M.R. O. 1—30,000—16-10-29.

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No. 1525 Press Mis.

110-111

Dated 8 — 2 — 19 1834

3/4

Not to be folded or roughly handled

No. 110. Read the following letter from W. ROBINSON, Esq., Inspector General of Madras Police; to A. J. ARBUTHNOT, Esq., Chief Secretary to Government, Fort Saint George, dated Madras, 7th June 1864, No. 1181.

Some difference of opinions exists amongst Magistrates in respect to Village Policemen by whatever name locally designated.

2. Village Police were designedly included in the interpretation clause of Act XXIV of 1859, and all former Legislative provisions affecting them were repealed. They have therefore the powers and are amenable to the penalties of ordinary Police for neglect of duty and they have been brought under the Criminal Procedure Code as regards the execution of their duty.

3. I have not issued the Certificate A, Section 2 of Act XXIV of 1859; as the whole body is in a disordered and uncertain state.

4. The views* given in paragraph 2 are not participated in by some Magistrates; and I beg that an authoritative declaration of Government, supported if necessary, by legal opinion, may be issued.

* Especially as regards punishment for neglect of duty.

Referred to the Advocate General for his opinion.

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

8*th June* 1864.

COPY—OPINION.

I think that Magistrates are bound to take cognizance of offences committed by Village Police Officers, under Act XXIV of 1859.

2. That Act sweeps away the earlier Legislative provisions respecting this force, and if its members be not amenable under its provisions, they can only be so under the general provisions of the Indian Penal Code directed against offences committed by public officers.

3. Act XXIV of 1859 among other objects has in view the "improvements" of the Village Police. The term "Police" in the interpretation clause is made to include the village as well as the ordinary Police force. Sections 44, 45 and 46 apply equally to *all* Police officers; and a force may be "improved" by punishment as well as reward.

4. It is very true that the Village Police officers have not had issued to them any certificate under Section XI. But the Village Police are, Police independently of any appointment under Section 10 or Certificate under Section 11.

5. Cases have, I am informed, come up before the High Court which has upheld the action of the Courts against Village Police under this Act.

(Signed) J. B. NORTON,
Advocate General.

25*th June* 1864.

(True Copy.)

(Signed) J. R. BOYSON,
Government Solicitor.

No. 111. ORDER THEREON, 8th July 1864, No. 1025.

Ordered that the foregoing papers be communicated to all Magistrates of Districts.

(True Extract.)

J. D. SIM,
Secretary to Government.

To the Magistrate of
,, Inspector General of Police,

Exd. T. O'Connor.

Judicial Department.

PROCEEDINGS of the MADRAS GOVERNMENT.

Read the following papers—

Letter from the Inspector Genl. of Police — Enter 9th June '64. No. 1181.

Opinion of the Advocate Genl. — 25th do —

Order— 8th July 1864 No. 1025.

Ordered that the foregoing papers be communicated to all Magistrates of Districts.

To the Magistrate of
Inspector Genl. of Police. } dispd 15/7

1864. *Department.*

No. 102

PROCEEDINGS *of* GOVERNMENT.

Feb 1 61/63.

Dated

110-111