

Government of Madras.

EDUCATIONAL DEPARTMENT.

Recd.

Regd.

} 1909.

Enclosures

Spare copies

G.O., No. 131, 8th March 1909.

Criminal Judicial Test, Lower Grade.

Declining to abolish the — as a qualifying test for the post of Inspector of Police in the case of candidates who have been trained at and have passed the Final examination of the Provincial Training school at Vellore.

Government of Madras.

EDUCATIONAL DEPARTMENT.

Recd.

Regd.

} 1909.

Enclosures

Spare copies

G.O., No. 131, 8th March 1909.

Criminal Judicial Test, Lower Grade.

Declining to abolish the — as a qualifying test for the post of Inspector of Police in the case of candidates who have been trained at and have passed the Final examination of the Provincial Training school at Vellore.

GOVERNMENT OF MADRAS.

EDUCATIONAL DEPARTMENT.

READ—the following papers :—

I

Letter—from D. W. G. COWIE, Esq., I.C.S., Inspector-General of Police, Madras.
To—the Chief Secretary to Government.
Dated—the 18th December 1908.
No.—R.C. 4734-G1.

I have the honour to submit, for the consideration of Government, a proposal to abolish the Criminal Judicial Test, Lower Grade, as a qualifying test for the post of Inspector of Police in the case of candidates who have been trained and have passed the Final examination at Vellore Training school.

2. This test is prescribed in P.Os., Nos. 218 and 223, approved of in G.O., No. 1085, Judicial, dated 6th August 1908. Under P.O. 217, appointments to the grade of Inspector are made by the promotion of deserving Sub-Inspectors and by occasional direct recruitment from outside. In the former case the men will have undergone training in the Provincial Training school, Vellore, and passed the final examination there prior to confirmation. The course of instruction in the school covers all the law subjects prescribed for the Criminal Judicial Test and special attention is paid to those portions of the Codes which bear on Police work.

3. The Criminal Judicial Test, Lower Grade, seems to have been introduced as a qualifying test for Inspectors when the Departmental examination was confined to Police Orders and did not include Criminal Law. Now that the Vellore Training School Final examination includes the law subjects, the Criminal Test would appear to be unnecessary, and I consider the Vellore Training school examination a good substitute. The abolition of the test will afford a larger field of selection for the grade of Inspectors, as all efficient Sub-Inspectors with a practical as well as a paper knowledge of Criminal Law will be available for promotion.

II

Memorandum No. 7549-2, Judicial, dated 4th February 1909.

With reference to his letter R.C. No. 4734, dated the 18th December 1908, the Inspector-General of Police is requested to be so good as to obtain and submit to Government copies of the question papers in the law subjects set for the Vellore Training School Final examination during the last two years.

(By Order.)

C. A. SOUTER,
Ag. Under Secretary to Government.

To the Inspector-General of Police.

III

Memorandum No. 7549-3, Judicial, dated 4th February 1909.

The Commissioner for Government Examinations is requested to be so good as to transmit to Government copies of the question papers set for the Criminal Test, Lower Grade, during the last two years.

(By Order.)

C. A. SOUTER,
Ag. Under Secretary to Government.

To the Commissioner for Government Examinations (Memorandum).

IV

Letter—from G. MADDOX, Esq., B.A., Secretary to the Commissioner for Government Examinations.
To—the Under Secretary to Government.
Dated—Madras, the 6th February 1909.
No.—41/2-D.

With reference to Memorandum No. 7549-3, Judicial, dated the 4th instant, I have the honour, by direction, to forward copies of the question papers set for the Criminal Judicial Test, Lower Grade, during the last two years.

V

Letter—from D. W. G. COWIE, Esq., I.C.S., Inspector-General of Police, Madras.
To—the Chief Secretary to Government.
Dated—the 10th February 1909.
No.—R.C. 4734-Genl of 1908.

With reference to Judicial Memorandum No. 7549-2, dated 4th February 1909, I have the honour to forward herewith copies of the question papers in the law subjects set for the Vellore Training School Final examination during the last two years.

Order—No. 131, Educational, dated 8th March 1909.

The Government are unable to accept the proposal of the Inspector-General of Police to abolish the Criminal Judicial Test, Lower Grade, as a qualifying test for the post of Inspector of Police in the case of candidates who have been trained at and have passed the Final examination of the Provincial Training school at Vellore. Inspectors of Police must have a sound knowledge of Criminal Law and the Government consider that it is important to retain an independent test, which candidates who pass out of the Provincial Training school, if they are really competent, should have no difficulty in passing.

(True Extract.)

A. BUTTERWORTH,
Ag. Secretary to Government.

To the Inspector-General of Police.
 „ Judicial Department.

EDUCATIONAL DEPARTMENT.

NOTES CONNECTED WITH G.O., No. 131, EDUCATIONAL,
DATED 8TH MARCH 1909.

[SUBJECT.—Abolition of Criminal Judicial Test (Lower grade) as a qualifying test for Inspectors of Police for candidates who have been trained in and have passed out of the Vellore Training school.]

Previous papers.

G.O., No.	1, Educational, dated 3rd January	1886.
" "	1154, Judicial " 5th July	1889.
" "	1599 " " 12th September	" "
" "	1085 " " 6th August	1908.

From the Inspector-General of Police, dated 18th December 1908, R.C.No. 4734-GI.

P.O. 223 at page 3 of the papers read in G.O., No. 1085, Judicial, dated 6th August 1908. Inspectors of Police appointed direct are required to pass the following tests prior to confirmation :—

- (1) Final examination of the Provincial Police Training school, Vellore.
- (2) Criminal Judicial Test (Lower grade) and a Vernacular test in the case of Europeans and Eurasians.

The Inspector-General now proposes that (2) may be abolished as a qualifying test for Police Inspectors who have been trained in the Vellore Training school and have passed the final examination of the school, as the latter examination contains the same subjects as those prescribed for the Criminal (Lower) Test. The subjects prescribed for the Criminal Judicial Test (Lower grade) are the Indian Penal Code, Evidence Act, Criminal Procedure Code and Medical Jurisprudence. The Inspector-General is of opinion that the law subjects for both the examinations being the same, the Vellore school final examination is a good substitute for the Criminal Test (Lower grade) so far as Inspectors of Police who have passed out of the Vellore school are concerned.

It is now for consideration whether the Inspector-General's proposal should be accepted.

V.N.M.—5-1-09.

When and why was the Criminal (Lower) Test prescribed for Inspectors?

C. A. SOUTER—6-1-09.

Submitted that Educational may be asked for information on the point. Connected papers are in that department.

N.A.R.—20-1-09.

C. A. SOUTER—21-1-09.

To the Educational Department.

EDUCATIONAL DEPARTMENT.

The Criminal Test (Lower grade) appears for the first time in the Special Test notification, dated the 29th July 1869, as a qualifying test for Police Inspectors. Page 213 of the *Fort St. George Gazette*, dated 17th August 1869.

In the notification issued in 1866 (*vide* G.O., No. 1, Educational, dated 3rd January 1866), the Criminal Judicial Test (Lower grade) is not mentioned as a qualifying test for Police Inspectors.

K. RANGASWAMI AYYANGAR—28-1-09.

which the Government ruled that "no man should be admitted to the grade of Inspector, even on probation," until he had passed the Criminal Test (Lower grade) *vide* rule (1) in paragraph 5 of G.O., No. 1154, Judicial, dated 5th July 1889, and G.O., No. 1599, Judicial, dated 12th September 1889.

2. The file may be returned u.o. to the Judicial department.

T.K.—23-1-09.

K. RANGASWAMI AYYANGAR—28-1-09.

C. A. SOUTER—23-1-09.

To the Judicial Department.

JUDICIAL DEPARTMENT.

Submitted to Under Secretary with reference to his query on page 1 *supra*.

2. The present proposal is to abolish the Criminal (Lower) only in the case of Inspectors who have been trained and have passed the final examination at Vellore school.

3. Vellore school was started on the new lines in 1905 and there was no "final examination of the Provincial Training school, Vellore" before that year.

N.A.R.—29-1-09.

They are in the same books, but it does not follow tests are quite the same.

C. J. WEIR.

The proposal is for approval. Perhaps it may be approved as both tests seem very similar according to the Inspector-General.

C. A. SOUTER—1-2-09.

Best ask Inspector-General to send some final examination papers and compare them with Criminal (Lower).

C. J. WEIR—2-2-09.

Draft official memoranda to Inspector-General and the Commissioner for Government Examinations are submitted.

N.A.R.—3-2-09.

C. A. SOUTER—4-2-09.

[Official Memorandum No. 7549-2, Judicial, dated 4th February 1909.]

[Official Memorandum No. 7549-3, Judicial, dated 4th February 1909.]

From the Commissioner for Government Examinations, dated 6th February 1909.

From the Inspector-General of Police, dated 10th February 1909, No. 4734.

Evidence Act.—The Criminal (Lower) papers seem harder than those for Sub-Inspectors, but this seems to be the case because in the Criminal (Lower) paper

It may crop up in a criminal prosecution.

C. J. WEIR.

Civil evidence is given a very prominent place. The questions relating to civil cases seem out of place in a criminal

paper—*vide e.g.*, No. VIII of the questions set for the year 1903. Of course the I don't think so.

C. J. WEIR.

general principles are the same in each case, but the questions should be confined to evidence in its application to criminal courts.

2. *Penal Code*.—It seems to me that the paper set in April 1903 for the Sub-Inspector's examination is quite as hard as the papers in the Criminal (Lower).

3. *Criminal Procedure*.—I don't think there is a very great difference in the severity of the two tests in this subject. That for Sub-Inspectors is on the whole the easier.

4. *Medical Jurisprudence*.—The tests seem of equal severity.

C. A. SOUTER—13-2-09.

Submitted that the Inspector-General's proposal may be accepted.

C. J. WEIR—17-2-09.

Who conducts the examinations in Criminal law at Vellore? Are there independent examiners?

G. S. F[ORBES]—18-2-09.

Ask Inspector-General if office does not know.

C. J. WEIR—20-2-09.

No information is available in the office. A telephone to the Inspector-General is submitted.

N.A.R.—20-2-09.

C. A. SOUTER—20-2-09.

Telephonic message from the Chief Secretary to Government, to the Inspector-General of Police, Madras, dated the 20th February 1909.

Will you please let me know who conducts the examinations in Criminal law in the Vellore Training school? Are there independent examiners?

Telephonic message from the Inspector-General of Police, to the Chief Secretary, dated 20th February 1909.

* Is this District or Deputy. I assume it is from among the District Superintendents of Police, and examination is conducted under the supervision of the Principal.

G. S. F[ORBES]—24-2-09.

Submitted with reference to Honourable Member's query above.

N.A.R.—20-2-09.

C. A. SOUTER—22-2-09.

Submitted.

C. J. WEIR—24-2-09.

The present rule should be maintained. Inspectors of Police must have a sound knowledge of Criminal law certainly up to the standard of the Lower grade of the Judicial Test. District Superintendents of Police can rarely furnish suitable examiners and the few who *might* be so will not be always available. It is important to retain the independent test. If the instruction at Vellore is good, and the candidates really competent they will have no difficulty in passing it.

G. S. F[ORBES]—25-2-09.

Will Educational please draft and issue the order? Judicial would be glad to receive a copy of the order and notes.

C. A. SOUTER—26-2-09.

To the Educational Department.

EDUCATIONAL DEPARTMENT.

The draft order placed below is submitted for approval. If approved it may be sent to the Judicial Department for acceptance.

2. It seems unnecessary to send draft to Judicial for acceptance.

P.R.—3-3-09.

K. RANGASWAMI AIYANGAR—3-3-09.

There is no need for this to go to Judicial.

C. A. SOUTER—3-3-09.

Issue.

A. BUTTERWORTH—7-3-09.

[G.O., No. 131, Educational, dated 8th March 1909.]

EVIDENCE ACT.

1907
4
LOWER GRADE.

Time—Three hours.

- I. What does the law of evidence determine? It has been said that there is one general rule of evidence. Explain this.
- II. Explain the ambiguity in the word 'evidence'.
Distinguish—(a) evidence and judicial evidence, and (b) evidence and proof.
- III. Explain the meaning of 'weight' of evidence with reference to the provisions of the Indian Evidence Act. Is there any difference in civil and criminal cases in regard to the admissibility and application of evidence?
- IV. Illustrate the meaning of 'fact' as defined in the Evidence Act, and distinguish 'matter of fact' from 'matter of law'.
- V. Give your own illustrations of the rules as to the relevancy of facts forming part of the 'res gestae', and explain the section of the Evidence Act under which they are admissible.
- VI. Under what sections of the Evidence Act is evidence of (a) alibi, and (b) motive admissible?
- VII. State the law as to the admissibility of the confession of a co-accused as interpreted by the courts with reference to the Evidence Act.
Discuss the following cases, giving reasons for your answers:—
(a) A and B are charged with theft. The only evidence against B, besides the confession of A against him, is a statement made by B to a police constable partially admitting the offence. Can B be legally convicted, and if not, why not?
(b) A and B are charged before the Sessions Court with dishonestly receiving property stolen in the commission of a dacoity. A, when in the company of B, is shown to have pledged a gold bar which B, in his confession made before the magistrate, asserted was procured by melting the jewels obtained in the dacoity. Can the confession of B be accepted as evidence of the offence with which they are both charged?
(c) A is tried for murder and B for abetment of murder. Can a confession by A implicating B be taken into consideration against B?
- VIII. Comment, with reasons, upon the admissibility of the evidence tendered in the following cases:—
(a) A dying declaration made by A to a police officer in the course of an investigation and reduced to writing.
(b) Oral evidence of a dying declaration not reduced to writing.
(c) The question is whether beer was sold and delivered to A. The evidence is tendered of an account book kept by B, a clerk of the brewhouse, in which he set down what the draymen used to report daily to him, but the drayman C, who delivered the beer to A is dead, although he had signed the book.

(d) The question is whether *A* received rent for a certain piece of land. The account of a deceased steward charging himself with the receipt of such rent for *A*, is tendered in evidence, but it is admitted that the balance of the whole account is in favour of the steward.

(e) The question is whether *A* (deceased), gained a settlement in the parish of *B* by renting a tenement. A statement made by *A*, whilst in possession of the house, that he had paid rent for it is tendered in evidence.

(f) A register of baptism is tendered as proof of the age of *A* who is named in it. The register states the date of *A*'s birth.

IX. Define 'hearsay' evidence. Under what provision of the Evidence Act is it excluded, and why?

A, a witness, was told something by *B*, and is asked in examination what was told to him by *B*. Is the question admissible, and if so, why?

X. What is the true theory of evidence as to character in the Evidence Act, and in what classes of cases is evidence as to character important?

How do the rules as to the admissibility of such evidence differ in civil and criminal cases? Illustrate your answer.

EVIDENCE ACT.

1908.

LOWER GRADE

Time—Three hours.

I. Classify, in tabular form, the subjects dealt with in the Evidence Act.

II. Differentiate the kinds of evidence admissible under the Act, and explain how (a) verbal statements of parties and accused made in court by way of admission or confession in answer to questions by a judge, (b) a confession by an accused person affecting himself and his co-accused, (c) real evidence, and (d) presumptions to be drawn from the absence of producible witnesses can be considered to come within the definition of evidence.

III. Compare, with illustrations, the probative effect of direct and circumstantial evidence. Can both these kinds of evidence be invariably employed?

IV. Comment, with reasons, upon the admissibility of the confessions made in the following cases:—

(a) *A*, the son of a village magistrate, who was acting for his father, told *B*, accused of the murder of *C*, to tell him what he knew of the murder, *B* accordingly confessed to *A* that he had murdered *C*.

(b) *A*, accused of dacoity, of his own accord asked *B*, a village magistrate, to write a report that he was not concerned in the dacoity. *B* replied that there was a search being made for him, but that if he spoke the truth he would consult the head constable and arrange matters. *A* eventually confessed to *B*. At the sessions no objection is taken by the pleader of *A* to the admissibility of the confession.

(c) *A*, in consequence of an inducement improperly held out to her by *B*, a police constable, gave information to *B*, and pointed out jewels which belonged to a child whom *A* was found to have murdered.

V. What rule is prescribed in the Evidence Act when the statement, of which evidence is to be given, forms part of a conversation, document, books, or series of letters or papers, and why?

VI. Discuss briefly, with reasons, the following cases:—

(a) *A*, a revenue officer, convicted of attempting to receive a bribe from certain ryots, subsequently charged the ryots with having conspired to bribe him. Are the depositions of the ryots given in the previous case against *A* admissible in evidence against them?

(b) *A*, while cross-examining *B*, the complainant in a case against *C*, without good faith or reasonable grounds, asked him a scandalous question which is not forbidden by the magistrate. Can *A* be convicted of defamation?

VII. *A* sued *B* on a bond, but accounted for his failure to produce it by alleging that *B* had stolen it. *B* admitted the execution of the bond, but said that he had paid the amount due under it. On whom is the burden of proof, and why?

PROVINCIAL TRAINING SCHOOL, VELLORE.

SUB-INSPECTORS' EXAMINATION—MARCH 1907.

EVIDENCE ACT.

Time—Two Hours.

1. Define a "Fact". When is a fact said to be "Relevant" and when "Proved"?
2. Define secondary evidence. Is a copy of a copy admissible as secondary evidence?
3. When is hearsay evidence "admissible" and when "not admissible"?
4. When are the cries of a mob relevant?
5. When is character "Relevant" and when "irrelevant"?
6. Several prisoners are charged together with house-breaking, some of them plead guilty. Can their confessions be used as evidence against those who plead "No guilty"?
7. When is a statement of relevant facts made by a person who is dead or cannot be found "relevant"?
8. How much of information received from accused may be proved?
9. What is the difference between an "admission" and a "confession", and how do they apply in criminal cases?
10. Are the following persons competent to become witnesses?—
 - Children.
 - Insane persons.
 - Dumb witnesses.
 - Husband or wife of person under criminal trial.
11. Can the credit of a witness be impeached, by whom, and in what way?
12. When can leading questions be asked and when not asked?

VIII. How is a deed operating as an 'escrow' dealt with in the Evidence Act, and when may an oral agreement that an instrument is to be binding on the performance of a condition be proved?

(a) A sues upon an agreement by B to transfer a farm to X. Can B prove the condition that the agreement should be void if X did not agree to the transfer of the farm to A within a reasonable time after the agreement?

(b) A sues B on a bond executed by B alone. A alleges that B and C were partners, and that the money was borrowed for the partnership purposes. Is oral evidence admissible to show that B contracted for himself and as agent of C?

(c) A seeks to obtain probate of a paper testamentary on its face, executed by B, deceased. C seeks to prove that it was executed by B without any intention that it should affect the disposition of his property after death. Can C do so?

IX. Explain briefly how the matter of privilege is dealt with in the Evidence Act.

A letter written by an accused to his wife is found by the police when searching her house under a warrant. Is such letter protected, and, if so, under what section of the Act?

X. Are there any limits to the questions which a judge may put to the witnesses, or to his power to order the production of evidence for the determination of a case?

VELLORE PROVINCIAL TRAINING SCHOOL.

EXAMINATION FOR SUB-INSPECTORS.

OCTOBER 1907.

INDIAN EVIDENCE ACT.

Time—Two Hours.

1. (a) In cross-examination a witness is asked whether he has not been convicted of giving false evidence. He denies it. 10
(b) Another witness is asked whether he was not dismissed by a merchant from his service for embezzling sums of money.
He denies it.
Can these witnesses be contradicted?
If so, how?
2. In criminal proceedings, under what circumstances is the confession of an accused person not evidence against him? 10
3. In what ways may the credit of a witness be impeached? Is the privilege of doing so open to the party who calls him; if so, subject to what condition? 10
4. How may a witness's memory be refreshed? 40

24 13
Enclosure No. 9
To Letter No. 4734/10209
FROM THE INSPECTOR-GENERAL OF POLICE.

VELLORE POLICE TRAINING SCHOOL.

APRIL 1908.

SUB-INSPECTOR'S EXAMINATION.

EVIDENCE ACT.

Time—Two Hours.

- | | Marks. |
|---|--------|
| 1. Define "Fact;" "Fact in issue;" "Evidence." Distinguish between "Dis-proved" and "Not proved." | 5 |
| 2. Explain what you understand by "Custom." How does it effect a case under investigation and how can it be proved? | 5 |
| 3. In what manner does motive or conduct become relevant? Give a clear illustration of each. | 5 |
| 4. <i>A</i> , <i>B</i> and <i>C</i> are being jointly tried for murder. It is endeavoured to prove the case against <i>A</i> and <i>B</i> on the following grounds:—
(a) Evidence of an accomplice.
(b) Confession of <i>B</i> implicating <i>A</i> .
(c) Statement made by <i>C</i> that he was innocent, but he saw <i>A</i> and <i>B</i> committing the murder.
Give your decision with reasons. | 10 |
| 5. For what purposes can previous statements (oral or written) of a witness be admitted in evidence? | 5 |
| 6. What do you understand by "Burden of proof;" and on whom does the burden of proof lie? | 5 |
| 7. Distinguish clearly between admissions and confessions. | 5 |

40

Enclosure No. 13
To Letter No. 4734/cont. 2.10.20
FROM THE INSPECTOR-GENERAL OF POLICE.

SUB-INSPECTORS' EXAMINATION.

OCTOBER 1908.

INDIAN EVIDENCE ACT.

Time—Two Hours.

Maximum 40. Minimum 13.

1. How may the credit of a witness be impeached?
2. When is character relevant in criminal proceedings?
3. What are relevant facts as regards a conspiracy? Give an example.
4. When may secondary evidence be given with relation to a document.

Marks.
10
10
10
10
40
—

INDIAN PENAL CODE.

LOWER GRADE.

Time—Three hours.

- I. Define, 'Court of Justice', 'fraudulently', 'counterfeit'.
 - (a) Is a 'fraudulent' act necessarily a 'dishonest' one?
 - (b) What degree of resemblance justifies the presumption that a 'counterfeit' was intended?
- II. What is the scale of imprisonment in default of payment of fine when the offence is punishable with fine only?
Critique the following sentences in cases of that nature:—
 - (a) A First Class Magistrate inflicts a fine of Rs. 75 and in default five months' simple imprisonment.
 - (b) A Second Class Magistrate inflicts a fine of Rs. 20 and in default one month's rigorous imprisonment.
 - (c) A Third Class Magistrate inflicts a fine of Rs. 10 and in default six weeks' imprisonment.
- III. What is the essence of the offence called 'an affray', and how does an affray differ in that respect from an 'assault'?
 - (a) Is an assault committed within sight of the public necessarily an affray?
 - (b) A and B are fighting on a piece of private ground to which the public resort on certain days but not on the day of the occurrence. Are A and B guilty of an affray?
- IV. When is a person guilty of a 'public nuisance'?
 - (a) Describe briefly a 'legalized nuisance'. Give two illustrations.
 - (b) A hangs up some white cloths to dry at the side of a public road. B's horse shies at them and overturns B's carriage. Has A committed a 'public nuisance'?
- V. What offence does a completed assault become, and how does an 'assault' differ from 'criminal intimidation'? Illustrate your answers.
- VI. Distinguish briefly between:—
 - (a) Theft, extortion, and robbery;
 - (b) Cheating and criminal breach of trust;
 - (c) Unlawful assembly and rioting.
- VII. When does grave and sudden provocation not mitigate the punishment for using criminal force?
- VIII. Under what circumstances does the disposal by a person of his own property amount to an offence?
- IX. What offence, if any, has A committed in the following cases?—
 - (a) B drives A's cattle to the pound. A comes up quietly behind B, pushes him into the pound and locks the door.
 - (b) A, a chemist, keeps open bottles of poison in a cupboard without a lock.

(c) *A* and *B* are fighting with their fists; *A* gets the best of it and *B* threatens that he will kill *A* with the first weapon that he can find. *B* thereupon draws a knife and stabs *B* to death. *A*, at his trial, claims the right of private defence.

(d) *A* offers to *B* a rupee which he knows is a counterfeit coin; *B* refuses to take it and *A* returns it to his pocket.

(e) *A* appears before a Magistrate and voluntarily makes a statement confessing that he has committed a murder; he, however, refuses to sign the statement when told to do so.

(f) *A* sees his friend *B* arrested by a Police Officer who says he has a warrant for his arrest. *A* assists *B* to resist the arrest.

1908.

INDIAN PENAL CODE. LOWER GRADE.

Time—Three hours.

I. Define—'Person', 'movable property', 'reason to believe', 'Local Law'.

II. Under what circumstances may the pleas of intoxication and compulsion be valid defences to criminal charges?

III. Does imprisonment undergone in default of payment of a fine cancel the fine?

(a) Is there any limit of time within which a fine may be recovered?

(b) Does liability to pay a fine die with a man?

(c) What kind of property can be attached by a criminal court from which to meet a fine; and is there any departure from the general rule in that respect in the case of the property of an absconding offender who has been proclaimed?

IV. Give an instance of an offence affecting the person for which the punishment increases with the duration of the wrong inflicted. Illustrate your answer.

V. What are the various ways in which a person may be said to 'abet the doing of a thing'?

(a) How does it affect the question of abetment (i) if the offence abetted is not committed, and (ii) if some offence other than the offence abetted is committed?

(b) *A* tells *B* that he intends to kill *C*. *B* warns *A* to be careful because *C* always carries a loaded revolver, a fact of which *A* was not aware. Does *B*'s conduct amount to abetment?

(c) *A* tells *B* to go and find *C* and kill him. *B* accordingly goes to *C*'s house but finds it locked up; thinking that *C* is hiding inside he breaks into the house, but *C* is not there. Has *A* abetted housebreaking?

VI. The violation of the right of possession is a crime. Mention two offences dealt with in the Code which illustrate this as regards persons and property respectively.

VII. What are the three essential elements of the offence of 'harbouring an offender'?

(a) *A* goes to *B* and says, 'I am an offender flying from justice; I beg you to give me some food.' *B* does so. Has *B* committed any offence?

(b) *A*, for a consideration of Rs. 20, conceals *B* from arrest under a warrant issued against him on the complaint of *C* that *B* had committed adultery with *C*'s wife. Has *A* committed any offence?

PROVINCIAL TRAINING SCHOOL, VELLORE.

SUB-INSPECTORS' EXAMINATION—MARCH 1907.

INDIAN PENAL CODE.

Time—Three Hours.

	Mark.
1. Define what is meant by: "Court of Justice", "Moveable property", "Dishonestly", "Act and omission", "Voluntarily", "Valuable security", "Offence".	10
2. When is the belief of legal justification a good defence?	15
3. What is abetment? State briefly the provisions of the Indian Penal Code relating to the abetment of offences.	15
4. Explain the several ingredients of the offence of rioting.	12
5. Define: "Cheating", "Criminal Breach of Trust", "Criminal Trespass", "Mischief", "Criminal Intimidation".	8
6. What are the aggravated forms of the offence of "Assault"?	20

VIII. Explain the expression 'false personation', and give two instances of it that are punishable under the Code.

(a) Does the assumption of a name other than your own amount to 'false personation'?

(b) A borrows money from a sower, intending to repay it when due, but in order to conceal his identity he signs a purely fictitious name to the promissory note. The sower finds this out before the amount is due. Has A committed any, and, if so, what offence?

IX. In what ways does property become 'stolen property' as defined in the Code?

(a) A, employed in a cotton mill, removes certain pieces of brass and secretes them; he is detected and taken to the manager, who, however, allows him to leave the mill with the brass; he sells it to B for a sum much less than its real value. Have A and B committed offences, and, if so, what are they?

(b) A steals a box containing articles of clothing, and sells it and its contents to B, a second-hand dealer, for about one-third of their apparent worth. What must B prove to escape from a charge of 'receiving stolen property'?

Indian Penal Code. 14

Enclosure No. 6
To Letter No. 4734/1000
FROM THE INSPECTOR-GENERAL OF POLICE

VELLORE PROVINCIAL TRAINING SCHOOL.

EXAMINATION FOR SUB-INSPECTORS.

OCTOBER 1907.

INDIAN PENAL CODE.

Time—Three Hours.

- | | Marks. |
|--|--------|
| 1. Define :
Theft, Stolen property, Wrongful gain, Wrongful loss. | 20 |
| 2. A intentionally causes B's death, partly by illegally omitting to give B food and partly by beating B. What offence has A committed? Give your reasons. | 15 |
| 3. Distinguish between Extortion and Robbery. | 15 |
| 4. When does a person cause an effect voluntarily? | 15 |
| 5. When is an illegal act committed by an intoxicated person not an offence? | 15 |
| | 80 |

22

Marks.
10

7. Define "Theft" and "House-breaking."

(i) A opens the fastening of a window by means of a wire, and, without entering the house breaks open a box on the window-ledge, and removes some property therefrom.

What offence has A committed?

(ii) B removes the back door of another man's house by lifting it off its hinges and uses it for firewood.

What offence has B committed?

Give reasons for your answers to (i) and (ii).

8. What constitutes a punishable attempt at an offence under the Indian Penal Code, and to what punishment is a person liable for such an attempt?

—
80
—

SUB-INSPECTORS' EXAMINATION.

OCTOBER 1908.

INDIAN PENAL CODE.

Time—Three Hours.

Maximum 80. Minimum 30.

1. Define "injury," "coin," "affray."
2. What has to be proved to prove a person criminally guilty of the abetment of an offence?
3. In the case of what offences against the person does the right of private defence arise, and when does it extend to the causing of death to the assailant?
4. What is an "unlawful assembly"? By what Magistrate is a person triable who is charged with being a member of an unlawful assembly, and is such a case cognizable or compoundable?
5. Define "house trespass." When does "house trespass" become "house-breaking"?
6. Distinguish between "wrongful restraint" and "wrongful confinement."
7. What is the law with respect to:
 - (1) Offences committed by children?
 - (2) Offences committed under compulsion?
8. Enumerate the kinds of hurt designated as "grievous."
9. What are the four essential points you must prove to establish a charge of "affray"?
10. What is the difference between "theft" and "extortion" and under what circumstances can "extortion" become "robbery"?

1907 24

**CODE OF CRIMINAL
PROCEDURE.**

LOWER GRADE.

Time—Three hours.

I. Define European British Subject Complaint, and point out the difference between Summons and Warrant cases.

II. What are the essential elements necessary to constitute an offence under Section 158 I. P. C. of disobedience to an order issued under Section 144 C. C. P.? Does an incorrect charge invalidate a charge under these sections?

III. Show clearly the procedure to be adopted (a) by the police, (b) by the Magistrate, when a tender of pardon is offered.

IV. In what cases, if any, can evidence taken in the absence of an accused be recorded against him? Is the report of a medical man admissible under the circumstances, where the medical man himself is not called?

V. Under what circumstances can a Magistrate of the First Class issue a search warrant? Are his powers coextensive with those of the Magistrate of the District?

VI. What do you understand by the preventive powers of the police? Sketch the procedure to be adopted under Sections 107, 109, 110, and what class of offences are dealt with under Section 108?

VII. What Magistrates are authorized to pass orders under Section 565 C. C. P.? What power does this section confer on the police, and how does action taken under this section operate as a prevention against crime?

VIII. What constitutes an arrest? Under what circumstances can a private person make an arrest?

IX. Can a remand be granted in the absence of a prisoner? Frame a report requesting the Magistrate for a remand.

X. A is sentenced to whipping as a specific punishment for an offence. On the same day he is tried for other offences and sentenced to terms of imprisonment. Can the sentence of whipping be deferred until after the terms of imprisonment have expired?

1908.

CODE OF CRIMINAL
PROCEDURE.

25 ~~18~~
18
LOWER GRADE.

Time—Three hours.

I. Define—Complaint, European British Subject; and distinguish between summons case and warrant case, investigation and inquiry.

II. What do you understand by 'trial'? When does it commence?

A is charged with housebreaking and theft in a building. The Magistrate does not deal with the case as in a warrant case, but convicts A on his pleading guilty. Has A been on his trial?

III. A reports to B, a station house officer, that his house has been broken into and Government money, in the shape of revenue collections, stolen. On investigation the case is found to be false, and on a report to this effect being made to the second class Magistrate, sanction is accorded to prosecute A under Sec. 182 I.P.C. for giving false information. Is this sanction legal?

IV. Discuss the obligations cast upon a private person—

(a) to assist a Magistrate or a police officer demanding his aid;

(b) to give information about commission of or the intention to commit offences.

V. Under what circumstances may an accused person be tried for two or more offences at the same trial?

VI. Describe the procedure to be followed in taking security for good behaviour. What is the penalty for failing to give security when ordered, and by what court can it be enforced?

VII. Where should every offence ordinarily be inquired into and tried, and with what limitations?

VIII. What do you understand by 'contempt of court'? How are such cases dealt with?

IX. State clearly the law regarding the use of military force.

(a) Under what circumstances alone can such force be employed?

(b) When can a commissioned officer, on his own responsibility, disperse an unlawful assembly?

X. What are the preventive powers of the police? In what manner does Section 565 C.C.P. operate as prevention against offences?

VELLORE PROVINCIAL TRAINING SCHOOL.

EXAMINATION FOR SUB-INSPECTORS.

OCTOBER 1907.

CRIMINAL PROCEDURE CODE.

Time—Three Hours.

Maximum marks 80; minimum marks 30.

1. Define:
"Cognisable offence", "complaint", "police station", "inquiry", "offence".
2. By what courts are the following offences triable: "Sedition", "Constable negligently suffering prisoner to escape from his custody", "Rioting", "Harbouring an offender accused of culpable homicide", "Resistance by a person to his lawful apprehension", "Voluntarily causing grievous hurt"?
3. Quote the sections of the Code under which security can be required for good behaviour from (1) vagrants, (2) habitual offenders, (3) persons disseminating seditious literature.
4. Detail procedure where police officer suspects a cognisable offence.
5. What are the rules regarding confession and statements made to a police officer?
6. What Magistrates may inquire into a charge against a European British subject?

Enclosure No. ¹¹
To Letter No. 4734/1011 d. 6. 207
FROM THE INSPECTOR-GENERAL OF POLICE

28

21

VELLORE POLICE TRAINING SCHOOL.

APRIL 1908.

SUB-INSPECTOR'S EXAMINATION.

CRIMINAL PROCEDURE CODE.

Time—Three Hours.

MARKS: Maximum 80 ; minimum 30.

1. What authority is necessary to enable a Police officer to investigate a non-cognizable offence, and when so authorized, what powers has he in respect of the investigation ?
2. What matters are village headmen, watchmen and landowners required by the Criminal Procedure Code to report to the Police ?
3. To what extent may force or violence be used in effecting arrest ?
4. May private persons make arrests, detail circumstances and procedure after arrest ?
5. When may a Court issue a warrant in lieu of, or in addition to, a summons ?
6. What special power of arrest is given to an officer in charge of a Police station ?
7. When does an approver forfeit his pardon ?
8. Under what circumstances may bail be taken in a non-cognizable offence ?

bailable

SUB-INSPECTORS' EXAMINATION.

CRIMINAL PROCEDURE CODE

Time—Three Hours

MAXIMUM 80. MINIMUM 30.

Marks.

II. Under what circumstances may a Police officer arrest without a warrant a person not concerned in a cognizable case?

III. Regarding what matters other than the commission of or the intention to commit offences under the Indian Penal Code must a village headman make a report to the Police?

IV. State the provisions regarding confessions to Police officers. 8

V. In what cases are the public bound to assist a Police officer who reasonably demands aid?

VI. Against whom may a Magistrate take action under section 110, Criminal Procedure Code?

VII. When a search warrant is executed outside the jurisdiction of a Magistrate issuing the warrant what should be done—

(a) Before execution :

(b) After execution, if property has been seized.

VIII. (a) *I*, a native of Villipuram, is assaulted by *X* in Chittoor. On his way home he is detained for ten days in hospital at Vellore and on arrival at Villipuram is confined to his bed for a further fourteen days on account of the injuries received. Where may *X* be tried for the offence of grievous hurt? Give reasons.

(b) State any special provision regarding the trial of the offence of stealing. 6

IX. Who may sanction a prosecution for contempt of lawful authority of a public servant? State the nature of the sanction necessary, the period for which such sanction may remain in force, and the authority entitled to revoke it.

1907
30²⁷

**MEDICAL JURISPRU-
DENCE.**

LOWER GRADE.

Time—Three hours.

- I. (a) What are the characteristics of self-inflicted wounds?
(b) A man is reported to have stabbed himself and died. State what inquiry you would make, and what circumstances you would note.
- II. What is circumstantial evidence? Mention some of the difficulties connected with it in this country.
- III. What are the poisons most commonly used in India? Give the symptoms of poisoning by corrosive sublimate, and state how they differ from those of arsenical poisoning.
- IV. Give briefly the character of blood stains, and the tests for blood.
- V. Explain fully the treatment to be adopted in cases of drowning; and describe clearly Howard's direct method of artificial respiration.
- VI. In a case of suspected poisoning, state the points about which you should obtain all the information available.

1908.

MEDICAL JURISPRU-
DENCE.

LOWER GRADE.

Time—Three hours.

I. Explain the following terms:—(a) Apoplexy, (b) Antidote, (c) Corrosive poison, (d) Bhang, (e) Contusion, (f) Counter-fracture, (g) Smothering, (h) Umbilical Cord.

II. A man dies suddenly after a kick on his abdomen. What probable lesions might result which can bring on a fatal termination?

III. Briefly describe the several methods by which confessions are extorted by torturing individuals without external injury.

IV. What are the points to be noted when a death from hanging in a room is reported, and what is the significance of each?

V. A man is found dead with an incised wound on the head. What are the probable causes of death; and how may the wound have been caused?

VI. What are the symptoms of poisoning by Opium in a typical case?

PROVINCIAL TRAINING SCHOOL, VELLORE.

SUB-INSPECTORS' EXAMINATION—MARCH 1907.

MEDICAL JURISPRUDENCE.

Time—Three Hours.

1. Explain the terms : Asphyxia, coma, syncope.
2. (a) Define ecchymosis.
(b) Can injuries be caused without ecchymosis ; if so, under what conditions and with what results ?
3. How long after death does rigor mortis appear, and what is its usual duration ? Under what circumstances may its onset and duration be modified ?
4. In cases of suspected poisoning what are the points about which you should obtain all the information available ?
5. What are the symptoms of opium-poisoning and how would you treat such a case in the absence of a Medical officer ?
6. State what observations you would make and what questions you would investigate in a case of supposed suicide.
7. Mention the usual ways in which abortion is brought about and the drugs which are usually employed for the purpose.
8. What evidence derived from the *post-mortem* examination on the body of a newly-born infant would lead you to conclude that the child had been born alive ?

33

26

VELLORE PROVINCIAL TRAINING SCHOOL.

EXAMINATION FOR SUB-INSPECTORS.

OCTOBER 1907.

MEDICAL JURISPRUDENCE.

Time—Three Hours.

	Marks.
1. Define the following: (a) Hanging. (b) Strangulation. (c) Suffocation.	15
2. A dead body is found. How would you proceed to investigate?	15
3. What are the distinguishing features of wounds made before and after death?	15
4. Give the external and internal appearances usually found in drowned persons.	15
5. What poisons are generally used in India? What are the symptoms of?— (a) Arsenic poisoning. (b) Strychnine poisoning.	20
6. Give comparative summary of the general evidences of poisoning.	20
	100

VELLORE POLICE TRAINING SCHOOL

APRIL 1908.

SUB-INSPECTOR'S EXAMINATION.

MEDICAL JURISPRUDENCE.

1. Enumerate the points that should be noted on the finding of a body.
2. State briefly the distinguishing features of wounds caused before and after death.
3. Describe the general external appearance of a drowned body. Also briefly state in what directions you would make enquiries, on the finding of a body in water, as to whether death occurred from drowning or before immersion.
4. What is necessary to be proved in order to bring home a charge of abortion?
5. What are the general characteristics of symptoms of poisoning?
6. State clearly what points should be attended to when packing and forwarding matter for chemio-legal examination.
7. How is evidence of poisoning obtained?
8. Name two of the chief mineral poisons and three of the chief organic poisons; and give an outline of the symptoms produced by each.
9. By what channels does the human body eliminate poison?
10. Is arsenic generally found present in the body of persons who have died from that poison? If so, how long after death may it be looked for?

22 35
Enclosure No. 16
To Letter No. 4734/Sec. d. 10209
FROM THE INSPECTOR-GENERAL OF POLICE.
28

SUB-INSPECTORS' EXAMINATION.

OCTOBER 1908.

MEDICAL JURISPRUDENCE.

Time—Three Hours.

Maximum 100. Minimum 25.

1. Define:
Hanging, strangulation, suffocation, syncope, rigor-mortis.
2. What three almost characteristic appearances are usually to be found in the body of a drowned person, when examined soon after death?
3. Can death occur under the following circumstances :—
 - (a) By hanging, without the body being suspended?
 - (b) By drowning, with an absence of all, or nearly all, the characteristic signs?
 - (c) By arsenic, without it having been swallowed?Give your reasons for the views you hold.
4. A recently dead body is found with the throat cut. How would you proceed to determine whether it was a case of murder, suicide, or otherwise?
5. In cases of suspected poisoning what are the points about which you should obtain all the information available?
6. In a case of suspected poisoning you wish to obtain the opinion of the Chemical Examiner. State clearly the course you would pursue and give reasons for your procedure.
7. Name three mineral, three vegetable, and two animal poisons.
8. Describe the symptoms in poisoning by :
 - (a) Arsenic.
 - (b) Datura.
9. What is the best method of carrying out " artificial respiration " ?
10. What is circumstantial evidence? What are some of the difficulties connected with it in this country?

Educational DEPARTMENT.

[$\frac{\text{E. \& L.}}{76.}$]
2,500-25-2-08

READ AGAIN G.O., No. _____, dated _____, 190

" " " " , " 190

READ ALSO:—

C. No. 128, From the D. of Police, No. 4734, dated 18-12-1908

" " 810 gal, " " c. 46. 41/20, " " 6-2-1909.

878 Jnd L.H. of Police 4734 10-2-1909.

ORDER.

No. 131, dated 8-3-1909.

P. S.

Spams
8.309
Wed: 5-30 P.M.

The Government are unable to accept the proposal of the I. G. of Police to abolish the Criminal Judicial Test, Lower Grade, as a qualifying test for the post of Inspector of Police in the case of candidates who have been trained ^{at} and have passed the final examination ^{of} the Provincial Training School at Vellore. Inspectors of Police must have a sound knowledge of Criminal Law and the Govt. considers that it is important to retain ^{the} ~~the~~ ^{an} independent test.

NOTES.

Page 29

which ²⁰ ~~of~~ ^{who} Candidates ~~that~~
pass out of the Provincial Training
School ^{if they} are really competent, they will
^{not} have no difficulty in passing ~~the~~

PR
3.3.09

$$\begin{array}{r} 10 \\ 3.3.0 \end{array}$$

Cal
3.3.9.

Ans
7/5

70

The L.G. of Police

" jndt septth with copy of
notes in prison

10/3/9

TO PRESS, MADRAS.
OOTY.

A

Please send proof in triplicate. The papers have been carefully edited.

B

Proof returned corrected. Please strike off and send number of copies as indicated.

C

As the matter is clear manuscript and has been carefully edited, (b) proof need not be sent. Please print and supply number of copies as indicated.

Type may be released after usual interval
at once.

Type may be released after usual interval.

.....Clerk.

.....Clerk.

.....Clerk.

.....Supt.

.....Supt.

.....Supt.

(b) Three copies of proof of all notes should be sent for approval, except when instructions are given to the contrary.

SPECIAL INSTRUCTIONS.

TO BE FILLED IN BY THE PRESS.

Diary.	Initials of Press official.	
Received in Press on.....	17/3/07	[Signature]
First proof furnished on.....	19-3-07	[Signature]
Call for revised proof received on.....		
Revised proof furnished on.....		
Corrected proof received for striking on.....	23/3/07	[Signature]
Final copies supplied on.....	26/3/07	[Signature]

Account of copies.	Complete copies.	Notes.	Issue copies.
Supplied to Secretariat for Record.....	34	15	
" " " Issue.....	10		
For Volumes.....	14		
For E. T.....			
Total ...	60	15	