M.R.O. 1—32,000—16-10-29.

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No. 1830	Press ~~Mis.~~
222-224	
Dated 25-11-	~~19~~-1883.

3/3

Not to be folded or roughly handled

Proceedings of the Madras Government, Judicial Department, 25th November 1863.

Read the following papers:—

No. *222.* From G. A. BALLARD, Esq., Collector of Malabar; to the Chief Secretary to Government, Fort Saint George, dated Cochin, 18th November 1863, No. 129.

Under Section 50 of the Police Act, charges against Police Officers above the rank of a Private are only to be adjudicated by European functionaries *in all cases of conviction under that Act.*

2. By the opinion of the Government Pleader* Sub-Magistrates acting under the Penal Code, or Code of Criminal Procedure, have no jurisdiction over Officers of Police "in contravention of the restriction enacted by the law which constitutes the (Police) force."

* Vide Government Order No. 1611, 7th October 1863.

3. It appears to me that it still remains doubtful whether other Magistrate than a European Magistrate can, or cannot take up a charge of a general nature against a Police Officer above the rank of Private.

4. It seems to me that Section 50 of the Police Act is intended to restrict the adjudication of charges brought against a Police Officer as such, *i. e.*, of charges of abuse of authority, neglect of duty, &c.

5. But is every Magistrate other than a European Magistrate debarred from adjudicating in a charge of murder, theft, or such like, (not connected in any way with the accused's official capacity,) against a Police Officer above the rank of Private? If so, is the restriction only against passing sentence, or committing, without reference in such general cases? or does it also debar entering on preliminary examination? If a Sub-Magistrate is debarred from entering on preliminary examination in the first instance, can such cases be referred by a European Magistrate for inquiry by the Sub-Magistrate? and if so, can sentence be passed by the superior Magistrate on the record of such inquiry?

6. Early authoritative answers on these points are much required.

No. 223. From E. B. FOORD, Esq., Acting Magistrate of the Kistna District; to the Honorable A. J. ARBUTHNOT, Chief Secretary to Government, Judicial Department, Fort Saint George, dated Masulipatam, 19th November 1863, No. 425.

1. With reference to Order of Government, Judicial Department, dated 7th October 1863, No. 1611, communicating the opinion of the Government Pleader, that Section 50 of the Police Act precludes a Sub-Magistrate acting under the Penal or Criminal Procedure Codes from jurisdiction over Police Officers above the rank of a Private, I would submit that if Mr. Dale's opinion be acted on, (and if it be good law, it must be,) it is necessary that the law constituting the Police force should be amended.

2. The Police in large Districts are stationed at places upwards of 50 miles from the nearest European Magistrate, and I submit that to tell a man who had been assaulted by a Deputy Constable† at such a station, that he must make a journey of 50 miles to obtain redress, would amount to an absolute denial of justice.

† The grade immediately above a Private.

3. I cannot think either, that it is for the good of the Police Force that they should be able to commit offences, with the impunity the present state of the law (as expounded by Mr. Dale) affords them.

No. 224. ORDER THEREON, 25th November 1863, No. 1830.

The Inspector General of Police will consult Mr. Mayne on the points referred to in the foregoing letters.

(Signed) A. J. ARBUTHNOT,
Chief Secretary.

Exd.. T. McMootry.

~~From the Ag^t Gazette of the Allahabad 18th Nov^r 1863. N^o 822~~
~~" do Ag^t Gazette of the Kishnaa Distt^t 19th Nov^r 1863. 425~~

25 November 1863 N^o 1830-

The Inspector General of Police will consult Mr. Mayne on the points referred to in the foregoing letters.

To the Inspector Genl. of Police } dated 27th
" C. B. Irregular Legn. }

Permit No. 1611
7-10-63