

MADRAS RECORD OFFICE.

Government of Madras.

Private

DEPARTMENT.

G.O. No. 963	Press
192-194	Mis
Dated 19-6-1918	

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Not to be folded or roughly handled

*Proceedings of the Madras Government, Judicial Department,
19th June 1863.*

Read the following papers:—

No. 192. From L. C. INNES Esq., Civil and Session Judge, Rajahmundry; to A. J. ARBUTHNOT, Esq., Chief Secretary to Government, Fort Saint-George, Madras, dated Rajahmundry, 28th May 1863, No. 173.

1. On the 4th instant I addressed the High Court relative to an Order of the Government of the 22nd April, No. 620, passed upon a letter from the Inspector General of Police of the 28th March, No. 786.

2. The Honorable the Judges of the High Court in Proceedings, dated 18th instant, have directed me to address the Government direct upon the subject, and I therefore now proceed to do so.

3. In the letter of the Inspector General of Police above adverted to, it was proposed for reasons stated to withdraw the Court Police guards, leaving the Courts to be guarded solely by the watchman of the beat who would visit them every one or two hours.

4. There are serious objections to such an arrangement being carried out which I will now state.

5. I will take the arguments of the Inspector General of Police as they stand. First he says—"There is or ought to be no Cash Chest in any Court House. Thus the amount of money kept in Court need never exceed a few Rupees for current expenses; for remittances can be made throughout the day to the Collector's Treasury, and no money need be received in Court after the hour of closing the Banking transactions of the Collector's Treasury."

6. The Inspector General's assumption in the above paragraph is erroneous. I will just mention a case which occurred only the other day in my own Court. Under Section 237 of the Code of Civil Procedure, I had attached certain money that would become payable to a party in the Court of the Principal Sudder Ameen. In due time I called for the amount for payment to the party in my Court on whose account it was attached. The Principal Sudder Ameen sent it to me a few days afterwards, but at too late an hour for me to forward it to the Taluq Treasury. The sum was large, and not wishing to have the responsibility of keeping it, I returned it to the Principal Sudder Ameen, who was of course obliged to retain it in his Cash Chest.

7. The cause of the lateness of the hour at which the Principal Sudder Ameen sent the money to me arose from his having first to obtain it from the Taluq Treasury, the Officers of which are not and can not be expected to be so accommodating as always to send sums of money to the Courts early enough to admit of their being returned to deposit should it not be convenient to the Courts to keep or to pay away the amount.

8. It frequently happens that moveable property of considerable value is attached either in execution of a decree or prior to judgment; or in pursuance of the provisions of Act XIX of 1841.

9. In such cases the property has to be brought without delay to the Court, as the Ameen in charge of it is bound to bring it without delay, it is impossible for him if he arrives while the Court is sitting to retain the property in his charge for another day, because it happens to be too late for the Court to receive and examine it and then transmit it to the Taluq Treasury. The Court cannot shift the responsibility upon the Ameen; it must receive the property from his hands; and as the arrival of Ameens with such property cannot be arranged to fall exactly at convenient hours, it follows that such property must frequently be kept all night at the Court.

10. Indeed it is impossible that official machinery in this country for many years to come can be so accurately adjusted as to preclude the occasional necessity of keeping large sums of money or valuables in the Cash Chests of the Courts.

11. The Inspector General appears also to have overlooked the property which comes under the custody of the Nazir of the Court in Criminal cases. I allude to stolen property discovered and sent up as part of the evidence in cases coming before the Courts, which is frequently of great value.

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12. Suppose such property is brought with a case at 5 P. M., while the Court is sitting. Is the Judge to receive the record, but to refuse to receive the property because it is too late to examine every item and prepare a list for its transmission to the Taluq Treasury?
13. I submit that he would hardly be justified in so doing. But if he acts otherwise, the property, (it may be of great value) is left to the care of the beat watchman, who will visit the Court once in one, or, it would be safer to say, two hours; since it is well known that every means is being adopted to reduce as far as possible the strength of the Police establishments with a view to diminish their expense.
14. With regard to the records of the Court, the Inspector General observes that "they should be and generally are in well locked rooms, and these are not generally attractive objects to burglars."
15. The Inspector General appears to have overlooked the fact that there are other criminals besides burglars for whom records have an attraction.
16. The decision in any case may be much affected by the manufacture of a spurious document and its insertion in a record, or by the removal and destructions, or imply by the mislaying or alteration of a genuine document. Criminal acts of this kind will become under the beat watchman system more feasible by night than by day.
17. It is well known that all locks used in Public offices in the country are of the most common description and are easily opened and closed with false keys.
18. The Police system is excellent; but the machinery with which it is worked is not so; and the interval of about two hours it may fairly be calculated will frequently be of more extended duration. A person interested in obtaining possession of a record has only to watch the approach and departure of the beat watchman to be certain of a sufficient time for carrying out his purpose before another visit is paid.
19. Importance has I believe always been attached to the system of registration of deeds. The genuineness of such documents (which if they were only produced at a later period might be called in question,) is thus placed beyond dispute, and much litigation is in consequence saved, to the peace and welfare of the country at large. When such registries are securely kept, the public naturally have confidence in their being always forthcoming and thus answering the object of their institution. But when the Courts, as will under the beat watchman arrangement be the case, afford temptation to burglary, to forgery, and to mischief by fire, the public, I venture to predict, will be very backward in availing themselves of the privilege of registration.
20. There can be little doubt that the burning of the School at Rajahmundry was an act of pure mischief; and in moments of popular excitement it is anything but improbable that the Courts left unguarded may share a similar fate.
21. I venture to submit, therefore, for the judgment of the Government before whom I request you will lay this communication that the proposed arrangement will carry economy in this branch beyond due bounds and is altogether inexpedient.

Referred to the Inspector General of Police for his remarks.

FORT SAINT GEORGE,
2nd June 1863.

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

No. 193. From W. ROBINSON, Esq., Inspector General of Madras Police; to A. J. ARBUTHNOT, Esq., Chief Secretary to Government, Fort Saint George, dated Madras, 8th June 1863, No. 1,425.

General Department.

With reference to G. O. No. 191-192, dated 22nd April 1863, Judicial Department, I venture to remark on the letter of the Session Judge of Rajahmundry, the only Judge of the Presidency who has taken exception to the arrangement rendered necessary by the recent financial Resolution of the Supreme Government, that arrangements can be made to meet the Judge's occasional requisition for a guard or for more frequent inspection of the premises of the Court by the watchman, on the occurrence of any of the rare contingencies which the Judge has put some hypothetically.

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2. A verbal message to the Police Officer that property of more than usual value is accidentally deposited for the night in the Court is all that is required to secure more than ordinary vigilance.

3. The Judge will no doubt firmly insist on increased punctuality, whereby the business of that Court may as a rule be easily brought within the business hours of the day, whether it be the business of the Principal Sudder Ameen's Court, Ameens and other Ministerial servants of the Court or of the Taluq officials.

4. The Police will be directed to keep charge of the property in Criminal cases, until the next morning; if they are unable to produce it before the Court within business hours. Many Judges refuse to allow such property to be taken into the charge of the Ministerial Officers of the Court at all; considering that the Police, who produce it at the trial, are the proper custodians of such matters of evidence. This is I believe the practice within the original jurisdiction of the High Court.

5. The persons who tamper with records, registers of deeds and documents deposited in the Court are the Court servants who have access in the record-room and alone know where to lay hands on such things. No Police guard lounging about the Court house could prevent this. Such individuals rarely attempt burglarous entry. The remedy for this offences lies with the Judges and the Officers of the Court.

6. There is nothing unusually insecure about the Court House at Rajahmundry; nothing that good locks and bars cannot provide for with all reasonable certainty. I am, therefore, not prepared to recommend the Government to maintain permanently an expensive establishment to do what care and good mechanical appliances will do at a trifling cost.

No. 194.

ORDER THEREON, 19th June 1863, No. 963.

A copy of Mr. Robinson's letter will be furnished to the Civil and Sessions Judge of Rajahmundry.

2. His Excellency the Governor in Council considers that what the Inspector General of Police proposes is quite sufficient, and that there is no necessity for a permanent Police guard for the Rajahmundry Court.

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

Exl. T. McMeotry.

Pro 22 April 1863 1191-192

Pro. Due

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From

The Insp Genl
of M Police
The Chief Secretary
to Government

Fort St George

Dated 8th June 1863

Recd 10th

N^o 1244 N^o 1425

Declines re=
Commending the
maintenance of the
employment of an
Expensive Establish
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is no necessity for a permanent Police
force for the Rajahmunda country

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PROCEEDINGS of the MADRAS GOVERNMENT.

Read the following letters —

From the Civil & Sessions
Judge of Rajahmundry — Enter 28th May '63 N^o 173.

" the Inspector Genl.
of Police — 8th June — " 1425.

Order — 19th June 1863 N^o 963.

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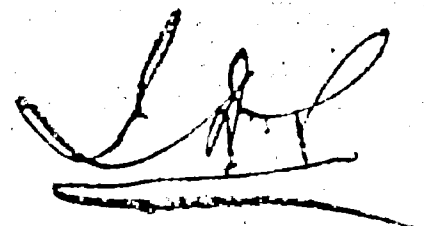
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Court.

The Civil & Sessions Judge
of Rajahmundry.

" Honble the Judges of the
High Court.

" Inspector Genl. of Police.

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date 19 June 1883

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