M.R.O. 1—30,000—16-10-29.

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No. 1537 Press Mis.—

222-223

Dated 23-11- 19 1929

5/6

Not to be folded or roughly handled

Proceedings of the Madras Government, Judicial Department,
23rd November 1860.

No. 222. Read the following letter from W. ROBINSON, Esq., Inspector General of Madras Police, to T. PYCROFT, Esq., Chief Secretary to Government, Fort Saint George, dated 9th November 1860, No. 1,085.

I have the honor to submit copy of a Police Order No. 49 recently issued by me on the subject of the number of Summonses issued by Native Magistrates in petty cases: a careful register is now being kept which will enable me to submit, after a time, accurate information in regard to each Officer now empowered to issue Summons.

2. A careful inspection of my returns satisfies me that much public time is lost, and the utmost inconvenience is caused to the people by the *Tahsildars* and Sub Magistrates entertaining cases of so trivial a character—ex. gr. squabbling, abuse and petty assault and the like—that either they should not be admitted into Court at all, or should be left entirely to the village Magistracy. It is obviously good policy to discourage these abuses.

3. In order to save public time, and to spare the labouring classes of the community, who really are sore losers by this fostering of their litigious spirit which our practice amounts to, the Police are prohibited by Law from interfering in such matters; but the time of the Force is still wasted by having undue numbers of Summonses in petty cases to serve. I think the Magistrates might be moved to aid in the above objects by seeing that their *Tahsildars* do not afford too ready an ear to petty differences, or assume a jurisdiction in matters which the village Officers are perfectly competent to dispose of.

4. It is usually urged, 1stly, that where an injury is done, however slight, it must have an easy legal remedy—and, 2ndly, that the majority of our Village Munsiffs are incompetent to try and dispose of cases.

5. I may be mistaken; but I doubt the truth of the first position. I do not believe that peace and good will are promoted amongst neighbours, by enabling them to run to a Magisterial Court, summon 4 or 5 witnesses and there litigate every squabble, every petty personal abuse and assault. The practice is discouraged in every civilized country with most beneficial results.

6. 2ndly, It is true that our village officials are not competent, as a rule, to try cases with precise legal formality, to write all the evidence and make up a record; but it is not true that these respectable farmers have not quite sufficient common sense to adjudicate and settle the differences and squabbles of other fellow villagers. I feel satisfied that as good law and justice would be dispensed in many a village *Choultry* as are now dispensed by the Justices of the Peace in some of our British Colonies, if we would only make people resort to them, and prevent Stipendiary Officers from interfering except in cases of manifest injustice or of special importance. But the prohibition to be effectual, must be nearly absolute.

7. I venture to submit a suggestion of the Magistrate of Madura, which I think might be carried out, if approved, even with the Law in its present state. We are constituting Village circles for Police and Revenue purposes, in each of which there are more than one village Munsiff; the Magistrate suggests, that a certain day of the week might be appointed for a Session of these petty Justices, where they might dispose, in their own sensible way, of all cases within their jurisdiction, which might be brought before them either by the Police or by individual complainants or be referred to them by the Magistrate. The Police would be in attendance and arrange their business.

POLICE ORDER No. XLIX.

Dated 18th September 1860.

1. In several Districts the business of serving Summonses issued by Sub Magistrates in petty cases has become so heavy as quite to interfere with the proper duty for which the Police is maintained. One Town Amin recently issued in 4 days 20 Summons for 83 persons as Witnesses in trifling cases of assault and abusive language, and the proper patrol of the Town had to be postponed to admit of the service of these petty processes.

2. Such an abuse of the power of complaining and molesting the public by summoning wholly indifferent parties as witnesses were of itself a grievous tax on the public in any country;

but it becomes wholly intolerable when the energy and time of an expensive Force, maintained at a large cost for the protection of life and property, is frittered away on matters of a petty and personal character, not one in 10 of which should probably ever go beyond a Village Munsiff.

3. All Magistrates are very anxious to repress this abuse, and to save the invaluable time of their Tahsildars and Subordinates. And Superintendents of Police should earnestly aid them by respectfully informing them whenever an apparently unnecessary number of Summons in petty cases are issued by any Sub Magistrate.

4. All Officers of Police should most respectfully urge Sub Magistrates to exercise their powers of fining in every cases of contempt of their process in not obeying a Summons, whenever they find that a process is given to them twice to be executed against the same party. In several Districts entire success has followed a vigorous administration of the Law in this respect by the Sub Magistrates; and the duty of serving a Summon has rarely to be done twice over; but in one or two Districts every Summons has to be twice served, because the Sub Magistrates do not enforce respect for their Summons under the provisions of the Act.

(Signed) W. ROBINSON,
Inspector General of Madras Police.

No. 223. ORDER THEREON, 23rd November 1860, No. 1,537.

The Honorable the Governor in Council concurs in the views expressed by the Inspector General of Police as to the waste of public time, and inconvenience to the people at large which must be caused by the Talook Magistrates and Sub Magistrates entertaining cases of a trivial character, and such as might very well be settled in the village. He resolves to circulate Mr. Robinson's letter to all Magistrates, and to desire them to discourage the disposal of such petty complaints by any higher authority than the Village Magistracy.

2. In some instances Sub Magistrates have been appointed experimentally, the permanency of the office being made contingent on its being found in practice to be really required. In such cases the Sub Magistrates thus conditionally nominated have an obvious interest in making as great a show of business as possible, and the Magistrates should keep a particularly careful eye on their proceedings, and see that their files are not needlessly swelled by trifling matters.

3. The arrangement suggested by the Magistrate of Madura and mentioned in paragraph 7 of the Inspector's letter seems unobjectionable and likely to be attended with good effects. It can however only be introduced gradually. It should be encouraged when the people seem disposed to adopt it, but must not be forced.

(Signed) T. PYCROFT,
Chief Secretary.

Exd. F. Cartledge.

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W. ROBINSON,
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(Signed) T. PYCROFT,
Chief Secreta

Exd. F. Cartledge.

Judicial Department.

Proceedings of the Madras Government.

Read the following
letter from the Inspector
General, Madras Police.

(Here enter 9 November 1860,
No. 1085.)

Order thereon 23d November 1860, No. 1537.

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JP

To the Inspector Genl. of Police.
To all Magistrates — with copy of Govt. Secty. Letter dated 3 Augt 29th.

Pro. 23d. Nov 3
Judicial
Department } 1860.

No. 1537.

Proceedings of the Madras

Government.

Dated 23d November 1860
Pets. 1479/62

Directing Sub Magts
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Cases; but to leave them
to the Village Officers -