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MADRAS RECORD OFFICE.

Government of Madras.

General DEPARTMENT.

G.O. No. 359	Press ~~Mis.~~
17-18	
Dated 17-3-1918	

Not to be folded or roughly handled

No. 17. Read the following letter from H. FORBES, Esq., Member of the Legislative Council for Madras; to the Chief Secretary to the Government of Fort St. George, dated 24th February 1859.

SIR,

In your letter of the 22nd Ultimo, No. 88, you informed me that the Madras Government were engaged in reforming the Mofussil Police on principles approved by the Honorable Court of Directors, the leading feature in the change being the entire separation of the Police from the Revenue and the Magistrate's Departments, and its constitution as a distinct Department under the immediate control of the Government. You added that, for the due carrying out of the new system, a Legislative enactment would be necessary, and that a Draft Act, prepared by a member of the legal profession, having been generally approved by Government, had been entrusted to Mr. Robinson, who had been directed to proceed to Calcutta, and confer with me, in view to its being submitted to the Legislative Council and passed into law as expeditiously as possible.

2. Mr. Robinson arrived in Calcutta on the 30th Ultimo, and was most urgent that the Draft Act with which he was intrusted should be introduced at the next ensuing Meeting of the Council, or on the 5th Instant; but to this I was unable to consent. I was at the moment engaged on the Bill to amend Act XXX of 1858, which, though a short enactment, required much care and consideration, and the question on which Mr. Robinson had been deputed to Calcutta was one on the principle of which I differed from the views expressed by Mr. Robinson, and one with the details of which I had had no opportunity of making myself at all acquainted.

3. The papers with which Mr. Robinson was furnished gave the conclusion to which the Government had arrived on the great question of separating the Executive from the Judicial functions of the Magistrate, but did not show the grounds on which that conclusion was based; and as it was very necessary that these grounds should be given in the statement of objects and reasons which the Standing Orders require should be laid before the Council when any new Bill is introduced, and as I was very desirous, before I came to any definite conclusion, to obtain the fullest possible information on a matter on which, as laid before me in a general manner, I was unable to adopt the views of Government—I requested Mr. Robinson to obtain from Madras all the papers connected with the Police question, with which he was not already supplied.

4. These additional papers arrived on the 14th Instant, and have engaged my serious attention, and it is with great regret that I am obliged to state that a consideration of them has failed to convince me that the separation of Police authority from the Collector and Magistrate is not a measure of most doubtful political prudence.

5. My own experience as an administrative and executive Officer, the opinion recorded by some of the highest authorities in India, and by many of the ablest Officers of Government, who, by ability, experience, and opportunity were well qualified to form a judgment on the question, having led me to this conclusion, I had to consider how far I could be usefully instrumental in bringing forward a measure of the principle of which I disapproved, and whether it would not be more in accordance with the constitution of the Legislative Council that I should request the Government to follow the course prescribed in the 31st of the Standing Orders, and to transmit the draft of the law which they required, to the Clerk, to be brought forward by any Member who might approve of its provisions, or to be dealt with by myself, in accordance with the Standing Orders, should no other Member be disposed to take it up.

6. The separation of the Executive and Judicial functions of the Magistrate is a question of policy on which the Government has come to a fixed and decided conclusion, and the Honorable Court of Directors, admitting that great difference of opinion has existed, have authorized the introduction of the new system at Madras, in order that a satisfactory solution of the question may be obtained. This being the case, it has appeared to me to be right that my individual opinion should give way on a line of policy approved by the Government and permitted by the Court, and that I ought to take charge of the Bill sent up by Government, and to introduce it to the Council.

7. While however I resolve to follow this course, I shall, in bringing forward the measure, be constrained to declare to the Council that I do not concur in its principle, and I feel sure that, as my name will hereafter be, to some extent, connected with the question, the Government will allow me now to record my dissent, and the grounds on which it is based.

9th June 1857, No. 13, paragraph 4.

Fort St. George, Judicial Consultation, 22nd March 1859.

8. I have always been of opinion that the Pro-Consular system of Government is the one which is alone adapted to India, and whether it be the government of one of the great divisions of the Empire, the administration of a newly acquired Province, or the direction of the affairs of a District, I think that all power should be held by one authority. The fable of the fagot is a practical illustration of my meaning. Power and authority in all Departments held firmly in one hand is felt, respected, and obeyed; dissipated among many, it is unacknowledged by the Oriental mind, when unacknowledged it is not respected, and when disrespected it is disobeyed.

9. If these views were mine alone I should hesitate very long before I ventured to obtrude them on the Government; but they are not, they have been entertained by the highest authorities in the State, and I find them expressed by the Government of Madras no longer ago than the 24th of December 1857, when, on reviewing some part of the recommendations of the Commissioner for the revision of Civil salaries, they said—"the Government consider it very essential, and they believe that every day's experience shows it to be so, that the authority of their local Officers should be strengthened rather than decreased. A single English Gentleman, unaided by force and unsupported by troops, exercises government over a million and a half of people in consequence only of opinion and that respect for all who wield the authority of the State which has for centuries been a principle in the minds of Eastern nations. This reverence for authority the Government believe it to be most politic to encourage." * * *

No. 1354.

Paragraph 28

10. "It was," continued the Government, "Sir Thomas Munro's opinion that the separation of power had already lowered the European authority. It has already," he says, "perhaps in some degree created, and will continue to spread gradually among the Natives, a spirit of independence, but springing less from confidence in themselves than from an abated respect for the British Government. While we endeavour to diffuse European knowledge among the Hindoos, and give just notions of the benefit of good government, we must be cautious that we do not, by too great a division of power, weaken their reverence for our authority, and encourage them to resist it."

11. "In India there are no great Civil Societies to come forward and aid the Government in times of difficulty; it has nothing to support it but its own character, and the authority with which it is invested."

12. But there are later authorities on this question than Sir Thomas Munro. In a letter* to the Government of India upon the question of re-uniting in Bengal the Offices of Magistrate and Collector, Lord Dalhousie caused it to be said† that "it had always appeared to his Lordship that the true theory of Indian Government, such as has been partially followed with success in the North Western Provinces, and still more completely in the Non-Regulation Districts, is the entire subjection of every Civil Officer in a Division to the Commissioner at the head of it, and the entire subjection of every Executive Officer in a District to its Executive Chief * * *. At the head of every District there would then be a Chief Executive Officer, designated either by the title of Collector and Magistrate, or by any other more suitable appellation. He would have entire control over every Department of the Executive in his District, Revenue, minor criminal justice, Police registration, public works, education, jails &c. The Assistants would thus gain experience in every Department."

* 23th April 1854, No. 924.
† Paragraphs 12 and 13.

13. In a Minute dated the 18th of February 1857, the present Governor General wrote, * * * "It seems to me that reason no less than experience points to the necessity of concentrating the whole Executive power of Government in each Division in Bengal in the hands of one experienced man. We have the authority of Lord Dalhousie, after four years' experience of local administration, in favor of the measure, and we have the earnest and repeated recommendation of the Lieutenant Governor on the same side."

14. "I think that, in Bengal especially, the efficient administration of the penal laws require all the force and influence which the Government can bring to bear upon it, and that this force and influence will be increased by substituting for the divided authority now practically existing in these Provinces, that union of control which, as it seems to me, is much better suited to the character and wants of the people. * * * As regards the people, I fully believe that what has been called the Patriarchal form of Government is, in

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their present condition, most congenial to them, and best understood by them, and as regards the governing power, the concentration of all responsibility in one Officer cannot fail to keep his attention alive, to stimulate his energies in every Department to the utmost, while it will preclude the growth of those obstructions to good government which are apt to spring up when two co-ordinate Officers divide the authority."

15. "I agree generally with the Lieutenant Governor in the remarks recorded by His Paragraph 32. Honor regarding the union of the Judicial and Executive powers in the same hands. I conceive it to be quite in accordance with the notions entertained by the people of these Provinces, and well adapted to their state of civilization, that the Officers who are charged with the duty of superintending and directing the operations of the Police, should also exercise the powers of a Magistrate."

16. And although the extracts will be long, I cannot forbear from quoting the opinions of the present Lieutenant Governor of Bengal, giving the results of the experience of a functionary who has had long and varied practical acquaintance with the people and the country, both in the Provinces and at the head of Government. In his well known Minute, on the Bengal Police, Mr. Halliday says†:—"There is, however, an opinion which has found favor with some persons of just weight and authority in matters of this kind, and which has indeed a certain plausibility which tends to recommend it to many, and especially to those whose experience or whose mode of thinking has been derived from European rather than from Oriental habits, against which I am specially desirous of raising my testimony in this place, the rather perhaps that in the days of my smaller experience, I myself have held and advocated the opinion which I now very heartily condemn. The opinion to which I allude is this, that Magistrates of every degree should be debarred from all Judicial power, and should have nothing but the Executive duty of preventing and detecting offences, and that separate Judicial functionaries should receive and try cases of every description committed to them by Magistrates of various degrees." * * *

* 30th April 1856.
† Paragraph 49.

17. "50. It is one very serious objection to the scheme that it will be very expensive. * * * It is a scheme foreign and unintelligible to Asiatic nations, and altogether founded on European ideas and habits, going indeed, in its excessive provisions, to a degree even beyond any general European practice."

18. "51. I am very sure that our Mofussil administration will, *ceteris paribus*, be generally efficient, while it is certain also to be acceptable to the people, according to the degree in which it conforms to the simple and Oriental, in preference to the complex of European model. The European idea of a Provincial Government is by a minute division of functions and offices, and this is the system which we have introduced into our older territories. The Oriental idea is to unite all powers in one centre. The European may be able to comprehend and appreciate how and why he should go to one functionary for justice of one kind, and to another for justice of another kind. The Asiatic is confused and aggrieved by seeing that this tribunal can only redress a particular kind of injury, but that if his complaint be of another nature, he must go to another authority, and to a third or fourth kind of judicature if his case be, in a manner incomprehensible to himself, distinguishable into some one kind of wrong or injury." * * *

19. "52. Accordingly—not only in all our recent acquisitions, such as Scinde, the Punjab, Burmah, Nagpore, and Oude, but in most of those which date thirty or forty years further back, such as the Nerbuddah Territories, Assam, Arracan—we have carefully framed our administration upon the Oriental plan, modifying it only when absolutely necessary to ensure real benefit to the people. And while Europeanized methods in our oldest territories have been notoriously unsuccessful, the result has, on the whole, been so decidedly successful in the newer District, that no sound Indian Statesman would now dream of proposing for any new acquisition, any other plan of administration. Now nothing can be more opposed to the Oriental plan of administration than the entire separation of Judicial from Executive duties, which is advocated by the overmuch occidentalists to whom I have alluded. At the same time it is going backwards from the course which experience has been gradually forcing on our older territories since 1793."

20. "53. * *. No one who is familiar with the state of the interior will deny that, amidst much that is good, our present system (that is in Bengal) is often marred by one or

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other, or all of the evils which I have above depicted, and these evils, whenever they occur, arise undoubtedly from the antagonism of locally opposed Judicial and Executive authority. But conceive this antagonism, not merely at each Zillah station, but all over every district, and the antagonism in each case, not of two liberally educated Englishmen, but of two half-educated and orientally civilized Natives, and let those who know the country and people declare what would be the practical result. We may imagine the bickerings, crimination, and re-crimination, which a Native attributes to a European Judge or Magistrate, it is the first imputation which a Native casts on a Native, on great provocation, slight provocation, or no provocation at all. Thus, in too many instances, would Executive Officers account for failure by insinuations against the Judicial Department, and thus, and often, would the Judicial functionaries retort by insinuations against the purity of the Executive. At best all the difficulties and embarrassments which even now not unfrequently impede the administration, owing to divided authority, would be multiplied a hundred fold. If it were asked why crime had increased in a particular district, the Executive Officers would reply, because of the pertinaciously unreasonable acquittal of all our criminals by the Judicial functionaries. If the Judicial functionaries were in any way questioned for this result, they would answer, "it is because of the negligence and inefficiency of the Executive." Nobody would be responsible. Power would be every where divided and every where contending against power. The administration of the interior would be torn in sunder, and the result would be good made bad, bad made worse, and confusion every where worse founded."

21. The Lieutenant Governor closed the subject as follows, and although his words had reference particularly to the Magistrates in Bengal being deprived of Judicial and left with only Executive powers, the argument is equally applicable, and applies, perhaps indeed with greater force, to the proposal to leave the Magistrates their Judicial power, while they are denuded of all Executive authority.

22. "54. I believe, too, that to deprive our Magistrates of Judicial power would be to degrade them in the eyes of the Native community, and take away a great cause of self-respect from the Executive functionary, and a great means of self-improvement."

23. Supported by such high authorities, I hope that I shall be acquitted of presumption in maintaining an opinion at variance with that of the Government. After giving every consideration to the subject, I cannot help questioning "the wisdom of separating functions, the joint exercise of which, whatever may be said to the contrary, is, in India, not incompatible or objectionable, but positively conducive to the highest efficiency of administration."

Notes by Mr. Secretary Beadon
3rd December 1853, paragraph 11.

24. "The chief duties of Covenanted English Officers in this country are those of superintendence and control. Such duties are best and most effectually exercised for the common weal when centered in one authority within a given tract of country. The principle of a local Governor in the Presidency which he governs, holds equally good of a Commissioner in his Division, or a Collector and Magistrate in his District.

25. "It has always appeared to me that, the further we have departed from the Indian system of centering all Executive control within a given tract of country in the hands of one man, the more we have cumbered our hands, and frittered away the administrative force which, centered in one responsible Officer, can be far better and more effectually exercised for the protection and improvement of society, than when, under the specious experiment of a division of labor, the same force is divided between two independent, and frequently antagonistic, departments."

26. To this view of the subject, it may, I know, be replied, that systems of Government are a question of time and civilization and not of race, and that, although the Government by village communities is efficient in the infancy of a people, as time advances, the affairs of several villages are best administered by the chief of a Talook or Pergunnah, until a more complete civilization requires that centralization should have its perfect work, and that all authority should emanate from one sole source. But even if this be granted, the main question will still remain, *of when a people have arrived at that degree of advancement which calls for a centralized Govern-*

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ment; and although I desire to express it with great deference, my own opinion is that those who have passed their lives among the people in the Provinces, have had better means of arriving at a just conclusion on the subject, than those whose experience is mainly confined to the more civilized, more advanced, better educated, and more Anglicized Natives who throng the Presidency towns.

27. It would perhaps surprise those whose residence is at the seat of Government, to know how thoroughly and wholly Oriental the mass of the people is, and how utterly insignificant is the degree in which they have become imbued with any ideas of Western civilization—their manners, habits, customs, thoughts, and feelings, are the same as were those of their ancestors centuries ago, and they are no better prepared for a centralized Government than they were when Plassey was fought. I am convinced that there is no greater mistake than to judge of the millions in the Provinces by the hundreds in the Presidency towns.

28. Although I have, for argument's sake, above conceded that it may be well, as civilization advances, more and more to centralize authority, I cannot but think that this also is open to question, and that when, in the lapse of time, we withdraw from India and leave her to the management of her own affairs, posterity may pass a judgment unfavorable to a system which will have deprived the people of all those institutions in which is the germ of self-government.

29. But there are other points of view in which the change now to be introduced appears to me to be very inexpedient. In politics it is the highest wisdom to make use of the machinery that we have. Whether the Covenanted Service of Government be on the whole a good or bad institution I will not stop to enquire; it is a question on which opinions may differ: but there can, I imagine, be no dispute as to its great influence on the country, or to the vast political power which the Government can exercise through its Members. The Judges and the Collectors have an influence in the Provinces which will be looked for in vain in the hands of any other persons, and through their means, and with the aid of their influence, the Government can carry out measures which, without them, would be simply impossible. Whether, if there was no such institution existing, the Government would now create a Covenanted Service, is not at present the question, but having got the institution, it does appear to me to be severing the right arm of power, by taking from the Magistrate all Executive authority, and thus diminishing his influence in his District, to diminish the influence of Government generally throughout the country. There are a hundred ways in which the influence and authority of the Covenanted Service are used in support of Government which never appear on record, and I am convinced that it is vain to suppose that this authority and influence, taken from the Magistrate, will ever be possessed by the local Superintendent of Police, or that this latter Officer will ever obtain a tithe of the information that has been available to the head of the District while wielding the whole Executive power. Bare information, if it cannot be tested and compared, is very often deceptive, and it has been because he was at the head of many Departments, and received information in all, that the Collector has been able to compare facts and reports together, and arrive at right conclusions.

* Section L. 30. I would beg to press this point in connection with that Section* of the Draft Act now to be introduced which provides that the Inspectors and Subordinates of the Chief Commissioner of Police shall in future regulate the conduct of all assemblies and processions, prescribing the roads by which they shall pass, and shall give licenses for the use of music on occasions of Native festivals. The most experienced and most able Magistrates will admit that on no occasion is their influence with the people of more value to the Government, and to the community in general, than when fanatical outbreaks are probable from the concurrence of the religious festivals of rival sects, or the occurrence of disputes which at times arise between opposing castes in India. I speak from experience when I say this. In 1852 the Mohurrum and the Dussora fell in the same week, and the influence of my official position as Collector and Magistrate of Cuddapah enabled me to make arrangements by which the public peace was preserved; but I question if any one would assert that the turbulent Pathans of Cuddapah would have yielded a point to an Inspector or a Superintendent of the new Police. It is to be feared that the late occurrences in Tinnevely will not be without their parallel when the influence of the Collector and Magistrate may no longer be brought to bear in support of the Executive Police.

31. Thus much of the general policy of the separation of the Magistrate's power. I wish still to be allowed to say a few words on the plan of centralizing the whole Police authority in one Officer, and on the scheme prepared by Mr. Robinson.

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32. I have always been opposed to excessive centralization of authority over an unmanageable extent of country, whether it be a control over distant dependencies centered in one Imperial Government, or the centralization in the hands of one Departmental Officer, of the power that should remain in the hands of those entrusted with local supervision; and, when a member of the Post Office Commission, I recorded my opinion on the subject at length, in dissent from the majority of my Colleagues on the question of the appointment of a Director General of the Post. The Postal service is admitted to be less efficient than it was, and authorities best qualified to judge of the cause, have ascribed it to the intense centralization introduced with the Director General.

33. In the scheme now proposed, the system of centralization is to be carried to its utmost verge. The Chief Commissioner is to sit in Madras and control the Police from Cuttack to Cape Comorin, this control being so entire and unrestricted that the appointment of all Members of the Force is to rest with him, and, as it is declared in the first Section of the Draft that the Village Police are included in the term "Force," if this Bill become law, every village watcher over 1,30,000 square miles of country must be appointed by the central Officer at Madras. It is a very general opinion that vast evil arose in the Bengal Army from a concentration of all power at Head Quarters, to the diminution of the authority of Officers Commanding Regiments, and I can see no peculiar ground of expectation that a system which ruined the Army, shall give life and vigor to the Police.

34. As Mr. Robinson bases his scheme upon the English Constabulary, it is worthy of remark that the Police of each County at Home is under the Bench of Magistrates alone, and that no attempt has ever been made to establish in London such a concentration of appointment, organization, discipline, and disposition, as for the whole of the extended territories under the Government of Madras is to be established in the Office of the Chief Commissioner of Police, in practical denial of the fact that, owing to want of means of locomotion and intercommunication, distances in India are actually, for all practical purposes, at least ten times greater than would appear from measurements taken on a map, and yet the Village Police (of whom not a tithe can read or write) are to hold daily intercommunication.

35. There is another point on which I am of opinion that Mr. Robinson's scheme is based on very erroneous expectation. Bribery and corruption are the normal vices of India, and I see no ground for strong hope that Police peons will change a national characteristic on transferring their allegiance from the Magistrate to a Superintendent of Police, or that a Jemadar on ten Rupees a month will suddenly become honest, because dignified with the title of Serjeant. The degree to which Europeans in solitary stations are addicted to the vice of intoxication is unfortunately too notorious, and the experience which has been already had in the Public Works Department, and the difficulty which is felt by the Superintendent of the Police in Calcutta in obtaining even the few trustworthy agents which he requires, show, I am afraid too plainly, what will be result of planting English Inspectors in remote villages, away from society, supervision, and control. It will indeed be contrary to all experience if these men should confine themselves to drinking, and should not yield to the temptation of corruption with which on all sides they will be pressed.

36. Finally, I would quote from a Despatch addressed to the Government of India by the Honorable Court of Directors in 1838. "A native establishment devoted altogether to the duties of Police, and under the direction of a European Officer occupied with the same duties, would be more apt, either from over-zeal or corrupt motives, to harass the people by petty and unfounded charges, or by unnecessary summonses for attendance, than public servants connected with them by other relations also, and enabled to gain credit with their superiors for the exercise of other functions than those of a vexatious nature."

37. If public report be correct, the truth of these remarks has already been shown in Oude, where the separate Police is but a few months old, and although the success of the new scheme is confidently predicted from its supposed success in Bombay, it is clear from the account of the Police arrangements given by the Government of that Presidency, and by the admission of its Legislative Member that there the Superintendent of Police is subordinate to the Magistrate, and that the Village Police remain under the control of the Collector.

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38. The introduction of the measure will not be delayed in consequence of my addressing this letter to the Government. I must apologize for its length, and I apologize also if in the strong objection I have to the scheme, I should inadvertently have been betrayed into any expression in the least inconsistent with the great respect which I feel for, and which I always desire to show to the Government. I make a sacrifice of my personal feelings in bringing the measure before the Council, and past experience has taught me that the Government is too liberal and too candid to refuse me the small privilege of recording my dissent from a policy with which, in accordance with the duty which I believe I owe to them, I shall now connect my name.

No. 18. To H. FORBES, Esq., Member for Madras of the Legislative Council of India, dated Fort Saint George, 17th March 1859, No. 359.

SIR,

I have the honor to acknowledge the receipt of your letter dated 24th February 1859, on the subject of the Madras Mofussil Police Bill, and to state that it has been laid before the Right Honorable the Governor in Council.

(Signed) T. PYCROFT,
Chief Secretary.

From the Member of the Legislative Council for Madras, to the Chief
Secretary to the Government of Fort St. George, dated 24th ^{Feb} 1859.

SIR,

In your letter of the 22nd Ultimo, No. 88, you informed me that the Madras Government were engaged in reforming the Mofussil Police on principles approved by the Honorable Court of Directors, the leading feature in the change being the entire separation of the Police from the Revenue and the Magistrate's Departments, and its constitution as a distinct Department under the immediate control of the Government. You added that, for the due carrying out of the new system, a Legislative enactment would be necessary, and that a Draft Act, prepared by a member of the legal profession, having been generally approved by Government, had been entrusted to Mr. Robinson, who had been directed to proceed to Calcutta, and confer with me, in view to its being submitted to the Legislative Council and passed into law as expeditiously as possible.

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4. These additional papers arrived on the 14th Instant, and have engaged my serious attention, and it is with great regret that I am obliged to state that a consideration of them has failed to convince me that the separation of Police authority from the Collector and Magistrate is not a measure of most doubtful political prudence. +

5. My own experience as an administrative and executive Officer, the opinion recorded by some of the highest authorities in India, and by many of the ablest Officers of Government, who, by ability, experience, and opportunity, were well qualified to form a judgment on the question, having led me to this conclusion, I had to consider how far I could be usefully instrumental in bringing forward a measure of the principle of which I disapproved, and whether it would not be more in accordance with the constitution of the Legislative Council that I should request the Government to follow the course prescribed in the 31st of the Standing Orders, and to transmit the draft of the law which they required, to the Clerk, to be brought forward by any Member who might approve of its provisions, or to be dealt with by myself, in accordance with the Standing Orders, should no other Member be disposed to take it up.

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centered in one responsible Officer, can be far better and more effectually exercised for the protection and improvement of society, than when, under the specious experiment of a division of labor, the same force is divided between two independent, and frequently antagonistic, Departments."

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7 It would perhaps surprise those whose residence is at the seat of Government, to know how thoroughly and wholly Oriental the mass of the people is, and how utterly insignificant is the degree in which they have become imbued with any ideas of Western civilization—their manners, habits, customs, thoughts, and feelings, are the same as were those of their ancestors centuries ago, and they are no better prepared for a centralized Government than they were when Plassey was fought. I am convinced that there is no greater mistake than to judge of the millions in the Provinces by the hundreds in the Presidency towns.

28 Although I have, for argument's sake, above conceded that it may be well, as civilization advances, more and more to centralize authority, I cannot but think that this also is open to question, and that when, in the lapse of time, we withdraw from India and leave her to the management of her own affairs, posterity may pass a judgment unfavorable to a system which will have deprived the people of all those institutions in which is the germ of self-Government.

29 But there are other points of view in which the change now to be introduced appears to me to be very inexpedient. In politics it is the highest wisdom to make use of the machinery that we have. Whether the Covenanted Service of Government be on the whole a good or bad institution I will not stop to enquire; it is a question on which opinions may differ: but there can, I imagine, be no dispute as to its great influence on the country, or to the vast political power which the Government can exercise through its Members. The Judges and Collectors have an influence in the Provinces which will be looked for in vain in the hands of any other persons, and

through their means, and with the aid of their influence, the Government can carry out measures which, without them, would be simply impossible. Whether, if there was no such institution existing, the Government would now create a Covenanted Service, is not at present the question, but having got the institution, it does appear to me to be severing the right arm of power, by taking from the Magistrate all Executive authority, and thus diminishing his influence in his District, to diminish the influence of Government generally throughout the country. There are a hundred ways in which the influence and authority of the Covenanted Service are used in support of Government which never appear on record, and I am convinced that it is vain to suppose that this authority and influence, taken from the Magistrate, will ever be possessed by the local Superintendent of Police, or that this latter Officer will ever obtain a tithe of the information that has been available to the head of the District while wielding the whole Executive power. Bare information, if it cannot be tested and compared, is very often deceptive, and it has been because he was at the head of many Departments, and received information in all, that the Collector has been able to compare facts and reports together, and arrive at right conclusions.

30. I would beg to press this point in connection with that Section* of the Draft Act now to be introduced which provides that the Inspectors and Subordinates of the Chief Commissioner of Police shall in future regulate the conduct of all assemblies and processions, prescribing the roads by which they shall pass, and shall give licenses for the use of music on occasions of Native festivals. The most experienced and most able Magistrates will admit that on no occasion is their influence with the people of more value to the Government, and to the community in general, than when fanatical outbreaks are probable from the concurrence of the religious festivals of rival sects, or the occurrence of disputes which at times arise between opposing castes in India. I speak from experience when I say this. In 1852 the Mohurram and the Dussora fell in the same week, and the influence of my official position as Collector and Magistrate of Cuddapah enabled me to make arrangements by which the public peace was preserved; but I question if any one would assert that the turbulent Pathans of Cuddapah would have yielded a point to an Inspector or a Superintendent of the new Police. It is to be feared that the late occurrences in Tinnevelly will not be without their parallel when the influence of the Collector and Magistrate may no longer be brought to bear in support of the Executive Police.

31. Thus much of the general policy of the separation of the Magistrate's power. I wish still to be allowed to say a few words on the plan of centralizing the whole Police authority in one Officer, and on the scheme prepared by Mr. Robinson.

32. I have always been opposed to excessive centralization of authority over an unmanageable extent of country, whether it be a control over distant dependencies centered in one Imperial Government, or the centralization in the hands of one Departmental Officer, of the power that should remain in the hands of those entrusted with local

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Munro.

This letter from the Member for Madras of the Legislative Council on the new Police Bill was received by Mr. Sturges yesterday. The members of the Council will say whether any action is required - and if so what it shall be.

JW

14-3-59

The opinions of the Council are already recorded. There is no prospect for the Bill. The Government are anxious to have the Bill passed. I think - but this is a very risky statement.

W. H. D. J. L.

Dispd 21th

hit

Judicial Department.

N^o 359.

H. Forbes, Esq.

Member for Madras of the Legis-
lative Council.

Sir-

I have the honor to
acknowledge ^{the} receipt
of your letter dated
24th February 1859⁺ &
to state that it has
been laid before the
Right Hon^{ble} the
Governor in Council.

+ on the subject of
the Madras Municipal
Police Bill

W. B. George
17 March 1859.

JP

76

Andrew McManus

By 6 Cons 22 March 1859

1859

Judicial 1859 Departs 4th

Aug 21 to Aug 21 May 1859

1859

April 21 to 10 1859

25 359

The Member for Madras,
of the Legislative Council
of India.

21 March 1859

Belonging to the
Receipt of his letter
of 24 February 1859 on the
subject of the Madras
Wages Bill.
and stating that it has
been laid before the
Council.

1859