M.R.O. 1—38,000—16-10-29.

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No. 304 Press Mis.

42-43

Dated 6-3-~~19~~ 43.8

Not to be folded or roughly handled

No. 42. Read the following letter from Colonel J. C. BOULDERSON, Commissioner of Police; to T. PYCROFT, Esq., Chief Secretary to Government, Fort Saint George, dated 23rd February 1858, No. 22.

SIR,

I have the honor to forward herewith, copies of the letters noted in the margin, from and to the Civil Auditor, connected with the Police Superannuation Fund. It will be seen from these papers that a number of questions have arisen between the Civil Auditor and myself, and some of these are still open, and require determination previous to the Rules of the Fund being finally drawn up. I have to request that you will be pleased, with the sanction of the Government, to apply for and obtain copies of such Rules, as may have been adopted at the Bengal and Bombay Presidencies, and such other information as can be obtained regarding the operation of the Fund in those Presidencies, as the same Police Code is applicable to them.

From the Civil Auditor to the Commissioner of Police, dated 4th April 1857.
From the Commissioner of Police to the Civil Auditor, 23rd June 1857.
From the Civil Auditor to the Commissioner of Police, 12th October 1857.
From the Commissioner of Police to the Civil Auditor, 7th December 1857.
From the Civil Auditor to the Commissioner of Police, 10th December 1857.

From F. LUSHINGTON, Esq., Civil Auditor; to Colonel J. C. BOULDERSON, Commissioner of Police, dated 4th April 1857, No. 3,293.

SIR,

The Government having directed me, in para. 4 of their orders in the Judicial Department, No. 361 of the 25th Ultimo, to place myself in communication with you, in view to my being furnished with such Returns as may be necessary to enable me to verify the period of actual service of members of the Police Force, and the monthly salary on which their pension is to be calculated, and also to ascertain whether they have contributed towards the Police Superannuation Fund, constituted under Section XVII of Act No. XIII of 1856: I have the honor to request, that you will furnish me, in the first place, with a list of officers who are subscribers to the Fund, and with information regarding the mode in which their subscriptions are to be brought to account.

2. It is also necessary that I should be made acquainted with the principles on which the amount of retiring allowance, and the nature of service required to establish a claim to pension are to be regulated. As it would appear from Section XVIII of the Act, that "the Police Superannuation Fund" is modelled after the Uncovenanted Service Pension Fund, I believe it is intended that the orders in force, or that may from time to time be passed in regard to the latter, should apply to the former. But this point should be definitely settled.

3. As the Police Fund is intended for those officers of the force who are ineligible to pension, under the Uncovenanted Service Pension Rules, I beg to observe, that under existing rule, with the exception of the 7 Jemadars who were specially deemed admissible to the benefit of the Pension Rules by the orders of Government of the 1st February 1854, (Separate) Public Department, No. 33, no officer of the force is entitled to a retiring allowance. But in a Return lately called for by the Government of India, of those Uncovenanted Servants who are in receipt of a higher salary than Rupees 10 per mensem, for whom no pension is made in the Superannuation Pension Rules, in view to their being brought under the operation of those rules, the Inspectors, Constables, Duffadar Majors, Duffadars, Hurkarahs, Darogahs, Overseers and Talliar Naigues of the Police Force were entered. It is doubtful, however, whether the extension of the Rules now in contemplation will extend so far as to include the whole of the officers entered in my Return.

4. On receipt of the list and information now called for, I shall be able to determine in which way I shall be in a position to carry out the wishes of Government, as expressed in their orders referred to above.

From Colonel J. C. BOULDERSON, Commissioner of Police; to F. LUSHINGTON, Esq., Civil Auditor, dated 23rd June 1857, No. 411.

SIR,

I have the honor to acknowledge the receipt of your letter of date 4th April, in which, with reference to the orders of Government, Judicial Department, No. 361, bearing date 25th March 1857, you request me to furnish you with a list of all the officers of the Madras Police Force who are subscribers to the Police Superannuation Fund, and with information regarding the mode in which the subscriptions are to be brought to account.

2. I have now the pleasure to send you a Nominal Roll of all Police officers who I consider should be subscribers to that Fund. You will observe that the names of the 7 Jemadars of Police, are therefore entered in the Roll, they being a portion of the Police force, but as you say they are entitled to pension under the Uncovenanted Pension Rules, I have not put any amount of monthly subscription against their respective names. I only show the amount they had already paid, previous to the receipt of your letter under reply. Against the name of each man of every other grade, you will see the exact sum which is deducted monthly from his pay, at the rate of half Anna per Rupee, on account of the Fund in one column, and the exact sum each will have paid when pay in arrears for April has been issued.

4. I beg to call your particular notice to the fact that, against each man's name there is a general number, which number he will retain as long as he remains a member of that branch of the force in which he is now serving, and that when any man becomes a casualty, his general number is struck out of the Roll and is never given to another. Thus, should No. III die, and a new peon be entertained in his stead No. III will not be given to him, but he will receive the general No. which follows that of the last man enlisted before him. Thus, if the last taken man bears the general No. 500, the one taken in place of No. III, will be No. 501.

4. I would suggest therefore, that you should have a Return similar to the one I now forward, sent to you every year. It would enable you at any time to ascertain the exact period of service of any member of the Police Force, and the sum paid by him or on his account to the Fund, and in one view, you will see how many casualties have occurred during the previous year, by the number of enlistments, and in the column of remarks you will find all promotions, reductions and suspension, and absence, whether on leave or sickness, duly given.

5. I think it is desirable that the Police Superannuation Fund should be kept quite separate and distinct from the Uncovenanted Pension Fund, and that every member of the Police Force should, as a matter of course, be a member of their own Fund. For reasons founded on what may be the chance of promotion of any intelligent man who enters the Police Force as a peon, I think it is highly objectionable that the Jemadars of Police should look for support during their old age from any other source than the Police Fund.

6. Every Jemadar of Police must enter the force in the rank of a peon before he obtains the rank of Jemadar, he must therefore be promoted to the grade of Naigue and Duffadar, respectively, consequently he will have paid subscription to the Fund for a long period of years in the lower grades, before he attains that rank, according to the present rule, on promotion to that grade, he ceases to belong to the Police Fund, to become a member of the Uncovenanted Pension Fund; in the course of 2 or 3 years, however, that Jemadar might be promoted to the rank of Inspector of the Force, which would bring him back as a subscriber to the Police Fund again; thus, a confusion of account would be made, which I think may be easily avoided, if the Police Superannuation Fund is kept entirely distinct from any other.

7. The principle and the object of the Fund are clearly stated in Sections 17, 18 and 19 of Act XIII of 1856, and it seems to me that very few rules and regulations are required to carry it into successful operation. The Police Force which is required to perform a certain amount of duty daily, is always kept up to its full strength. Thus full pay for the full number of men is always drawn monthly, and paid, and the deduction of half Anna per Rupee is made from every Rupee so received and paid. In case any person becomes unfit for the performance of his duty by sickness or other cause, or on occasion of any man obtaining leave of absence beyond one day, an Oomudwar is placed as his substitute during such absence, and the deduction of half Anna

per Rupee, which would be made from the pay of the peon, were he present for duty, is made from his substitute.

8. Referring again to the Roll:—In the column of remarks, you will see reported, "date of promotion to higher grade," "Period of suspension for misconduct," "Period of absence on leave or sickness," and of "absence without leave," during the preceding year.

9. Every officer of Police who has during the course of his service been suspended from duty on account of misconduct, will, as a matter of course, have the whole of such period taken out of his service. I beg you however to take into favorable consideration, when preparing the rules for the Police Fund, the case of those men who may have been absent from duty during their period of service, either on account of sickness, or on private affairs, and I trust you will obtain for the men of the Force generally, a certain period of furlough, under the head of "Privilege leave." The case of Police Officers differs much from that of other Government officers, inasmuch as during their absence, they receive no portion whatever of their pay, it being drawn and paid to their substitutes, as before stated, and that circumstance will further I hope, be held to operate much in their favor, when the question, whether "Privilege leave" to Police officers shall be granted or not, under consideration.

10. The Police Superannuation Fund is formed from the sources mentioned in margin, and during the month of January 1857, the sum specified against each head was realized, and in Section XVII of the Act, you will find the manner of bringing the subscription and fines, &c. to account, is clearly laid down. The Act directs, that all monies accruing from stoppages, and all fines &c., &c., shall from time to time, be invested in such manner as the local Government may in writing direct, and the interest and the dividends thereof shall be likewise invested, and the Fund so formed, shall be called the "Police Superannuation Fund," and shall be applied to the payment of such Superannuation allowances as the local Government may from time to time grant to any member of the Police Force.

	Rs.	As.	P.
Stoppages from the pay of the Police Officers at ½ Anna per Rupee	168	10	7
Stoppages from the pay of Absentees	21	0	0
Fines inflicted on Peons for misconduct, &c. by the Commissioner of Police	17	4	0
Fines inflicted by Magistrates upon drunken persons	148	14	0
Fines inflicted by Magistrates upon parties who committed assaults upon Police Officers when in the execution of duty	178	5	6
Pounadges of Cattle under Section CXV of the Police Act	125	4	2
Amount realized by the sale of old clothing	0	0	0
	659	6	3

From F. LUSHINGTON, Esq., Civil Auditor; to Colonel J. C. BOULDERSON, Commissioner of Police, dated 12th October 1857, No. 314.

SIR,

I have the honor to acknowledge the receipt of your letter of the 23rd June last, No. 411, regarding the Police Superannuation Fund.

2. The question that first requires settlement, is the class of officers of the Police Force who are required by the Act to subscribe to the Fund.

3. Section XVII of Act No. XIII of 1856, states, that the Fund is intended for those members of the force "*of a class not entitled to the benefit of the Uncovenanted Service Pension Rules,*" as stated in my letter of the 4th April last, the 7 Jemadars of the Force have been specially admitted to the benefit of the Uncovenanted Service Pension Rules, and since that date an Overseer of the Force Narsimmahcharry, has been similarly enrolled. It had escaped me to mention that Darogahs, who discharge (in respect to the Detective service) the same functions required of Jemadars of the Preventive service, are entered in Appendix No. 1 to the Uncovenanted Service Pension Rules of January 1831, and hence are entitled to the benefit of those Rules. The grounds on which the Government were pleased to extend to the Jemadars of the force the benefits of the Uncovenanted Service Pension Rules, apply with equal force to Constables and Inspectors, and it appears to me to be owing simply to the accident that no application for a pension for a Constable who had served for the prescribed time, had been made to Government, that orders were not passed specifically bringing Constables within the provisions of the Rules, so that on the ground of what was the intention of the Legislature in providing the Fund, it seems to me that all members of the force should not be required to contribute to it.

4. But there is another point from which this subject should be viewed, viz., whether the intentions of the Legislature in this respect would not be frustrated by the exclusion of certain ranks of the force from subscription to, and hence from participation in, the advantages of the Fund. A Police officer on promotion to a grade exempted from subscription is placed apparently in an anomalous position: his ceasing to subscribe to the Fund destroys all claims on it, and in some cases it may not be possible at the generally advanced* age at which promotion to the rank of Jemadar or Darogah is attained, that he will be able to put in 20 or 30 years' service in either grade to render him admissible to a pension under the Uncovenanted Service Pension Rules. But an arrangement similar to that† ordered by the Court of Directors in respect to the educational offices, viz., that the pension of those Masters of schools whose salaries are defrayed partly from the Government Fund, and partly from school fees or other sources of income, should be paid proportionally according to rule, by the State and the local funds, if those funds will admit could be made. A similar arrangement prevailed, (if it does not still prevail) in the late Military Board office, in the case of those servants who were paid partly by the Government and in part from the Saddle Contract Fund. In Extract from the Minutes of Consultation of the 11th December 1849, No. 285, Public (Separate) Department, the Government directed that the pension of Mr. Dawson, whose salary of Rupees 70 was drawn from two distinct sources, viz., Rupees 30 from the office establishment, and Rupees 40 from the Saddle Contract Fund, should be borne by both in the proportion of Rupees 15 by the former, and Rupees 20 by the other. I think it is advisable on financial grounds that an arrangement like this should be adopted in those cases where necessary, as it will greatly relieve the Fund.

* In your list it would appear that some Jemadars have only 9 years service in the Force, and some Darogah only 4 years.

† Para. 123, (A) of Chap. III of the Civil Auditor's Manual.

5. In regard to Constables and Inspectors, their exemption from subscription to the Fund and their admission to the benefits of the Uncovenanted Service Pension Rules are specially necessary, inasmuch as they are recruited from outside and not (except in the case of the two lowest paid Inspectorships) from the other ranks of the force. An individual who may have many years service in a civil office entitling him to pension, will lose this service on appointment as a Constable or Inspector, if it be ruled that Constables and Inspectors should contribute to the Fund and look to it for a provision on retirement, and hence the intention of the Legislature in ordering the formation of the Fund, instead of being a boon, will become a hardship to Constables and Inspectors.

6. It appears to me necessary therefore that this question as to the class of officers who are to subscribe to the Fund, should be authoritatively and definitely settled.

7. Should the Government agree with me in considering that all officers of the force should not contribute to the Fund, the next question that should be brought to issue is whether the term of service prescribed by the Act, viz., 16 and 24 years, should not be made applicable to the officers relieved from subscription to the Fund. In the event of Government ruling that it should, it will be necessary to determine also in what ratio, service out of the force which an officer may have earned, should be reckoned in calculating his service for a pension. Uncovenanted Servants, as you are aware, being required to serve 20 or 30 years to become eligible to pension.

8. The question that next offers itself for consideration, is what kinds of service are admissible. The rules applicable to the Uncovenanted Service in this respect ought, it appears to me for the reason mentioned in my previous letter, to apply to subscribers to the Police Superannuation Pension Fund. And hence leaves of absence to the extent prescribed by the Rules, can alone be allowed to count as service towards pension.

9. The Uncovenanted Service Absentee Rules which I beg to observe apply to all members of the force do not require the stoppage of full pay during absence, except in the case of furlough on private affairs for one year. This absence moreover does not count as service, and the privilege is allowed only once during the entire period of service of an individual. The practice which you state obtains in the force to stop the full pay of an officer absent under any circumstances whatever, receives no countenance from the Absentee Rules. When a person is in receipt of no pay at all from the Government, the period during which he is in this state, can hardly be called service, and hence absence on furlough both in the Covenanted and Uncovenanted Services, during which the officer is not in receipt of a salary, is excluded from reckoning towards the annuity in the one case, and a pension in the other. And hence it is very questionable whether

any portion of the absence of a member of the force is eligible for reckoning in the term entitling to pension, if this practice is to continue, especially as he does not then contribute to the fund. Another objection presents itself, viz., that the service of substitutes should in justice be calculated, as during their temporary incumbency they draw full pay and are required to contribute to the fund. This practice therefore greatly complicates the question and ought to be forthwith discontinued. Absentees ought to be allowed the benefits of the Uncovenanted Service Absentee Rules and substitutes ought not to be made to contribute.

10. In regard to the returns which I require to enable me to report on claims to pension, I beg to state that an annual return of the officers whom the Government may declare should contribute to the fund in the form annexed to my Circular of the 21st March last, forwarded to me on the 1st of May of each year will suffice. A yearly list of absentees should also be sent to me at the same time, agreeably to my Notification of the 28th Ultimo, published at page 507 of vol. 2 of the Gazette for this year, to enable me to omit from calculation the period of service not admissible under the rules for pension.

11. I would recommend your referring to Government the questions which I have raised for orders, on receipt of which it will be possible to draw up the rules regarding the fund.

From Colonel J. C. BOULDERSON, Commissioner of Police; to F. LUSHINGTON, Esq., Civil Auditor, dated 7th December 1857, No. 894.

SIR,

I have the honor to acknowledge the receipt of your letter under date the 12th October last, No. 314, and with reference to the first question, as to what "class of officers of Police are required by the Act to subscribe to the fund," I find that the Government in their Minutes of Consultation of the 4th Ultimo, No. 1440, para. 5, have concurred in opinion with me, by observing that the Police Fund "may fairly provide for all disabled members." Hence I consider that that question has been determined, as including *every class* from the Inspector downwards.

As to the kind and length of service, it appears to me to be clearly laid down in the 1st and 2nd Clauses of Section XVIII of the Act. It will be seen from these Clauses that the maximum is 24, and the minimum is 16 years' service in the Police force, and in thus making the period of service of the Police officers, entitling them to pension, less than it is for those who come under the Uncovenanted Service Rules, I have no doubt that the Legislature did take into consideration that Police officers are much exposed to wear and tear of constitution by hard work, accidents and injuries in the execution of their duty, to which persons who are employed as clerks, are not liable. A Police officer being always on duty, morning, noon and night, whereas a clerk, in an office, has only a few hours work during the day-light to perform. The life of the clerk being as compared with that of a Police officer, one of ease and comfort, whereas that of a Police officer is one of constant hardship and exposure during the whole period of his service.

* Para 7. The next question that should be brought to issue is whether the term of service prescribed by the Act, viz, 16 and 24 years should not be made applicable to the officers relieved from subscription to the Fund. In the event of the Government ruling that it should, it will be necessary to determine also in what ratio, service out of the Force, which an officers may have earned should be reckoned in calculating his service for a pension. Uncovenanted Servants, as you are aware, being required to serve 20 or 30 years to become eligible to pension.

8. The question that next offers itself is what kinds of service are admissible.

With reference to your remarks* as per margin, it occurs to me that the services rendered by an individual in a civil office, before his appointment as Inspector of Police or Constable, might be calculated towards pension by simply turning the period of completed service into months, and thus adding, or deducting one-fifth as the case may be. Thus a person received into the Police from civil employ, who has served 30 months, would be allowed to count 24 only in the Police; and again in the case of a Police officer who has served 24 months, being transferred to civil employ, he would be allowed to count 30.

With regard to leave of absence, I beg to observe that at present whenever a Police officer is absent (without reference to his grade or standing) from sickness or any other cause whatever, he forfeits every portion of his pay, the full amount being paid to the substitute from whom the usual stoppage is made on account of the Superannuation Fund. It being an understood thing,

a condition on which an Oomudwaree receives his acting belt or appointment. It is a good one, it prevents confusion and complication of accounts.

Owing to the constitution of the Police force, and the peculiar nature of the duties of a Police officer, arrangements are obliged to be made every day by the appointment of substitutes for absent members, otherwise the duties fall much too heavily upon others, because only a certain number of men are allowed by Government for the performance of certain Police duties. For instance, a Duffadar and 4 Peons are posted at one tannah, and the duty required of them is severe with that number, and if one is absent from any cause, and a substitute not sent, the proper duties of that tannah cannot be performed. Again, if an Inspector of a Police Court, or a Police Darogah, is absent from any cause, the duty must still be performed, and therefore a substitute must be appointed, the reason being that there are no spare men to take the duty of the absent incumbent. Under these circumstances, I apprehend that there will be great difficulty in applying the Uncovenanted Service "Leave Rules" generally to the out-of-door employés of the Police.

Upon this point, I would refer to the Extract Minutes of Consultation under date the 25th September last, No. 1234, Judicial Department, from which it will be seen that in the case of two peons, the Government observed that during the period they are absent from duty for the change of air recommended "the question of their salary would be decided by the Rules in force in the department." From this it does not appear that the Government are disposed to interfere with the rule, which is at present, and has been, I believe, always acted upon.

Before drawing up the Rules of the Fund, it may be desirable to obtain from the Governments of Bengal and Bombay, copies of such Rules as may have been adopted at those Presidencies, as the same Police Code is applicable to the three.

From F. LUSHINGTON, Esq., Civil Auditor; to Colonel J. C. BOULDERSON, Commissioner of Police, dated 10th December 1857, No. 417.

SIR,

With reference to your letter of the 7th Instant, I have the honor to observe that I agree with you in the opinion of the desirableness of obtaining from the Governments of Bengal and Bombay, copies of such Rules as may have been adopted at those Presidencies, advanced by you in the concluding para. of your letter. But it appears to me, that this reference should be made by you through the local Government, as I think the opportunity should be availed of procuring all the particulars regarding the operation of the Fund in those Presidencies. I would also suggest the submission of the entire correspondence* that has passed between us on the subject to Government, in order to elicit their orders on some of the questions which are still open.

*To Commissioner of Police, dated 4th April 1857.
From do 33rd June "
To do 12th October "
From do 7th December "

(True Copies.)

(Signed) J. C. BOULDERSON,
Commissioner of Police.

No. 43. ORDER THEREON, No. 304; dated 6th March 1858.

Application will, as requested in the above letter, be made to the Governments of Bengal and Bombay for copies of any rules that may have been adopted at those Presidencies for the establishment and regulation of their Police Superannuation Funds, and for any other information which can be obtained regarding the operation of those Funds.

It would, however, in the opinion of Government, tend more effectually to accomplish the object of the proposed reference, if the Commissioner of Police in communication with the Civil Auditor would state specifically the several points which seem unsettled in connection with the Funds, and in regard to each of which the views and practice of the other Governments should be explicitly ascertained in addition to any information of a more general nature. Colonel Boulderson will submit such a statement showing seriatim, the various questions relative to the Fund on which reference should be made to Calcutta or Bombay.

(Signed) T. PYCROFT,
Chief Secretary.

Exd. F. Cartledge.

Service in this respect ought, it appears to me for the reason mentioned in my previous letter, to apply to subscribers to the Police Superannuation Pension Fund. And hence leaves of absence to the extent prescribed by the Rules can alone be allowed to count as service towards pension.

9. The Uncovenanted Service Absentee Rules which I beg to observe apply to all members of the force do not require the stoppage of full pay during absence, except in the case of furlough on private affairs for one year. This absence moreover does not count as service, and the privilege is allowed only once during the entire period of service of an individual. The practice which you state obtains in the Force to stop the full pay of an officer absent under any circumstances whatever, receives no countenance from the Absentee Rules. When a person is in receipt of no pay at all from the Government, the period during which he is in this state, can hardly be called service, and hence absence on furlough both in the Covenanted

and

and Uncovenanted Services, during which the officer is not in receipt of a Salary, is excluded from reckoning towards the Annuity in the one Case, and a pension in the other. And hence it is very questionable whether any portion of the absence of a Member of the Force is eligible for reckoning in the term entitling to pension, if this practice is to continue, especially as he does not then contribute to the Fund. Another objection presents itself, viz^t that the Service of substitutes should in justice be calculated as during their temporary incumbency they draw full pay and are required to contribute to the Fund. This practice therefore greatly complicates the question and ought to be forthwith discontinued. Absentees ought to be allowed the benefits of the Uncovenanted Service Absentee Rules and substitutes ought not to be made to contribute.

but substitutes cannot be put on half pay.

10. In regard to the Returns which I require to enable me to report on claims to pension, I beg to state that an annual Return of the Officers whom the Government may declare should contribute

to

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Application will, as requested in the above letter, be made to the Governments of Bengal and Bombay for copies of any Rules that may have been adopted at those Residencies for the establishment and Regulation of their Police Superannuation Funds, and for any other information which can be obtained regarding the operation of those Funds.

It would, however, in the opinion of Lord Cecil more effectually accomplish the object of the proposed reference if the Commissioner of Police in communication with the Civil Auditor would state specifically the points which seem unsettled in connection with the Fund, and in regard to which the views and practice of the other Forts should be explicitly ascertained in addition to any information of a more general nature. Col. Baddeley will submit such a statement showing precisely the various questions relative to which the reference should

Cor. 12th March 1857 to 1444 to 15.

In 4 to Cons: 12th March
Judicial 1858 Dist.
From
Colonel A. C. Bonduson
Commissioner of Police
To J. Lynch Esqre
Chief Secretary to Government
Fort St. George.

Dated 23rd February 1858
Rec'd 24
No 22
Cha. Ans.

No 340.

Forwarding certain correspondence with the Civil Auditor, regarding the Police Superannuation Fund.

With an order

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4 Inds Collector of Customs
Fort St George
5 March 1858
Commissioner of Police
Civil Auditor

Sept 18th

42–43

C/Brand
No