and is delivered of a child there. The child will have all the privileges of a European British subject. The same would apply to naturalised foreigners; though as foreigners they had not these privileges, as soon as they are naturalised, they come to possess them. Other Colonials not being of British extraction within the limits prescribed have only to emigrate to Australia or to New Zealand or the Colony of Cape of Good Hope or Natal and they acquire the right to these privileges. The Indian who disowns his country and becomes a Colonial becomes entitled to these privileges. Other Colonials though of British or European extraction do not possess these privileges. The most galling and even humiliating portion of the whole thing is that Colonials that do not admit Indians into their country and make the most invidious distinctions against them, should have those privileges in their own land. Whatever comes out of the present attempt to have the Criminal Procedure purged of invidious racial distinctions, it would be a positive scandal if the clauses in favour of the Colonials are retained. Pointed attention does not seem to have been called to this aspect of the question. Why they should be treated on a footing higher

than the Americans or Frenchmen who place no such restriction on the movements of Indians passes one's comprehension and if the terms on which they can find admission to this country are not to their taste, it is entirely a matter of choice with them and they may be left to accept or reject as their interests or inclinations urge them to do.

These distinctions have their origin in the historical accidents of the beginnings of British occupation in this country. At the commencement they had no racial hue about them and at one stage were even retained with a view to protect the native inhabitants of this country. The distinction was then between those that were *British Subjects* and those that were not. It was the assertion of the right of European nationals to try their own offenders and settle their own disputes (whatever short shrift such a claim might have had with a Mughal Emperor like Aurangzeeb). The continued recognition in theory of the Sovereignty of the Mughal served to perpetuate the distinction. So far as British territory strictly so called was concerned there was no distinction between the Indian subject and the European subject. It must be noted that till 1833, the European the predecessor of the non-official European British subject of to-day was in India only by sufferance. He was regarded as an interloper and was not allowed to reside except

under a special license. Lord William Bentick's policy was to alter this state of things. He was anxious to facilitate the admission of settlers into the interior and give them the right to settle there but to couple with that right as a necessary and indispensable condition the liability to be governed by the same laws and to be under the jurisdiction of the same Courts as the natives of the country. It was in accordance with and in furtherance of this policy that Charter Act of 1833 was passed. It considerably enlarged the powers of the Indian Government to make laws the only restraint being that they should not empower Courts other than those chartered by the Crown to sentence British subjects to death, a trace of which is to be found in the Government of India Act of 1915 S. 65 which provides that the Governor-General in Council has no power without the previous approval of the Secretary of State in Council to make any law empowering any Court other than the High Court to sentence to the punishment of death any of His Majesty's subjects born in Europe or the children of such subjects (not all European British subjects). Till the Europeans came to be admitted freely into India, the special treatment in respect of Courts accorded to British subjects who were public servants was in effect a sort of *Droit administratif* which, having regard to the peculiar conditions, was more a

protection than a racial discrimination against the Indian. The state of things was altered when the Europeans came to be freely admitted. As a condition of their admission responsible statesmen in England conceived that they should be subject to the same laws and be tried by the same Courts as the Indians. The racial aspect became pronounced when by the direct assumption of the Government of India by the Crown the Indian became equally with the European a British subject. The following extract from the despatch from the Court of Directors to the Governor General dated 10-12-1834 will bear out what we said above as the conditions of the free admission cl. 59. 1st we are decidedly of opinion that all British born subjects throughout India should be forthwith subjected to the same tribunals with Natives. It is of course implied in this proposition that in the interior, they shall be subjected to the mofussil Courts. So long as Europeans penetrating into the interior held their places purely by the tenure of sufferance and bore in some sense, the character of delegates from a foreign power there might be some reason for exempting them from the authority of the judicature to which the great body of the inhabitants were subservient. But now they are become inhabitants of India, they must share in the judicial habitudes as well as in the Civil rights pertain-

ing to that capacity and we conceive that their participation in both should commence at the same moment. It is not merely on principle that we arrive at this conclusion. The 85th clause of the Act to which we have referred after reciting that removal of restrictions on the intercourse of Europeans with the country will render it necessary to provide against any mischief or dangers that may hence arise proceeds to direct that you shall make laws for the protection of the natives from insult and outrage, an obligation which in our view you cannot possibly fulfil unless you render both natives and Europeans responsible to the same judicial control. There can be no equality of protection where justice is not equally and on equal terms accessible to all". The first of the steps taken to give effect to the policy was the passing of Lord Macaulay's Act of 1836 which subjected the Europeans to the same Civil Courts as the natives of India. Though predictions were confidently made at the time by opponents of the measure that if it became law India would be deserted by the British capital, it need not be stated that the threatened eventuality has not yet come to pass. Lord Macaulay's Act applied only to Civil Courts but he left on record his opinion that similar legislation ought to be applied to Criminal Courts. Proposals for the purpose were submitted by the Indian Law Commis-

sioners. Effect was sought to be given to them in 1849, in a Bill which proposed to make all persons subject to the Company's Magistrates & Courts outside the Presidency Towns, the only reservation being that no such Magistrates or Courts should have power to pass a sentence of death on any of Her Majesty's subjects born in England or on the children of such subjects. Lord Dalhousie in withdrawing the Bill said "I am most clearly of opinion that the time has come when the exemption in question ought to be abolished and that the British subjects should be brought within the jurisdiction of the Criminal Courts in the mofussal as they have long since been brought under the jurisdiction of the Civil Courts. But, after an anxious consideration of the subject, I must declare that I am not prepared to place the British subject under the Criminal Law which is now administered in those Courts or to deprive him of his privilege of being judged by English Law until we can place him under Criminal Law equally good or at all events as good as the circumstances of India will admit of. This is far from being the case at present. The Criminal Law administered in the mofussal is, in substance, the Mahomedan Law modified from time to time by the Regulation & expounded by the decisions of the Suder Court." But the passing of the Penal Code in 1860 and the Criminal Procedure Code of 1861 the one objection

to which Lord Dalhousie attached weight was removed. But in the meanwhile the Mutiny had intervened and men's minds were clouded by passion. Nevertheless the controversy up to 1872 was not whether a European British subject should be triable by a Judge of particular race but whether he should be triable by a particular class of Courts.

The Criminal Procedure Code of 1872 it was that really introduced race distinction. Inside the Presidency Towns, Magistrates & Judges have never been subject to any disqualification or disability and Indians have always been eligible to be appointed and have been freely appointed as Justices of the peace with jurisdiction over European British subjects and the same state of affairs continues even after the Criminal Procedure codes, the European British subjects being liable to be punished to the same extent as Indians by the Presidency Magistrates although they are recruited from the same class of officers as the mofussil Indian Magistrates. The Act of 1872 introduced the term European British subject in its present connotation and made the persons answering to the description amenable to the mofussil Magistrates and Sessions Courts but subject (i) to the Magistrates and Judges being European British subjects (ii) their being Justices of Peace (iii) to their power to sentence being limited to 3 months and one year

respectively. On principle, there was of course no justification for any of these limitations. No reason could be suggested why the same officers should not try to the same extent both sets of people. If the Magistrate was not efficient it was a good reason for removing him and not a reason for making the European British subject triable by other Courts. In fact efficiency was not the question at all for it will be found that even in the Act of 1872, foreign nationals were triable by the same Courts and to the same extent as Indians subject to their having a right to a special jury in all Sessions cases, which has since as already observed, been taken away. The European British subjects were given the right of appeal from any of the pettiest offence and the writ of Habeas Corpus (S. 81). They had no right of jury in assessor's cases before the Sessions Courts but they could claim that not less than half the jury or assessors should be Europeans or Americans. The Act of 1882 simply reproduced these sections. In 1884, some change was made by removing the restriction as to race so far as District Magistrates and Sessions Judges were concerned but a compensating advantage of *trial by jury* in all cases before those tribunals was given. Not that the absence of trial by jury was felt till then but it was thought necessary that a compensating advantage should be conferred. There has been

no change since though undoubtedly the efficiency of Indian Courts has enormously increased and the justice of the claims of the Indian to be admitted to equal rights of citizenship has been in a larger measure recognised. The Criminal Procedure Code contains another racial clause viz., that the European British subject should have the right to insist upon a jury composed of not less than one half Europeans and Americans. The Indians have no corresponding right. But the question is not one of corresponding rights but of the total abolition of racial distinctions from the Statute book. The same remark applies to the distinction made between the Indian subject and the European in the Security Chapter of the Code.

With these invidious race distinctions on Indian soil, it is difficult to plead with force for the recognition of equal rights in the Colonies. If these racial distinctions are abolished the statesmen and politicians responsible therefor will only be giving effect to the policy sketched out by their predecessors in 1833 and 1850 and not making a new departure. If the procedure is not purged of these racial distinctions, it will serve more and more to deepen the feeling of distrust in the alleged change in the angle of vision and the sense of unreality of expressions like "an equal partner in the empire" or "one of the original members of the League of Nations".

An Instance to be regretted.

The "Leader" publishes:—

His Lordship Justice Bannerjee of the Allahabad High Court disposed of a reference made by the District Magistrate of Meerut in a case in which Mr. Sultan-ul-Haq Secretary of the Hapur Khilafat Committee, was convicted of an offence under Section 17 (2) of the Criminal Law Amendment Act.

It appeared that on the 3rd of this month a procession of National Volunteers took place in Hapur. They were noisy and were accompanied by several hundreds of sympathisers. They came to the Kotwali and demonstrated. The police however, acted very wisely and contented themselves with taking away their badges and dispersing the crowd.

The same day Mr. Sultan-ul-Haq was arrested in the Local Congress Committee Office and put on his trial under Section 17 (2) of the Criminal Law Amendment Act.

The case was taken up on the 8th when some evidence for the prosecution was taken and then the case was postponed to the 11th. On the 10th, Sub-Inspector, Abdul Rahman Khan took Oudh Bihari Lal and Ashan Said, Sub-Inspectors under him, to Mr. Williamson, Superintendent of Police, and complained to him that they were refusing to give evidence in the case. Mr. Williamson took Abdul Rahman Khan

aside and asked him to say what the matter really was. Abdul Rahman Khan then admitted that, as a matter of fact Mr. Sultanul Haq was arrested in the Congress Committee Office but in order to strengthen the case against the accused, he wanted the Sub-Inspector to say that the accused was actually leading the volunteers in the procession and demonstration and was arrested on the spot, in the bazar. Mr. Williamson then asked the Sub-Inspectors to go and tell the truth in Court. In spite of this, both Abdul Rahman Khan and Ashan Said deposed in Court that the accused was arrested in the bazar, while leading the volunteers and the accused was convicted.

When he came to know of this Mr. Williamson sent for the record and having satisfied himself that the two Sub-Inspectors gave false evidence, wrote to the District Magistrate stating all the facts and asking him to move the hon. High Court to quash the conviction as everybody in Hapur and Meerut knew it was based on false evidence and it would strengthen the hand of the non co-operators.

The District Magistrate accordingly made the reference in question.

His lordship set aside the conviction and drew the attention of the District Magistrate against the two Sub-Inspectors for giving false evidence.

We fear the accused in the case

did not prove his innocence in his defence being a non-co-operator. In this case the case-diary, we are sure would have been scrutinised and it is very surprising how matters escaped the notice of the Circle Inspector-Circle and Sub-Inspectors who allow cases like this have to regret much while they will have nothing to boast of. In almost all trials of cases of this nature we find that the accused speak of the integrity of the Police in a manner which rouse the admiration of the entire legal and police world. This is an exceptional instance and shows how ready the authorities are to rectify any wrongs that they happen to discover *Suo-motu*.

Mr, Sultan-ul Haq, we believe, has been compensated. This very rare instance need not alarm the public. No body regrets the incident more than our Police officers and our Benign Government. It behoves the parties affected not only not to prove N.C.O. when they are innocent but also to help the Court to discern the truth. If they do not do so they are themselves to blame and it is impossible for the authorities to divine the truth.

It is not the law nor the enforcement of the state law that renders the Police unpopular but the dishonest and ignoble ways of an exceptionally few in the police that render the whole police unpopular. The laws are enacted to meet certain exigencies which have arisen

with a view to preserve the peace of the country.

Appointment of Special Police to prevent breaches of the Peace.

We have only to open the dailies in these days and we are sure to find under glaring head-lines "Rioting at—" Serious Breach of the Peace in &c. &c. At no time in the annals of India were things so grave and serious as it is now and the responsibilities of the Police for maintaining internal peace and security needs no reiteration here. Every novice in the Police Department knows it. Nevertheless no Police force in the world is so handicapped by legal disabilities as the Indian Police is. The mischief that irresponsible men in the street are doing in this transitional stage of India needs no repetition here. The only preventive measure of law on the subject is to be found in the preventive sections of the Criminal Procedure Code and they are found in practice to be quite inadequate and unworkable also. The only other provision of law which if very tactfully used can prove effective is that provided by Act V of 1861.

It lays down that when it shall appear that any unlawful assembly or riot or disturbance of the peace has taken place or may be reasonably apprehended, and that the Police force ordinarily employed for preserving the peace is not sufficient for its preservation &c., an officer not

below the rank of an Inspector may apply to the nearest Magistrate to enrol the required number of the residents of the neighbourhood as special Police officers to assist the Police in the preservation of the peace. This provision of law was found in practice more or less resorted to by the old police with a view to humiliate, or compel the special Police officers thus appointed to do menial service. In short, they, the old Police, abused their powers with the result that compulsory enrolment had to be resorted to and volunteers for enrolment as special police officers were not and are not even now forthcoming.

Even at this transitional and critical stage there are always many citizens whose sympathies are with the authorities in their endeavours to preserve the peace and who would gladly render every help in their power if opportunity is afforded to them for so doing. These in fact form the majority. If the responsible police officers should only tactfully work, volunteers for enrolment as special police officers will be forthcoming and compulsory enrolment need not be resorted to. Any way, if good is to result from the employment of special Police, a wise discretion must be exercised in selecting persons for enrolment as Special Police Officers. It is impossible to lay down hard and fast rules in this direction, but the guiding principle should be to select

only leading and influential citizens whose authority is recognized and respected by the people of the locality. From this point of view it would also be reasonable to appoint the ringleaders of the respective factions where they exist to be special Police Officers during a time of excitement, as their presence while employed in patrolling the streets or on other duties in matters of watch and ward would show that they are not to use their influence in fomenting the disturbances but only to repress them.

Influential persons of superior social standing should as a rule be employed on supervising duties in higher ranks than others of lower status similarly enrolled. If any thing had rendered service in the Police department unpopular in the past it was the high standard of discipline that they were subjected to and to which they are foreign. Hence more than nominal discipline should not be demanded of the persons appointed as special Police Officers. Conditions of the office which might be regarded by local residents as offensive and unnecessarily irksome should not be demanded of them.

Watch and ward duty in the disturbed areas either by themselves or in company with officers of Police of their equal social status and working as intermediaries between rival factions or parties should be the main duties on which they have

to be employed. The attitude of Indians towards Police Uniforms is too well known to need mention here and as such all that the special Police Officers are to be asked to wear is some distinguishing badge as circumstances may demand in each case.

We dare say that if the police should only keep their eyes and ears open and move with the people freely their work in this direction will be rendered easy and breaches of the peace could be averted in time.

The Best Police.

In an interview (with a representative) a Police official of 40 year's standing said:—

"Nothing could be better for the Force than for it to be officered by gentlemen, provided such gentlemen served in the ranks and rose step by step just as the present Constable has to do.

"To take men, however, and put them in a superior position without making them serve through every grade of ordinary Police man's duty would be the most detrimental thing that could happen.

"How can a man in the Police Force, where efficiency entirely depends upon extended personal experience in dealing with every class of life, ever become a useful officer unless he has served in the ranks?

"But it must be obvious to every thinking man that the better the class of man in the Force, the bet-

ter will the work of maintaining order be executed.

"The great mistake made by inexperienced Police officers at the present time is that they believe that their duty is to obtain charges; they do not realise that their work is to keep order, and that the better order they keep the number of charges brought is naturally less.

"Unfortunately this erroneous idea is encouraged by inexperienced gentlemen' officials, who are put into positions, by influence, that they are utterly incapable of filling.

"My opinion, after 40 years' experience in all sorts of Police duties is that the higher officials should impress upon their subordinates that the more they could do by fair speaking and good-natured persuasion to keep law and order, the better it would be.

"Many assaults on the Police are undoubtedly provoked, and a rise in the tone of the Force would certainly do away with many of these charges."

The above words we cannot but regard as embodying counsel of perfection. They are worth their weight in gold. To improve upon their effect is to mar it. Yet we cannot resist the temptation, as we believe the need for such utterance is now greater than ever. "What on earth can be more troublesome, round-about, and humiliating, than to have to rise from the ranks? Is there no royal road? No golden

gate of preferment? 'I a gentleman born, to go on beat, to do the round of menial police duties, and to rub shoulders with riff-raff? Born to command, how can I endure to obey?'—So pines and longs our would-be gentleman official. Shoe making, watch-making, bricklaying, stone-cutting, hair-splitting, all need apprenticeship, but man-mending does not, in his omniscience, need any. Strange infatuation! Men such as these would gladly scale to very heaven, but they would only spare themselves the trouble of getting up the ladder. The error of such prenicious thinking cannot be too heavily declaimed against. The other error our veteran official would have us soon mend is even more far-reaching in its mischievous effects, and it will behove us to lay to our hearts his sage admonition. The number of convictions brought about by the Police ought not, he says, to be made the test of their efficiency. Can we doubt its wisdom? Is not he the best surgeon who spares the use of the knife? Is not he the best Police Official, who by gentleness and persuasion reclaims criminals with one hand and prevents crimes with the other? Is not that the best Government which does away with the necessity of governing?

A Detective's Observation

An old detective returning home discovered his venison, which had been hung up to dry, stolen. After

observing the spot, he set off in pursuit of the thief, whom he tracked through the woods and inquired some persons that he met on the route if they had seen a little old white man, with a short gun, and accompanied by a small dog with a bob-tail. They answered in the affirmative: and upon the Detective assuring them that the man thus described had stolen his venison, they desired to be informed how he was able to give so minute a description of a person whom it appeared he had never seen. He replied: The thief I know, is a little man, by his having made a pile of stones to stand upon in order to reach the venison from the height at which I hung it, while standing on the ground; that he is an old man, I know by his short steps, which I have traced over the dead leaves in the woods; and that he is a white man, I know by his turning out his toes when he walks—which an Indian never does. His gun I know to be short, from the mark which the muzzle made by rubbing the bark of the tree against which it had leaned; that his dog is small, I know by his track and that he has a bob-tail, I discovered by the mark it made in the dust, where he was sitting while his master was busied about my meat.

Acknowledgment of Subscriptions.

The Editor begs to acknowledge with very grateful thanks the following receipts in order:—

1. F. S. Mallaly Esq. Superintendent of Police	10-0-0
2. F. J. S. Lister Esq. Do.	5-0-0
3. Dewan Bahadur P. Parankusam Naidu Garu	10-0-0
4. F. J. Chadwick Esq. Asst. Supdt. of Police	10-0-0
5. R. Hume Esq. Do.	10-0-0
6. E. R. W. Close Esq. Do.	10-0-0
7. B. W. C. Main Esq. Do.	10-0-0
8. J. M. Green Esq. Do.	10-0-0
9. Khaje Mohidin Hussain Esq. Dy. Supdt. Police	10-0-0
10. O. G. Woodhouse Adolphus Esq. Do.	10-0-0
11. C. V. Stanbury Esq. Supdt. of Police	10-0-0
12. H. P. Travers Phillips Esq. D. I. G. of Police	10-0-0
13. S. A. Kuppaswamy Mudaliar Esq. C. Inspector	12-0-0
14. S. Subramania Aiyar Esq. B.A. Do.	10-0-0
15. K. Jamburamasawamy Aiyar Esq. B.A., Dy. S.P.	10-0-0
16. Rao Sahib M. Sreenivasa Rao Avl. F. I. P. S.	10-0-0
17. E. J. Johnson Esq. Supdt. of Police	10-0-0
18. Rao Sahib A. K. Raja Aiyar Esq. B.A. Dy. S. Police.	10-0-0
19. A. J. Happel Esq. Dy. Commissioner of Police	10-0-0
20. F. Sayers Esq. Supdt of G. R. P.	5-0-0
21. L. B. Gasson Esq. Do.	5-0-0
22. H. G. Nettlefield Esq. Do.	5-0-0
23. T. Selvarajam Pillai Esq. C. Inspector, Police	5-0-0
24. N. H. Jagadeswara Aiyar Esq. B.A., Ast. Com. P....	5-0-0
25. F. Armitage Esq. Inspector General of P., Madras.	10-0-0
26. H. Pitt Esq. Commissioner of Police, Travancore	10-0-0
27. M. S. Subramania Aiyer Esq. B.A. Manager, I G's Office, Madras	10-0-0
	242-0-0

PART II.

Notes of Decided Criminal Cases.

Criminal Procedure Code (2 of 1898.)

UNLAWFUL ASSEMBLY.

It was laid down in the case of *Jaghiruddin v. Queen Empress* (L. L. R. 22 Calcutta) that "in dealing with such cases, while on the one hand it is necessary for the protection of the accused that he should not, merely by reason of his association with others as members of an unlawfully assembly, be held criminally liable for offences committed by his association, which he himself neither intended nor knew likely to be committed, on the other hand, it is equally necessary for the preservation of the peace, that members of an unlawful assembly should not lightly be let off from suffering the penalties for offences for which, though committed by others, the law has made them punishable, by reason of their association with the actual offenders with one common object. Members of an unlawful assembly may have a community of object only up to a certain point beyond which they may differ in their objects and the knowledge possessed by each member of what is likely to be committed in prosecution of their common object will vary not

only according to the information at his command but also according to the extent to which he shares the community of object "

S. 107 C. P. C.—13 C. W. N. *Bhon Lal Choudhury v. Mr. R. F. Hopcroft*. The party against whom proceedings under S. 107 C. P. C. are instituted, is in the position of an accused party and when he is bound over to keep the peace, his liberty is to a very great extent qualified. In *Queen Empress v. Mupasoddi Lal*, it was held that a person against whom proceedings under Ch. VIII of the Code are being taken, is an accused person within the meaning of S. 437 of the Code. If, therefore, the petitioner is an accused person his case certainly comes under S. 443 C.P.C. and as a European British subject he should be tried by Justice of the Peace or a District Magistrate.

Criminal Revision Case No. 299 of 1908, Madras.

In *Re Mahomedali Shet*.

PRESUMPTION OF POSSESSION OF STOLEN PROPERTY.

When a property is found in a house in the possession of more than one person, mere discovery of

stolen property in that house is not in itself sufficient to prove that the possession was of any one of those persons. It is not shown that the door of the room in which the articles were found was locked and that the accused had the key of that room and no evidence has been referred to by either of the lower courts to prove either the possession of the accused.

I. L. R. 29 Madras page 192. *Emperor v. Ramaswami Raju*. Police Act XXIV of 1859.

A Police Constable, who having obtained casual leave does not return to duty on expiry of such leave and stays away without obtaining fresh leave, is guilty of offence under S. 44 of Act XXIV of 1859 of 'ceasing to perform the duties of his office without leave'.

I. L. R. 29 Madras page 237.

S. 147 C. P. C.—A dispute as to a right to use a mosque by persons claiming to be entitled to officiate as Khajes therein is a dispute coming within S. 147 C. P. C.

I. L. R. 31 Madras page 43. *Krishna Pillai v. Krishna Konan*. Prosecution for offences requiring no sanction and committed in the course of the commission of offences requiring sanction.

When in the course of the commission of an offence for which no prosecution can be entertained

without sanction, other offences, which may form the subject of separate charges under S. 235 C. P. C. and for which no sanction is required, are committed, a complaint in respect of the latter offences can be entertained without sanction being obtained for the former.

Criminal Law Journal Vol. IX page 88. In *Re Pauttambi Mohideen*. S. 106 C. P. C., meaning of offences involving a breach of peace.

An offence involving a breach of the peace means an offence in which breach of the peace necessarily enters as a constituting element and an order under S. 106 C. P. C cannot be passed when the accused is convicted of an offence under S. 443 I. P. C., even though in the commission of the offence the accused did acts involving a breach of the peace.

(*Muthiah Chetty v. King Emperor*, followed I. L. T. 29 Madras 190).

Criminal Law Journal, page 89. Vol. IX.

4 M. L. J. P. 473 Prosecution of Village Magistrate.

S. 197 C. P. C.—In this case the Village Magistrate is alleged to have fabricated a record of a criminal case; according to the complainant there was no such

case and the whole record is evolved from the malicious imagination of the Village Magistrate who desired to provide evidence for use in the future. The question was whether S. 197 C. P. C. applies. It was decided that sanction was not necessary to prosecute the Village Magistrate.

Criminal Law Journal Vol. IX page 105

REFUSAL TO ANSWER AT POLICE ENQUIRY.

A refusal to answer questions asked by a police officer under S. 161 C. P. C. is not punishable under Ss. 176, 179 or 187 I. P. C.

I. L. R. 24 Madras 662 *King Emperor v. Antakki*.

S. 317 I. P. C.—*Exposure of a child*. Upon a charge being preferred against a mother of exposure and abandonment of her child, under S. 317 I. P. C., the Sessions Judge believed that the accused had left the child at a particular spot with the intention that it should be found and cared for by the owner of a neighbouring house. He acquitted her, holding that the offence charged had not been committed, in-as-much as the child had been deliberately placed where it would be found and looked after.

Held—that the acquittal was wrong. The gist of the offence under S. 317 is the exposure or leaving with the intention to

wholly abandon, and the manner of exposing or leaving and the consequences likely to ensure are not essential ingredients, though they may be taken into consideration passing in sentence.

Criminal Procedure Code, S54(1).

A constable who arrests an accused without a warrant for his arrest is justified if a Magistrate after taking the statement of the complainant of an offence under section 403 I. P. C. had issued a warrant for the arrest of the accused. A reasonable complaint of the accused being concerned in a cognizable offence need not have been made to the constable himself. It is sufficient that it was made to a person entitled to receive it (*Lindsay, J. 64, I. C. 278, Alay Mahomad v. Emperor*).

Cr. Pr. Code S. 109.—A person maintained by his father who earns an honest living is not a person who has no ostensible means of subsistence" under Section 109 Cr. Pr. Code. But if arrested under suspicious circumstances and he gives a wrong name and address and fails to give a satisfactory account of himself proceedings under section 109 are justifiable. 17 A. L. J. 432 dist (*Sulaiman J) Abdul Rashid v. Emperor 64 I. C. 141, 22 Cr. L. J. 749.*

Cr. P. C. Sections 110, 119 a d 437.—Where proceedings against the accused under section 110 Cr. P. Code ended in his discharge under section 119 the order of the District Magistrate acting on a note put up by the Superintendent of Police without taking fresh evidence or issuing notice to the accused to show cause, directing further proceedings to be taken, is illegal and could be set aside. It was further held that it was open to the Magistrate to issue notice to the accused to show cause why the order under section 119 should not be set aside. (Stuart, J. 7 Jaswant v. Emperor 19 A. L. J. 985.

Under section 145 Cr. P. Code a Magistrate has no jurisdiction to make an enquiry as to possession, still less any final order, unless and until he is satisfied of the likelihood of a breach of the peace and it is the fact and grounds of his being so satisfied that should appear in his first order directing the issue of a notice, and the grounds stated must be such as to satisfy a Court of revision before which the case may be brought by any of the parties concerned 12 C.P.L.R.2 Cr. foll. The Police report and the personal talk to the police and personal inspection of the land in dispute are not grounds justifying an order under S. 145

Cr. P. C. Kotnal A. J. C. Asram Chotulal 64 I. C. 288.

Though there is no provision in the Cr. Pr. Code for making Local inspection or for keeping a note of the inspection if made a Magistrate must invariably put on record a note of his inspection. 37 Cal. 340 foll.

Where a Magistrate used the knowledge derived from his inspection of the locality without placing on record his note of inspection, it was held that the omission of the Magistrate to place on record his inspection notes had prejudiced the accused and the conviction was set aside and a retrial was directed to be made from the stage just before the inspection of the locality (Jwala Prasad J.) Athar Hussain V Emperor Pat 27 (1922).

Indian Penal Code section 211 I. P. C.—Where the Trial Court believing the complainants convicted the accused the appellate court set aside the conviction and directed prosecution of the complainant under section 211 I. P. C. held from the split opinions of two different tribunals it may be taken as generally a normally safe guide to suggest that definite expressions as to the malice of either party are undesirable and the order for prosecution was set aside. (Bucknill, J.) Raghupat Sahai V Emperor Pat 26 (1922).

Registered No. 1596

THE

Indian Police Review

Devoted to the Discussion of all Police Topics.

Edited and Published by T. K. Sundara Aiyar.

Vol. I.]

March 1922

[No. 3.]

SIR JOHN CUMMING'S ADDRESS, A REVIEW.

"Would that some power the giftie give us to see ourselves as others see us" So sang Burns and the words are as true to day as when the Scotch poet wrote them. Self-examination has its own great advantages and the person is certain to benefit by it when he is able to judge of his own work from the stand point of others. And Sir John's admirable paper possesses in a great measure the fruits of his rich experience and ripe scholarship. It is always a difficult task to make the general public appreciate the difficulties under which a police officer works and has his being, for while all the other objects of government mentioned by the inimitable Sydney Smith roast mutton, potatoes, honest justice, clear highway

and a free chapel minister to the earthly comforts and heavenly bliss of the citizen, the stout constable with his baton stands for enforcing law and preserving order, tasks where irksomeness is felt by all, while the benefits are appreciated only by the thinking few.

The object of this short review is not to re-present what Sir John has so clearly set forth but rather to invite attention to certain aspects of Police life which have not been dealt with fully. The gathering which listened to the address was a very distinguished one and consisted of eminent men of different walks of life, of persons who had borne the burden of administration and not merely of arm chair critics. Hence it is that we have to approach the subject with a very great deal of diffidence and offer our suggestions not in the

role of the carping critic but of a thankful admirer whose complaint is that Sir John has not been more generous in placing before the public the results of his experience.

The paper is purely descriptive. It does not throw open to the reader suggestions how the police force in India could be improved, the fields which an officer of such eminence would like younger men to explore, nor, does it in any great measure describe the difficulties of the subordinate branch, their low pay and heavy work, lack of encouragement and timely promotions. If Sir John had only widened the scope of his paper and had suggested the lines on which he would like the department to develop, he would have added in no small measure to the value of his paper.

The description of the force starts with the obscure Village Watchman and stops with the Sub Inspector "the real centre round which all revolve". It is here that one feels something vacant. Sir John Cumming with his intimate acquaintance with the force must have known that everything is not all right with the force. He

started his paper with a witty saying from Sydney Smith and by that same text he must have satisfied himself that India does not possess a "Stout Constable." The regular constabulary has consisted mostly of half-starved poverty stricken fellows whose only glory was the uniform they wore and whose pay till very recently was certainly much less than what an ordinary coolie earned in any part of the country. Yet they are expected to be literate, intelligent, respectable, above temptation, obliging and obedient to their superiors.

The Sub-Inspectors' lot is no better. He is indeed the real centre of police life. "The higher officers make their tour with the periodicity of planets and occasionally with the eccentricity of comets" and the sun of this Police Universe has to keep shining and smiling with a hungry stomach and empty purse. While every body waxes eloquent about improving the morale of the force and about attracting better class of persons, no one seems anxious to consider that better work and better men will follow as a necessary consequence of better prospects. Seven years ago

Sir Harold Stuart, then Member of Council, appealed to the graduates of the year in his convocation address to seek employment in the police force. He asked the young men to join the lower rungs and assured them that even as the Private in the British army carried the Field Marshall's Baton in his haversack, the Sub-Inspector of to-day will blossom forth into the D. S. P. of a few years hence. The appeal fell flat and there was a titter of laughter among the graduates. Nobody took Sir Harold seriously. It was merely an exposition of one of his pet theories. Long ago a law graduate was tempted into the police force by Sir Harold and now at the tether-end of his service, after hard, honest and deservedly approved service he stays where he began, an Inspector.

Sir John has omitted to describe the training given to the officers recruited to the Imperial service from England. A few words about that branch of the force may not be out of place here. From the commencement of their service they are asked to check and supervise work, the details of which, they know very little. Of the con-

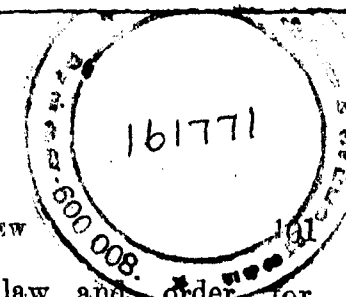
duct of cases in criminal courts these "direct recruits" are in utter ignorance. Yet they are expected to go through case diaries and pass remarks for the guidance of their subordinates. The A. S. P. or the directly recruited Dy. S. P. derives all his knowledge of administration of justice from the codes and has no touch with real life. One wonders why a system similar to that prevailing in the Indian Civil Service has not been adopted with respect to the police force. The young civilian is given a training which is 'thorough'. He passes through the various grades of Revenue and Magisterial work and, if anxious, learns well the work he has to supervise in after life. It is for the higher authorities, to consider if a similar system cannot with great advantage be adopted in the case of the young police officers as well. These are enthusiastic, energetic, intelligent young men and their work as officers will greatly improve, if they are given a proper training. During the period of probation they may be attached to a particular circle and asked to handle a case right from the moment

a complaint, is lodged. What is suggested is a regular station charge'. There must be the regular Sub-Inspector to assist them, for the difficulties arising out of the ignorance of the vernacular will be very great. The preparation of the charge sheet must be the young officer's work and he must attend the court even though it be that of the Sub-Magistrate and see for himself the various aspects of the police work. He will also be able to appreciate the position of the Magistrates, howat difficult and delicate is the task of appreciation of evidence and will not cry down as incompetent or corrupt those who feel that they cannot convict the accused merely because the case is put up by the police. The "cooked up" evidence, the "concocted" case, the 'gained—over witness who is the traitor in the camp, the elaborate cross-examination, all these form a fascinating study which will enlarge his horizon and enable him to take a more sympathetic view of the work of his subordinates. This is an aspect of the training of young officers which is worthy of the attention of men with the varied experience of Sir John Cumming.

The enforced attendance at the District Sessions is, it will readily be admitted, a farce in most cases. The officers attend merely to 'keep term' and feel like fish out of water. How profitable and interesting will their attendance become, if only, they had handled the case in the earlier stages and had attended the Preliminary inquiry in the Magistrate's courts.

Criminal Administration in India

The System of criminal administration now obtaining in India is based partly on the earlier indigenous systems, and partly on the system borrowed from England. But even after a hundred years of close imitation we have progressed little towards attaining that standard of co-operation between the police and the public which is the pride of England. It will perhaps take some decades more for India to attain to that standard, even if she should to day shake off the pernicious influence of the non-Co-operation and the khilafat workers and the blighting effect of the deepseated colour, caste and the creed prejudices which beset her.



The standard of police integrity obtaining in England is another ideal which it will take long for us to attain to, under existing circumstances. Progress in this direction is largely dependant on raising the standard of mass morality. The morals of the populace are always of a low character, much lower than the individual moral standard of the members constituting that populace. It is this low character of our masses that offers the greater temptation to, and furnishes the greatest opportunities for the subordinate police officers to compromise their consciences. So from both these points of view it behoves us to take up mass education seriously on hand at the earliest possible moment. Only then can the criminal administration of our country rise to any thing like a civilized standard.

The Khilafat and non-co-operation movements have engendered a spirit of lawlessness and disrespect for authority. The movements are admittedly directed to make the existing form of Government impossible. The police being the agents of Government for enforcing law and order, for preserving the peace of the country, and for ensuring safety and protection to the person and property of the people, the verbal activities of these extremists have been directed chiefly against them. Even from the beginning, the police in India have been unpopular. The assistance which the law enjoins on the public to give to the police and which the police are entitled to expect from the public was being withheld. More often than not the public have been indifferent if not actively obstructive to the police. Information which ought readily to have been given to police officers were being suppressed, and even obstacles put in their way of successful enquiries in the investigation of crimes. Just at the time when the first signs of cordial relations between the police and the public began to be visible, these destructive movements came on the scene and not only rendered their growth impossible but also swept them out of very existence. What a national calamity it was?

On the other hand what a blessing these organized movements would have been, if only

36
Z2, 193 m N22
N22

they had worked on constructive lines! What a blessing if the national volunteers called out by them had given their attention to the education of public opinion among our village people towards a high standard of public morality. What a blessing if they had educated one single village to see the futility of unnecessary litigation! what a blessing if instead of boycotting the courts, these extremists had set to work on creating real and impartial arbitration courts which would have dealt out cheap justice instead of being the instruments of tyranny and torture which they have been! But this was not to be. Nor is this all. Disturbances between Hindus and Mahamadans and between sects and sects of Hindus and Mahamadans on the occasion of religious festivals &c. have not become unfortunately rare either; but in addition discontent among the mill and factory labourers and among the inferior servants of Government have become matters of frequent occurrence. The extremists were not slow to exploit these feelings of discontent to work out their own nefarious ends; and whenever

these people have played upon the feelings of the ignorant labourers, serious strikes and lock-outs, culminating in many instances, in riot and bloodshed have been the inevitable result.

Respect for law and order and for constituted authority is indispensable for a country's safety and peace. Internal differences, if any have to be settled at all constitutionally, can be done only in such an atmosphere. The Khilafat and non-co-operation movements have set out not only to engender a spirit of lawlessness and defiance to constituted authority, but have also attempted to tamper with the police by the alternate methods of persuasion and public abuse. But it is in keeping with the traditions of the police that these efforts of the extremists have been practically ineffective. If there has been any strike or threat of strike among the subordinate police, it was due to economic causes. It had nothing to do with the activities of these political extremists. Persuasions and even public abuse having failed, there has sprung up a tendency to overawe the police by criminal force. The elaborate plans

and organized attempts against the police which are disclosed during the judicial trial of the Chauri-Chaura murders, and the other cases where the lives of many distinguished police men were sacrificed, indicate the lengths to which these extremists are prepared to go. They also afford an additional proof of the short-sightedness of these extremist politicians and their ignorance of the resources and the moral strength of the British Government. The British Parliament is fully alive to and more than able to discharge its responsibility for enforcing law and order and for ensuring the safety of the law-abiding section of the people of the country. More than any body else the police know it only too well. It was because the Government have always preferred to err on the side of leniency that such cases of rioting and blood shed as have happened have had occasion to grow to serious proportions.

Here we will narrate a few of the difficult instances of trouble which the police had to face and which would have grown to serious dimensions but for the timely action taken which averted the trouble.

To quote the Inspector General of Police, Madras, "Discontent among labourers employed in the mills and factories became acute giving rise to a number of strikes and lock-outs. The situation caused much anxiety but was well handled. In Madras City manifestations of labour unrest were frequent and of long duration and culminated in a riot on the 9th December. For sometime previously there had been a lock-out of the mill-hands of the Buckingham Mills on account of frequent disturbances. For the mill work the management arranged to bring coolies from the harbour in motor lorries. As these coolies were on their way to and from the mill, subject to repeated assaults by the mill-hands, an armed police escort of one European officer and five men was supplied to take them to the mill and back. On the evening of the 8th December a mob attacked with stones the lorries containing the police escort and the coolies on their way home from the mill and the stone-throwing was repeated the next morning when the coolies were being taken to the mill for work. On the latter occasion

the police guard attempted to arrest some of the stone-throwers but had to retreat to the mill under a fusillade of stones. That evening the police escort was raised to one Inspector, two head constables and 20 constables with Mr. Dawson, the Deputy Commissioner, in charge, the escort going in one lorry and the coolies in another and five mounted officers going in advance. The journey passed off without incident but crowds had gathered thick at various places. On the return journey to escort a fresh batch of coolies the police lorry was assailed with incessant volleys of stones by the crowd. The lorry was stopped and the police arrested two men. The lorry then resumed its journey and reached the mill amidst a shower of stones both from the rear and from the sides. On the second journey with coolies from the mill the two lorries started at 4-55 p.m., with five mounted officers in front, the coolie lorry in the centre and the police lorry about 150 yards behind. Large crowds had assembled at the corner of Farren's Road and Perambur Barracks Road and at the open spaces alongside the latter, and, at the first-

named place, both the lorries were subjected to heavy stone-throwing, several persons being struck and a constable injured. The situation was grave and it became a question of the Deputy Commissioner's men being killed, or deserting the coolie lorry ahead of them, or of dispersing the crowd by fire. The police under the Deputy Commissioner's order fired three rounds of buckshot and the crowd dispersed. Though pelting of stones continued on the road, both the lorries managed to force their way out and the coolies were safely delivered at their destination. The police lorry then returned to the mill to relieve the men of the guard there and was accompanied this time by the Commissioner of Police. At the same places as before stone-throwing continued, but the police party reached the mill and after relieving the guard, party accompanied by the Commissioner of Police, two Deputy Commissioners, the Assistant Commissioner and the Reserve Inspector and 20 more returned in the lorry at dusk. Pelting of stone began again near the corner of Farren's Road and Perambur

Barracks Road increasing in intensity as the lorry passed on and the hail of stones became so great and so many men were hit that the safety of those in the lorry was seriously imperilled. The Commissioner therefore gave orders to fire on the mob. Three rounds were fired and the crowd immediately dispersed. The lorry was stopped and both the Commissioner of Police and Deputy Commissioners got down to find out if there were any casualties but could find none. It was subsequently ascertained that 16 persons, mostly mill-hands, were injured, of whom, two died subsequently."

"The most serious case of riot of the year occurred at Perungamanallur in Madura district on 3rd April 1920. The Kallars of the village who had been proclaimed under the Criminal Tribes Act refused to appear for registration before the Special Magistrate appointed for the purpose in spite of persuasions and warnings. Warrants were therefore issued against them and, with a view to facilitate arrest and overawe the Kallars, a party of 50 men of the Reserve Police with a Sergeant was sent to the village.

The Kallars, who had been instigated by political agitators were determined to resist arrest and about a thousand of them armed with deadly weapons had already assembled in fields near the village. On the arrival of the police they fired an *adhirvedi* or gun warning as a signal for other Kallars from villages to join. The Sub-Magistrate and the Special Deputy Magistrate arrived soon after and they exhorted the Kallars to surrender and submit to registration, the warrants being shown and the names read out. Prolonged discussion followed and with a view to effect the arrest as peacefully as possible, even the Reserve police were, at the request of the Kallars, ordered to recede and pile arms. But the Kallars absolutely refused to submit to registration or produce the men wanted. The police thereupon arrested one man who was known, but he was immediately rescued by the mob. Their attitude then became threatening and they began to shout and brandish their weapons and enveloped the police and Magistrates on three sides. The authorities stood in imminent danger of

being attacked by the mob which had been reinforced by a number of Kallars from villages. As it refused to disperse the Sub-Magistrate ordered fire to be opened with the result that 11 were killed on the spot and 8 injured of whom three died subsequently and the mob dispersed. The riot was entirely unexpected but the action of the police has effected a revolution in the attitude of the Kallars towards Government which for long has been one of defiance and has paved the way for the introduction of measures for their reformation. The officers concerned deserve much praise for having acted with commendable coolness and self-restraint."

"A disturbance occurred at Muttupet in Tanjore District on 2nd May 1920 in connection with the passage of a Hindu marriage procession accompanied by music round the corner of a Mahammadan mosque. When the procession was nearing the mosque on its return Journey a Mahammadan rowdy complained to the Sub-Inspector who was accompanying the procession that the playing of music was contrary to orders and when the Sub-Inspector

was making enquiries another mahammadan rowdy stopped the procession. An altercation followed and the procession forced its way home. To avert trouble a Head-Constable and two constables were detailed to patrol the road between the mosque and the house in which the marriage was celebrated. At about 10 p. m. in the night a large number of Mahammadans gathered near the mosque and from there proceeded towards the marriage pandal pelting stones. The patrol constables were assaulted and they carried news to the station. The Sub-Inspectors with four men reached the scene and ordered the mob to disperse and as they refused to do so and had already set fire to a thatched house and as looting was apprehended he ordered the men to fire. The crowd at once dispersed. Only one Mahammadan had an injury on his knee. In the meanwhile some of the Hindus entered the mosque and defiled it. The dead body of a Mahammadan with injuries on his head was floating in the mosque tank. The murder remains undetected and a number of Hindus and Mahammadans have been charged for rioting."

The Inspector General of Police, Madras, says in his report dated 9-6-1921 "political agitation, labour troubles, depredations by criminal gangs and the celebration of important festivals imposed a heavy strain on the police and exposed them to serious risks, and though occasions causing provocation were frequent all ranks of officers displayed extraordinary self-restraint and acquitted themselves ably and well and deserve to be congratulated." And in order No. 680 Judicial dated 27th September 1921 His Excellency the Governor-in-Council, Fort St. George, says "The Government note with pleasure the testimony borne by the Inspector-General to the good work of the officers."

Again His Excellency the Governor-in-Council, Bihar and Orissa in their No. 3166-9 Police Administration says:—"Attempts were made to tamper with the loyalty of the subordinate ranks. It is possible that these efforts may have contributed to the unrest among constables, which culminated towards the close of the year in threats to strike unless they were granted higher

pay. The force as a whole, however, remained practically uninfluenced either by threats or by the more insidious forms of persuasions and the Governor-in-Council takes this opportunity of recording his satisfaction at the loyal and courageous manner in which all ranks did their duty under most difficult circumstances."

These are well merited praises which the Police of all India can well be proud of.

RANGOON POLICE.

"A marked feature of the year" says the Commissioner of Police, Rangoon, in his administration report for 1920, "has been the unsettled state of labour and agitation in imitation of the West for increased wages to meet the increased cost of living. Strikes took place amongst the Mill hands, the crews of the Irrawaddy Flotilla Company's steamers, Railway and Tramway employees and in the dockyards. Towards the close of the year the boycott movement was introduced amongst the students and school boys to express their disapproval of the University Act. The effect of the Khilafat, Satyagraha and non-co-operation movement was also felt in Rangoon and together called for careful and successful vigilance to avoid breaches of the peace.

A general reorganization of the pay of the Force necessitated by the increased cost of living was sanctioned by the Local Government during the year. The pay of Indian constables was raised from Rs. 16 on enlistment plus Rs. 2atta allowance, plus Rs. 1-12 temporary allowance to Rs. 21, the immediate nett increase being Re. 1-4. This increase has not fully satisfied the men who have drawn an unfavourable comparison between the increased rates of pay of their fellow constables in the Punjab and the admitted higher cost of living in Rangoon together with the expenses which they have to meet when proceeding on leave to their home in Northern India".

To be fair to the men it is an unfavourable comparison. They can get this and even higher wages in India where they can live with their kith and kin conveniently and comfortably, without the rigid rules of discipline and restraint they are subjected to in Rangoon. It is high time that the Government of Burma are profited by this warning note of the Commissioner and effect at once a temporary increase in their pay making the starting pay at least Rs. 25 awaiting the receipt of a report on the subject by a committee to be appointed at once for touring in India and making proposals on the subject. This is not enough unless the Government can also see their way

to adequately increase the strength of the Police Rangoon force. Editor.

THE VILLAGE MAGISTRACY

BY
R. D. P.

It was in the year 1816 that the first attempt at giving criminal judicial powers to heads of villages was made. Prior to that, though, as was only natural, the heads of villages unofficially settled minor disputes between the villagers, either by themselves, or with the help of other elders in the village, yet they had no official empowerment to do so; and their decrees had no legal authority. If the parties did not choose to submit to this kind of arbitration, they had to go to the Magistrate of the District who had the official empowerment. Abbe Dubois describes the state of affairs then prevalent. "The Hindus determine the greater part of their suits of law, by the arbitration of friends or of the heads of the caste. In ordinary questions they generally apply to the chief of the place, who takes upon himself the office of the Justice of the peace, and accommodates the matter between the parties. When he thinks it more fit, he sends them before their kindred, or arbitrators whom he appoints. When these methods have been ineffectual to reconcile the parties, or when they refuse to submit to the decision of the arbitrators, they must apply to the Magistrates of the District, who decide the controversy without

any appeal. The civil power and the judicial are generally united and exercised in each District by the Collector or receiver of the imposts. This sort of public Magistrates are generally known under the name of Havildar or Thasildar. This tribunal, chiefly intended for the collection of the taxes, takes cognizance of all affairs civil and criminal within its bounds and determines upon all causes." This was the subordinate magisterial machinery at the beginning of the nineteenth century.

On the 17th May 1816, by Regulation V of 1816, the Governor-in-Council enacted rules for authorizing Village Munsiffs to assemble village panchayets for the adjudication of Civil Suits. In September of that year, Regulation XI of 1816 was enacted, for the establishment of a general system of Police throughout the territories subject to the Government of Fort St. George. Among other things, this Regulation authorized the heads of villages to try petty Criminal Cases such as abusive language and inconsiderable assault and affrays, and to punish persons deserving of punishment by simple imprisonment in the village choultry for a time not exceeding 12 hours, or by putting them in stocks for six hours, if they belonged to the lower castes of the people. This is the first enactment officially investing village headmen with criminal authority.

The system evidently worked well. For, in June 1821, by Regulation IV of 1821, the powers given by Regulation XI of 1816, to Police officials, and to village headmen were extended; and village headmen were empowered to try cases of petty theft also.

The object of investing heads of villages and village panchayets with judicial powers was, as it was explained in the preamble to Regulation V of 1816, "with a view to diminish the expence of litigation, and to render the principal and more intelligent inhabitants useful and respectable by employing them in administering Justice to their neighbours." There can be absolutely no doubt but that this object was being achieved for a very long time. This is sufficiently proved by the fact that, when in 1888 the Government amended the law relating to the Civil Jurisdiction of Village Munsiffs, by the Village Courts Act of 1888, they did not see any reason to retract or even modify the criminal powers of village headmen. It was really a great convenience to the ryot population to have a tribunal so easy of access and so unhampered by codes and rules.

These criminal powers of village headmen still continue. But an examination of the statistics relating to the courts of these Village Magistrates, in recent years, shows that their usefulness has greatly

diminished, from every point of view.

The figures, tabulated in Appendix A, relating to the whole of the Madras Presidency, reveal an interesting history.

One or two points are obvious. It needs no more than a glance to note them.

(i) The number of Village Magistrates exercising jurisdiction in the Presidency has steadily decreased. From 5666 in the year 1897, it has come to 3151 in the year 1920.

(ii) There has been a corresponding decrease in the number of cases instituted before the courts of these Village Magistrates. The figures are 12,059 for 1897, and 8,692 for 1920.

(iii) The percentage of convictions by these Magistrates has also steadily decreased; which is a remarkable phenomenon, if you come to think of it. While in the year 1898, no less than 46·2 per cent. of the eighteen thousand and odd people brought to trial before these courts were convicted. Only 15·48 per cent. of the fifteen thousand and odd people tried in 1920 were convicted.

(iv) Another interesting point is that even though the receipt of cases has been decreasing, the pendency has been on the increase. One would have expected that the pendency which depended on the receipts would have also decreased. But it is not so. In the year 1898, out of a total receipt of about twelve

thousand cases only 262 or about 2 per cent. were pending at the end of the year. But in the year 1919 out of a total of about ten thousand cases, no less than 701 or 7 per cent. were pending. What can this mean except that either the Village Magistrate's work has become difficult, or that these Village Magistrates have become lazy?

Shall we try to find out an explanation for this state of affairs? Why is it that a system, that has been tried for a century and which has been found to work successfully for three quarters of a century and more, should now show signs of decadence? Is it a case of the old order yielding place to new, lest one good custom should corrupt the world?

Now let us admit that the number of these Village Magistrates exercising jurisdiction has never been very large, when compared with the total number of village headmen who could all have exercised these powers, if they had had the opportunity. The proportion of the V. M.'s exercising criminal powers to the total number has always been between a third and a fifth, never more than that. We may also take it for granted that all Village Magistrates who have not exercised their powers would have done so if they had had opportunities. For, it may be considered axiomatic, human nature being what it is, that any man with any power in his hand

will, and always does, exercise it, whenever the opportunity occurs. So if the number of cases tried by these Village Magistrates is not very high, it is because more cases have not been taken up before them for trial. It must of course be conceded that these figures do not include the un-official unrecorded enquiries which every village headman, who has any influence at all in the village, is called upon to make almost every day. But, on the other hand, most of these enquiries relate to matters so trivial that they could never have been taken cognizance of by law. So the object of establishing these Village Courts to make criminal justice more easily accessible to the ryots, and to prevent their being put to expense on account of trivial matters, has not been accomplished to anything like a satisfactory extent. Just consider these figures. There were 25,184 cases of simple criminal force and assault (under section 352 I.P.C.) dealt with by the subordinate magistracy in the year 1920, and 37,054 persons were involved in them as accused. Out of these, only 3199 persons were convicted, i.e. about 9 per cent. This shows that a great majority of these cases were either deliberately false, or were exaggerations of petty squabbles, just the sort that the Village Magistrates were expected to try. Most of these 3199 persons who were convicted would have been sentenced

to pay a fine ranging probably between 10 and 20 Rupees:—an amount which they would have felt no difficulty at all in paying. But supposing that all these 25 thousand cases had been taken cognizance of by Village Magistrates, which they have every power to do. There would have been so much less work for the Subordinate Magistracy; and, what is more important, in these 3199 cases of convictions the punishment would have been imprisonment in the village *chavadi* in the eyes of all the villagers, and this would have had a far more salutary effect on the offenders than an easily paid fine. Why did not these twenty five thousand cases go to the Village Magistrates, in the first instance? And why is it that the number of cases that go to these Village Magistrates is growing less every year?

Many causes have contributed to this avoidance of the village courts by the litigant public. Some of them are causes beyond the control of these Village Magistrates. In olden days, when communications were few and travelling was unsafe, there was a reluctance on the part of the litigants to go outside their village to a distant court. If the cases were of a trivial nature, going out of the village will not even be thought of; and the presence of a tribunal in the village itself was decidedly a convenience. But now there are roads every where, and travelling is safe. The Sub-Magistrate's Court

is only a few hours walk from the most distant corner of the taluk. Further, education, or, to be more correct, knowledge has spread: knowledge of both good and evil. Every ryot knows his prerogatives. He can, with an initial outlay of eight annas, set the whole machinery of criminal administration in motion and he knows it. He has been told it. He knows that if he can make up a plausible story, he can put his adversary to the trouble of coming all the way to the Magistrate's Court. If his case is true, well then, the Sub-Magistrate has greater powers of punishment than the Village Magistrate. If his case is false, well, there is no case so false that some vakil will not be found to bolster it up. With decently coached up witnesses and with a devil's own advocate, there is surely more chance of the case ending in a conviction in a Sub-Magistrate's Court than there is in the court of a Village Magistrate who gets extra judicial information upon the facts of the case. The result would depend on many other things, of course; but there it is, that he has put his enemy to inconvenience and expense, and his heart knows these powers that lie ready to his hand. Why then trouble the old Village Magistrate! The poor fellow has already too many worries.

All these is no doubt true. But are not these Village Magistrates themselves as a class responsible for

their decreasing popularity. As a class they are uneducated. All the educational qualification that their revenue work demands is ability to write. This at their first appointment. As they grow old in service they take care to forget everything except their signature; because all other work can be done by proxy. Besides being uneducated, a great majority of them are literally stupid. At least, their intelligence and education are not such as inspire confidence in the minds of the ryots. The very fact that such a small number of Village Magistrates have exercised powers seems to be a confession of incompetence by the class as a whole. That the ability to exercise judicial powers depends on their education is well proved by the district figures, which clearly show that the number of Village Magistrates exercising powers is largest in the districts where education has spread most. Right through, the districts of Tanjore and Tinnevely have shown the largest number of Village Magistrates exercising jurisdiction; while the districts of Bellary, Anantapur, and Cudappah have shown the smallest numbers. In 1920, for example the figures were, Tanjore 446, Tinnevely 571, Cudappah 6, and Bellary 13. The large disparity between the figures can be explained only by the relative advancement and backwardness of the districts concerned.

Secondly, the Village Magistrates are generally members of one or the other of the factions in the village. There is not a single village in India which has not got its two factions. There are many which glory in more. Being so openly a partisan, it will be a wonder if the people or the government expect the Village Magistrate to be an impartial judge.

Thirdly, the Village Magistrate is acquainted with the parties in every case that comes before him. Often he is under obligations to one or the other of them. Hence each party suspects him of being friendly to the other. There is also the question of caste to be considered. The Village Magistrate who will be impartial in a case where one of the parties is his casteman and the other is not, is yet to be.

Most of these defects are consequent upon the fact that the Village Magistrate is a resident of the village. That is to say these are defects inherent in the system itself. But the Village Magistracy as a class cannot be said to be beyond cavil.

Just think of the increasing pendency of cases at the end of the calendar year, in the face of the decreasing total number of the cases instituted. What does it mean if not that the Village Magistrates are getting thoroughly indifferent to this part of their work. In fairness to them some of the disabilities

they labour under must be pointed out. The fact that the Village Magistrate has no power of summoning either the accused or the witness who resides beyond his jurisdiction, probably, explains it to a certain extent. And what is worse, there is absolutely no means of securing their attendance; the High Court having ruled that Sub-Magistrates cannot endorse the summons of Village Magistrates when they have to be served outside the particular Village Magistrate's jurisdiction. It has been argued that the judicial powers given to the Village Magistrate being dependant on the principle that the trial is based on the Village Magistrate's personal knowledge of the facts and of the people, his dealing with persons outside the limits of his local knowledge will be a violation of the principle. But it has to be pointed out that this is an exaggerated view of the affair. Cases have arisen where petty theft of property like the fruits on a tamarind tree in a village, have been committed by an accused who resides in the neighbouring village but who frequents this village on business. The accused is as well known to this Village Magistrate as to any other; but this Village Magistrate has no power to secure his attendance to answer the charge. The only remedy is to call in the Police, who have to enquire, charge and conduct this petty case before

the Sub Magistrate of the Taluk or division. This is a real disability.

There is then the fact that though every Village Magistrate has the power of imprisoning a convict for twelve hours, it has been ruled by the High Court that this imprisonment could be only in a village *chavadi*. Imprisonment any where else, say the house of the Village Magistrate, is illegal. So, only in such villages as possess a *chavadi* can this power be exercised by the Magistrate. In villages where there is no *chavadi*, and these are 90 per cent of the totals, the power cannot be exercised; and the Village Magistrate having no alternative power of fining, the fact is that he cannot exercise his magisterial powers at all. This explains why the number of cases instituted before Village Magistrates is becoming smaller every year.

Now, to the other point mentioned above, namely, that the percentage of convictions in the Courts of Village Magistrates has been steadily decreasing, till it has attained the alarmingly small proportion of 15 per cent in the year 1920. Are we to suppose that 85 per cent of the cases brought before Village Magistrates are deliberately false? This is unthinkable; for we have to remember that there is hardly any chance of false cases coming before Village Magistrates who have or get extrajudicial knowledge of the facts of the case. If under these circum-

stances only 15 per cent of the persons accused before them get convicted, what are we to say? Then again, why should the percentage of convictions increase even when the number of cases instituted decreases? One would expect it to have been the other way! Remember that this 15 per cent is only the average for the whole presidency; which means that half the number of districts must have shown percentages less than this. The Government noted this curious point in their review of the Criminal statistics for the year 1920. A more curious point was also noted. "Several districts which returned the largest number of persons concerned in cases showed also a very low percentage of convictions." In Tinnevely out of 4620 persons tried by Village Magistrates, only 7 per cent were convicted. In Tanjore, out of 2064, six per cent. No explanation of this fact is forthcoming. It becomes all the more inexplicable when the percentage of convictions in the regular tribunals is compared with these figures. In the year 1919, out of a total number of about 128 thousand cases (in all the Courts except those of Village Magistrates) something like 50 thousand cases ended in convictions; i.e., about 45 per cent, a very satisfactory average. This is for all cases. The percentage for offences under the Indian Penal Code is about 25; for offences under special & local laws it is 85; which is but natural, seeing that the offences

under the Penal Code require a higher degree of proof to end in convictions than in the case of technical offences. Similarly in the year 1920, stipendiary Subordinate Magistrates tried 2,489,88 persons out of whom they convicted 97759 persons, besides 5825 committed for trial by higher Courts. The percentage of convictions is 41. In the same year Benches of Magistrates tried 10,6266 persons and convicted 83,134, i.e. 78 per cent of the total number. It is this latter figure that we should expect the figure for the Village Courts to approximate. But the actual figure is 15 per cent, while in the regular courts the percentage is 45, and in Bench Courts it is 78. It is curious indeed; and I shall not try to explain the inexplicable. Taking all these into consideration we cannot help coming to the conclusion that the system of one man exercising criminal powers, in villages, has of late become quite unsuccessful in the working. Add to these certain other facts which no statistics can reveal;—the constant abuse of power by these Village Magistrates. The undue importance that is generally attached to the first report which the Village Magistrate makes on the occurrence of a cognisable offence in the village, offers a strong temptation for the Village Magistrate to put in details based more on his imagination than on the actual facts. In the case of a quarrel, for example,

he will add just the one detail which will make it a cognisable case. Again, on the plea of ignorance, he will make reports even in non-cognisable cases, and then instigate the parties to go to court; and the complainant adds in his complaint, "The Village Magistrate was an eye-witness, and has also made a report about the occurrence." When once the report has been made, it is impossible not to take it into account. Thus it is that these gentlemen abuse their power to create evidence, and it is an open secret. In the year 1920, when there was a discussion in the Legislative Council about increasing the pay of village headmen, one Honourable Member went to the length of saying, "It is a matter of common knowledge that when the headman wants to make a report about a crime, he first wants to find out what the Head Constable has to say; because if the report is not according to the views of the Head Constable, the latter will tear up the report and dictate the report in his own way". But this is a slander on both the police and the village headman. The Honourable Member was unaware that it is only after the receipt of the Village Magistrate's report that the police go to the village; and so no police-man is near when the report is written; and that because a copy of the report is sent to the Magistrate of the Taluk at the same time as

the Police, no change is possible when once it has been written. But that is by the way. It is however true that the Village Magistrate uses all his powers of story-making in making his report, when it is to his interest to do so.

Another way in which the Village Magistrate abuses his powers is by harassing those of the villagers with whom he is at logger heads. He will cause some fellow in the village to lodge a complaint against the man on whom vengeance is to be taken; then issue process; get him to come to his house, adjourn the case as many times as he can; and though finally he may let him go in a fit of magnanimity, it is only after he has sufficiently harassed the man. If he is not satisfied with even this, he will send up the man to the Sub-Magistrate for failure to obey summons or some such pretext.

No more reasons need however be adduced for the growing lack of confidence on the part of the ryot population in the Village Magistracy. It was this prevailing want of confidence on the part of the people, coupled with the fact of the increasing indifference and incompetency of the Village Magistracy itself, that led the Government to formulate the Village Courts Act Amendment Bill as early as the year 1917. The Decentralisation Commission had recommended the formation of village panchayats and their

investiture with wide powers of local administration. The very large proportion of complaints of such petty offences as insult, assault and mischief that ended in discharge or acquittal in the regular courts suggested the idea that many of such cases could with advantage be tried in panchayat courts. The idea was made use of in Bill 3 of 1917, which after some discussion in the Legislative Council was referred to a select committee. The report of the select committee was discussed again by the legislature in the year 1920, and the Village Courts Act Amending Act of 1919 became law as the Madras Act II of 1920.

We are concerned only with the criminal jurisdiction which the act gives to the Village Panchayat Courts. As a safe-guard against abuse of powers, it has been enacted that only such courts as show their capacity for exercising judicial powers in their disposal of civil suits will be invested with criminal powers. Again, that only the most trusted of the villagers will form the panchayat has been ensured by leaving the composition of the panchayats wholly to election by the villagers.

Started under such excellent auspices, the Village Panchayat Courts have a great future before them. There is no doubt but that these courts will gradually displace the system of Village Magistracy, which has become effete. If these

Village Panchayat Courts function properly, as they may well be expected to, not only will the subordinate magistracy and the judiciary be relieved of a greater part of their work, but an admirable training ground for the villagers in the management of their own affairs will be provided by these courts. Not only so. The Police will have their work greatly reduced. All thefts of property less than 10 Rs. in value have been rendered cognisable by these Village Courts. The greater part of the cases of theft now tried by the Subordinate Magistracy relate to agricultural implements, small household utensils, ornaments or clothes, or small

quantities of agricultural produce, almost always less than ten rupees in value. If these cases are to be tried summarily by the Panchayat Courts, not only is all the elaborate enquiry by the Police now necessary saved, but the temptation for the lower ranks of the constabulary to consult and make up cases is absolutely removed. A case of theft to be enquired into by a panchayat of the Villagers themselves leaves little room for a false charge. Hence these Panchayat Courts now in their infant stages may well lay claim to the hearty co-operation of the police and there is little doubt but that they will receive it.

APPENDIX A

Statistics relating to the Courts of Village Magistrates in the Madras Presidency.

Year	Total number of V M's exercising jurisdiction	Cases			Persons				Percentage of convictions.	
		Received	Disposed of	Pending	Under trial	Discharged	Convicted	Pending		
1898	...	5282	11,731	11,752	262	18,389	9620	8261	508	46.2
1904	...	4370	10,533	10,479	324	17,340	11,273	5493	574	32.8
1906	...	4182	10,619	10,644	350	17,709	11,616	5508	585	32.2
1907	...	3941	11,014	10,974	389	18,646	12,850	5151	645	28.6
1908	...	4322	11,978	11,669	469	19,647	13,619	5202	826	27.1
1910	...	3990	10,660	10,600	450	17,388	12,442	4220	726	25.5
1912	...	4571	12,153	12,059	609	20,318	14,234	5066	1018	25.0
1914	...	4526	12,444	12,311	629	21,007	15,676	4311	1020	21.5
1917	...	3985	11,948	11,935	680	20,954	16,389	3365	1200	16.0
1918	...	3808	10,545	...	...	17,411	...	2907	...	16.7
1919	...	3852	10,453	10,288	701	18,271	13,966	3058	1247	17.9
1920	...	3151	8692	8670	569	15,502	12,182	2231	1089	15.5

C. B. N. PELLY ESQUR. B.A.,
COMMISSIONER OF POLICE.
ENTERTAINED BY THE MADRAS CITY
POLICE ON 9-3-1922.

The Officers of the Madras City Police gave a farewell entertainment in honour of Mr. and Mrs. C. B. N. Pelly. The entertainment was held at Kushaldoss Gardens and was one of the most splendid of its kind. It bore testimony to Mr. Pelly's great popularity and success as Commissioner of Police, an office he has been holding during one of the most turbulent periods in the annals of Madras. Himself unsparing in the discharge of his duties he had combined with this a spirit of unflinching kindness and courtesy which endeared him to all ranks of the City Police Force. His popularity with the general public of Madras has been equally great, a popularity dating from the time when he was the Chief Presidency Magistrate and reputed for his affability and robust common sense.

The Entertainment Committee which included Mr. A. J. Happell, Dewan Bahadur S. Bhavanandam Pillai, Khan Sahib Mahomed Kalimullah Sahib, and Inspectors North and Nicholas had elaborately decorated for the occasion the main building as also the compound of the Kushaldoss gardens. Flags and streamer gaily fluttered in the breeze on all sides while both the outer and inner entrances to the place had

been spanned with very artistically got up triumphal arches bearing appropriate devices thereon. At dusk there was also the electric illumination of the entire gardens and this served greatly to heighten the effect of the scene.

Mr. and Mrs. Pelly were accorded a most enthusiastic welcome as they alighted at the steps of the piazza. A band of School-girls strewed flowers in their path and sang a welcome song specially composed for the occasion. There was also the firing of day-light rockets. The gathering present included practically all the officers of the Madras City Police force with the ladies of their families. The guests were also numerous and representative of all sections of the community in Madras.

Dewan Bahadur S. Bhavanandam Pillai then addressing the gathering present said.

It would be intruding upon your patience, indeed, time would fail me were I to enumerate the many claims Mr. and Mrs. Pelly have upon the hearts of the members of the City Police Force. Suffice it to say that they have the true welfare of the Force at heart.

The duties of a Police Officer are at all times arduous and not seldom unpleasant. They range from the decent interment of a famine stricken sick pauper to the delicate handling of an accomplished political emissary. None who have not seen it at close quarters can realise

how difficult and arduous Mr. Pelly's duties were when the City Police recently passed through a fiery ordeal involving constant care, anxiety and watchfulness to avoid being shipwrecked not only by enemies but even by well meaning friends.

In several respects Mr. Pelly is a unique Police Officer. To begin with he is an alumnus of Halsbury and Trinity College and a graduate of the University of Dublin. Generally opportunities to have the honour of making arrangements during a Royal Visit will occur only once in an officer's official career, but in the case of Mr. Pelly three such opportunities presented themselves. When Their Majesties the present King and Queen visited India, he was on special duty in this City. When His Royal Highness the Duke of Connaught arrived in Madras he was the Commissioner and bore the whole responsibility of making the police arrangements. In January this year Mr. Pelly's eldest son accompanied His Royal Highness the Prince of Wales. So on the third occasion of the Royal Visit to India the noble father and his worthy son had an unique opportunity of serving the future Emperor of India. It is difficult for an outsider to realize the immense amount of bodily and mental fatigue undergone by him on such State occasions. In fact he over-worked himself to such an extent as to necessitate his taking the present long leave.

According to the Editor of Debrett Mr. Pelly's forefathers' connection with India dates as far back as East India Company's days. His great grandfather Sir Henry Pelly was a Director of East India Company and one of the Governors of the Bank of England. Mr. Pelly's grand-father Mr. C. Pelly was the third son of the first Baronet of the family and he belonged to the Indian Civil Service and served in this Presidency till he retired as the first Member of the Board of Revenue. His father Rev. C. H. Pelly was a well known missionary gentleman who worked in several parts of this Presidency. Mrs. Pelly's father Colonel Grove was the Officer Commanding Madras District.

It will thus be seen that the City Police Officers have every reason to be proud of the fact that their Chief is a gentleman in every sense of the term by birth, marriage and personal accomplishments and that he has been assisted by one of the most respected ladies.

The City Police officers, while feeling the void that will be created by the departure of the Hon'ble Judicial Member and Mr. Pelly, they console themselves with the reflection that three important facts are in their favour, viz, one of their renowned past Commissioners, will succeed Mr. Pelly and that one of their distinguished past Commissioners who has done so much for the City Police during a period

extending over seven years is at the helm of the Police affairs as the Inspector-General of Police. And the third fact is the Police Department will continue to be under the present sympathetic Chief Secretary Mr. Graham.

Mr.C.B.N. Pelly rising amidst deafening applause, replied as follows :-

On behalf of myself and my wife I thank the officers of the Madras City Police for so kindly organising this entertainment for us and I thank you, ladies and gentlemen, for the honour you have done me in attending in such numbers. It is a bit embarrassing for me to sit here and hear myself enlogised and to read as I have done just now in the paper an article setting forth my virtues. These last two years have been unparelled in the annals of the city for riots and disorders due to the insidious working of an unscrupulous set of persons who have hurled themselves together to defy law and order but in whatever I may have done to combat and steer through all this I have been most ably assisted by the officers and men of the City Police who by their untiring efforts and whole-hearted devotion have most loyally backed me up. The City Police have been and are, rightly and wrongly, no doubt abused, but when it has come to a scrape or when I have wanted them to turn out in a hurry I have always found them respond without a murmur to my call. I read this

morning in the paper that I intend to retire on the 14th after-noon! Gentlemen, this is not so. I intend to get my last "pound of flesh" out of Government and take all the leave I can before I retire. One word more—I feel that at times I may have been short in the temper and possibly a bit curt in manners with some persons with whom I have come in contact officially. I trust that I may be forgiven for this seeming incivility. I think my bark is more than my bite and I assure you that it is with feelings of regret that I am leaving behind me so many persons whom I call real friends from amongst my own officers and citizens of Madras. In conclusion I wish the members of the M. C. P. the best of luck, speedy promotion and suitable recognition in any work they may do."

At the conclusion of this short but interesting open air programme, Mr. Kali mulla Sahib "the Assistant Commissioner, called for three hearty cheers to Mr. and Mrs. Pelly in the following words:—"Pelly Satamath Rahay and cheers to Pelly" and all these as if in a surprise flashed out in brilliant electric lights in the three sides of the garden.

THE PAY OF MADRAS
POLICE.

FROM THE PUBLICITY BUREAU

At the end of 1921 the City Police decided in a body to refuse

MAR. 1922]

to receive their pay as a protest against what they alleged to be grievances in the matter of their pay and conditions of service. The Government agreed to allow them to submit their case to the Finance Committee of the Legislative Council and they have now received and considered the report of the Committee. The Government agree with the Committee that the only real grievance as regards the pay of the men is that under the present scale there is no increase in a constable's pay for the last 13 years of his service, and in accordance with the advice of the Finance Committee they are now pleased to sanction with effect from the 1st March 1922 the following revised scales of pay.

The Government also agree to bear completely the charges on account of supply of water to the constabulary living in Government quarters on the clear understanding that, if the charge by the Corporation authorities is materially increased on account of waste of water, it will be necessary again to limit the quantity allowed free and to collect all extra charges from the men. The Commissioner of Police will be requested to watch the amounts claimed by the Corporation as water charges.

The other grievances alleged related to the number of years of service to be counted for pension, the inadequacy of the accommodation provided in their quarters, the change in their uniform and the free admission of their children into schools.

As regards the first the matter is under correspondence with the Government of India and with regard to the last elementary education is already free in corporation Schools. In the case of the other items, the government note the amount spent on quarters cannot be increased and that no case has been made out for any change in their uniform which is in many respects similar to that of the Indian Army

DACOIT CHIEFTAIN.

HIS CAPTURE.

An interesting presentation of awards granted by the Government to private persons and members of the Police force for valuable services

CONSTABLES	
Existing Pay.	Pay now sanctioned.
Rs.	Rs.
First five years. 22	Rs. 22 to Rs. 30 by in-
After five years. 23	crements of Re. 1
After ten years. 25	every three years up
After seventeen 27	to Rs. 28; thereafter
years.	by increments of Re 1
	every four years up to
	Rs. 30.
	°
HEAD-CONSTABLES.	
	°
1st Grade 40	42
2nd Grade 35	38
3rd Grade 32	35

rendered by them in the matter of the apprehension of Jambulingam Nadan, the noted dacoit chieftain, and his armed gang of criminals, took place at the Nanguneri Police Station on 5-3-22 evening in the presence of a large gathering of the ryots and landholders of Nanguneri Taluq. Mr. M. Tamzuddi Sahab, Divisional Magistrate of Sermadevi presided over the meeting.

The daring acts of crime and the many escapades of Jambulingam and his gang are public property. Jambulingam was not a born dacoit but only an ordinary peasant who made a precarious living as a poacher on the Travancore hills till he came under the influence of a loose formation of dacoits who had their headquarters at Puliurkurichi. Once he found himself in the company of these men, his good intentions were cast to the winds and he entered with zest the new life which seemed to open up a vista of possibilities for amassing wealth with the least possible effort. He soon outdistanced his confederates by his splendid courage, daring and originality and was by common consent recognised as their leader. Before its second escape from Police custody on October 2, 1921, the gang had to its credit no fewer than six dacoities, a similar number of highway robberies, and a couple of charges of attempted murder.

The escape of this gang, effected under sensational circumstances

caused consternation in the public mind, as they carried away with them two carbines and cartridges which they had wrested from their escort and they made no secret of their resolve to wreak vengeance on their betrayers who had informed the Police and were the cause of their arrest. The Police with whom it became a point of honour to re-arrest the gang and retrieve their lost reputation lived laborious days and spent many a sleepless night.

They sought the assistance of Mr. A. Arumugam Pillay, the loyal Panniar of Puliurkurichi who did wield considerable influence in the locality. At his suggestion a K.D. named Ramiah Thevan and his two brothers who had just then returned after serving a term of imprisonment in the Palamcottah jail were entrusted with the work of netting Jambulingam's gang. The suggestion was at once acted upon and after receiving an assurance from the D.S.P. that their action would not be taken amiss these men wormed themselves into the favour of Jambulingam and his associates, and their pretention was so perfect that the gang implicitly trusted them and followed their guidance and was due to their tactfulness that an armed gang of desperate criminals was apprehended without any loss of life.

Mr. P. Ramachandra Iyer, Inspector of Police, having requested the Chairman to distribute the

awards he made a lengthy speech, in the course of which he deplored the lack of co-operation of the public with the Police, due to a distrust which was most unreasonable as the Police staff of the present day was recruited from men of education, status and character. He noticed with great sorrow that a large proportion of people who appeared as witnesses before a Court failed to realise the sanctity of an oath taken before it. In their opinion an oath taken before the deity—Madaswamy or Karuppannaswamy—was more serious and binding. This sort of materialism pervading the minds of the people was due only to ignorance and could be eradicated with the assistance of educated and god-fearing men.

The Chairman then handed the awards amounting to Rs. 500, to the recipients among whom were some village headmen.

Mr. T. V. Srinivasaragavachari, Personal Assistant to the D.S.P., thanked Mr. Tamzuddin for presiding and the proceedings then terminated.

INFANTICIDE.

It might be an information to many that at one time infanticide was looked upon as an act of virtuous sacrifice among the higher Hindu castes and the practice was carried to such an extent that the census showed a striking disparity in the numbers of males and females

in Northern India. The British Government was for a long time ignorant of this practice. Once the Government was apprised of the existence of such a fiendish custom sanctioned by religious and other motives, it adopted preventive measures and enforced them so stringently, that infanticide as a crime is not now more prevalent in India than in any other civilised country.

In the West the cause of this crime is chiefly social and economic. For example, the custom of courting prior to marriage, which exposes girls in many cases to unscrupulous and nefarious attacks on their virginity, coupled with the social disgrace as the result, is an important cause of infanticide. In the West this crime is more prevalent among the lower classes than in the higher. Poverty has in many cases played an important part and the despair of a helpless mother hardens the parental affection and in a fit of temporary feeling of wretchedness, she commits an act which, under better conditions, would never have been done. In India, to social and economic causes, we have to add also the sanction of religion a most dangerous motive in the case of misguided and superstitious persons.

Infanticide was most prevalent in India in the early periods of the East India Company. In the year 1789, Mr. Jonathan Duncan, a member of the East India Company's Civil Service, at that time resident

of Benares, first discovered the prevalence of this crime among the Rajkoomar Rapoots. In a letter to Lord Cornwallis he says "I am well assured and it is, indeed, here generally believed and being so, it is my duty not to keep such enormities, however sanctioned by usage, from the knowledge of Government, that it is no unfrequent practice among the tribe of the Rajkoomar to destroy their daughters by causing their mothers to refuse them nurture; whence this race of men do often, from necessity, marry into other Rajpoot families." In the year 1794 Sir John Shore gave a greater publicity to the existence of the crime by laying the subject before the Asiatic Society for its consideration. Mr. Duncan's remedy was to meet the Rajakoomar families and obtain a solemn "covenant" that they would renounce the practice. He also advocated a system of bribing them, as it were, to abandon it, by proposing to Government that pecuniary rewards should be offered for all females that might be born and reared. But this plan was not approved. It should be borne in mind that the Rajkoomars killed their female infants.

Pride of birth and the necessary humiliation should a suitable match be not had in the case of a girl to be married, were the motives which originated the practice among them. Mr. Duncan was, soon after this

appointed Governor of Bombay and there his work in putting down infanticide has become a matter of history. He found infanticide prevalent in Surat, Cutch, Guzerat and still more in Jodpore and the several states of Rajpootana. In the neighbourhood of Baroda, and more or less along the whole of the Western coast there was a numerous and powerful clan calling themselves Rajpoots, under the title of Jerejahs among whom infanticide was found to be universally practised. This tribe claimed to be among the highest and purest branches of the great Rajput family. The origin of the custom is thus related by Colonel Walker.

"The Jerejahs relate that a powerful Raja of their caste, who had a daughter of singular beauty and accomplishments, desired his Rajgor (domestic Brahman) to affianc her to a prince of desert, and rank equal to her own. The Rajgor travelled over many countries without discovering a chief who possessed the requisite qualities, for where wealth and power combined, personal accomplishments and virtues were defective. The Rajgor returned and reported to the prince that his mission had not proved successful. This intelligence gave the Rajah much affliction and concern, as the Hindus reckon it to be the first duty of the parents to provide suitable husbands for their daughters, and it is reproachful that they should pass

the age of puberty without having been affianced and be under the necessity of living in a state of celibacy.

In this dilemma the Raja consulted his Rajgor and the Brahman advised him to avoid the censure and disgrace, which would attend the princess remaining unmarried, by having recourse to the desperate expedient of putting his daughter to death. The Raja was long adverse to this expedient and remonstrated against the murder of a woman which, enormous as it is represented in the Shastras, would be aggravated when committed on his own offspring. The Rajgor at length removed the Raja's scruples by consenting to load himself with the guilt, and to become in his own person responsible for all the consequences of the sin. Accordingly the princess was put to death and female infanticide was from that time practised by the Jerejahs."

The above story is given in order to enable the readers to understand the motive of the act. A custom in this country soon gets religious clothing and religious sanction becomes all too powerful. The practice of the Muhammadan rulers demanding the daughters of the Hindu ruling chiefs in marriage also contributed to this custom.

The history of the measures enforced to put down this practice is beyond the limits of this article. But a brief reference to them may

not be out of place. Major Alexander Walker, resident at Baroda, tried to bring the Jerejahs to bind themselves to suppress the crime. But he met with a good deal of opposition, the most violent being that of the then Rao of Bhooji. I quote a letter written by the Rao to Major Walker just to give an idea of the prevalence of the custom and the fanaticism with which the humane attempts of the Company's Government were opposed. "It is notorious" says the Rao of Bhooji, "that since the Awatar of Sri Krishna, the Jerejahs, who are descended from the Hindoos have, during a period of 4900 years, been accustomed to kill their daughters and it has no doubt come to your knowledge that of all God's creation, even the Mighty Emperors of Hindustan, besides all others, the conductors of the affairs of this world, have preserved friendship with this Court and never acted in this respect unreasonably. But you, who are an Amir of the great Sircar (the Honorable Company) having written to me on this subject, I have felt much uneasiness, for it does not accord with your good character. This Durbar has always maintained friendship with the Honorable Company; and not withstanding this, you have acted so unreasonably in this respect that I am much distressed. No one has until this day wantonly quarrelled with this Court who has not in the end suffered loss. Do not again address me on this subject.

But even such a deep-rooted prejudice was eventually overcome by means of covenants, repressive measures and strict surveillance. In Malwa and Rajputana, the chief workers in this field were Colonel Southerland and Captains Thoresby and Ludlow. By means of punch-yats and extortations in public meetings to reduce the ruinous scale of marriage expenses, success was attained in Bengal. The effects of Mr. Montgomery's labours are still visible in Allahabad and other places. The Rajputs on the new frontier were the greatest sinners in this respect. The Cohan Rajpoots of Mynapooree were another class that practised the crime. In all these cases, it was the determination to put down this practice and a strict system of inspection that secured success in the end. Extortion in reducing marriage expenses played no small part in these classes voluntarily giving up the custom. In Agra the Bhadorah Rajpoots, and in the Punjab the Bedees, the highest class among the Sikhs, the Sodhees another class of Sikhs, the Manja and the Malwa Sikhs, a tribe of Jats called Burrars, and the Kutrees were not free from indulgence in this practice. Thanks to the British Government infanticide is now rare.

WELL-TRAINED & WILLING POLICE OFFICERS & IMPROVEMENT IN POLICE WORK.

Not long ago the Police was everywhere short of sanctioned strength, in spite of the fact that they enlisted one and all physically declared fit and the common reasons assigned every where was the brisk recruiting on behalf of the army, the better wages obtained elsewhere and the increased cost of living. Every where we found that all men who presented themselves for enlistment were put up before medical officers and those pronounced physically fit are enlisted without regard being had to their literacy, height and chest measurement and the candidate's general fitness for police work. The reason for this was not far to seek. In Ceylon the total strength of the native sergeants and constables were only 5 short of the sanctioned strength in 1917-1922 men present themselves for enlistment. Of these 911 (74 per cent) were rejected as unsuitable and physically or educationally unfit for service in the forces. That was perhaps the worst year for recruitment all over. Can this be said of any province in the Indian Empire. Are conditions in India different from those in Ceylon? Recruitment did take place there more briskly than in India. There is plenty of labour in Ceylon and labour wages are very high too. Then why is it that recruitment is

so easy in Ceylon? The chief causes among others are (1) the policeman's sons and the sons of his near and dear dependant relatives are provided for (2) even the retired police are cared for and well provided, (3) that the sons mentioned in (1) are taken care of from their fifth year by the Boys and on reaching the age of 14 they start earning pay at Rs. 5 per month (4) the sons of Police Officers and Pensioners given instructions and healthy exercise and recreation such as will befit them when they grow up to take their place in the ranks of the force, (5) there are quarters for bachelors and married men in most of the stations (6) Library and recreation is provided at the headquarters of all districts and at large stations. (7) the police man gets periodical promotions, the wages being sufficient to live with his family, though not in luxury, without want. (8) the superior officers are in touch with the constabulary and the upper subordinates take lovely care of them. (9) every precaution is being taken to keep them healthy and strong.

With this existing satisfactory arrangement the policemen must be, and are willing policemen to discharge their work well. Impossibilities are not expected of the men. They are properly trained in the duties before they are called upon to perform them. "Special attention is being given to the training of all officers and men of the force. The

key note of the system of training adopted therein is that all members of the force whatever their rank and position have always something to learn and that it is not only the duty, but within the power of every officer to profit by the experience and observations of others. On appointment and before promotion every officer and man goes through successive courses of instruction and examination which have the effect of testing each man's fitness for appointment and later for higher command. The work turned out by such men is bound to be very efficient.

Ever since 1915 there has been a steady decrease in crime. There has been a falling off in burglaries also. Towns afford special facilities for the police to check burglaries therein but the difficulty of preventing them in villages is felt all over.

In Ceylon special steps taken to check burglaries in villages are:—

(1) Police patrolling with the headman.

(2) Special attention being given to villages which have a bad crime.

(3) Inquiry being made as to whether the offenders are persons of the same village or habitual criminals of other parts.

(4) Supervision of habitual criminals by headmen and police.

(5) Officers in charge of stations pursuing cases of burglary reported and not giving them up as hopeless at an early stage on account of the

difficulty in detecting cases of burglary.

(6) Attempts to photograph the most dangerous criminals and to have their photos distributed among headmen and others of villages likely to be visited by the criminals that they might keep a sharp look out for them.

(7) Loitering at night after 9 p.m. near villages and roads without light without satisfactory explanation is liable to fine. This has a good effect in preventing burglary and cattle stealing.

(8) The branding of cattle with village number has good effect in checking organized theft of cattle. The stolen cattle have now to be slaughtered at once and they cannot be easily sold or put to other use.

(9) Almost all stations are connected by telephones or telegraphs and motor busses or bykes are available for immediate use by officers for promptly repairing to the scene of crime.

Unless the conditions improve on similar lines in British India and the Native states therein no improvement is possible in Police work in India and Burma.

RECEIVERS.

If there were no receivers there will be no thieves. Put down receivers and there will be no offence against property. But what a calamity! The Police now instead of putting down receivers

only train up innocent folk to become professional receivers and render impossible all chances of delivery of stolen property. Recovery of stolen property from houses searched is always open to suspicion for seldom do the Police recover by searches of houses any property worth the name, when the amount and nature of property stolen is considered. In cases in which valuable shawls and gold and silver jewellery were stolen, a petty coat or a small wooden box in which the jewellery were alleged to have been kept would only be recovered. The only recoveries of stolen property the Police are able therefore to effect are from those innocent folk who have neither received nor retained the property, alleged to have been stolen, dishonestly. The Police experience no difficulty in recovering property from them for the party have only to approach them and they deliver the property they are alleged to have received. Search of their houses by the Police has no meaning and all searches by the Police are not warranted by law. And search police registers you will find that, all prosecutions instituted under section 411 &c. of the I.P.C. by the Police would be only against these poor innocent folk who had committed the sin of honestly delivering the property when demanded, straightaway and especially those among them who did not satisfy the greed of the Police concerned. The

men shown as receivers in the Police registers are only these innocent men and not the habitual or professional receivers. There is practically no instance of recovery of stolen property &c., or prosecutions as a result of searches made under warrants issued under section 98 Cr. Pro. Code. Indiscriminate prosecutions like this only increase our difficulties in the way of recovering stolen property for a second man in the locality would not deliver the property as the first man did, for fear of being proceeded against. Hence our present system instead of diminishing the number of receivers only increase it and worse than that it trains up innocent men to become real receivers. No wonder then that year after year there is a considerable falling off in the amount of property recovered and in detection as well.

Unless officers take particular care and see that this state of affairs does not continue matters, worse as they are, will drift to the worst point. If the receipt of property alleged to have been stolen is dishonest then you may surely find attempts on the part of the receiver to alter the shape of, or, do away with the property itself. And there won't be straightforward and prompt delivery when the same is demanded. Therefore it is safe not to prosecute men who when demanded at once straight-forwardly & honestly deliver the property though alterations have been

effected in the shape of the property if the same had been done innocently under the honest belief that there was justification in doing it. We can come across many cases in which the Police would have done well if they had not prosecuted at all.

AID OF THE PUBLIC TO THE POLICE.

It is often said that if the Police have to perform their preventive and detective duties efficiently their legal disabilities must be removed. It is believed by one and all that a considerable improvement in this direction will be effected in the new Criminal Procedure Code. The coming into existence of the anarchists in Bengal and the havoc created by them in time past bear ample testimony to the defective legal provisions to check them. Since the out-break of unrest in Bengal year after year several of the most devoted, loyal and brave Police officers have been assassinated and property valued several lakhs have been stolen in the so-called political dacoities by the anarchists. The Police were simply powerless to fight against them. It is because of the defective codes. The passing of the defence of India Act and the enforcement of Regulation III of 1818 completely changed the condition of affairs. During the two years in 1916 and 1917 crime by anarchists had become almost a thing of the past. For the first time after so many years in

1917 no Police officer had been assassinated in Calcutta.

While we admit that the existing law is defective in so many ways to deal effectively with the present day criminals, we cannot deny that there are a few very strong measures in the Criminal Procedure Code to help the Police in successfully preventing and detecting crimes and these measures the Police are seldom known to enforce. As for instance chapter IV of the Criminal Procedure Code "of aids and informations to the Police and Magistracy." We regret very much that this chapter remains almost a dead letter and we are sorry that Superintendents and Assistant Superintendents pay precious little attention in enforcing the provisions of this chapter. They ignore the fact that the carrying out of the provisions of this chapter alone form the basis for all preventive and detective work. It is the carrying out of the provisions of this chapter that will enable the Police to take timely action under the preventive sections of the Criminal Procedure Code. The Police stations have extensive jurisdictions and the Police men attached to them are so few in number that it is impossible for them to personally know what goes on in every nook and corner of their jurisdiction; and besides it is not always possible for the Police to effect an arrest in or to safely escort the arrested from, some remote villages or to suppress

a breach of the peace therein or to prevent any damage to public property. It is why the Legislature have inserted chapter IV in the Criminal Procedure Code.

If only the public do the duty imposed on them by this chapter almost all offences against public tranquility such as riots and riots with murders can be completely prevented. Riots of unmeditated nature are few and far between. In most cases that rioting would likely be committed is known to all concerned and if immediate information is given to the authorities there is every chance that the rioting would be prevented.

For example we give the following case: Nattam is a tank irrigating the lands of A and Thangal that of B, two neighbouring villages depending upon their respective tanks for the irrigation of their lands. There is a river which feeds these two tanks. A people said that the practice had been to put a dam across the whole of the river and to let the water flow into the supply channel which fed their tank. A people received information that B people had removed the dam and had closed the supply channel which fed Nattam. The village headman and others of A went to the spot to ask B people for an explanation and B people asserted a right to it. A people proclaimed an order by beat of tom tom that men of A village and adjoining hamlets should muster

strong at the dam in order to divert the water into the supply channel of Nattam. B people were also determined to prevent A people from doing so. Both parties went armed prepared for a fight and a very serious rioting did take place in which two persons were murdered & various degrees of hurt were caused to seven others. Seventeen persons were tried for offences of rioting, grievous hurt & murder & eleven of them were convicted and sentenced to varying terms of imprisonment.

Here if the provisions of chapter IV of the Criminal Procedure Code been obeyed by A and B people the Police and the Magistracy would surely have got timely information of the matter and in all probability these dastradly offences would have been prevented.

Riots as a rule occur over land disputes, right of way, right of watering, temple disputes, religious disputes, etc., and in most of them that the riot is probable and likely is known generally to one and all of the locality. Riots caused by sudden impulses will be, of course, very few. Barring these few there is no reason why the Police should not take severe steps to prosecute those liable for failure to give information and others liable under sections 150 or 159 I. P. C. both inclusive. Prosecutions under these sections are very rare. It is for Inspectors of Police to see that invariably steps are taken in these directions.

It will be idle on the part of Sub-Inspectors to sit quiet at stations and not visit villages unless a cognizable crime is reported therefrom for investigation. It is worse than useless for circle Inspectors to make flying visits to villages. To look upon village officials and villagers as a whole as being intentionally obstructive to police-work is a mistaken policy. If the people only know that protection lay with the Police and that protection depended on their co-operation they would do all in their power to help the Police but only they must know in what way they could help the Police. This the Sub-Inspectors must explain to the people and where the Sub-Inspectors themselves are ignorant of what all the villagers can do to help them, it is the duty of Circle Sub-Inspectors to instruct them on the subject. There are superintendents of Police who in their inspection tours takes Sub-Inspectors out to villages and lecture to the villagers on what all they could help the Police, in the presence of the Sub-Inspectors. They would put questions to villagers and would ask the Sub-Inspectors to take down the answers and on return to the station throughly instruct the Sub-Inspectors on the various points touched by them. Wherever such Superintendents had been, riotings became rare, the Sub-Inspectors kept their jurisdiction in complete control so much so that in cases where prevention had been impossible

detection was an easy matter. Reports will be pouring in from villages into the station not of the commission of crimes therein but of arrivals there at and departure therefrom of all unknown or suspicious people and of all occurrences therein which would have a near or remote bearing on Police work.

This is the ideal that should be aimed at by all Sub-Inspectors and their superiors must put them in the way.

CRIMINAL CLASSES.

As a general rule all wandering criminals have a place for their residence during the rainy season which they seldom change. They generally set out early in the cold weather and return to their residence at the approach of rains. It is the duty of Sub-Inspectors in whose Stations such criminals are known to reside to be on their look out in the early cold weather and at the approach of the rainy season. These criminals have their own jurisdictions for their depredations and are not known to extend their operations to areas new to them. There are instances in which professional criminals were at work in areas for considerably long periods undiscovered by the local Police. Generally these dangerous criminals select the field for their operations for the coming winter of the next year before the rainy season sets in this year.

The Sub-Inspectors in charge of stations where Wandering criminals are known to reside must send out men in disguise to take a census of all the men that gather therein during the rainy season, to watch how they live, what they spend, whom they frequent, who all frequent them, what sort of property they handle and what all they generally do during their stay at home in the rainy season. Two or more Head Constables in case of big gangs should be detailed in disguise at the beginning of the winter to follow the outgoing criminals to their fields of operation a regular and systematic watch must be kept up at the post offices in and near the locality for the coming of parcels which may perhaps be to even persons highly respected in the locality. Immediately the rains set in, rather at the time when rains and floods paralyse all work and men shut themselves up in their homes the Police must begin their work. Wandering criminals are not generally known to carry property with them on their return journey. They have selected post offices or Railway Stations in or near the locality and the parcels will be sent through them to highly respectable people of the locality. The parcels will contain pieces of melted gold and silver if not currency notes and generally not by jewellery, registered post. The Wandering criminals do not so much trust their receivers as to send their proceeds to

be received in their absence. Generally the parcels pour in only at the beginning of the rainy season just prior to the return of the criminals.

There is not a place to which these criminals will not resort for purposes of crime and their disguises are varied to suit the credulousness of the people of the locality. Sub-Inspectors will have to keep a vigilant watch in these directions. They should shadow every one whose identity is not established locally or otherwise. An intelligent police man is sure to find if one belongs to the Wandering criminal class who as a rule never go in singles. Their halting place will be very near a Railway Station at the outskirts of towns and the party will generally consist of two or more members for each centre and they will carry on their depredations all round at a distance and not close by. If such suspicious men are come across the police must shadow them to find their rendezvous and wait for an opportunity to catch them together with the stolen property buried somewhere in the close vicinity. As hawkers, beggars, Sadhus, pilgrims, fakirs, physicians, fortune tellers, and madmen they can be met. The Police must not be satisfied until they find the home and the other members of the gang therein with the proceeds of their trades. They will take to wings the moment one is arrested. Crimes by them then become undetectable.

Criminal Procedure Code Ss. 107 and 125 :—Under section 125 Cr. Pr. Code the District Magistrate's jurisdiction is to cancel the bond executed by a subdivisional Magistrate under section 107. The District Magistrate is not an appellate or revisional authority and he has no power to vacate the order of the Subdivisional Magistrate as *ultra vires* or to quash the proceedings. If the District Magistrate purports to do so the High Court has power to set aside the order. 37 Cal. 72; 32 Cal. 948; 34 Cal. 1 ref. (Adam J). Durga Singh V. Amar Dayal Singh 3 Pat L. T. 103.

Cr. Pr. Code Section 144 cl. 4 and 5 :—The High Court must, in revision, against an order under section 144 of the Cr. code examine whether it was passed with or without jurisdiction in spite of the fact that the two months for which the order is to be in force under cl. 5 of section 144 had previously expired.

An order under section 144 Cr. Pr. code which is indefinite as to time is to that extent one made without jurisdiction.

Under clause 4 of section 144 a Magistrate has jurisdiction only to rescind or alter an

order made under the section by himself or by any Magistrate subordinate to him. A Magistrate has no jurisdiction on appeal from an order under section 144 of the Cr. Pr. Code to prohibit the counter petitioners before him from doing an act which they were permitted to do by the order appealed against. (Odgers, J.) Muthu Kumarasawmy Nadar V. Mahammad Rowther 42 M. L. J. 352, 30 M. L. T. 148; 15 L. W. 423.

Public Gambling Act III of 1867:—where it is not proved that the instruments of gaming found in a shop were kept or used for the profit or gain of the owner or occupier of the shop whether by way of charge or otherwise, the occupier could not be convicted of an offence under S. 3 of the Act. The mere fact that certain articles kept by a person were used as instruments of gaming does not raise a presumption that they were used for his profit or gain. Gokul Prasad and Stuart J. J. Lachchi Ram V. Emperor 20 A. L. J. 218.

Cr. Pr. Code Ss 164 cl 3 and 533:—Where a Magistrate recorded a confession made to him in the course of a Police

Investigation without questioning the person making it as to whether it was made voluntarily the defect is one of substance and is not cured by section 533 Cr. Pr. Code. The confession is therefore inadmissible in evidence. Shadi Lal, C. J. and Martineau J. Farid V. Emperor 2 Lah 325.

Cr. Pr. Code sections 205 and 353:—A Sessions Judge has power under the code of Cr. Pr. to dispense with the personal attendance of the accused, a gosha lady, and permit her to appear by pleader during the Sessions trial. In view of the habits and customs of the country and the social stigma that attaches to gosha ladies breaking purdah, it will be in the interests of justice that they should not be compelled to appear in public at least until they are convicted. Kumarasawami Sastry, J Sri Sri Kandamani Devi 42 M. L. J. 337, 1922 M. W. N. 165.

Cr. Pr. code sections 234 and 239:—Theft of two bicycles and the dishonest possession of them by different persons, knowing them to be stolen; form one transaction even though the receipt is not simultaneous with the theft

6 Bom L. R. 517 followed. The Joint trial of all the persons is not bad in law (Stuart J.) Anwar V. Emperor] 20 A.L.J. 96; L. R. 3- A 10. (Cr.)

Section 250 Cr. Pro Code:—In a case ordinarily triable by a court of sessions but is actually tried by a Magistrate, it is not competent for the Magistrate to award compensation under section 250 of the Cr. Pr. Code [(Part, J.) M. E. Dock V. Maung Po Than] 1 Burma L. J. 38.

Section 257 Cr. Pr. Code:—Prosecution witnesses recalled by the accused as witnesses for the defence do not change their character as prosecution witnesses and may be cross examined by the accused 1 C. W. N. 12; 28 C 594 foll. [(Odgers J) Venku Reddy V. Emperor (1922) M. W. N 120.]

Cr. Pr. Code Section 207:—In a case tried by jury the Sessions Judge allowed a police witness to give in evidence a confession made by the accused to him. The Judge made a note in the record that the confession was inadmissible but omitted to mention it in his charge to the jury. The conviction was held bad in as much as the mind of the jury might

have been influenced by the inadmissible confession having been deposed to and recorded in their presence and the omission of the Judge to mention it in the summing up constituted a mis-direction [Jwala Prasad and Ross, JJ.) Sumeswar Jha V. Emperor 3 Pat. L. T. 101.

Cr. Pr. Code Ss. 423 and 439 When the trial before a Magistrate was perfectly regular the mere fact that he had held a preliminary enquiry does not incapacitate him from trying the case. It is not competent for an appellate Court to order a retrial when the trial in the first court has been regular and the record of that court is as full as the law requires it to be and there is evidence on record to enable the appellate Court to decide the appeal on its merits. If inadmissible or irrelevant evidence had been admitted it should be left out of consideration [(Pratt J.) Mrs. May Boudville V. Emperor 1 Bur L. J. 32.]

Section 439:—The High Court cannot in revision convert a finding of acquittal into one of conviction. The only method of securing conviction in a case of acquittal is by an appeal by

the Government against the order [(Gokal Prasad and Stuart, JJ.) Emperor V. Sheo Darshan Singh] 20 A. L. J. 190; L. R. 3 A. 18 (Cr.)

Criminal Trial:—Pending an appeal against a conviction the District Magistrate found on enquiry the charge was false, the proper procedure was to proceed with the appeals in the ordinary course and it was open to the District Magistrate to instruct the government Pleader not to support the conviction. (Stuart, J.) Bhagwana V. Bhullan L. R. 3 A. 2 (Cr.)

Value of confession retracted:—A confession made and retracted must always be open to some suspicion but it is sufficient for a conviction if the court is satisfied that it was voluntarily made and true. The credibility of a retracted confession in each case is a matter for the court to decide, according to the circumstances of each particular case. [(Das and Adami, JJ.) Behari Adraki V. Emperor] 3 P. L. T. 98.

EVIDENCE ACT (ACT-I OF 1872)

Ss. 25, 27 and 30:—A statement made by an accused to a Police Officer, if it does not

amount to a confession may never-the-less be used against him. If it amounts to a confession it must be excluded from evidence altogether under section 25 of the Evidence Act. But in either case it can only be used against the person making it. A statement by one accused can only be used against a co-accused if the provisions of section 30 of the Evidence Act are applicable. In a case of dacoity against three persons, one of them mentioned to the Sub-Inspector that stolen property would be found in the house of the others, but on search nothing suspicious was found and he pointed out a *Dhuputha* worn by one of the co-accused as part of the proceeds of the dacoity, held the statement did not amount to a confession and was inadmissible against the co-accused (Ryves. J. Rambit V. Emperor) 20 A. L. J. 178; L. R. 3 A. 50.

Sec. 32 Dying Declaration:—Where a Magistrate went to record the Dying Declaration of a woman and although she could not speak; she, in answer to questions put to her, pointed out the accused as the assailant; held that the questions and

answers taken together might properly be regarded as verbal statement made by a person as to the cause of her death within the meaning of section 32 Evidence Act and were therefore admissible in evidence. [(Newbould and G h o s e, JJ.) Emperor V. Sadhu Churn Dass 22 C. W. N. 414.

S. 114 III. (a):—The fact, that some forty days after a dacoity one of the stolen articles was found in the possession of a person, would not lead to the necessary inference that he took part in the dacoity. (Ryves, J.) Rahmit V. Emperor] L. R. 3-A. 50; 20 A. L. J. 178.

THE INDIAN PENAL CODE.

S. 99:—Where there are two rival factions in a village and while one of the factions was taking certain cattle to the pound it was be-set by the other faction which was armed with lathis and a gun, the former faction is justified in repelling the attack if necessary, by the causing of death of the assailants. If however the assailants retract and subsequently one of them is shot dead by a member of the attacked party, the latter be-

come members of an unlawful assembly and are guilty of the offence of culpable homicide [(Lindsay and Sulaiman, JJ.) Nanku Khan V. Emperor] L. R. 3 A 20 Cr.

S. 147:—A person who is the leader of an unlawful assembly whose common object is to assault passers by commits the offence of rioting punishable under section 147 of the Indian Penal Code [Macleod, C. J. and Shah, J.] Emperor V. Sujatalli Nematali, 24 Bom. L. R. 110]

Section 411:—In the absence of anything to connect the husband with the possession of property, he cannot be convicted of an offence under section 411 I. P. C. in respect of stolen property found in the possession of his wife (Stuart J.) Khushi Ram V. Emperor] L. R. 3 A. 17 Cr; 20 A. L. J. 162; 4 U. P. L. R. (A) 14.

S. 460:—The accused and certain others committed house trespass by night and were retreating on being detected. While they were running away a neighbour caught hold of the accused and some of his companions inflicted injuries on the neighbour of which he died immediately. It was held that the accused was not guilty of

an offence under section 460 I. P. C. The section must be limited in its application to offences committed at the time during which the criminal trespass continues which forms an element in house trespass, which is itself essential to house breaking, and cannot be extended so as to include any prior or subsequent time. (Abdul Qadir J.) Mahomed V. Emperor. 2 Lah. 342.

Burma Habitual offenders Restriction Act Section 10:— This Act contains no provision for ordering an offender to execute a security bond. If the offender is confined to another village than his own, it must be proved that he would be able to earn his livelihood at that village. (Duckworth J), Emperor V. Nga Kala, 1 Burma L. J. 36.

*Railways Act Ss. 63, 93, 108 and 109:—*To prevent any danger to the health and life of passengers, section 63 of the Railways Act provides that the limit of passengers to occupy a compartment must be fixed and must be exhibited in some conspicuous place inside or outside the compartment or pain of penalty. A corresponding obligation has been cast

under S. 109 of the Act upon passengers to obviate entering a compartment which already contains the maximum number of passengers exhibited therein. These provisions of the Act therefore confer a right upon the occupants of a compartment to resist the entry of passengers when the compartment had already contained the maximum number allowed under the rules [Gwala Prasad J.] Ishwar Dass Varshni V. Emperor] 1922 Pat 63.

REPORTS OF INVESTIGATED CASES.

There are generally speaking three ways of detecting criminals, viz (1) the recognition of the offender or offenders at the scene while in the act or so soon after or before the commission of the crime, (2) the traces which led the offenders to the scene of crime from their start, in other words traces which led the criminals to the scene of crime and (3) the traces that pursue the criminals from the scene of crime to their places of escape. The recognition of the criminals at the scene of crime with evidence of traces that led them from their starting place to the scene

of crime and evidence of traces that pursued them to their catching point from the scene of crime, all together form most convincing proof of the guilt of the criminals concerned. Such convincing and conclusive proof or evidence that cannot be rebutted is not easily obtainable. Very seldom, if at all, we come across such instances of over abundant proof in criminal trials. The evidence that we commonly come across is that of recognition of the offenders at the scene of crime while in the act of the commission of crime. At any rate it is so in robberies and in offences against public tranquility, chapter VIII of the Indian Penal Code, and in offences affecting human body, chapter XVI of the Indian Penal Code; and of offences against human body the most heinous are those affecting life, the gravest among which is culpable homicide.

Inspection of the scene of crime is the real foundation upon which the subsequent investigation will have to stand. First of all, therefore, the exact spot where the crime was committed must be carefully looked for and noted.

This is the starting point for the investigator on his taking up the investigation of the case. Any mistake committed in locating the exact scene of crime is sure to end in a muddle, and the object of investigation will be frustrated. Three important things have to be carefully searched for and noted at the exact scene of crime before any other step can be taken with advantage; (1) whether the crime was really committed and if so where, for, the investigator has to begin where the criminals have finished their work of crime. It is from the actual scene that (2) traces which led the criminals to it and (3) the traces that pursued the criminals after the commission of crime can be really seen. In property offences a very intelligent inspection of the scene of crime will show clearly whether the crime was really committed or it was a concocted one with a set purpose by the complainant or some one else, in which case traces of outside criminals will entirely be absent and the complainant or his people will in one way or other derive some advantage by the alleged commis-

sion of crime. If absence of outside men is noted then traces of the complainant or his men will surely be there. It could easily be found in false cases that it was not only impossible for an outsider to have committed the crime but it was actually committed by the complainant or some one on his behalf. It is only a very minute and intelligent inspection of the scene of crime for finding traces to and from the scene of crime that would give clue to the commission of crime, lead to the discerning of traces of criminals to and from the scene of crime. For this even the minutest foot prints, finger marks, hairs, broken tools, rags, burnt or unburnt matches, marks of struggle, marks of blood, wheel marks of vehicles &c. have to be observed and noted. It is only after everything is observed very carefully that any further step should be taken. The items found at the scene must be traced to their authors whether complainant or his people or real criminals.

The Police very often forget when investigating cases that they have to present the result of their investigation in an

intelligible and readable form before a judge. A very important thing which at the present the police ignore is the plan of the scene of crime. The Police examine the scene of crime and come to certain conclusions but the courts have not and cannot have that advantage unless the police place before them a photo or a good plan of the scene of crime. Worse than this the officer that investigated the case seldom appears as a witness in the case before the court.

Let us go back to our subject viz cases in which all the evidence available is that of recognition of the offenders at the scene of crime while in the act of crime. What is it that the police do now? They at best spoil the value of even that evidence by their indifferent and indiscreet handling of the witnesses that speak to such recognition. They do not obtain before hand the descriptive marks or features of those whom the witnesses identified nor hold a proper parade of the suspected men mixed with others before being shown to the witnesses. The orders on the subject are more ignored than obeyed. The witnesses

are made to go with the police and point out the men in an at-random manner. In cases in which the witnesses do not personally know the offenders before hand and in instances in which the witnesses do not know them by names the identification evidence is always unsatisfactory before court. We have had abundant proof of such neglect on the part of the police in the hundreds of rioting and unlawful assembly cases that came up before courts since the beginning of the present agitation in the politics of India. This defective police work is well marked in cases under sections 392, 393, 394, 395, 396, 397, 398, 399, 400, 401 and 402 and cases under the last four sections are very rare.

A permanent policy of this Journal will be, besides giving notes of Decide Criminal Cases, also to give reports of investigated cases for the guidance of investigating officers.

Once a woman was waylaid and murdered and burnt in a jungle by her previous paramour in Mudevedu Station limits of Madanapally Circle. It was taken up as a suspicious death, as a criminal wandering

gang had encamped, about there, just previously. The Inspector of Police, who proceeded to the spot, at once observed and followed the foot prints which led him to a place where he observed marks of struggle on the ground at a furlong distance from where the body had been burnt and in the thorny bush close to it pieces of female cloth and long hairs had been found entangled. The bones of the murdered body were carefully searched for and procured and some earthen bangles were also found and these helped the Police Inspector to note the murdered was a female. The foot prints finally led the Inspector to a place, where, from the appearance of the ground viz., wheel marks &c. the Inspector found that a cart had been brought thus far and the woman walked from there. The bandy tract was followed and from the tract, foot-prints again led in the direction of a village close by, where the jewellery &c. worn by the woman at the time of murder was recovered from the search of a house to which the foot-prints led and two men that lived in the house were the servants of the previous paramour of the

road to finish a bit of business an' I'll till yer 'ow?" said the reformed thief. He returned in a few minutes, and casually asked: "Ow goes time' governor?" Taking hold of his watch-chain the official drew forth the pawnticket for his own watch, amid the laughter of the thief and his companions. This light-fingered "lifter" had performed the remarkable feat of stealing the watch, pawning it and attaching the ticket to its owner's chain without the slightest touch being felt.

He advised him:—He was a young vakil and the judge thought he would give him a chance. So he instructed: "Mr. Natesan, suppose you take the prisoner into my private room, have a talk with him, hear his story, and then, as man to man give him the best advice that you can. Then come back and report to the court".

The young vakil disappeared and in half an hour, he returned to the Court hall but minus his client, the prisoner.

"Go a head, Mr. Natesan, tell the Court the result of your talk," instructed the judge.

"Well, your Honour, I heard his story," answered the young vakil, "and I saw at once that

he had no chance at all. If ever a man is guilty, that man is. He acknowledges every point."

"Well, bring in the accused," said the Judge.

"Bring in the accused?" Echoed the young vakil in surprise "why I can't, your Honour. I did as you instructed I gave him the best advice I knew."

"Well, 'what was it?' asked the judge.

"Why", said the young vakil "I saw he had not the ghost of a chance, and I told him if I were in his place I'd get out of your window and beat it. And he did!"

The evidence shows more:—Mrs. Casey was before the magistrate charged with assaulting Policeman O'Rourke. She had been usually attentive throughout the proceedings, and now the magistrate was summing up the evidence. "The evidence shows, Mrs. Casey," he began, "that, you threw a stone at the officer." "It shows more than that, yer worship," interrupted Mrs. Casey, "it shows that Oi hit him!"

Indian Police Review

Devoted to the Discussion of all Police Topics.

Edited and Published by T. K. Sundara Aiyar.

Vol. I.] September 1922 [No. 4.

The Relation Between Poverty & Crime.

by
R. D. P.

"We are all of us potential criminals," Lord Russell is reported to have said at a recent conversazione of the Ethnological Society in London, "and the question of whether we become actual criminals depends largely upon three things,—early habits and training, environment, and a right view of life". This is perhaps putting it too strongly; but it rightly emphasises the influence of Society on an individual in making him a criminal. Physical, financial, social, intellectual, and religious circumstances, all have their due share of influence on the life of a man; and therefore on the life of the potential criminal. The present is not, however, an attempt to find out how society influences a man for good or for bad;

but is one merely to see how society in a particular economic condition influences a man towards making him a criminal.

That poverty is bound to have an effect on crime is easy to see. A man who is starving, and knows not wherefrom to get his next meal, naturally puts out his hand to steal a loaf of bread from the baker's counter. It is an instinctive animal impulse that moves the poor pariah with his brood of starving children, to go out at dusk to steal a sheaf of grain from the heaped-up bundles on the threshing-floor of the rich Muhammadan. The golden grain, at that moment, draws him with an attraction greater than that of an equal quantity of gold. Readers of *Les Misérables*,—and that means, I

hope, every one of my present readers,—will remember the first step in Jean Valjean's progress towards a life of crime. There they were, Jean Valjean, and his widowed sister with seven children, boys and girls. "It was a sad group, which wretchedness gradually enveloped and choked. One winter was hard, and Jean had no work to do, and the family had no bread. No bread, literally none, and seven children. On Sunday evening, Maubert Isabeau, the baker in the Church Square at Faverolles, was just going to bed when he heard a violent blow dealt the grating in front of his shop. He arrived in time to see an arm passed through a hole in the grating and the window pane; the arm seized a loaf and carried it off. Isabeau ran out hastily; the thief ran away at his hardest; but the baker caught him up and stopped him. The thief had thrown away the loaf, but his arm was still bleeding; it was Jean Valjean".

So close is the relation between poverty and crime that "it is a general axiom of police administration in India that crime tends to rise in direct proportion to the severities of economic stress".

The economic stress consequent on a bad agricultural season directly causes a sudden leap in the number of offences against property. The effect of high prices is to increase substantially crime of a certain type, particularly robbery, with or without

violence. Were it not for the fact that mere statistics cannot be given undue importance as indicating such general results, and that statistics become less reliable in proportion to the area concerned, it will be possible to illustrate the influence of poverty on crime from all-India figures about crime. It need hardly be reminded how as a direct result of the disastrous monsoon of 1918, coupled with the reaction of the activities of the war which came to an end in that year, there was continued scarcity and a steady rise in prices throughout the year 1919, and food riots broke out in several parts of India. Taking the case of the Madras Presidency alone, the year 1919 saw a general increase in crime. The number of offences under the Indian Penal Code was 1,21,779 as against 1,12,053 in 1918. Nearly half the increase was contributed to by offences against property. This increase in the number of offences against property was ascribed by a majority of Sessions Judges, and District Magistrates, in their reports to Government, to the economic distress then prevailing.

The offering of a greater number of temptations, and lessening the resisting power of the criminal classes by increasing their physical needs are not the only effects of a state of economic depression. A more disastrous effect of such periods is that they push a class of people who

are not by nature or antecedents criminals to actual crime. People who would otherwise have been living a life of virtue are forced to take to a life of crime. A rise in the price of skins and leather, for example, means an increase in the number of cases of cattle-lifting, in that the temptation offered is greater than usual, and a class of men who would not otherwise resort to this means of making their livelihood are tempted to adopt it.

But this is not all. Poverty has a less direct, but, to my mind, more subtle and hence more sure, influence on the lives of individuals. The greatest evil of poverty is that it pre-disposes man to crime. What happens in a period of economic distress is this. Not only is there an increase in the number of offences against property, but there is also a general increase of grave crime. This will be inexplicable except on the supposition that poverty has a psychological as well as an economic effect on men and their character. The present is an attempt to diagnose just this subtle psychological effect of poverty on men's character.

A state of poverty means a poisonous environment. Of course it ought not to be. A poor man ought not to be under any greater handicap than his rich neighbour. But in this world, it is so. A poor man is denied any but the company of people as poor as him. He might

be one who had only fallen in his fortunes; or one who had been reduced to that state by circumstances over which he had no control. But in the estimation of the world all this does not count. The Dives of this world are content to leave him at their gates to the company of the dogs. Such an environment therefore by its very nature precludes all possibility of improvement. Even a man accustomed to decent society and a higher code of ethics would deteriorate if placed in such an environment. How great then the effect on individuals placed in such an environment from their very birth. The memories of a past experience, and the inspiration of the ideals of a higher state of living are for them absent. He will be an illusionary who expects any good from individuals placed in such an environment. As I am writing this, I am thinking of a slum in one of our bigger towns which is occupied by a class of people who are a cross type between Pariahs and the lowest classes of Muhammedans. There are only a few houses, but the majority of the occupants are young people; boys and girls between 15 and 25 years of age. I have always been wondering at this conspicuous absence of older people. I can only think that this particular slum is made up of runaways from homes. The squalidness of the surroundings is appalling, but the people themselves do not seem to

be miserable. Not one of them goes to work during the day time. All day long, playing at cards, loafing about and singing of vulgar songs,—these are the occupation of both the sexes. How do they live? Need it be said? The whole crowd is living on the women. Do you expect any good to come out of such an environment?

Lord Russell, whom I quoted in the beginning, is reported to have said in the same speech, "The incidence of crime is analogous to that of zymotic disease. If owing to bad environment the bacillus had obtained access to the patient, the question of its future growth would depend on whether it found suitable soil owing to bad habits, or an unfriendly reception from a healthy subject; and so far as its ultimate triumph or subjection was concerned, the moral will and the religious instincts might be likened to the anti-toxin which the healthy human body calls out to rout the invader". It will be truer to say that in the case of people born of parents who also lived in such poisonous environments, they are tainted with criminal tendencies from their very birth. The bacillus got in at the very beginning, not through the environment. But the environment being as it is, attempts to cast out the poison are quite absent. The environment only stimulates the multiplication of the bacilli. Such is the handicap which the poor are placed under.

There are some who maintain that environment cannot influence a man. If he is really, by nature, virtuous, no amount of poverty and misery can affect him, they say. "It is impossible for diamond to rot." Gold only improves its colour with heat. True. Only, such adamantine and golden characteristics as are presumed, are rare in the world, much more so among the set of persons we are thinking of in this present study.

Now, then, what is the actual psychological effect of a state of poverty on a man. How exactly does it influence him for evil?

In the first place a perpetual struggle with the miseries of poverty and want has a very disturbing effect on a man's conceptions of values. A poor man sets little value by his life. He has no use for it, has nothing to live for. When life itself is a burden, the prospect of losing it does not affect him at all. Those who have had opportunities of watching the death-beds of the poor and the rich are struck with a great difference. In most cases, the rich man parts with his life with great reluctance; but the poor man, mostly, with a kind of satisfaction, a feeling of relief as on arrival at the destination of an unpleasant journey. A man who sets little value by his life is not likely to be much affected at the thought of taking away the life of another. Hence the almost complete monopoly of grave crime by the poorer classes.

Secondly, the man who is continually harrassed by want, and is ever on the brink of death by starvation, has little regard for the laws of society. He has nothing to lose, nay, has everything to gain, by disregarding these laws. A famished man will go any length to escape the tortures of hunger, even for a time. The evil that can come to him by a transgression of law is nothing compared with the grinding misery of a death by slow starvation. Thenceforth, the law ceases to have any restraining influence on him. He sets at defiance the laws of society and of communal life. He will take another man's poverty, nay, kill him if need be, if only thereby he can prolong his life a little more. So it is that we find habitual thieves only among the poorer classes. So it is that in a period of scarcity and famine, many more people than usual are driven to the necessity of committing crimes. I remember the case of an orphan boy, about fifteen years of age, who ran away from his guardian after some misunderstanding. He was on his feet for three days continuously. He had lost his way to the village where he expected to find some relatives. On the third morning while passing through a village, he saw a house locked up. It was the time of the ground-nut harvest; almost every-able bodied adult in the village was out in the fields. He entered the house by the opening

between the wall and the roof. He went straight to the kitchen, ate up all the cooked rice that was there and came out. He did not take anything else. He was noticed while getting out, and was caught. Theft of a brass vessel was attempted to be foisted upon him. But the almost self-evident circumstances of his case saved him. He was hardly to be blamed for his action. It was the instinct of an animal in search of food that led him inside the house. The people who accused him would most probably have done the same thing under similar circumstances.

Not only is the poverty-stricken man devoid of all regard for the laws of society, but he has absolutely no regard for the opinion of his fellow men. The great restraining power which keeps the greatest part of mankind within the bounds of virtue is the love of esteem and the dread of contempt. The passionate desire, natural to man, that he should be favourably regarded and thought well of by his fellow beings is what prevents him from doing anything which will bring down their contempt upon him. Many a man will unhesitatingly do certain things which he is kept back from doing only by the thought of what people will say. Hence the advice of Mr. Wordly-wise, "Assume a virtue if you have it not". Hence the presence of that class of people called hypocrites,—“the white-washed sepulchres, which indeed appear

beautiful outward but are within full of dead men's bones, and of all uncleanness". The poor man has however no need to affect. His very state of poverty excludes those favourable regards of mankind the desire for which constitutes the strongest motive to virtue. A poor man is already in a state of contempt, analogous to that in which misconduct would have plunged him. Out of this state of contempt, no amount of virtue that he can practise can raise him. So is the world constituted. Hence in whatever he does he is perfectly indifferent as to the opinion of men.

Not only is he thus passively indifferent, but he wilfully and deliberately does things to provoke public opinion against him. Not only does he not want the good opinion and sympathy of his fellow men; but he himself loses sympathy with his fellow creatures. The virtuous feelings of a desire for the pleasure of others, and an aversion to their pains become gradually deadened. Rather he comes to hate their pleasures, as rendering the sense of his own misery the more poignant. He comes to desire their pains, as rendering the sense of that misery the less. The cruel and ferocious character which uniformly accompanies the hardships of a savage life are to be explained only by this. The hardships of a poverty stricken life react on the character in a very similar manner. A man who is

perpetually harrassed by the torment of present, and the dread of future, want completely loses all sympathetic feelings to his fellow creatures. Poverty is a "moral cancer that eats into the heart of an otherwise well-intentioned human creature, and makes him envious and malignant, and inclined to the use of dynamite".

In his great psychological study of the criminal mind, Victor Hugo has described how the imprisonment of Jean Valjean, which had extended itself from five years to nineteen, had reacted on his nature. "In nineteen years, the inoffensive wood-feller of Faverolles had become capable of two sorts of bad actions: first, a rapid unreflecting bad deed entirely instinctive, and a species of reprisals for the evil he had suffered and secondly, of a grave, serious, evil deed, discussed conscientiously and meditated with the false ideas that such a misfortune can produce. He had for his motives habitual indignation, bitterness of soul, the profound feeling of iniquities endured, and reaction even against the good, the innocent, and the just, if such exist. The starting point, like the goal, of all his thoughts, was hatred of human law; that hatred, which, if it be not arrested in its development by some providential incident, becomes within a given time a hatred of society, then a hatred of the human race, next a hatred of creation, and which is

expressed by a vague, incessant and brutal desire to injure some one, no matter whom." It is this instinctive, uncalculated, habit of doing evil whenever it is in his power to do so, that was responsible for Jean Valjean stealing the two franc pieces from the little boy Gervais. An absolutely motiveless crime it was. There was no reason at all why the boy should be deprived of what was giving him a great pleasure; no reason at all why Jean Valjean should harm him, who had done no harm to him. The theft of a two franc piece was not going to benefit Jean Valjean much. Yet the crime was done instinctively, without a moment's thought. Such is the effect of a life of continued misery.

Another result of incessant suffering on an individual is that it produces an extraordinary greediness of immediate gratification; a violent propensity to any sensual indulgence which is within reach. To a man who has come to desire the pains of his fellow beings, and hate their pleasures, the consideration that the gratification of his pleasure may cause sufferings to others does not count. It will be vain to expect him to deny himself any gratification on this account. The animal nature of man, when it is under suffering, impels him with a force which is almost irresistible, to afford himself some compensation in the way of animal pleasure;

any pleasure whatsoever rather than none; that which he can most easily command; that which most completely takes from him a while the grating reflection of his own wretchedness. Therefore it is that we find that the poorest people are the most intemperate, the least capable of denying themselves any pleasure which they can command, however hurtful it may be. This is how that passion for intoxicating liquors which is so common among the poorer classes is explained. A savage, being still more wretched, has a still more furious passion for these pernicious drugs.

On the whole, therefore, the general result is that in a state of extreme poverty, the motives which generally restrain individuals from crime; respect for the laws, dread of the punishment that would follow, desire of the esteem and affection, dread of the contempt and abhorrence of his fellow-beings, sympathy with the pains and pleasures of one's fellow creatures, lose their influence upon the human mind, while many of the appetites which prompt to wickedness acquire additional strength.

This connection between poverty and crime is one of the laws of society on which the attention of the legislature ought to be fixed, to a peculiar degree. The state of crime in any country is undoubtedly a criterion of the state of its prosperity. If the elimination of crime

is the avowed object of every Government making the least claim to be civilised, then attention should be directed towards practical methods of attaining that object; and the elimination of poverty should be one of the earliest steps taken.

And as environment and early training have such a large bearing upon the crime mentality of an individual, one of the most obvious methods of eliminating crime would be to remove people from under the handicap of undesirable influences in early life. The younger generation of the poorer classes,—the classes that either habitually resort to crime or are ever on the brink of the margin between a criminal and a virtuous life, whom the slightest disturbance in the economic equilibrium of the country, would push into an actual state of crime,—it is these young that have to be attended to first of all. Everything, therefore, comes back,—to quote the words of Lord Russell,—“to the overwhelming importance of the true education and the proper training of the young, a matter in which we are still lamentably indifferent, and strangely haphazard.”

MODERN CRIMINALS SCIENTIFIC SWINDLERS.

THEIR RECENT METHODS.

(By DR. A. R. ROY, PH. D.)

The study of crime is fascinating. The greatest criminals are not behind prison walls but right among us. It is an uncomfortable thought, but, nevertheless it is true. The cleverest of them work so carefully, cunningly and unobtrusively, that although working in the open very few realise that they are committing a crime; those who do, cannot bring the criminal to book open, because these perverted geniuses keep scrupulously within the law although they may be right on the edge of it but still within the law. So they live among us, untouched, untouchable, respected members of society. Take for instance, some of our company promoters and so-called shrewd businessmen. They violate the spirit of the law but not its letter, all the same they rob and injure hundreds for the sake of money or some other advantage. However, these unsuspected, high class criminals do not come within our scope of investigation; and except to the student, they are not so interesting as the less clever, less successful and more spectacular law-breakers.

WHAT EXPERT BURGLARS LEARN.

The complex civilisation of the occident has induced keen

competition not only among legitimate trades and professions but also among those, who gain their livelihood by ways and means that cannot bear the scrutiny of honest men. This has led to specialising even among illegal professionals and artisans. Thus we have burglars, who have specialised in safe-blowing in house-breaking and so on and so intensified is the specialising that there are ground floor, first storey, second storey and trap-door burglars who would not think over-stepping the bounds of their speciality. In the long run, it makes it all the easier for them to be caught; but it is surprising to find how much and what each specialist has to learn. For instance, the first storey burglar knows all the different designs that architects are in the habit of using in the first storey, & by just glancing at the outside of a house they know the kind of latch that is used to fasten the windows, the height of the window from the pavement, the drop from the window sill to the floor inside the room and many other facts, which appear insignificant to the honest but which are of great importance to the successful “get off” of the burglar; for after all his chief anxiety is non-detection and escape, the swag is only secondary consideration for what good is it to him if he is caught? A successful burglary requires almost as much planning as a military campaign and it is absolutely astonishing what

little details must be thought of and guarded against. The soles of felt shoes must be chalked, rosined or waxed as the case may require, noiseless walking and door-opening must be practiced, one must know just how the door has to be left open so that it will not close and cut off exit, the position of window and door must be known and the general geography of the room and there are a hundred other details which only a burglar and a student of criminology can appreciate.

LOCK-PICKER PICKPOCKET.

Then there is the lock-picker who must know the use of the skeleton key and he cannot do that properly unless he knows the mechanism of locks. Besides being a good mechanic he must be something of a connoisseur for he must appraise goods instantly and truly or he risks life and liberty to no purpose. The pick pocket has to go through a long and careful training before he can hope or dare to practice, his profession. Unimaginably gentle is the deft touch of these light-fingered gentry, not to be acquired without long practice, nor the lightning swiftness of the searching fingers. Apprenticeship in the school of crime is neither light nor easy as many people seem to think. There is much to learn, though of an unprofitable nature to society in general and much to risk, and the risk is so great that one often wonders that it is

taken by any sane man. According to the great Cesare Lombroso criminals are not quite normal. Perhaps, they are not; any way, it is a convenient theory that explains much. Still there is not much of intellectuality in the ordinary criminal, though there is more evidence of it in the schemes of some swindlers.

SWINDLERS TRICKS

The schemes of many swindlers are extremely simple, so simple that one does not think of the catch in it. A few years ago a Calcutta youth hit on a simple plan for becoming rich quickly with the minimum of effort. He advertised that he had a sure plan of making money and would sell his idea for the small sum of Re. 1, but would not give away his secret before a certain date, so that all would have a simultaneous start in the great game. Thousands of people sent him one rupee each. On the fixed date he left for parts unknown after posting a post card to each of his customers. That post card had but one line printed on it "Do as I have done".

In the U. S. A. Chicago to be more definite, a man advertised that he would send a beautiful portrait of George Washington printed on a copper plate engraving for the trifling sum of \$ 1. He further said that the portrait was universally recognised as the best of G. W. Thousands of people proved anxious to get

so good and cheap a portrait of the Father of the Republic. After the man had collected what he thought was a sufficient sum; he sent each of them a one cent postage stamp with G. Ws. portrait engraved on it.

Another man in New York City offered to sell three yards of the finest Japanese silk for two dollars out of a consignment that was to arrive 6 weeks later. He presented a choice of nearly half a dozen colours. Many thousands of women all over the country, anxious to take advantage of so fine a bargain sent him, in some case large amounts of money. On the appointed day he sent each one a piece of cardboard with the required number of yards in the selected shades wrapped round it of silk thread. The omission of the single word silk cost many a poor woman two dollars.

Perhaps one of the most elaborate swindles was the so-called "endless-chain". This scheme was born in the fertile brain of a great mathematician who was well-known to the public. It may be interesting to note that the man was of German birth and origin. He worked his scheme in New York. The man rented a big office in the best section of the city, furnished it richly and started operations. He advertised that he would pay an interest of 10 per cent. weekly, to be paid weekly, monthly or quarterly as desired, on any sum above nine dollars. People were at first cautious in

sending him money. They went to see him in the office, which they found richly appointed and furnished where a well-dressed, stout, prosperous looking man with a thick gold watch chain, an enormous diamond stud and diamond ring, sat. He was absolutely adamant in his refusal to disclose his valuable secret of profitable investment and did not seem at all anxious to take their money. His manner was affable but firm and indifferent. He forthwith inspired confidence. He paid his interest regularly and soon the public gained confidence and the money began to pour in a golden stream which seemed to swell daily. This went on for over a year, when some one became too curious; then one day the wonderful financial genius retired to same quiet retreat, without previous notice. When his absence was prolonged to three days investigations were made and it was found that he had withdrawn all but one dollar from the bank about a week before his retirement. He took with him nearly three and a half million dollars. No trace was ever found of him or the money.

Recently the same scheme has been worked in England with a slight variation. The curious feature which seems to be common to all these men, is the sudden and effectual disappearance but the man in England did not have time to escape.

MODERN METHODS OF DETECTION TRACKS AND HOW THEY ARE FOLLOWED.

Though no workable finger-prints may have been left behind by the criminal, the detective is not necessarily baffled. The truth is that no one can act with the intensity which a crime demands without leaving behind some trace or "spoor" of his passage.

The examination of the multiple classes of such tracks forms a wide part of detective technique, & I will briefly touch on some of the principal kinds of expert work required. It is to this class of clue that writers of romantic detective novels have mostly turned.

The traces can be divided into active and passive—those left by the criminal on his surroundings and those which his surroundings have left on him. Whether left or received these are of many different sorts. A rough classification would be for the sake of example.

- 1 Foot prints
- 2 Tooth marks
- 3 Substances held under the nails
- 4 Dusts and muds
- 5 Objects left behind by the criminal
- 6 Marks of the criminals entry
- 7 Stains and spots

Also in practice, the "post mortem" examination of a victim may reveal other important clues, such

as the date of the last meal taken &c., which are beyond the scope of the detective and enter the domain of medical jurisprudence.

FOOT PRINTS.

In principle there is no crime where foot-prints of the criminal should not be found. But in practice, both because hard floors, carpets, and tar pavements only preserve the faintest trace of foot-prints, and still more because in almost every crime the scene is invaded very soon by hosts of country police and "sympathisers," useful clues are not found by this means as often as they should.

The use of such clues demands a high and specialised ability, more often found among races of savage hunters such as the Australian blacks than among modern detectives.

Henry Grose, an authority on the subject, gives an amusing example of a case of actual tracking carried out in France in recent years. The detective follows foot prints on a dusty road, he discovers at each variation what the maker of the tracks had been doing.

He has met some one he knew. His tracks cross the road obliquely; that of the person coming to meet him do the same thing.

Both of them then speak a long time together, for they have often changed the position of their feet.

One of them has tapped out his pipe, for there are the ashes on the

road. He has relighted it, for several matches recently lighted are lying by the side—some of them are still pressed into the ground by the heel.

He then continued his way, and the other accompanied him for their foot prints run on together.

The pipe was burning well, and contained strong tobacco, for he spat several times.

The second man is the smaller, for eleven of his foot prints go to ten of the first.

Sixty paces further on we find an inn and the trail leads to it.

We find the trail again and we are certain that it is the same. However, it now looks different. Sometimes it is at the edge of the road, sometimes in the centre. Sometimes the steps have been small sometimes large, and they cross each other in a strange manner. We deduce the men have remained too long at the inn.

Many cases are on record of the conviction of criminals by the evidence left behind by their feet. One may be given.

About 1855 an incendiary named Petit denied emphatically his crime. He would probably have been acquitted had not one of the witnesses showed the judge a curious aspect of the foot print of the incendiary which had been registered by a mould. On the mould was observed a small hollow in the middle of the instep, the accused was immediately ordered to take his boots off and place foot

next to the mould. At the exact spot of the hollow Petit had under his foot a corn which adopted itself to it perfectly. He was condemned to death (the French penalty for this crime) and executed at Rouen.

MODELLING PRINTS.

Traces of the booted foot are much more frequent now a days than that of the nude. The method of modelling and preserving the prints is worth a description. The essential thing is to act quickly, so that weather has no chance to efface the important clue. The detective therefore, at once places a glass bowl or flower-pot over the marks he has noted. The mould is made with plaster of Paris. He begins by oiling the print by shaking small drops of oil off a brush on to it. When the whole design is covered with the drops the plaster is poured in, and small pieces of stick and wire are thrown in to help in the solidity of the final mould. The mould is left to dry, and is taken off when it has begun to heat, which is a sign that it has 'taken'. It is then brushed under a trap to free it from earth.

In fine sand or dust it is not possible to oil the footprint, for each drop would drag away particles of the dust. A milky paste of plaster is prepared, extremely "fat," and a thin coat is applied with the greatest care to the track. Gum is also often used for this first coat, which is followed up by a thicket, one as

before. Gum is especially good in muddy ground.

In snow Hodann's method is sometimes used in France. It consists of sifting on to the track a mixture of plaster, fine sand, and cement, which is covered up with a rag drenched in ice-water. Two or three hours are needed before the mould can be withdrawn. The best method however, is by means of kneaded plaster, which is pressed in gently and by minute blobs.

The identification of the boot is made by comparing the way in which the nails are arranged, the malformations of the heel through use, the Rubber heels are a precious help to the police, as they leave traces even on wood floors, and because of the immense variety of makes and patterns.

Sometimes the scientific criminal attempts to outwit the police by the fixing the sole of another person's boot under his own but such a process, often detected by the mark left by the original sole over-lapping the false, is not common and is much too much trouble and handicap for all but the wariest of burglars.

The marks of wheels often give good clues. In a recent murder case the marks of a pneumatic tyre played an important part in the evidence against the accused. The varied designs of tyres are of help, and marks of wear and tear are often useful to individualise the track beyond doubt.

In fact, tracking is one of the most valuable aids to the modern detective, but also one of the most neglected and misunderstood.

MARKS OF TEETH.

Marks of teeth are sometimes of use, either those left by a brutal assassin (a common feature of crimes of violence of a particular sort) on the skin of his victim, or, more generally, those left behind in half-eaten foodstuffs on the scene of the crime. Burglars are often greedy, and seldom, except in the case of "swell mobsmen", leave a "crib" without sampling any delicacies at hand. Many have owed their detection to this. Arthur Morrison in one of his detective stories makes the whole case against a murderer hang on a bitten apple. This was apparently founded on an American case as related in the "Boston Medical Journal":—

A detective charged with an inquiry on a burglary picked up on the scene of the crime an apple with the mark of a bite in it, and noticed that the mark left by two of the incisors was of curious and unusual form. He took this clue as the only base of his search putting the "evidence" in a glass of water to preserve it.

Suspecting a Negro, he bought several apples, and started to eat one in front of the man and offered him one. The latter bit the fruit. The detective looked at the mark,

and arrested the man on the spot. On him was found some of the stolen property.

Plaster moulds of tooth-marks are taken in the same way as with footprints, or they (may if this be impossible) be done in wax or resin, as is customary with dentists.

FINGER NAILS.

Nails have been studied by doctors in view of the distinctive wounds they may leave. Another thing may be sought for, often neglected by investigators. The examination of the matters under the nail of a criminal, usually a stranger to the arts of the manicurist, may afford valuable clues as to what he has been touching.

The microscope has revealed minute spots of blood and traces of cloth scratched from the clothes of the victim.

Manicure, according to Dr. Locard in his authoritative work "Criminal Inquiry," is the first process that a suspected man should undergo at the police station. The hair or dust under the nail of a victim who has struggled is also worthy of attention.

"MANCHESTER GUARDIAN".

SPECIAL TRIBUTE OF WORK OF THE POLICE

On the 22nd July 22.

Their Excellencies the Governor and Lady Lytton accompanied by the personal staff attended the police

parade at Dacca. At the eastern entrance to the University Court building Their Excellencies were received by the Chief Secretary to the Government, the Commissioner of the Dacca Division, the Inspector General of Police, the Deputy Inspector General of Police, Dacca Range and the Magistrate of the District. His Excellency then passed through the north block and took his stand on the steps of the north terrace. The parade gave a salute. His Excellency then made a joint address to the police present as follows:—

Officers and men of the Bengal Police,—I am glad of the opportunity afforded to me by this police parade to express publicly my appreciation of your work and my interest in your welfare. I have not been very long in Bengal but even before I arrived here and while I was still in the India Office I noticed that in this part of the world no opportunity is missed of criticising the police or of blaming the Government for having any police at all. I know of course that Government can never do right that is not peculiar to India. In every country where freedom of speech is allowed such criticism is to be found and no man should join a Government unless he is prepared to have his actions misrepresented and his motives vilified. We can defend ourselves and that does not matter, but that you who cannot defend yourselves should be subjected

to this kind of treatment is neither just nor expedient. You have very responsible work to carry out in circumstances of great difficulty, often of danger. The law abiding members of the public owe to you the safety of their lives and property. If you are careless or cowardly or corrupt the whole community is endangered and if you do your duty honestly and fearlessly the whole community benefits. The police, therefore, should be the natural friends of all except the enemies of society. In England I honestly believe that they are so regarded and the members of the force are as much the daily friends, helpers and benefactors of the law-abiding poor as they are the terror of the lawbreakers. If and why this is not so in India I have yet to learn. But I want you to know that the Government which you serve, values your work, recognises your difficulties and is grateful for the service which you render. I hope to see that the general public will realise by the rewards which I shall distribute this morning and by the records of the men who have earned them with what courage individual members of the force have faced danger and performed their duty in the suppression of crime. These are conspicuous instances of gallantry which I am glad to recognise, but the thanks of Government and the thanks of the public are due also to the large number of other men to

whom perhaps no special opportunity has ever yet come who are receiving no rewards to-day, but who are faithfully and unostentatiously discharging their daily duty and thereby contributing to the suppression of crime and the protection of life and property in this province.

I have read with interest the report of the Inspector General on the work of the police during the year 1921 and there are one or two features in it to which I should like to refer. The year under review has had special difficulties for the police caused by the prolonged strike on the East Indian Railway, the political disturbances caused by the non-co-operation movement and the arrangements connected with the visit of His Royal Highness the Prince of Wales. Yet in spite of added responsibilities and increased difficulties the record of the force has shown a marked improvement in several respects. My predecessor last year appealed to every man to make up his mind to reduce the number of convictions recorded yearly against the police. His words have borne good fruit and I thank you for the response you have made to them. Complaints brought by members of the public have been reduced from 546 to 487 and of the 443 disposed of during the year only 59 resulted in conviction. At the same time rewards to members of the force increased from 6,316 to 6,468 and the number of judicial punishments

has decreased from 328 to 217, and most satisfactory of all again no single unfavourable comment of police action has been made during the year by the High Court or by any court of sessions. This is a fine achievement and I appeal to you most earnestly to see that it is maintained and still further improved upon next year. Let every man remember that not only his own honour but that of the whole service is involved in his conduct, that every lapse from duty on his part will go to swell the figures which discredit the force and that every temptation resisted, every offence avoided helps to reduce those figures and to add to the other in which the whole force can take a pride.

Another gratifying feature in the report is the evidence which it contains of increased support given to the police by members of the general public. Volunteer defence parties which have been formed in one or two districts in recent years for aiding the police in the detection and suppression of crime have proved of great value and this is a very healthy movement which will, I hope be still further developed in the future.

Presently I shall have the pleasure of presenting rewards to four gentlemen who by their timely and courageous acts in assisting the police deserve the best thanks of the community.

The Eastern Frontier Rifles being the one mobile force in Bengal are liable to be hurried at a moment's notice to any local points of danger and generally speaking they are called upon to act only when there is trouble or likelihood of trouble. It is natural, therefore, that they should come in for more than their fair share of the criticism to which I have alluded. But they have always undertaken their duties cheerfully and performed them efficiently and I am pleased to notice that during the past year. Government expressed their appreciation of the tact and restraint shown by both officers and men during the strike of the workshop employees at Lillooah.

The armed police too have had a particularly trying time owing to the industrial and political unrest in the province. They too have acquitted themselves well and loyally. They had various extra duties to perform on the occasion of His Royal Highness the Prince of Wales' visit and His Royal Highness intimated his appreciation of the services rendered by all ranks.

I cannot pass over, without one word of appreciation of the work of the Chaukidars. In rural areas, especially in the districts of Eastern Bengal such as I have passed through in coming here from Calcutta where communications are bad, where there are practically no roads or railways and where robbery with violence is practised as a

regular profession by a large number of people, it is on the Chaukidar that we have chiefly to rely for the protection of the villager. Their task is a particularly difficult one and the report speaks of the good work which they have done in some districts. It also complains, I regret to say, that their pay is still inadequate and that even this is grudged by the villagers who are so dependent upon them and in some cases is not paid regularly. The former matter has already been taken into consideration by Government and a bill is now before the Legislative Council which will remove the present limit of pay prescribed by the Chaukidari Act and will permit of the pay of Chaukidars being increased, where this is found necessary. But surely it is to the interest of the people themselves to see that the Chaukidari taxes are realised and the Chaukidars paid. Failure to do so must result, as I believe experience has already shown, in an increase of thefts and dacoities and therefore the district where payment is withheld ultimately suffers instead of benefits by such action.

There is another matter in which the work of the police is at present made more difficult and could be considerably lightened through the action of Municipal authorities. The lighting of the streets is a Municipal responsibility and where the lighting is inadequate crime which loves darkness and shuns the light flourishes

and the labours of the police are increased.

Government have in the last year worked out a scheme for an increase in the pay of the Deputy Superintendents and I am glad to say that the Legislative Council have passed the estimates for this purpose at their July Session. The scales of pay will in future, be raised from a beginning monthly salary of Rs. 200 to one of Rs. 250, rising to Rs. 700 with a selection grade of Rs. 800 instead of Rs. 700. This would work out at an average increase to each Deputy Superintendent of Rs. 700 a year.

You will not expect me to say more about your work and interests until I have had further opportunity of becoming personally acquainted with them. But I hope I have said enough to convince you of the interest with which I shall watch whatever concerns the welfare of the force.

I have now much pleasure in handing the medals and rewards to those present who have been awarded them."

His Excellency then descended the steps of the terrace and presented the King's police medals addressing each recipient as follows:—

"Officiating Deputy Superintendent Umesh Chandra Chandra. Throughout your 28 years, service your work has been of an exceptionally high standard and you have proved yourself a most trustworthy and zealous officer, tactful and

courageous. I congratulate you on the King's police medal which has been awarded to you.

"Head constables Jagadish Dube and Baliram Singh, A gang of ten burglars whom you surprised after midnight in a shop at Bansberia set upon you and wounded Jagadish Dube with a knife. Both of you however, continued to cling tenaciously to one of the burglars whose arrest was thus effected and who proved to be a notorious criminal with six previous convictions. For this gallant act you have both been awarded King's police medals. I congratulate you.

His Excellency then presented rewards to four members of the public. Babu Jogesh Chandra Chakrabatti received a revolver, Babu Ganapati Bhattacharjee and Babu Ahi Bhusan Muzumdar Rs. 250 each in cash and Babu Shambhu Nath Chatterjee a gold watch and chain. In the course of his address to these four gentlemen His Excellency spoke as follows:—

Babu Jogesh Chandra Chakrabatti.—You have earned the gratitude of the public in Mymensingh by your valuable assistance in the repression of crime.

Babu Ganapati Chatterjee and Babu Ahi Bhusan Muzumdar.—With great courage you faced a gang of dacoits while they were committing a dacoity and succeeded in arresting one of them. Your prompt and fearless action resulted in the

detection of the case and the discovery of a formidable gang.

Babu Sambhunath Chatterjee You showed conspicuous courage in resisting an attack on your house by dacoits and you succeeded in shooting one of them dead and seriously wounding another.

Thereafter His Excellency distributed rewards to no less than 55 Inspectors, Sub-Inspectors, Sergeants and Assistant Sub-Inspectors for their various services.

DYSPEPSIA AND ITS SELF TREATMENT

By

Jadu Nath Ganguly, B.A., M.B. (CAL.)

Dyspepsia means bad digestion or indigestion, from Greek *Dus*-bad and *pepto*—to digest. It attacks all human beings regardless of age, sex, rank or nationality, and is the mother of a hundred diseases. People generally attend to things visible or nearest to them. But the stomach, though very near us is out of sight, and therefore out of mind. Very few of us know in what sort of a vessel, the food we swallow falls, and fewer still care to know how it is digested. Hence digestion is the most neglected of our interests and dyspepsia the most common and obstinate of all diseases. More than half the human race is perpetually suffering from it. Like consumption it is fast spreading its ravages through India, Burma and Ceylon especially in our cities and towns.

Causes are predisposing and exciting:—

1. *The Predisposing causes*,—are those which render the individual liable to the disease. First among them are the conditions of civilized life. Animals only eat and drink when hungry and thirsty, and therefore seldom suffer dyspepsia, so does the savage man. The only clock that strikes the hour of his dinner is his hunger which ensures good digestion. But civilized man, being under conventional rules, has often to eat when not yet hungry or to eat in hurry and anxiety. Dyspepsia is indeed a disease of modern civilization and high pressure life.

2. *Climate*:—The colder, within certain limits the climate, the keener the appetite and the greater the power of digestion. In Russia people have as a rule excellent digestive powers. In the British Isles people can digest an amount of food, which they when coming to the tropics cannot. This is one of the reasons why they on coming out to India suffer so much from indigestion especially in the hot season, if they forget this difference in digestive power created by climate, and indulge in food and drink proper to their own country. In their frigid climate the Laplanders and the Esquimaux digest enormous quantities of the flesh of the reindeer, the seal and the walrus, but in their hot and humid climate, the Assamese, the Bengalee, the Oryah

and the Madrases are repleted with a much smaller quantity of rice and vegetable diet and suffer too often from indigestion, diarrhoea, and dysentery. But the other extreme, namely intense heat, also produces a digestive power in those accustomed to such heat. (see later on)

3. *Age*—has remarkable influence on digestion. The infant up to the age of 2 or 3 years, can digest a large amount of milk; and indigestion is only possible if its mother or nurse feeds it too much by mistaking the cry of pain for hunger. The real dyspepsia period commences after dentition is complete. From this time up to the age of 10 or 11 years, the child a novice in the art of eating, commits many mistakes and gets many a spell of indigestion. From about the 12th to the 25th or 30th year, growth goes on rapidly and digestion remains remarkably good. After 30 with accumulating cares and anxieties dyspepsia gets hold of too many men, and in the case of women of the poorer middle class, with their burden of domestic duties becomes more and more pronounced after every child birth. At last at about the age of 50, the digestive power naturally declines. Henceforth we begin to tread on delicate ground, and he that would digest his food properly, must needs be very cautious, as to quantity and quality. From 60 begins the second period of childhood, in an inverse order of

digestive power, so that with each increasing year the less an old man or woman eats the better remains the digestive power, until at last at 80 or 90 the most careful of us has to return this mortal coil to mother earth and the elements and becomes free from the necessity of eating. Very few have the fortune or misfortune of reaching 100 years.

4. *Temper*:—A cheerful temper is beyond all doubt, like hunger the best sauce for good digestion. Hence kings and potentates, in many countries formerly allowed and even now allow music to be played, and wit and pleasantry to keep the mind cheerful at meal times. Country people on account of less anxiety can digest better than city residents. Again, a healthy man when enjoying a hearty meal, will at once turn away from it and perhaps be sick on receiving the news of a sudden calamity. On the contrary a person tossing in bed with anxiety and refusing all food, will if good news be suddenly received, sit up and eat with pleasure. Truly has it been said that best physicians for this as for many other diseases are "Dr. Diet, Dr. Quiet and Dr. Merryman."

4. *Habit*:—The rich man eating dainty food, and spending his time in idleness is so full of dyspepsia that he has neither the appetite nor the pleasure of eating enjoyed by the day labourer. The libertine who defies all laws of health is

punished not only by a bad liver and indigestion but by an early grave or funeral pyre. The upper class Hindu or Mussulman lady, spending her time in reading novels and playing cards is troubled with her afternoon acidity. The sanyasi sitting straight as a rod and stiff as a rock in his meditation, can compel hunger and thirst to fly away from him for several days.

6. *Occupation*:—The soldier, the mason the hewer of wood and all who labour outdoors have excellent appetite. But the student, burning his midnight oil is robbed of his appetite. The universities prescribe for him heaps of books, the contents of which he must cram down into his mind. And when they are in, out goes his digestive power. The clerk at the desk, driving his pen shortly after a full knows not that by so doing, he is driving to the brain the blood that should be on the stomach, and thus writing down not only his master's accounts but as it were, his own, destiny too, a short and dyspeptic life. The judge on the bench, sitting immovably for many hours a day, sifting grains of truth, from cart loads of truths so distresses his mind that he suffers dyspepsia or its cousin diabetes. But the Magistrate with his active habits generally escapes them. The statesman, the author, the Editor, the merchants, all suffer in the way from sedentary habits and intense thinking. The employees in the

offices and factories of our large cities who live at night in the country and reach their places of business in the morning by railway or tram save little time to take their breakfast quietly and none at all to rest after it. To them "unquiet meals" as the poet says "bring ill digestion," Nay, their lot compels them to make digestion impossible. For they run panting to catch the train, and keep shaking and jolting when it runs, as if to prevent the secretion of gastric juice upon the food eaten.

7. *Heredity*:—If during her pregnancy the child will probably be a lifelong dyspeptic and have bad liver owing to such mother's milk, sometimes all the brothers and sisters of such a family are affected with the disease. The father's influence is not manifest. But the disease may, come down from maternal grandmother, to mother and her children.

II. Exciting causes are those which so excite the system as to produce the disease at once. These are:—

First, Eating in a hurry. The greatest pleasure of eating is felt not in the chewing but in the swallowing when the food is gliding down the root of the tongue. Hence Epicureans who only care for the pleasure, swallow food without well chewing and bring on ill-digestion. On the other hand those who are compelled to swallow quickly to save time, also suffer from it.

2nd. Eating in Excess is the most potent cause of indigestion, liver enlargement, gout and albuminuria. "The platter kills more than the sword" says Osler. Sometimes it is seen that a man eats much, and yet does not get ill. Such a man is generally found to be not very intelligent. Being a great man in the functions of the stomach he cannot be great in those of the brain. But wait, his greater punishments are yet to come. He engorges his stomach, and thereby his life both of which are, in his case, slow but sure to revenge. And when the hour of reckoning comes, he breaks down under some disorder of the digestive system. The writer has never seen a voracious eater having long life. "Eat little if you would eat much, eat much, if you would eat little" is an Indian proverb, which means that by eating a small quantity at a time, you live long, and therefore in the long run eat much. But if you eat much at a time you get ill, die soon, and therefore the total quantity you eat in your life is not much. As if nature invites us here on this earth, to have a fixed quantity of food in a life time which we may eat quickly and quickly go out of the world, or eat it in small quantities and remain here a long number of years.

3rd. Eating at too little or too long intervals. Eating irregularly, between meals is just as potent a cause of this disease as eating at too

long intervals. If a healthy man, leading an active life, allows 10 or 12 hours to pass between his morning and evening meals, without any food, he is sure to have dyspepsia after a time, such a long fast is not so bad at night when the person is in bed as during the day. Long starvation as in famine stricken persons, robs the victim of digestive power.

4th Efficiency of particular ingredients of food brings on peculiar form of dyspepsia. Thus rickets is a disease of children due to giving them too little milk and too much starchy food. Deficiency of vegetable and vegetable acids leads to scurvy, a form of dyspepsia, and gastritis is too often the result of want of fresh meat, and eating preserved meat.

5th. Quality: Green or dried vegetables, stale and semi-decomposed food and adulterated food cause this disease. The fearful adulteration of food articles in our markets, is responsible for innumerable cases of indigestion and liver complaint and should be put down by the strong hand of the state.

6th. Too hot or too cold, food or drink irritates or paralyzes the thin covering of stomach, the mucous membrane, prevents secretion and thus brings on dyspepsia. The least temperature at which food and drink should be taken is that of our body 98.4 or in the cold season, slightly over. To take steaming milk or tea

or iced drinks habitually is to invite dyspepsia.

7th. Drinking too much liquid: In this hot country the temptation to drink large quantities of water and other liquids in the hot season is irresistible. Unfortunately many people do not know that so innocent a thing as pure water can produce dyspepsia. But it is apparent that an unduly large quantity must reduce the temperature of the stomach, lessen the secretion of gastric juice, dilate and weaken it, and so bring on dyspepsia.

8th. Intoxicants (to be considered later on).

9th. Certain foods. Crabs, mussels, pork, hard boiled eggs, cucumbers, onions, garlic, house radish, caulie flower, cabbages and many other articles ferment and produce this disease. "Dyspepsia," said a distinguished physician, "is due to a stomach overlaid with flesh meat and sauces."

10th. Certain diseases. Malaria, anæmia, phthisis, gout, rheumatism, Bright's disease, liver and heart disease and all wasting diseases cause it. It is also the forerunner of many serious diseases.

11th. Pregnancy. The dyspepsia of pregnancy may be called the "insanity of the tongue and stomach." The woman hates the daintiest food but still eats chalk and slate.

Indian Medical Record.

SNAKE BITES.

Dr. K. C. DUBE, Captain I. M. S. (U. P.) writing on the distinguishing marks of bites of poisonous snakes:—In India there are numerous varieties of snakes but only thirty-seven of these are poisonous and only seven are commonly met with. Everyone should learn to distinguish the different varieties, for it often happens that a man faints solely from fear even if the snake biting him is non-poisonous. There is a distinction between the wounds inflicted by poisonous and non-poisonous snakes. If on looking at a wound closely you find marks of two teeth you should conclude that the snake was poisonous, but if the wound shows cross marks of several teeth, the snake must be non-poisonous. The wound inflicted by a poisonous snake is characteristic. Soon after the bite there is intense burning pain, the wound begins to turn red and bleed and the whole part becomes blue and swollen. The man feels as if intoxicated and sleepy. There is a peculiar sensation in the legs and sometimes he begins to vomit. The power of speech and swallowing is lost and respiration is gradually stopped. Persons bitten by certain varieties of snakes at once become senseless, their body becomes cold, there is copious perspiration, the pulse becomes feeble and often there is bleeding through the mouth and bowels.

RETRENCHMENT IN POLICE EXPENDITURE.

Our readers are aware that this vexed question of retrenchment has been engaging the attention of the Government and the Legislature for a long time past but without any appreciable good arising out of it. Side by side the problem of revising the pay of Subordinate *public services* by introducing a time scale was sought to be solved by a special committee composed of officials as well as non-officials. While the demand for an increase in the pay of all public services met with a feeble response, the clamour or retrenchment in public expenditure met with a ready response and a reduction of 20 *per cent.* of the staff in the subordinate services has been the result especially in Madras.

Police expenditure being an item without a corresponding source of income formed the subject of very severe criticism every where. Recommendations for the abolition of Sub-Inspector's post was urged in some quarters while the abolition of Circle Inspectors was urged in certain other quarters. The abolition of the Deputy Inspectors General of Police was urged by some, while a decrease by reduction in other cadres was suggested by others. It is to be admitted by all in the wake that no one cared to suggest alternatives which point to the fact that saving in expenditure was all that was aimed and efficiency

received precious little attention even from responsible quarters. A constructive system, to attain maximum efficiency with minimum expenditure, has yet to be found in the recommendations of the various Retrenchment Committees. The reason for this state of affairs is not far to seek. The elected representatives very often do not study the question from the point of view of the several cadres by entering into conversation with experienced officials in each cadre, both high and low, superior and subordinate and learning from them the practical and irremediable difficulties that would arise out of the abolition of certain class of officers and at the same time what a blessing would come out of the abolition of an other class of officers who are really the fifth wheel to the coach and yet absorb not a little of the expenditure.

What the members now do is they get whatever information that is volunteered from interested quarters and with the information furnished by Government they begin to discuss matters to which they are utter strangers and no wonder that their proposals are more destructive than constructive and failure to achieve the hoped for end is inevitable. About the end of March last an article about Retrenchment in the Police Department by a retired Police Officer was published in the columns of the *Hindu* where in an

earnest attempt was made supported by facts and figures to show how expenditure on the Police may be reduced. The subject of retrenchment has almost become stale and very little can be expected to be done now. But the appointment by Parliament of the Inchcape Committee with Lord Inchcape as its Chairman to investigate into the question of expenditure on public services etc., has given a fresh aspect to the problem and the present article is intended to help the authorities in arriving at a right decision.

In the article of the *Hindu* referred to above the abolition of the Deputy Inspectors General of Police is recommended on the following grounds.

There are 6 D. I. Gs. for the whole Madras Presidency, of whom one is the Commissioner of Police and the other is the D. I. G. for C. I. D. and Railways. The remaining 4, are for the 4 ranges North, South, East and West. These are the real intermediaries between the Superintendents and the Inspector-General of Police, doing regular post office work. Each D.I.G. has got 6 or 7 districts in his charge. He makes periodical inspections from one end to the other of his range at his will, thus making fat T. A. Every D. S. P. is responsible for the administration of the district in his charge and also for the efficiency and discipline of the

department. It is not known why this officer (D. I. G.) is necessary, when the D. S. P. is held responsible for everything and even holds direct correspondence with the I. G. on important matters. Retention of highly salaried posts is advocated in the name of efficiency, but it is no use making a fetish of efficiency in the face of a permanent deficit.

D. I. Gs are regular supernumeraries and their removal will not in any way materially affect the efficiency of the department. Their abolition gives a saving of Rs. 65,000 a year besides the fat T. A. they draw everywhere.

The retrenchment Committee of Bihar in submitting their report on the Police administration says:— We are fully cognisant of the great necessity of retrenchment. After mature consideration and great deliberations we have come to the conclusion that in the interest of efficiency of the administration we should propose a very modest reduction in this department which is compatible with efficiency.

We are of opinion that the retention of the appointment of D. I. G. is unnecessary. While under old Bengal we had only two Deputy Inspectors-General, after the partition of Bihar we have four D. I. Gs. in Bihar alone. We are therefore of opinion that the Inspector-General of Police can conveniently do all the work that is done by the D.I.Gs. Therefore we propose the abolition

of all the four Deputy Inspectors General. Some of the work of the D.I.G. may be entrusted to the District officer when he is relieved of the judicial works as recommended by the Committee on separation of functions.

We are also of opinion that each of the two cadres of Deputy Superintendent of Police and Assistant Superintendent of Police be reduced by half. Only such number should be kept as is necessary for the posts of Superintendent of Police. It is not necessary that they should be appointed for holding the inferior charges only. These charges in our opinion are not of such importance as to require such an expensive service. On the basis of the recommendation of the Committee re-separation of functions it has been proposed that Sub-District officers (Executive) should take up a portion of the Police work, to which we agree.

At present there are about 185 Inspectors of Police. We are of opinion that half the number is quite sufficient to discharge the duties that are now done by the present number and we therefore propose that their number should be reduced by half. This can be done by reducing the number of investigation units and by increasing the area of the Circles.

At present we have 1,128 Sub-Inspectors. We are of opinion that their number can be conveniently

reduced by 328, leaving their strength at 800, which can be given effect to by curtailing the number of investigation units and by prescribing that the ordinary force of a unit be one Sub-Inspector, while some additional Sub-Inspectors be attached to two or more units.

At present we have 12,066 constables and their number, by reduction of units, can be reduced by one sixth or perhaps even more, though we realise that if the area of the investigation units be increased the number of constables will be increased as well.

We have calculated that on the above reductions all incidental and consequential reductions on overseas and travelling allowances, etc., would amount to Rs. 1,75,000.

We are also of opinion that the number of Court Inspectors and Court Sub-Inspectors can be reduced and private parties may be allowed to retain their own pleaders except in cases where there may be special reasons for not giving such permission.

We are of opinion that the number of teachers in the Police Training Schools and Police Training College may be materially reduced.

The above reductions taken together are likely to bring about a reduction of over 16 lacs and a half.

Sd. M. Yunus.

Sd. Ganesh Dutt Singh.

Sd. Dwarka Nath.

Sd. Khwaja Mahammad Noor.

Sd. Purnendu Naryan Sinha.

The President of the Committee Sir Haveland Le Mesurier and the two Ministers who are also members have not expressed any opinion, while Mr. P. K. Sen who is also a member of the Committee, was absent.

Now with regard to the Deputy Inspectors General of Police, the argument that they are regular supernumeraries and their removal will not in any way materially affect the efficiency of the department does no credit to those from whom the proposal emanates nor to the several distinguished officers who held the post. The several D.I.Gs. are carefully selected experienced and able Superintendents of Police from among whom the office of the Inspector-General of Police should be filled up by selection again. An Inspector-General of Police once wrote "Many Superintendents do not grasp their work as a whole nor realize that it is their primary duty to handle their force, and manage the resources at their disposal with the one object of effecting a control over crime. It is not sufficiently understood that such a control is as much a matter of expert supervision, as of expert detection and I have found the supervision deficient in various ways." Officers who have held the post of Deputy Inspectors General were men of ripe experience in the department and have been considerably useful in maintaining efficiency and discipline in the force.

They have been a guide to young officers in charge of districts who were apt to be misguided by interested and unscrupulous subordinates, and a check over the increase and severity of punishments of subordinate Police on flimsy grounds. There is a great deal that is desired of the Deputy Inspectors General by way of control over inter-district-crime. There may be a few individual exceptions and these should not be taken as a standard for summary disposal of the appointment. The mere on lookers are not likely to judge aright of the solid but unostentatious nonfussy work which the Deputy Inspectors General of Police do and are expected to do. We intend dealing with it elaborately on a future occasion.

The most trying period in the annals of the Police in India in these days of political agitation, labour troubles and the N. C. O's open attempts to tamper with the loyalty of the Police began almost with the advent of the Deputy Inspectors General of Police as Inspectors General and the well merited praises which the Police of the various provinces in India have earned and any Police can well be proud of, are all due in no small measure to the inimitable controlling and administering capacity of the Police Inspectors General of the different provinces. All these illustrious officers are carefully selected Deputy Inspectors General of Police. We

shall now rest content with saying that the abolition of the Deputy Inspectors General of Police is not desirable in the interest of internal peace and protection to India which can be assured only by a good Police administration in the chain of which these officers are a most indispensable link. We are sure therefore the Local Governments will not recommend the abolition of the Deputy Inspectors General and the appointment is imperial.

Coming then to the abolition of the post of Personal Assistants to the Superintendents of Police and the reduction of the two cadres of Deputy Superintendent of Police and Assistant Superintendents of Police by half their strength we find the following grounds are adduced for the abolition of the former:—

These are always of Dy. Superintendents grade. They are more or less chief managers attached to the office, doing purely clerical work and signing fair copies, except on rare occasions inspecting stations on orders of the Superintendent. Just like Reader Sub-Inspectors, these can be safely removed with no upset in the office as there are managers to look after their work more efficiently. The minutes they write to order on Punishment Rolls submitted by Circle Inspectors and which pass for Superintendent's order may very well be done by them in another capacity and sub-

mitted for confirmation to the Superintendent of Police.

It is no doubt true that Personal Assistants are all of the rank of Deputy Superintendents. It is widely known that such highly paid officers for the chief ministerial work which had been most efficiently managed by Managers before the introduction of the scheme is more a luxury for the District Superintendent and a waste of public money. The system of Head Quarter Inspectors of Police as their Office Managers was done away with in certain Provinces and the appointment of other Subordinate Police Officers as Managers was not also satisfactory. These systems always led to the District Superintendents being kept in the dark about certain correspondences which used to get passed through dexterously some how. The system of Managers which took the place of Head Quarter Inspectors in the Madras Presidency and others elsewhere was found very satisfactory and that should be resorted to. The District Superintendents should be relieved of all direct charge & Deputy and Assistant Superintendents should be made to hold charge of every Revenue Subdivision. We will come to this when dealing with the abolition of Circle Inspectors.

We next take up the Circle Inspectors. The writer in the Hindu suggests the following reasons for their abolition in the Madras Presidency:—

"They had also been described as the fifth wheel of a carriage. Of course their appointment was quite necessary when Police Stations were manned by Head Constables. Now the Police Stations are in charge of Sub-Inspectors who are more qualified than Inspectors and the work of the latter is nothing but useless comment with no initiative of their own, as is well said by Sir John Cumming in his Presidential address at the East India Police Association "the Sub-Inspector is the real centre round which all revolves".

It would have been years since this appointment should have been done away with, if the appointment of the I.G. was continuously held by I C. S. officers. The scheme of abolition of Circle Inspectors was tried during the time of the late Mr. F. Gilman in Trichinopoly and Kurnool districts, and it was purposely pronounced to be a failure for obvious reasons. Deputy Superintendents were put in charge of 2 or 3 Circles to supervise the work of Sub-Inspectors. To be just directly and immediately superior to Sub-Inspectors was thought to beneath their dignity and they naturally thought that an Inspector is necessary between to keep up their position. It is this desire for position of rank that naturally led them to report against the success of the scheme, brought out after mature consideration by no less eminent a person than Sir Harold Stuart. Men

of retiring service have just got to go and the rest merged into the higher grades of Sub-Inspectors which it is necessary to introduce in consequence. Also an Inspector who is acting as Deputy Superintendent, may thus be placed in the higher grades of Sub-Inspectors. Thus a saving under this head may come to about 5 Lakhs besides the T. A."

We certainly agree with the total abolition of this rank in the Subordinate Police though we do not agree with the correspondent in the reasons given for the failure of the scheme. It was not because that Deputy Superintendents thought our Inspector was necessary between them and the Sub-Inspector to keep up their position that the scheme was pronounced to be a failure. In fact the Deputy Superintendents who held charge of subdivisions under the scheme never expressed any such idea and were very anxious that the scheme should mature into a permanent one. But the introduction of Inspectors in the scheme brought about its abortion. The cause for the alleged failure of the scheme, we make bold to say was intrigue from interested quarters, we mean, Circle Inspectors and a few District Superintendents, their patrons. The Circle Inspectors worked tooth and nail for the abolition of the subdivision scheme on the pretext of failure as they thought their very existence would be jeopardized by the adoption of the scheme. As a

matter of fact many Circle Inspectors would under the scheme have had to suffer either by taking leave of the Department once for all or by being side by side placed in charge of stations with Sub-Inspectors over whom they had at one time or another sat in Judgment. Under the Circle system the Inspectors occupy a position apparently divested of all responsibilities except those of inspection and of supervision and this condition they could not have had if the subdivision scheme had been pronounced a success. In this connection it may not be out of place here to quote the observations of an Inspector General of Police.

"Constant attempts are being made to induce Inspectors to take interest in their work and to perform their responsible duties efficiently and no Inspector can complain if, when they neglect these constant warnings they are summarily removed from posts for which they are unfitted and this is a course I shall not hesitate to adopt in order to bring home to all Inspectors that I am determined that they shall accept full responsibilities for the proper administration of their respective Circles."

The Circle Inspectors have been and are a menace to the progress and prospects of the Sub-Inspectors most of whom are in no way inferior to the Inspectors in birth, intelligence and character and

education and in short the Inspectors and Sub-Inspectors are from the same class of people. More than 50 per cent. of the present day Circle Inspectors are from among Sub-Inspectors promoted. Yet a late Inspector General of Police in making out a case for direct recruitment expressed that Sub-Inspectors are unfit for promotion to Circle Inspectors. Sub-Inspectors are in existence for the last decade and a half and if their work is yet to be found defective it is because of the Inspectors under whom they were placed. Soon after the course in P. T. Ss. was over the Sub-Inspectors were trained and tried in an atmosphere of suspicion under Inspectors who were opposed to their interests and who had the old School Head Constable S. H. O. that had been ousted from his place to support the Inspectors' doings. In short, the Sub-Inspectors, with their stand on an uneducated mischievous mass of constabulary, with an inclination always to hate order and discipline, and under a canopy of dry criticism held up with the ruling rod of the Inspectors, were more to be pitied in that condition and now they have come out successful without being pronounced unfit for Police work. The whole brunt of the burden of Police work in the repression of crime and of local disorders generally fell on the shoulders of the Sub-Inspectors, the men on the spot, while their immediate

superior, the Circle Inspector sat leisurely at home and sent orders. It is no mean achievement for the Sub-Inspectors that they came out successfully during the world wide European war and in the recent economic and political crisis the worst of its kind that ever threatened to throw this country in an anarchy. In spite of the Circle Inspectors the Sub-Inspectors have come out successful. First they ousted the Head Constable S. H. Os. and now that they have gained experience they must oust the Inspectors too. We suggest that all Sub-Inspectors be made Inspectors with a time scale pay of Rs. 75-5-150-10-200, back service being taken to account to arrive at the starting pay. By abolishing the rank of Circle Inspectors a saving of at least about Rs. 10,00,000 in pay and Travelling allowance might be saved in every Province. Prosecuting Inspectors also we bring under Circle Inspectors for the purpose of abolition of that post. From practical experience it is found that most Prosecuting Sub-Inspectors are at least as well qualified if not better than their Prosecuting Inspectors who are now found to take no interest in their work. Now that a Prosecuting Sub-Inspector is appointed for each Revenue Subdivision, we find there is absolutely no necessity for the existence of Prosecuting Inspectors. Consultation on important matters may be had with the Public

Prosecutors who are certainly better in every way than the prosecuting Inspectors.

Next we shall come to the present Sub-Inspectors. In almost every Province there are certain Police Stations where there are more than one Sub-Inspector in charge. This is largely due to the fact that the allocation of jurisdiction to each Police Station has not been properly made and if only the jurisdiction of each station is revised and equally allocated according to the volume of crime, the geographical situation and the population, a Sub-Inspector for each Station will do. In this way the number of stations can be reduced by 10 per cent in each Province and the consequent reduction by ten percent in the strength of the Sub-Inspectors also may be effected which means another saving.

What we propose is that a Gazetted Officer *provincial* or *imperial* be appointed for each Revenue Subdivision and the Superintendents be relieved of all direct charge. The Personal Assistant's place must be abolished and the Managers system must in spirit and letter be enforced. The present Circle Inspectors must be done away with a few deserving being made subdivision officers, a few being posted to charge of stations and the undesirable others being made to retire. The existence of the Circle Inspectors' grade has done more harm than good and

the force without them, with the station house officers directly under the Gazetted Officers and the Superintendent of Police left to freely move about and see to matters personally, will decidedly become more and more efficient and popular. What we in short propose is Gazetted Officers, in the place of Circle Inspectors one for each Revenue Subdivision, less stations and Inspectors in charge of stations.

REPORT OF INVESTIGATED CASES

MODUS OPERANDI SYSTEM.

All ranks have been trained to study and get to know criminals, not merely by their name and description, but by the "class" of crime each commits and the "method" by which he has generally set about it.

It has been proved by records that criminals are very rarely versatile in their crimes. They tend to commit the same crime over and over again; they do not venture upon forms of crime with which they are unfamiliar. Not only is it true that the criminal almost invariably commits the same class of crime, *e.g.*, burglary, pocket-picking &c., but it is found that criminals follow a particular method of committing this class of crime, and method can also be traced in the nature of articles stolen: one man takes trinkets and little articles of silverware, another takes clothes.

The simple and probable reason being that he is used to one method of committing crime, and thinks that he is safest in the following the method he knows best.

The successive offences of the same criminal are recognizable. By comparison and elimination crime is linked with crime, suspect with offender, until finally the case is brought to a point where an arrest can be made.

As instances may be quoted, the following cases which came to light in the course of the year:—

(a) *A Cook-woman after obtaining Employment in a House (in which she evidently experiences little difficulty, as she accepts a very small Salary) disappears within a few Hours of Employment after stealing Watches or Jewellery.*—On a case of this nature being reported to the Cotta Police on April 18, Inspector Ratwatte recognized the *modus operandi* as similar to that in a case successfully prosecuted by him eight years previously. On April 24, Police Constable 144 Silva arrested a woman corresponding to the description given him by Inspector Ratwatte. She was identified, and on her person were found a gold chain and pendant which had been stolen from another house where she had obtained employment as a cook-woman after the case reported on April 18. The woman was identified as the person who offered her services as a cook-woman in both cases. She was

convicted and sentenced to six months' rigorous imprisonment in each of these two cases. She had five previous convictions for offences committed in the same way.

(b) *A case of Cheating by attempting to pass off Brass Jewellery as Gold.*—At Gampola, in the Central Province, while Police Constable 1902 Banda and Police Constable 789 Simon were watching a sale of vegetables, when off duty, they saw one Periasamy, a pawnbroker, handing over a set of jewellery to a goldsmith, with a request to test it. He tested it and said that it was made of brass, and added that a similar set of jewellery, made of gold, was brought to him to be tested by Sinniah, another pawnbroker at Gampola.

Acting at once on this, the constable went to Periasamy's shop, and found one Sebastian seated inside the shop. Periasamy pointed him out as the person who had brought the articles to him. On searching him, the constables found two similar sets of jewellery, one made of gold and the other made of brass.

The *modus operandi* of the accused is interesting. He has two sets of jewellery exactly similar in appearance, one made of gold the other of brass. He goes with the gold set to a pawnbroker, and after the pawnbroker has had it tested by a goldsmith, gets it back on the pretence that the interest demanded is too high. He then goes to another

pawnbroker of the same locality, and attempts to pawn the brass set expecting that the second pawnbroker will get it tested by the same goldsmith, who would say that he had tested it for another pawnbroker, and that it was made of gold.

The accused is a criminal from Negombo. He had four previous convictions, and was sentenced in the District Court of Kandy to four years' rigorous imprisonment, three years' police detention, and five years' police supervision.

(c) *Pretending to be Deaf and Dump and collecting Subscriptions and duping the public.*—At Matale in the Central Province, on August 8, 1921, Police Sergeant 1601 Silva and Police Constable 439 Daniel Singho, who were out on village patrol, met one Karunaratne alias Dewasingho alias Appuhamy alias Hinniappuhamy Dewo Singho Arachchige, who pretended to be deaf and dumb. This was at about 8 o'clock in the morning, and the police sergeant, who knew the accused previously, suspected him of attempting to deceive the public. On being questioned; the accused still pretended to be mute, but the police sergeant who was not satisfied with the accused's behaviour, took him into custody, and on searching his person found six printed subscription books containing notices in English and Sinhalese stating that he was deaf and dumb, and an appeal to the public to raise a sum

of Rs. 1,800 for the purpose of paying an Indian doctor who had guaranteed him complete cure. Several well-known residents, up-country and in Matale District, had been duped in this manner, and induced to subscribe liberally. The police sergeant continued to make further inquiries, and the accused not finding any means of escape eventually admitted his guilt, stating that he was neither deaf nor dumb, but that he was compelled (being an habitual criminal) to take to this mode of living, as he was in absolute need and had no one to help him.

The accused, who had five previous convictions, was sentenced to four years' rigorous imprisonment and five years' police supervision.

The *modus operandi* adopted by the accused was the same in the last three offences committed by him.

On May 18, about 4.30 A. M. one Andiyapen, son of Nainar Pillai of Egoda Kolonnawa, came to Wellampitiya Police Station and complained that at about 3.15 A. M. that morning when he was sleeping in his house he had heard some one meddling with the planks of his back door. He got up and saw a man trying to remove the planks and talking to another man outside. Andiyapen took a pointed knife and stabbed the man in the right upper arm as he was attempting to enter. The alarm was then raised, and the thieves ran away.

Police Sergeant 1350 Nambiar promptly proceeded to the spot at 4.45 A. M., and on examination found a small piece of the lower part of the doorpost broken. It was necessary to break this to be able to remove the planks. He also found blood stains on the ground at the back of the house leading to the road.

Sergeant Nambiar then returned to the station, examined *Modus Operandi* Register and ascertained that three men in his district committed housebreaking in this manner. He inquired where these three men were on the night in question, and learnt that one of them, Liya alias Leonis Ranasinghe, of Mectotamulla, was absent from his house.

The sergeant then visited the houses and haunts of all the friends and associates of Liya, and found blood stains in the outer verandah of the house of one Heenatimullage Don Hrnolis Appu, one of Liya's friends. On questioning Arnolis Appu, the sergeant learnt that Liya had come to his house at about 4.30 A. M. on the night in question with a bleeding stab wound in his right arm. Arnolis told Liya to go away, and he saw him take shelter under a caju tree in the jungle at Bodawatta. On examination, drops of blood were found on some of the leaves under the tree in question, and the leaves had been recently disturbed.

Liya had absconded, but was arrested at 3.30 A. M. on May 29, 1921, by Sergeant Nambiar and Police Constables 1727 H. A. Young and 174 W. Abeykoon at his house, which he had visited that night to get some money from his father. Liya was asked to explain how he got the partly-healed wound on his right arm. He said that the wound was caused by a bull. He was produced before the District Medical Officer, who stated that the wound was caused by a sharp cutting instrument. Liya was charged with attempt to commit housebreaking, convicted, and sentenced to one year's rigorous imprisonment and one year's police supervision.

PREVENTIVE DETENTION.

In my report last year the system of preventive detention as carried out in Great Britain (says the Inspector General of Police, Bengal, in his administration report for 1921,) was recommended as offering a solution of what is unquestionably the most difficult of our problems, namely, the finding of a satisfactory method of dealing with the *habitual* criminal. On receiving a copy of the Indian Jails Committee report I requested Mr. Armstrong, Deputy Inspector-General, Criminal Investigation Department, to examine the Committee's recommendations, which, in my opinion, were inadequate. The following is a note compiled by him. "I entirely agree with his conclusions:—

"The report of the Indian Jails Committee has since been published and reference to preventive detention will be found in paragraph 451, chapter XVI, and in Appendix X, volume I. The chapter and Appendix, as their headings indicate, are given up to a very full examination of the "indeterminate sentence" and of the parole system, or system of conditional release, which in some form is generally found associated with the different types of the indeterminate sentence noticed by the Jails Committee. In paragraphs 40 to 47 of the Appendix is described at some length the system of preventive detention established in England under the Prevention of Crime Act, 1908, and its actual working as carried out at Camp Hill in the Isle of Wight. The information thus collected and set out in the report in convenient form is of great value and deserves careful study.

The conclusions of the Committee as to the applicability to Indian conditions of the principles they have examined, and their recommendations, are stated in paragraphs 452 and 453. In the result they reject the "indeterminate sentence" as unsuitable for India and recommend simply a system of revision of the sentence of long-term prisoners, who are classified for this purpose into two divisions—non-habituals and habituals. The sentence of the non-habitual would be

brought under revision as soon as he had served half the period awarded by the Court, and in the case of the habitual after two-thirds of the period, but as in each case remission earned would be included in the period undergone, the non-habitual (calculating remission on the scale recommended in paragraph 249) would be eligible for release after he had served somewhat less than half his sentence and the habitual after a little more than half. The constitution of the Revising Board, the conditions of release and the appointment of highly-paid parole officers need not detain us here, though in passing it may be remarked that, while in Norway and Holland, whence the main outlines of the scheme recommended have been taken (paragraph 453), the released convict remains under police surveillance (paragraphs 34 and 35, Appendix X) the Jails Committee are anxious "to protect the prisoner from any interference by the Police."

The main and essential question with which we are concerned, as it appears to me, is whether or not the system of revision of sentence provides a satisfactory solution of recidivism, or, in other words, a means of reclaiming, or, in the alternative, of protecting, society against the habitual offender. This aspect of the matter it would seem the Jails Committee has not kept sufficiently in view, for obviously

the scheme proposed, although good as far as it goes, is wholly inadequate as a measure designed to meet the much wider issues involved.

In America, where the "indeterminate sentence" has received a fuller trial than elsewhere, it would seem it is chiefly in the case of non-habituals that it has been so extensively applied (paragraph 16 of Appendix X). At the Brussels Congress of 1900 the principle of the indeterminate sentence was opposed in favour of "the progressive lengthening of sentences of old offenders" and the "system of long detention with the corrective of conditional discharge." In America itself, while opinion has been against the definite fixed sentence, "in no state, has the principle of the indeterminate sentence been carried to its logical conclusions" (paragraph 449), the logical conclusion presumably being the reformation of the recidivist, or his continued detention under circumstances that will ensure the protection of society. In this connection the observations in paragraph 2 of Appendix X are very much to the point, where it is held that "to discharge an unreformed prisoner to prey on society was to invite the commission of fresh crime." Again, in paragraph 447, while advocating the "shortening of the longer sentences, provided this can be done without injury to the community," the Committee practically admit the inefficacy of such

measures in the case of the hardened habitual with whom, by implication, mere length of detention "must necessarily be a very weighty influence." In the Transvaal (paragraph 32, Appendix X) "the principle of the indeterminate sentence and of conditional release..... is applied specially to old offenders and provides for their indefinite detention in Jail, unless paroled." In New South Wales (paragraph 36 *ibid*) the special treatment of habituals is still more emphasized and it is specially laid down that "when a person is thus declared a habitual offender, he has first to undergo such substantive sentence as the Court imposes and is then detained during His Majesty's pleasure in some place of confinement set apart for the purpose and in paragraph 37 we are told how well the system has worked. The New South Wales system is in fact almost identical with the English system of preventive detention and the slight differences between the two are indicated in paragraph 39. It is conceivable that, as pointed out in paragraph 450, criminals prefer the "indeterminate sentence" to the "indefinite sentence," especially as the former generally means undergoing only the minimum sentence (paragraph 25, Appendix X), but as to the excellent results obtained with *habituals* under the "indefinite sentence," both in New South Wales and at Camp Hill, there cannot be the slightest doubt.

When the fundamental difference between "habituals" and non-habituals and the need for prescribing treatment appropriate to each is so generally recognized, it is somewhat difficult to understand how the Jails Committee are content merely to devise and recommend a system of revision of the definite fixed sentence passed by a Court whereby the non-habitual may be remitted about 7/12ths of the period awarded and the habitual about 5/12ths or nearly a half. It may freely be allowed that in the case of the *non-habitual* this may prove a strong inducement and give good results, but in the case of the *habitual* no such result can reasonably be expected, and it will generally have the effect of only halving what is probably already an inadequate sentence, without bringing about any real reformation of character. Indeed it would almost appear as if "the reduction of economic waste" (paragraph 446) had been the guiding consideration in determining the system recommended for India.

It is *unfortunate* the Jails Committee have not considered it necessary to examine at greater length the system of preventive detention in its applicability to Indian conditions. Beyond a passing reference to it in paragraphs 450 and 451, nothing more is said, and yet it seems to me that the system, as outlined in paragraph 40 of Appendix X, is

peculiarly well adapted for the purpose of dealing effectively with the habitual burglar or dacoit in India and affords a solution which neither the Jails Committee's scheme of revision of sentence nor the indeterminate sentence is capable of doing. The further proviso, moreover, in the scheme of revision that a minimum sentence of 2½ years should have been undergone automatically excludes from all considerations whatsoever the case of many hardened offenders, who, as is too often the case in India, have been altogether too lightly dealt with and sentenced to short terms of imprisonment. If the 2½ years' limit secures the shorter sentence against being still further reduced, it, on the other hand, places these prisoners outside the reach of such reformatory influence as may attach to the revision of sentence.

The introduction of "preventive detention" in India should not present any great difficulties. It would be necessary to modify the system as worked at camp Hill and adapt it to local conditions, but the underlying principle is of general application. The reformation of the hardened criminal on these lines and in particular the prominence given in the scheme to "a general attempt to bring kindness and sympathy to bear on the prisoner" (paragraph 42 of Appendix X) should commend it very strongly to Indian Juries and Courts, where

justice is too often tempered with mercy as excessive as it is misplaced.

I venture once more to urge the introduction of preventive detention as the only method that is likely to attain the end in view."

MERITORIOUS WORK OF THE CONSTABULARY.

In the Attock District, the Hazro town was raided last year by a gang of 40 armed Pathans, who killed two patrolling Constables and took away their muskets. Seven shops and two houses were broken into; and clothes and jewellery were taken away by the raiders. In another case, the house of a well known banker of Village Gurgushti was raided by 36 dacoits armed with rifles. The Police Constables and two inmates were killed by the raiders, who looted the house and took away the muskets of the murdered Constables before a pursuing party arrived. Three other constables pluckily took up a position and opened fire; but they were unable to prevent the raiders from looting the house, though they wounded some nine or ten of the gang. We hope the families of the deceased were suitably provided.

—EDITOR.

CEYLON POLICE PENSIONERS' CORPS.

The institutions of the Force include a Pensioners' Corps, which secures employment for men no longer physically fit for active police duty.

The object of the Pensioners' Corps is to assist police pensioners to supplement their pension by obtaining posts as watchers, doorkeepers, &c., on retirement, and to assist the public by providing men of a reliable type with long service under Government for posts which require a steady and reliable man. The pensioners are given a uniform by Government, and the pay they receive in private employ is of great assistance to them. These men have a pension to lose if they commit an offence of dishonesty, and this fact and their long service and training in the Force makes their service valuable to the private employer.

Pensioners of the Corps not in private employ are called out to assist the police at times of outbreak of plague, cholera, &c., when they are particularly useful in guarding and watching houses and contracts. When so called out they are paid for the number of days so employed. There are 155 pensioners in the Corps.

Pensioner Sergeant Ossen, who retired after thirty-seven years' service, has in the Force four sons, two of whom have already been promoted to the rank of sergeant

and two are serving as constables. The two constables started in the Police Boys' Brigade. The two elder sons joined the Force before the Boys' Brigade was started. The father had a very good record, and retired as a First Class, First Grade Sergeant. The sons are doing well, and clearly have in them the good traditions handed down by the father.

The Pensioners Corps and Boys' Brigade Institutions attached to the Force in this way serve to keep three generations in touch, and secures the handing down of good traditions.

LEGAL NOTES.

CRIMINAL PROCEDURE CODE.

—Ss. 110 and 117 Cl. (4)—

Ordinarily under S. 110 of the Cr. P. Code every person has to be tried separately for the offences enumerated therein. A joint trial is only permissible when two or more persons have been associated for the purpose of committing the offences mentioned in S. 110 cl. (a to f) which are under enquiry. Unless this circumstance is established, a joint trial is illegal and the conviction would be set aside. In a case under S. 110 of the Cr. P. Code in which the evidence of bad character of the accused persons and of the individual nefarious acts

committed by them form integral part of the offence, it is impossible to conceive that the evidence led against one will not prejudice the case of the other accused persons assembled together in the same dock. (*Jwala Prasad and Ross, JJ.*) *Jai Sao v. Emperor.*

65 I. C. 484.

—S. 133—If in proceedings under S. 133 Cr. P. Code arising out of an alleged obstruction of a highway, the opposite party sets up a bonafide claim of right, it is competent to the Magistrate, if he finds that there is a real and a substantial claim on the part of the opposite party, to allow him a reasonable time to assert the claim by a civil suit. If the party does not go to the court within such period or fails therein, the Magistrate can continue the proceedings under S. 133 Cr. P. Code, 8 C. W. N. 143 appr. (*Sanderson C. J. Teunon Richardson, Newbould (Ghose JJ.) Ram Sagar Mandal v. Alex Naskar.*

26 C. W. N. 442; 35 C.L.J. 247

—Ss 133 and 137—No man can be permitted to deal with his property in such a way as to cause public nuisance to others, 34 All. 345; 6 O.L.J.

616 referred. Where there is a complaint of a public nuisance a Magistrate is bound to enquire into it and he cannot make a conditional order absolute without taking evidence. 24 Cal. 395; 11 Bom. 375; 31 All. 453 Ref. (*Kanhaiya Lal, J. C.*) *Sant Shai v. Lachman Singh.* 9 O. L. J. 64.

—Ss. 169 and 514—The liability of a surety is strictly conditioned by the terms of his bond and if he binds himself to produce the accused on a particular date and does so, his liability is discharged. He cannot be made liable for the non-appearance of the accused on any subsequent date, (*Saunders J. C.*) *Nga Po Tin v. Emperor.*

65 I. C. 420.

—Ss. 174 and 175—Where in an enquiry under S. 174 of the Cr. P. Code a person voluntarily comes forward without being summoned and gives information, he is not bound to answer truly questions put to him, under S. 175. If he makes false statements, they cannot form the basis of a charge of perjury. (*Campbell J.*) *Mahomed Hayat v. Emperor.*

65 I. C. 434.

—S. 182—It is incorrect to regard S. 182 Cr. P. C. as applicable only to cases where some

place of trial cannot be laid down with absolute certainty. For example, the section applies to cases where the offence is a continuing one, so that if A steals a buffalo in District W and takes it through District X into District Y he may be tried for theft in any of the three districts though it is beyond doubt that district W would be a proper place of trial. (*Drake Brockman J. C.*) *Shamji v. Emperor.*

5 N. L. J. 16.

—S. 190—There is no provision of law which requires that the magistrate before taking cognisance should know exactly what each of the witnesses named in the charge sheet will prove. The charge sheet alleges that a certain offence will be established by the evidence of certain witnesses and, this is sufficient to enable the Magistrate to take cognisance. (*Coutts and Ross, JJ.*) *Grant v. Emperor.*

65 I. C. 421.

—Ss. 192 and 145—It is open to a Sub-Divisional Magistrate to transfer proceedings instituted by him under S. 145 of the Cr. P. Code to another Magistrate. The words "any case" in S. 192 of the Cr. P. Code

cover an enquiry under S. 145. (*Ryves, J.*) *Mahendra Singh v. Mt. Rajpatti.*

20 A. L. J. 215.

—S. 202—Under S. 202 Cr. P. Code the Magistrate has the option of only one out of two alternatives, viz, either to inquire into the case himself or direct a previous local investigation. He cannot have recourse to both the alternatives and if he chooses to inquire into the case himself, an order directing local investigation is irregular. (*Lindsay, J.*) *Durga Prasad v. Emperor.*

L. R. 3 A. 76 (Cr.)

—S. 235—The accused was charged at one trial with offence under Ss. 420 and 380 I. P. C. alleged to have been committed under the following circumstances. The complainant was taken to a shop by the accused and was induced by him to try a bar of silver which on subsequent examination, proved to be base metal covered with a thin coating of silver. On the same night the accused in whose house the complainant was staying stole the silver bar. Held that though the two offences under Ss. 380 and 420, I. P. C. were not committed in the course of the same

transaction within S. 235, Cr. P. Code, still the evidence which went to establish the charge under S. 380 I. P. C. was admissible as showing dishonest intention in respect of the offence under S. 420 I. P. C.; and that as there had been no prejudice to the accused the joint trial was not bad. (*Ryves J.*) *Bechai v. Emperor.*

20 A. L. J. 324. L. R. 3 A. 74 Cr.

—Ss. 234 and 235—Ss. 234 and 235 Cr. P. Code do not warrant the joinder of three charges under S. 408 I. P. C. and one under S. 477 A, I. P. C. against the accused in one trial. 32 A. 219 foll. (*Gokal Prasad J.*)

Shuja Uddin Ahmad v. Emperor 23 A. L. J. 320 : L. R. 3 A. 81 Cr.

—S. 239—Where the allegations against the two accused are mutually exclusive, that is to say, where the case is that either the one or the other of the accused committed the offence, they cannot be tried together. *Kyaw Dwe v. Emperor.* 1 Bur. L. J. 69.

—S. 263—Though a trial before a Magistrate is summary, the Magistrate must give the reasons, though briefly, for justifying the conviction. (*Sultan Ahmad J.*) *Damodardas v. Emperor.* 35 I. C. 446.

—Ss. 238 and 428—Power under—User by High Court on appeal—Procedure. See (1921) Dig, Col. 442 *Nagina v. Emperor.*

L. R. 3 A. 36 (Cr).

—S. 341—Costs of adjournment—Direction to pay legality of.

Where a criminal case is adjourned consequent on the failure of the complainant to appear on the date fixed for hearing, the court has no power to order the accused to pay the costs of the adjournment. (*Gokul Prasad J.*) *Beedha v. Emperor.*

20 A. L. J. 280.

—S. 345 It is the duty of the Magistrate to decide in any case whether it will or will not allow a compromise and the responsibility rests entirely with him. Unless the offence is so serious that punishment is absolutely necessary, the Magistrate would well exercise his discretion in allowing a composition of the offence. Where a Magistrate refused to recognise a composition without sufficient reason, the High Court accepted a revision and enforced the compromise. (*Harrison, J.*) *Sewa Singh v. Emperor.*

65 I. C. 437.

—Ss. 345 and 439—A Court of revision has no power to sanction the composition of an offence after a conviction of the accused by the court below. 43 Cal. 1143 foll. 29 M. L. J. 621, 3 All. 1137 ref. (*Bucknill J.*) *Audhi Rai v. Emperor.* 65 I. C. 432.

—S. 439—It is competent to the High Court in revision to go into the facts and if not satisfied beyond doubt as to the guilt of the accused, to set aside the conviction. The rule that the High Court will not interfere in revision on a question of fact is not an absolute one. (*Ryves, J.*) *Shiam Sunder v. Emperor.* 20 A. L. J. 276.

—Ss. 250 (a) and 367 and 424—The direction in proviso (a) to S. 250 Cr. P. Code is mandatory and the magistrate is bound to consider the objections raised by the complainant and to record a judgment with reasons. A mere statement that the cause shown is not reasonable is insufficient. 25 I. C. 994 foll. A District Magistrate hearing an appeal under S. 250 (3) Cr. P. Code is bound to record a judgment in accordance with Ss. 367 and 424 Cr. P. Code (*Jwala Prasad, J.*) *Deonarain Mahto v. Chhatoo Raut.* 3 Pat. L. T. 203.

—Ss. 517 and 520 A Stationary Sub-magistrate in acquitting a person charged with an offence under S. 406, I. P. C. made on order under S. 517, Cr. P. Code, the certain jewels which a subject matter of the charge should be returned to the complainant. Held, that the court which had power to modify the order was the District Magistrate and not the Sub-Divisional Magistrate and that the order of the latter dismissing an appeal to him was right. (*Ayling and Ramesam, JJ.*) *Gogi Venkiah v. Station house Officer of Narasapur.*

42. M. L. J. 401 (1922) M. W. N. 191 30 M. L. T. 251

—S. 526—The mere fact that the presiding Magistrate as the District Magistrate in charge of the District has taken precautions against intimidation and illegal picketting by the strikers so as to avoid a breach of the peace, is no ground for the transfer of a case in which the strikers are tried under Ss. 143 and 506. I. P. C. (*Teunon and Subra Warday, JJ.*) *Nogendra Chandra Das v. Rehan Ali* 65 I. C. 440.

Cr. TRIAL—A Magistrate exercising judicial functions, has to divest himself of his executive powers and his judicial

pronouncements should not be disfigured by an entry as required under the Police Manual, particularly as it is based upon the Magistrate's personal impressions drawn from irrelevant matters which the accused has no opportunity to meet.

Where a Magistrate acquits the accused holding the prosecution case to be false, he has no power to add in the Judgment "Enter true" which is wholly inconsistent with his express finding as to the falsity of the case and the said remark together with the reasons for the same should be deleted from the judgment as the accused may be gravely prejudiced by it. (*Jwala Prasad J.*) *Birnarayan Singh v. Emperor.*

3 Pat L. T. 239

EVIDENCE ACT.

—S 17—Admissions are always evidence against the party who makes them but they are evidence which varies very much in value according to the circumstances and a Court is quite at liberty to reject them if it is satisfied from other circumstances that they were untrue. (*Daniels j. C.*) *Gokul Prasad v. Kailash Nath.*

65 I. C. 345

—S. 30—Where a confession made by an accused person is subsequently retracted by him and he does not implicate himself in the murder though he stated he was one of the conspirators, *held* the confession could not be taken into account against the co-accused for the person making the confession did not intend to implicate himself though he actually did so. As against the person making the confession it was certainly admissible in evidence (*Shadi Lal, C. J. and Harrison, J.*) *Hayat v. Emperor* 44 L. J. 41.

—S 35—There is a *prima facie* presumption in favour of the accuracy of thak and survey maps and it is for the party who impugns their accuracy to prove his case. Such a map may be shown to be incorrect by the admission of parties or adjudication by a court or by evidence intrinsic or extrinsic to the map in question. (*Woodroffe and Cuming, J.J.*) *Taramoni Chaudhurani v. Gopal Das Chandhury.* 65 I. C. 182.

PENAL CODE.

—S 147—Where six persons were charged and convicted of an offence under S. 147 I. P. C.,

the common object stated by the prosecution was the assault on the complainant. The Magistrate found that three of the accused went to assault the complainant while the other three went to take away his cattle. Held, that on the findings of the Magistrate there was no common object shared by five persons so as to constitute an offence under S. 147 I. P. C. and that the conviction under that section must fail as regards all the accused. (*Walmsley and Suhrawardy, J.J.*) *Aminulla v. Emperor.*

26 C. W. N. 536 35 C.L. J. 353.

—S. 174—The fact that a person is so incapacitated by illness as to be obliged to give up his ordinary avocations would be a sufficient excuse for him not to attend a Court in obedience to a summons. It is not necessary that he should have been so dangerously ill that he could not move. (*Ryves, J.*) *Bohra Birbal v. Emperor.*

20 A. L. J. 192 L. R. 3 All. 55 (Cr.)

—Ss. 194 and 211—It is difficult to affirm the existence of an intention to cause, or of knowledge that the false evidence is likely to cause, a

person to be convicted of a capital offence, when the proceedings in which the evidence were given is one in which such a conviction is not legally possible. It follows *aforeiori* that the offence of a person accusing another falsely of murder to a head constable in an enquiry under S. 134 of the Cr. P. Code would not fall under S. 194 of the Cr. P. Code (*Campbell, J.*) *Mahomed Hayat v. Emperor.* 65 I. C. 434.

—S. 211—The term "institution" in S. 211 of the I. P. C. means the institution either by the accused himself, or by the police or others in consequence of the accused's actions, in some Criminal Court. 3 P. R. 1888 Cr. foll. *Campbell, J.* *Mahomed Hayat v. Emperor.* 65 I. C. 434.

—S. 300—Where a man strikes another on the head with a not very formidable weapon one blow only no greater intention can be attributed to him than that of causing injury likely to cause death. But each case must depend on his own facts, on the circumstances surrounding the assault, on the motives and the particular weapon used. If the accused had been actuated by a fierce

motive urging him on to commit a serious hurt and if he had used a heavy bamboo, or weighted stick or club then, having regard to the injury actually caused and to the great violence used the Court would have no option but to hold him guilty of murder, 2 L. B. R. 125 ref. (*Robinson, C. J. and Duckworth, J.*) *Nga Khan v. Emperor.* 65 I. C. 495.

—S 302—When a judge does not pass the normal sentence viz, the sentence of death in a case of murder, he is bound to record his reasons and he must find there are really extenuating circumstances and not merely absence of aggravating circumstances. (*Robinson, C. J. and Macregor, J.*) *King Emperor v. Nga Share Hla.*

1 Bur. L. J. 66.

—S. 302—Youth alone in every case is not such an extenuating circumstance as would justify the imposition of the lesser penalty in case of murder, but it should be taken into consideration with the other facts of the case. Where no extenuation is shown and the offence is deliberately committed mere youth alone would not entitle the accused to the lesser penalty. (*Robinson, C. J.*

Macregor J.) *Nga Ba Thin v. King Emperor.*

1. Bur. L. J. 70.

—S 339—Where articles attached by the complainant in execution of a money decree and left in his possession under a bond in form No. 15 A of App. E. C. P. Code were, in claim proceedings subsequently adjudged to the accused, and he, instead of taking delivery thereof through court, broke open the locks of the shop in which they were kept and took forcible possession of them in complainant's absence. *Held* that as the accused only took his own property secured in his own shop, and did not intend to cause wrongful loss to complainant or wrongful gain to himself, he could not be convicted of theft. (*Phillips, J.*) *Lakshminarayana Chettiar In re.*

42 M. L. J. 490.

—S. 447—The main ingredients of S. 447, I. P. C. is that the trespass must be with the intention of annoyance or insulting some one, or must be with the intention of committing an offence. Where there is nothing on the record to show any such intention the conviction of a criminal trespass is impossible. (*Sultan Ahmed, J.*) *Danodar Das v. Emperor.* 65 I. C. 446.

—Ss. 467 and 471—*Forgery—Conviction—Comparison of handwriting—Opinion of Judge.*

A conviction for forgery should not safely be based entirely upon a comparison of the handwriting. But the Court is competent to see for itself whether certain handwritings placed before it are similar or not. (*Jwala Prasad and Adami JJ.*) *Uohab Santara v. Emperor.* 65 I. C. 446.

—Ss. 511 and 420—There is a wide difference between the preparation and an attempt to commit an offence. Preparation consists in devising or arranging means necessary for commission of an offence while an attempt is the direct movement towards the commission after the preparations are made. In the case of a mere preparation the Court assumes that better reason would prevail at any moment and the man would change his intention to commit a crime before the actual consummation hereof. Where a clerk in a Railway company to weight goods entered the gross weight of certain goods at a figure above its actual weight in a register but had not filled up other particulars fixing liability upon the railway com-

pany, the writing of the false figure constituted a mere preparation for commission of the offence of cheating and was therefore not punishable. (*Jwala Prasad, J.*) *Lakshumi Prasad v. Emperor.*

65 I. C. 492.

POLICE ACT (V of 1861)

—S. 42—Where a complaint is made against a police sub-Inspector for illegal arrest within the period of limitation prescribed by S. 42 of the police Act, the trial can proceed in spite of the section. (*Lindsay, J.*) *Shankar Lal v. Emperor.*

65 I. C. 433.

ARMS ACT.

—S. 19—*Sword-Kirpan—Carrying of—Punjab Government—Notification.*

The question whether a sword carried by the accused is a Kirpan and therefore exempt from the Arms Act under the Punjab Government Notification, depends on the circumstances of his case. The burden is upon the accused to prove that lethal weapon carried by him is a Kirpan within the meaning of the exemption. A sword 31 inches long with a blade length of 22 inches in a simple scabbard was held not to be proved

motive urging him on to commit a serious hurt and if he had used a heavy bamboo, or weighted stick or club then, having regard to the injury actually caused and to the great violence used the Court would have no option but to hold him guilty of murder, 2 L. B. R. 135 ref. (*Robinson, C. J. and Duckworth, J.*) *Nga Khan v. Emperor.* 65 I. C. 495.

—S. 302—When a judge does not pass the normal sentence viz, the sentence of death in a case of murder, he is bound to record his reasons and he must find there are really extenuating circumstances and not merely absence of aggravating circumstances. (*Robinson, C. J. and Macregor, J.*) *King Emperor v. Nga Share Hla.*

1 Bur. L. J. 66.

—S. 302—Youth alone in every case is not such an extenuating circumstance as would justify the imposition of the lesser penalty in case of murder, but it should be taken into consideration with the other facts of the case. Where no extenuation is shown and the offence is deliberately committed mere youth alone would not entitle the accused to the lesser penalty (*Robinson, C. J.*

Macregor J.) *Nga Ba Thin v. King Emperor.*

1 Bur. L. J. 70.

—S. 330—Where articles attached by the complainant in execution of a money decree and left in his possession under a bond in form No. 15 A of App. B. C. P. Code were, in claim proceedings subsequently adjudged to the accused, and he, instead of taking delivery thereof through court, broke open the locks of the shop in which they were kept and took forcible possession of them in complainant's absence. *Held* that as the accused only took his own property secured in his own shop, and did not intend to cause wrongful loss to complainant or wrongful gain to himself, he could not be convicted of theft. (*Phillips, J.*) *Lakshminarayana Chettiar In re.*

42 M. L. J. 490.

—S. 447—The main ingredients of S. 447, I. P. C. is that the trespass must be with the intention of annoyance or insulting some one, or must be with the intention of committing an offence. Where there is nothing on the record to show any such intention the conviction of a criminal trespass is impossible. (*Sultan Ahmed, J.*) *Damodar Das v. Emperor.* 65 I. C. 446.

—Ss. 467 and 471—*Forgery—Conviction—Comparison of handwriting—Opinion of Judge.*

A conviction for forgery should not safely be based entirely upon a comparison of the handwriting. But the Court is competent to see for itself whether certain handwritings placed before it are similar or not. (*Jwala Prasad and Adami JJ*) *Uohab Santara v. Emperor.* 65 I. C. 446.

—Ss. 511 and 420—There is a wide difference between the preparation and an attempt to commit an offence. Preparation consists in devising or arranging means necessary for commission of an offence while an attempt is the direct movement towards the commission after the preparations are made. In the case of a mere preparation the Court assumes that better reason would prevail at any moment and the man would change his intention to commit a crime before the actual consummation hereof. Where a clerk in a Railway company to weight goods entered the gross weight of certain goods at a figure above its actual weight in a register but had not filled up other particulars fixing liability upon the railway com-

pany, the writing of the false figure constituted a mere preparation for commission of the offence of cheating and was therefore not punishable. (*Jwala Prasad, J.*) *Lakshumi Prasad v. Emperor.* 65 I. C. 492.

POLICE ACT (V of 1861)

—S. 42—Where a complaint is made against a police sub-Inspector for illegal arrest within the period of limitation prescribed by S. 42 of the police Act, the trial can proceed in spite of the section. (*Lindsay, J.*) *Shankar Lal v. Emperor.* 65 I. C. 433.

ARMS ACT.

—S. 19—*Sword-Kirpan—Carrying of—Punjab Government—Notification.*

The question whether a sword carried by the accused is a Kirpan and therefore exempt from the Arms Act under the Punjab Government Notification, depends on the circumstances of his case. The burden is upon the accused to prove that lethal weapon carried by him is a Kirpan within the meaning of the exemption. A sword 31 inches long with a blade length of 22 inches in a simple scabbard was held not to be proved

motive urging him on to commit a serious hurt and if he had used a heavy bamboo, or weighted stick or club then, having regard to the injury actually caused and to the great violence used the Court would have no option but to hold him guilty of murder, 2 L. B. R. 125 ref. (*Robinson, C. J. and Duckworth, J.*) *Nga Khan v. Emperor.* 65 I. C. 495.

—S. 302—When a judge does not pass the normal sentence viz, the sentence of death in a case of murder, he is bound to record his reasons and he must find there are really extenuating circumstances and not merely absence of aggravating circumstances. (*Robinson, C. J. and Macgregor, J.*) *King Emperor v. Nga Share Hla.*

1 Bur. L. J. 66.

—S. 302—Youth alone in every case is not such an extenuating circumstance as would justify the imposition of the lesser penalty in case of murder, but it should be taken into consideration with the other facts of the case. Where no extenuation is shown and the offence is deliberately committed mere youth alone would not entitle the accused to the lesser penalty (*Robinson, C. J.*

Macgregor J.) *Nga Ba Thin v. King Emperor.*

1 Bur. L. J. 70.

—S. 330—Where articles attached by the complainant in execution of a money decree and left in his possession under a bond in form No. 15 A of App. E. C. P. Code were, in claim proceedings subsequently adjudged to the accused, and he, instead of taking delivery thereof through court, broke open the locks of the shop in which they were kept and took forcible possession of them in complainant's absence. Held that as the accused only took his own property secured in his own shop, and did not intend to cause wrongful loss to complainant or wrongful gain to himself, he could not be convicted of theft. (*Phillips, J.*) *Lakshminarayana Chettiar In re.*

42 M. L. J. 490.

—S. 447—The main ingredients of S. 447, I. P. C. is that the trespass must be with the intention of annoyance or insulting some one, or must be with the intention of committing an offence. Where there is nothing on the record to show any such intention the conviction of a criminal trespass is impossible. (*Sultan Ahmed, J.*) *Danodhar Das v. Emperor.* 65 I. C. 446.

—Ss. 467 and 471—*Forgery—Conviction—Comparison of handwriting—Opinion of Judge.*

A conviction for forgery should not safely be based entirely upon a comparison of the handwriting. But the Court is competent to see for itself whether certain handwritings placed before it are similar or not. (*Jwala Prasad and Adami JJ*) *Uohab Santara v. Emperor.* 65 I. C. 446.

—Ss. 511 and 420—There is a wide difference between the preparation and an attempt to commit an offence. Preparation consists in devising or arranging means necessary for commission of an offence while an attempt is the direct movement towards the commission after the preparations are made. In the case of a mere preparation the Court assumes that better reason would prevail at any moment and the man would change his intention to commit a crime before the actual consummation hereof. Where a clerk in a Railway company to weight goods entered the gross weight of certain goods at a figure above its actual weight in a register but had not filled up other particulars fixing liability upon the railway com-

pany, the writing of the false figure constituted a mere preparation for commission of the offence of cheating and was therefore not punishable. (*Jwala Prasad, J.*) *Lakshumi Prasad v. Emperor.* 65 I. C. 492.

POLICE ACT (V of 1861)

—S. 42—Where a complaint is made against a police sub-Inspector for illegal arrest within the period of limitation prescribed by S. 42 of the police Act, the trial can proceed in spite of the section. (*Lindsay, J.*) *Shankar Lal v. Emperor.* 65 I. C. 433.

ARMS ACT.

—S. 19—*Sword—Kirpan—Carrying of—Punjab Government—Notification.*

The question whether a sword carried by the accused is a Kirpan and therefore exempt from the Arms Act under the Punjab Government Notification, depends on the circumstances of his case. The burden is upon the accused to prove that lethal weapon carried by him is a Kirpan within the meaning of the exemption. A sword 31 inches long with a blade length of 22 inches in a simple scabbard was held not to be proved

to be a Kirpan (*ie Rossignol, J.*)
Bachittar Singh v. Emperor.
65 I. C. 430.

BURDEN OF PROOF.

Appeal—Onus on appellant of showing decree appealed is wrong.

The onus of proving that the Judgment and decree appealed against are wrong is on the appellant, (*Woodroffe and cumming, J.J.*) Taramoni Chaudhurani v. Gopal Das Chaudhury. 65 I. C. 182.

—Appeal—Onus on appellant to show judgment is wrong.

It is incumbent on an appellant to show that the judgment appealed from is wrong but if the decision of the lower Court is purely arbitrary, unsupported by any reasons, the appellate Court can come to its own conclusions, (*Broadway and Martineau, J.J.*) Firm of Probhu Dial Banwari Lal of Delhi v. Dina Nath Kapur. 65 I. C. 464.

MOTOR VEHICLES ACT. (VIII of 1914)

*—S. 8 Contradiction of—
License not with driver—Offence.*

The driving of motor car by a properly licensed driver who omits to carry the license with him is not an offence. It is only

the non—production of the license on demand by a police officer that constitutes the offence under the section. (*Hallifax, A.J.C.*) Dhekliia Kunbi v. Emperor.

65 I. C. 425.

—S. 18—Fine—Suspension of license—Appeal.

Where a Magistrate in addition to imposing a fine for an offence under S. 16 of the Motor Vehicles Act suspends the license of a motor driver under S. 18 (2) the sentence is appealable and also open to revision by the High Court, 9 N. L. R. 88 foll. (*Hallifax A. J. C.*) Dhekliia Kunbi v. Emperor.

65 I. C. 425.

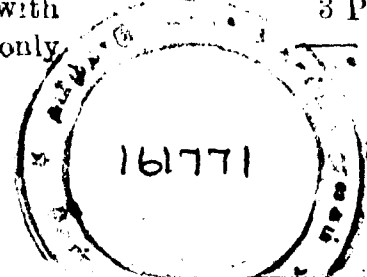
GOVERNMENT OF INDIA ACT.

—S. 107—High Court—Power to expunge remarks from judgment of inferior Criminal Court Executive order.

S. 107 of the Government of India Act, empowers the High Court to delete irrelevant remarks from the judgments of inferior Criminal Courts. 15 C. W. N. 593, 16 C. W. N. 1105, 17 C. W. N. 238, ref. (*Jwala Prasad, J.*) Birnarayan Singh v. Emperor.

3 Pat. L. T. 239.

52
Z 2, 1922
N 22



தமிழ்நாடு ஆவணக்காப்பக நூலகம்,
எழும்புடி, சென்னை-600 008.

தவணைத்தாள்.

சே. எண் : 167711

[illegible]