MDR. G. 1—8-4-00—15-10-20

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No. 326 Press Mis.

83-89

Dated 11- 3- 1861

16/17

Not to be folded or roughly handled

PROCEEDINGS OF THE MADRAS GOVERNMENT.

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 8th March 1861.

1. I have given my most anxious attention and study to the two Bills noted in the margin; and have compared them and their provisions with Act XXIV of 1859, and with the principle on which the Madras Constabulary is established, the general working of our Police, and especially its relation to the very numerous body of Magistracy of our Presidency. I trust I shall be acquitted of presumption in submitting the following remarks.

Amended Bill—Procedure Code.
" " Regulation of Police.

2. We have adopted as our model, both in constitution and practical working, the Town and Rural Constabulary of Great Britain; and our Law was likewise drawn in close adaptation of those principles and of the Statutes applying to them, to this Presidency. And we are endeavoring to establish and maintain precisely the same relation between the Magistracy and the Police which is the spirit of the English Law on the subject. We are constituting a body of preventive and detective Constabulary—without *quasi*-Judicial or Magisterial powers—itself charged with the duty of preventing grave crime—and placed at the disposal of the Magistracy to aid them in maintaining order and bringing criminals to justice. The model is a sound one; and the system is perfectly workable, and has proved eminently successful. We shall not be equally successful, but we are endeavoring to give it a fair trial.

3. The constitution of the Madras Presidency and our local Institutions are peculiarly favorable to the application of the system. We have an abundance of Stipendiary Magistrates. Besides the several European Magistrates and Deputy Magistrates of each District, we have in each *Táluq*, one or more Magistrates. All important towns have a Sitting Magistrate. And, finally, we have the *Patail* Head of Village, a very useful petty Justice of the Peace and Magistrate, in every village, aided by an intelligent Village Scribe and the Head Inhabitants. These have all or some of the powers of an investigating, adjudicating or committing Magistracy—and these positions we are seeking to strengthen and to extend their powers. A working Police to aid these Officers, is therefore all that is required; whose operations are strictly confined to following up clues and detecting offenders, and bringing them for investigation before the regular Magistracy. Great care must be taken not to set aside or supplant, in regard to their proper functions, this valuable Agency by a *quasi*-Magisterial Police; or to substitute a *quasi*-Judicial investigation by a Constabulary Officer, recognized by Law, for the legal investigation which they alone can properly be entrusted with. On this point the Law must give no uncertain sound.

4. This point cannot be too carefully borne in mind. Herein does this Presidency essentially differ from Bengal and other parts of India, where the Magistrates are fewer, and Police Officers must conduct what in England would be called Magisterial investigation. But here we have an abundant Subordinate Judicial Magistracy, ready and competent to undertake all investigations with a view to punishment, acquittal, or committal to the Court.

5. With such a body of Magistrates, conveniently located over the country, a Police can most safely be restrained within its proper sphere as a Preventive Force, patrolling closely and watching the country; and as a mere Detective Agency, engaged in detecting crime and tracing out offenders for the Magistracy. They may be absolutely relieved from all duty of investigating cases beyond the ordinary practice of a detective Officer engaged in a felony in England. The operations of a detective do not properly belong to legal Procedure. I earnestly trust, that in this respect, the present position of the Madras Police may not be affected by any new or general Legislation.

6. Under this explanation, I beg to urge that the provision of the Act XXIV which may be termed departmental and special, which relate to constitution and working of the Police be allowed to pass unaltered and unmodified. These I consider include Sections I to XXI, XXIII, to XXVI, XXVIII to XXXIII, XLIII and XLIV, XLVII to L, and LIII to LV.

7. In the interpretation clause the "Police" is specially defined with reference to existing things, and so as to comprise the peculiarities of a local Police, such as is not present in some other provinces of India.

8. The modifications introduced in Sections III and IV of the Amended Police Bill, as compared with Act XXIV of 1859, are not necessary or adapted to the constitution and the Government of this Presidency.

9. Section VI of Act XXIV of 1859, must stand. The new Police is an entirely different body from the Police that existed. This has been disbanded in Districts, Cantonments, &c., and this Section makes all general and special local Laws applicable to the new Force. The *Proviso* has a special importance and bearing on the circumstances of this Presidency. Every Magistrate with whom we have to do—from the Collector-Magistrate, at the head of a District, to the Village *Patail* of whom there are 30 to 40,000, is a Revenue Collector; and indeed sets greater importance on his Revenue duty than on his Magisterial functions. The Police obey all lawful orders of these functionaries. Unless, therefore, the employment of Police in Revenue matters is made absolutely illegal by the terms of the Law, nothing can prevent the continuance of those abuses which we are endeavoring to rectify. It must be borne in mind that the Constabulary—a large number of whom are the re-enlisted Revenue Police Peons of the old establishment—themselves prefer collecting Revenue and fixing themselves on a defaulter, to the irksome duty of Patrol and Watch. Nothing requires even now greater vigilance than this, to prevent *Tahsildars* and *Patails* from using the Police in Revenual matters. *Our* Police must be prohibited by law from interfering in them. Again, we have had hitherto a *quasi*-Judicial and Magisterial Police, instituting and conducting all kinds of Magisterial investigations; and *vice versâ*, a Magistracy acting as detecting agency. In either case, each was withdrawn from their proper and more important duties, or is placed in a position which is not favorable to the interests of justice. This it has been determined to put an end to, and this *Proviso* aims directly at doing so.

10. Section VIII of XXIV, 1859, is likewise indispensable. It is drawn in strict accordance with the "conditions of service." The execution of summons and warrants, arrest or search, with or without warrant, of offenders wherever found, is secured by it. It has also a bearing on the Superannuation Fund, &c., and is absolutely necessary for the administration of the Force with a view to undertaking the duties hitherto thrown on Military bodies, as laid down in Propositions I to XII of the Police Commission. We must be able to move our Constabulary in a limited degree, as public exigency calls.

11. Section XVI of Act XXIV of 1859, should stand as it is. A Magistrate (these include a *Tahsildar* and *Patail*) should as a rule, be bound to support the Police with the Revenue *Peons*, and village *Toties*, *Tandalgers*, &c. &c., before proceeding to call on the residents for aid.

12. Section XXI of XXIV, of 1859—I would venture to pray that the duties of a Police Officer be allowed to stand in the order they are here—the first and foremost duty of a Police Officer is the prevention of crime.

13. Section XXII.—Of Arrest without Warrant.—For this it is proposed to substitute Sections 73, 74, 75, 76, 77 and 80 of the Procedure Code. These will provide for prompt arrest in all felonies and grave cases—in which the Police Officer is merely, in the interest of public justice, anticipating the warrants. And Sections 78, 79 empower him to enter a house in pursuit of an offender. But the active and prompt operation of the Constabulary must not be restricted to them. We have public interest to protect; Cantonment laws to enforce; Salt, *Abkari*, Customs, Forest Laws, &c., to support. Our own Act provides these powers simply.

14. Section XXIII of XXIV of 1859, however refers to a Departmental matter and not to general Magisterial procedure. It should be allowed to stand, for without it we could not work. The object is to prevent any inferior grade of Police Officer from retaining any one in custody except at the Station House, where publicity is secured. And it further provides that no one shall be kept in custody by any Police Officer on a charge *primâ facie*, credible or on reasonable suspicion, for more than 24 hours, without being brought before a Magistrate for investigation;

which in this Presidency generally can be done. It is a matter of departmental law, and has no connection with investigation, which is a subsequent stage.

15. In this Section the Police Officer is treated merely as a Police executive or agent who has been empowered, in anticipation of a Magistrate's warrant for examination before himself, to take charge of an individual or arrest on reasonable suspicion an offender—not for investigation at his Station House into the circumstances of the case—which the Procedure Code contemplates, under the Chapter "Preliminary Inquiry of the Police" Section 102—but for mere transmission to the proper investigating Officer—the Magistrate—by whom the truth or otherwise of the charge will be inquired into. In precisely the same spirit is that part of Section XXX, drawn, which empowers a Police Officer, if on the face of the complaint or inquiry from the complainant alone, he sees reason to doubt the truth of any grave charge, preferred to him, to refuse to act without a Magistrate's warrant: recording carefully his reasons for not taking independent action in the "Refused Charge Sheet." Police Officers of all grades must be got out of the way of considering themselves investigating Officers. They are, as ordinary detectives, answerable for the judgment and care with which they have satisfied themselves of the reasonableness of the suspicion against an offender whom they may arrest of their own accord; but they are not responsible for the truth or otherwise of a charge brought against an individual, beyond satisfying themselves that *primâ facie* it is not incredible. The truth or otherwise is to be tested by a Magistrate. And there is no hardship here to the public. They have the same Magistracy as ever; who will receive and investigate *all* their complaints. The Police is more dispersed over the country—for its observation—and they are empowered to act promptly on the occurrence of heinous crime; but the object of this diffusion is *not that* they may become new investigating Officers of charges and offences. Under this Section a Police Officer is not authorized to detain a person in custody longer than just sufficient time to get him before a Magistrate. His detective investigations are proceeded with after the Magistrate has legally remanded the offender, and these enquiries are conducted merely as a detective serjeant, not as an officer investigating the case. Refusal in the first instance by the Police, does not affect a complainant's remedy before the Magistrate, who is as near now as ever he was.

16. Therefore I trust, Section XXIII. may be permitted to stand, with the 2 Sections relating to Bail; Sections 124, 125 of Procedure Code notwithstanding.

17. Sections 78, 79, 103 and 110 of the Procedure Code provide generally for Section XXVIII. entering of houses by the Police without warrant. The first part must stand. And I admit that I think that, as a guide in procedure and definition of power and duty, our own Section is more explicit. Sections 108 and 109 belong to the Chapter regulating preliminary enquiry by the Police: which may possibly not be applicable to our Constabulary.

18. Section XXIX. has been transferred to the Procedure Code as Section 98. It is departmental, and we sought to confine the power to the highest grade of Police Officers of general and Village Police. It would suit this Presidency best as it was.

19. I attach the greatest importance to Section XXX. of Act XXIV. of 1859. It makes it illegal for the Police to entertain petty or exaggerated complaints. A Police is entertained for the prevention and detection of grave crime; for public purposes, not to gratify personal spite. These duties are more irksome and less lucrative than being engaged with petty enquiry. We have therefore the greatest difficulty in restraining Officers of Police from investigating petty charges and becoming sedentary Magisterial Officers, instead of active preventive and detective runners. It must be made absolutely illegal to take any part in them, or for any Magistrate so to employ them. This becomes the more important as the Criminal Procedure Code, Section 102 and subsequent Sections, provides for the referring of complaints of every kind by the Magistracy to the Police and a full investigation being made by Officers in charge of Station Houses. This power of referring extends to cases other than those specified in Schedule A., and clearly may and will include petty cases of all kinds. In this Presidency it is wholly unnecessary to allow Police to engage in any enquiry not connected with actual and grave crime, or even in these to permit the Police to step into the place of the Magistracy. The Magisterial

Courts, Stipendiary and Village, are so numerous, well distributed and accessible, that it never can be necessary or expedient to occupy the time of the Police with summons cases, beyond the execution of the necessary Magisterial Processes. But the prohibition must be absolute. And all references for investigation must be made to Magisterial Officers, not to Constabulary Officers.

20. Section XXXI. of Act XXIV. must stand. It constitutes the Constabulary as a kind of Public Prosecutors, before the Magistracy, in cases of a public nature. Care must be taken not to exclude any local and special laws, such as provisions for the protection of the Revenue, Cantoment laws, *Abkari*, Salt, Customs and the like.

21. Section XXXII. of Act XXIV. of 1859—provides for the execution of all Criminal Processes by the organized and trained Constabulary and *none* others. Under the Procedure Code, no provision whatever is made in regard to the Agency to be used in serving Summonses, (Sections 44—46). With regard to Warrants of Arrest and Search Warrants it is provided that they "shall ordinarily be directed to an Officer of the Police, but a Magistrate issuing the "warrant may, if no Police Officer be immediately available, direct the warrant to any other "person." (Sections 50 and 87.) I earnestly trust that *our* Section may be permitted to stand in its integrity, it is a Departmental provision and duty, and specially suited for this Presidency. It must be borne in mind that a Magistrate here includes every *Tahsildar* and Native *Ameen;* that almost all the Criminal processes of the country are issued by the subordinate Native Magistrates—*Tahsildárs and Ameens*—and without the provision of our Act no regularity in this regard can be secured. To prove that there was—as there always is—a Police Officer with the Magistrate is impossible, and the first Clause of the provision will be nugatory. We are constituting a regularly trained, supervised and responsible Force for, amongst other purposes, this special purpose, and it is most important that this matter should be brought under regulation. Constables are always in attendance on every Magistrate, and it is of the greatest importance that the Agency employed in executing processes should be properly controlled and supervised. It may be observed that in England this provision of the Law is fully recognized. And this duty is entrusted to the enrolled and organized Constabulary *alone*. (Vide 2 and 3 Vict. ch. 47, cl. 12.) This seems to me a matter on which special legislation with reference to an organized and enrolled Police is advisable. It does not necessarily belong to a general code of Magisterial and Judicial procedure.

22. Section XXXIII. of Act XXIV. of 1859 adopts the broad principle that a judicial process once issued by a Magistrate or Officer authorized to grant such Process to the Police, runs every where and any where without further let or formality; by endorsement, amongst the Police themselves. The provision is simple, and as there is also nothing inconsistent with the provisions of the Procedure Code in our Section, I would venture to hope that it may be allowed to stand, as specially applicable to such a Police constitution as ours. Where a Process is executed in a District other than the one by some Magistrate of which the Process was issued, the party apprehended or property recovered are conveyed before the Magistrate within whose jurisdiction the Process was executed, before being removed to the District where the trial is to be held.

23. Section XLIII. of Act XXIV. of 1869 is Departmental; and should stand.

24. Section XLII. of Act XXIV. of 1859 is likewise Departmental, and is as it stands a useful and excellent guide to Police Officers, in regard to the dangers to which neglect of duty and exceeding their powers expose them. I hope it may stand in its integrity.

25. Section XLVII. of XXIV. of 1859 is likewise special and Departmental; it is intended—while the Law gives to the public the fullest protection against the evil doings of the Police—to protect the latter in the execution of their difficult and responsible duties, and especially to give a remedy against wilful and malicious false complaints. Even with this provision, we find that in practice the Police when called on to act in regard to wealthy litigious individuals, is exposed to malice and false accusation in a manner which in places has quite paralyzed the vigorous execution of their duty.

26. Sections XLVII. to L. are likewise Police and Departmental matters—the Proviso to Section L. is of great importance as defining the criminal jurisdiction over the respective grades of the Police by the Magistracy.

27. I must here venture a few remarks on Chapter IX. of the Procedure Code, entitled Preliminary Enquiry by the Police. I may be in error; but it seems to me doubtful whether this Chapter applies to the Constabulary; and whether if made applicable, it will not supersede by a Police agency the proper functions of certain grades of our Magistracy, Stipendiary and Village. This Chapter contemplates a Police constituted differently, and working on a totally different principle from that which we are endeavoring to establish. It is intended to regulate, in short, the old *quasi*-Magisterial Police of the *Tánahdár* system, or the *Tásil* Police of this Presidency, and not the operation of a simple detective and preventive Constabulary. Under these systems full preliminary enquiry was held by the *Tánahdár* or *Tásil* Head of Police, at the *Tanah*, or at the *Taluq* as the case might be; or by a *Sub* Officer whom he deputed, and who exercised all the judicial and executive power of the *Táhsildar*. Warrants and Summonses were issued and records made upon enquiry into every species of case, grave or petty, whether referred by a Magistrate or taken cognizance of by the *Táhsildar* in the first instance. This *quasi*-Magisterial investigation by the Police is to survive. The enquiry is if possible to be completed (Section 118); delay in placing the accused before the Magistrate, with a view to the enquiry at the Station House before the Officer in charge, may take place. He is to judge whether there is sufficient evidence, &c., (Section 120) and to discharge or bail or transmit the accused to the Magistrate with report, which will in practice, have to be based on written proceedings. It is scarcely necessary to state that all this is precisely what the *Tahsildar* Head of Police used to do, and what in short he still does, and will continue to do—and what the *Patail* Heads of the Village or Village Magistrate is there to do—each being, in their respective grade, aided by the Police. The Police need not be charged with all this. Our Police is meant to be in the strictest sense of the term a preventive and detective Constabulary, an executive agency of the Magistracy in regard to grave crime alone. Hitherto these powers of Magisterial investigation have been jealously denied them; and I trust the principle will be upheld. The only enquiry which can properly be instituted by a Police is what a Detective Serjeant in the British Constabulary makes; when he is quietly following up a clue with a view to bringing the evidence before the Magistracy for examination and executing their processes. These steps cannot be regulated by Statute or reduced by Law to a precise system.

28. Again our Police system and organization does not provide the agency for giving effect to these provisions of the Law. Our Constabulary is allocated in small parties, in Stations and Outposts conveniently selected for the patrol and observation of the country. The Head and Deputy Head Constables who hold these posts are selected for their intelligence and aptitude, and some of them are excellent Detective Serjeants, in the proper acceptation of the term. But these Officers are not competent to hold the *quasi*-judicial investigations here contemplated. We shall have to seek a different standard of men, and shall certainly lose several essentials of a good Policeman, while we seek to provide a good investigating Officer. A Private is told off as the Station House Clerk—who keeps up the reports, diaries, &c., required for the working of the Police—but if each Station House is to become a *Katcheri*, for the investigation of cases referred or others, the whole constitution of the Police must be altered. A staff of Clerks must be provided. The Head Constable, instead of being an Officer constantly moving about, looking after his men and communicating with the people, will become (as they all so anxiously desire to become) a sendentary Judicial Officer, and his Station House the centre of the litigation of the country. The Inspectors of Police are nowhere as numerous as the Magistrates. They are not in charge of Station Houses. They are Inspectors in the proper acceptation of the term. They are constantly itinerating amongst their men, keeping up discipline and effective execution of duty, taking up clues in cases of undetected crime. And it is essential to the well-being of the Force, that they should not be fixed to Offices and Stations. They cannot therefore become the

Officers here required for investigating cases. Each is again at the head of the detective operations of his range, but he works as a detective Officer *only*, and sends any witnesses, &c., he knows of or discovers to the Magistrate for investigation. There are 50 to 100 Station Houses in each District. I think, even supposing we had the agency, that, were these constituted *Katcheris* for investigating cases, it would be unduly multiplying offices, whose operations it would be scarcely possible to supervise and check. A departmental control and supervision could not be exercised without a large accession of Officers.

29. If Section 102 of the Criminal Procedure Code be made applicable to the Madras Constabulary, I fear that, under the prohibition contained therein, the prompt protection afforded by the Police to the Revenue, and its action in *Abkari* (specially in Military Cantonments) Salt, Smuggling cases, &c., will cease. The Magistrates of all grades are authorized to refer cases to the Police; and they will clear their files by referring to the Police, cases, which can in no way be considered Police matters: such as petty offences, assaults, summons cases, &c. The proper course in this Presidency is for the Covenanted Magistracy to refer cases for investigation to their *Sub* Magistracy; and they, in their turn,to refer to their Village Magistracy, for Magisterial, not Police investigation. At each stage the Magistracy will be aided by the Police in securing the attendance of parties, &c., and if requisite, by their detective exertions also.

30. "Every complaint and information" in Section 106, mean of course only such as he is empowered to enquire into and take cognizance of under Schedule A. His powers of investigation even under the orders of a Magistrate must be absolutely restrained within this limit. In Madras, all charges received are entered in the form, of which the accompanying is a copy, for immediate submission to the Magistracy.

31. With reference to Section 126, I would remark, that it were a pity to prohibit, by law, Police Officers, from accompanying prosecutors and witnesses when a case is sent before a Magistrate. The Law prohibits restraint or inconvenience, but every working Police Officer knows that in this country the moment a case is forwarded to a Court, the most strenuous efforts are made to corrupt and bribe every witness, and to compound the Felony. The surveillance of outsiders is necessary. The course of Justice suffers more from this circumstance than from any other. Why, then, add an absolute incitement to commit a second felony to the almost certain failure of justice in regard to the first?

32. By Section of the Procedure Code, each step taken by a Detective Officer is to be submitted daily by Diary to the Magistrate having cognizance of a case. In this Presidency these Magistrates are all Native *Tahsildars*, and under this Provision it will be requisite for every Officer "engaged" on crime—an employment always requiring the greatest tact and secrecy, frequently compromising individuals of great influence (for instance in the Ceded Districts every Gang Robbery or Highway Robbery is got up by some of the most influential *Patails* or *Palegars)*—to report daily to the *Tahsildar*, to whom it will be read by some Clerk on 7 to 10 *Rupees*, every step he takes in following up clues, &c. He is required thus to throw down his whole hand every 24 hours on the *Taluq Katchéri* floor. *This is not fair. No Detective Agency could possibly compete against such odds.* But, I must not be misunderstood here. Every step *is* carefully recorded—the Diaries of each Officer are minute and full, and are closed every 24 hours. But they are Departmental; and are transmitted to the Head of the Police and Detective Department of the District—where, of course, they are available for inspection with reference to any case, by the Magistracy or Courts. I beg to submit a copy of the Police Order No. , under which the Madras Police now works in this respect. If criminals are to be detected, let the Law give those on whom it imposes the duty, a chance as against the astute and cunning rogue. Circumstances, the unwillingness of people to prosecute or give evidence, the venality of our Agency, Detective and Magisterial, give the offenders, as it is, very long odds in the race with justice, and we must not weigh her further. In fine, I venture to add what I think should be the spirit of all legislation in regard to the Police of this country. Make your Laws for the detection and punishment of Police evil-doers, as stringent, severe and summary as may be—and in this Presidency these Laws will be executed with certainty and severity, for the

Police is no longer Officered by the Native Magistracy; their personal interests, sympathies, and objects are no longer identical, sometimes even antagonistic—but then give the Detective Agency liberal powers as against offenders, and check and retard their operations by as few formalities, obstacles and pitfalls as possible.

ORDER THEREON, 11th March 1861, No. 326.

Resolved that the following letter be despatched and that a copy of it and of the papers connected with it be furnished to the Member for Madras of the Legislative Council for his information.

(True Extract.)

Chief Secretary.

Exd. F. Cartledge.

326

10-3-61

Lemon in the wells taken by
Mr Muirhead - I should be
especially interested to see
what an arrangement which
appears in principle with a
well known and successful
system in operation in England
has been carefully adapted to
the peculiar relations of
Locality here, and to confirm
so far as I can learn most
satisfactorily - and I shall
still more interested to make
such an attestation myself
to the principle of establishing
an administration and forming
among the Prisoners which shall

of India when there is such a marked difference between the people in the different Presidencies, and also in the relation which the Govt bear to them people —

I therefore am of opinion that it would be well to leave the Madras & Bom Act XXIV of 59 — intact or amended through out absolutely necessary — entirely uniformity in the different systems throughout India, I am of opinion that it would be well to adopt this act in its entirety than to attempt to obtain such theoretical perfection

by amendment which while they are known to diminish the action of the Police in Madras only no doubt cause action to improve in Bengal & in the rest of India

RD

Fort St. George

Judl. Letter Recd 24 Sept 1861 — Judl. 1861 Dispatch

Dispatch 13 Septr 1861.

Minute by the Hon'ble the President.

Dispatch 10th March 1861.
Recd 12th

Read 4/6.

We the Members for the Consideration of the Report of the Commissioners appointed to revise the Penal Code and Criminal Procedure have carefully considered the Draft Act for the Madras Police and have no objection to offer to it.

85

10-3-61 (Answered)

The Madras Police Act XXIV of 1859 was framed to suit the circumstances of the Country within which it was to operate and has proved very successful in its working. I therefore entirely concur with the Hon'ble Mr Stonehead & the President in deprecating change & am disinclined to think that the opposition of our Hon'ble Colleagues should be allowed to proceed according to the original arrangement. Any change at this moment would be likely to cause inconvenience & confusion - and it would in my opinion be impolitic to disturb the Madras Act because the Public establishments in other parts of India do not allow a less Police than the present force as close an approximation to the present as possible should as has been found practicable here.

Elliot

Proceedings March 1

Jud. 1861 Dept.

Jud. Letter Govt 13th Feb.
No. 17 of 1861

Minute by the Hon'ble
Sir Matthey

Dt. 10th
Rep. 12th March 1861.

No. 418.

On the Bills for the re-
gulation of the Police & the
Criminal Procedure Code
in relation to the Madras
Police Act No. 24 of 1859.

96

Mr. Chairman, before I
proceed to the Bill, I should
like to ask the Legislative Council
kindly to give me a
little information on
a point of Police
in the letter which
I have addressed
to the Secretary,
at least 48 hours
before the Council
meets with the
[illegible]

=perly interwoven with the new
acts of Legislation this
Government in their en=
=deavours to effect so im=
=portant a measure as
the reorganization in all
the branches of the Police
of this Presidency -
In dealing with this sub=
=ject, it must be borne in
mind that Act XXIV of 1859
was prepared after much
anxious

consideration & discus=
=sion, & that it was fi=
=nally passed by the
Legislative Council,
when satisfied that its
requirements were suited
to the peculiarities & wants
of this Presidency -
In the absence therefore
of any plea of advantage
to be gained, or of any neces=
=sity for so doing, I cannot

to seek as now afterwards
desired, to take fee as the
Tenant. [illegible]
and Tenants by Courtesy
in the Courts of Law. Tenants
by Judgment, after the
Tenant to Assigns and
2 first Capitalion & the
2 death Marital & the Jus
2 ius Gradi, & to Landes the
2 Attached Charge the
Real Estate Tenants
Appeals by Mr Gordon

2 Heart
2 Lawes Genesee by
Left Seat in Journeys
In Reduction Tenants
Should represent to
Tenfuliene Gore & Real
Estate one Actions
Desire to be Recovered
2 to Tenfuliene Tenants Joint
2 Ten to Assigns Daily be
2 Ten, of one Rents in

is not one that the
Secretary to Legislature
General Legislature
— should be presented
to petitioner

D. Schoolcraft

G. Wisick

15

Upon which the
Justices should
direction relating upon
which Laws could make
the Laws of Just Proceedings
of the Provisions of act
XXV of 55
Their request is addressed
Blue it is doubtly a
Lastwell Case, if it
Certainly

Judl Letter Engd 13th Septr 1417 of 1861.

From 11th March

Judl 1861 Dept

Minute by the Honble Mr Morehead.

Dd 9th Recd 12th March 1861.

No 417.

On the Bills for the Regulation of the Police & the Criminal Procedure Code in relation to the Madras Police Act No 24 of 1859.

84

Judicial Department.

Proceedings of the Madras Government.

Read the following Papers.

From the Inspector General of Madras Police, dated 8 March 1861.
Minute by the Honble W. A. Morehead — 9
by His Excy the President — 9
by the Honble E. Maltby — 9

Order thereon 11th March 1861 No 326.

Resolved that the following letter be despatched and that a copy of it and of the papers connected with it be furnished to the Member for Madras of the Legislative Council for his information.

No 527.

To

The Secretary to the Govt of India.
Home department.

Sir,

I am directed by His Excellency the Governor

Governor in Council to forward for submission to the Most Noble the Governor General in Council the accompanying copy of a letter from the Inspector General of Madras Police, relative to the bearing our that institution of the Bill for the Regulation of the Police now before the Legislative Council, and of that part of the Criminal Procedure Code also before the Council which respects Police Procedure. I am also desired to transmit ex copies of Minutes which have been recorded on the subject by His Excellency the Governor, by the Honorable W. A. Morehead, and the Honorable E. Maltby.

2. Mr. Robinson, it will be seen, has taken exception to the two Bills in question, as in many

of their provisions and in their general spirit unsuited to a Police constituted like that of the Madras Presidency. His views appear to Govt. to be generally sound and judicious, but they do not now enter into his remarks. They would here only represent that Act XXIV of 1859 or an Act "for the better regulation of the Police within the Territories subject to the Presidency of Fort Saint George", was prepared with much care and labor, with special reference to the peculiar condition and institutions of the Madras Presidency. It has been upwards of a year in operation and has been eminently successful in its working. It is the Law which obtains in a country of more than 22 millions of inhabitants, and which regulates the action

action and proceedings of a Police force which at its full strength will number 25,000 men, exclusive of Village Police. The principles on which it has been framed have not been impugned, they are indeed those of the well known and successful Police system in operation in England, adapted to the circumstances and requirements of the Presidency of Madras. Under these circumstances I am instructed to convey the strong and unanimous wish of the Madras Govt. as expressed in their Minutes generally recorded, that the Madras Police may be excepted from the operation of the Police Bill now before the Legislative Council, and from that part of the Criminal Procedure Code also before the Council which respects Police Procedure, and that Act XXIV, 1859, may be maintained intact and in its full integrity. They wholly deprecate any change in this respect, and earnestly trust that they may be left unembarrassed by any new legislation, to carry out the reform and reorganization of the Madras Police, in the manner in which they have hitherto conducted it, with such marked success, and with such great advantage to the people of the Madras Territories.

Fort Saint George,
11 March 1861.

Dept 12/3

No. 328.

To

F. Forbes, Esquire
Member for Madras of the
Legislative Council of India
Calcutta.

Sir,

I am directed by

From Secy. to Govt. of Police
dated 8th March 1861.
To Govt. of Judicature dated 11th March 1861.
Minute by His Exy. the Governor
dated 9th March 1861.
Minute by the Hon. W. A. Morehead
dated 9th March 1861.
do do C. Malleby
dated 9th March 1861.

by His Excellency the Governor in Council to forward for your information the accompanying copies of the papers as per margin upon the Bills for the Regulation of the Police and the Criminal Procedure Code now before the Legislative Council, in relation to the Madras Police Act No. XXIV of 1859.—

I have &c.

Fort St. George,
11th March 1861.

Pros of Mard

Judl. Ca. to Engd
13th Sept. No. 17
of 1861.

Judicial 1861 Default

No 326.

Proceedings of Govt.

11th March 1861.

Fin. Dept.

Respecting the
two Amended Bills
the "Procedure Code"
and Regulations of
Police

83 @ 89

83 @ 89