M.R.O. 1—39,000—16-10-29.

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No.	1382	Press Mis.
123-124		
123-124 Dated	20-9-19 1864	

6/7

Not to be folded or roughly handled

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No. 123. Read the following letter from W. ROBINSON, Esq., Inspector General of Madras Police; to the Honorable A. J. ARBUTHNOT, Chief Secretary to Government, Fort Saint George, dated Kotagherry, 4th August 1864, No. 1624.

General Department.

I have the honor to submit the Annual Statements of Criminal Processes issued by the Magistracy and executed by the Police, for the year 1863.

2. Statement No. 1 shows a slight decrease* in the number of persons that were compelled to attend at Courts in connection with prosecution of grave criminal cases. The proportion to the population was one in every 290 of the inhabitants. This occurred although criminal business is on the increase. Further, the proportion of convictions to prosecutions has increased in 1863 to 61·2 per cent. of persons arrested. The proportion was 52·9 per cent. in 1862. There has, therefore, been no undue harassing of the public by inconsiderate arrests, or by futile prosecution during which witnesses are kept attending Courts to no purpose. And I have to report decided improvement under this head.

* Grave Cases.	
1862	85,179
1863	83,230
Decrease..	1,949

3. Still the number of persons brought up by warrant—the bulk of persons appearing in these Returns are witnesses; for offenders are arrested by the Police without warrant—shows that in several Districts the Native Magistracy are still issuing warrants where summons should suffice. This is a very serious form of annoyance to the people, and the practice causes extra labor to the Police. The matter is, therefore, well deserving of the serious notice of Government. It will be observed that this point has been annually brought to the special notice of Government; but little, if any, improvement has taken place in regard to North and South Arcot, and Trichinopoly.

Districts.	Arrested under Warrant.	Summoned.
Vizagapatam	759	307
North Arcot	2812	5475
South Arcot	1594	2067
Trichinopoly	536	1106
Madura	2353	4190
South Malabar	1290	1883

4. The fact is that great irregularity marks the transaction of criminal business in most Sub-Magistrate's offices. The business hours are uncertain in very many, and attendance irregular. It is therefore easier to issue a warrant and have a party or witness dragged up and kept by a Policeman till it suits the convenience of the Sub-Magistrate to hear him, than to fix an hour for his attendance and then and there dispose of the case. There can be no good reason, as the law now stands, for any abuse of the power to issue a warrant instead of summons; for Act No. I of 1863 (Madras) provides a punishment for neglect of the process of Sub-Magistrate; and if Sub-Magistrates would learn to use their legal powers, their processes would be readily obeyed.

5. I would likewise observe that the Sub-Magistrates in some Districts very rarely use the provisions of Section 181 of the Code of Criminal Procedure, whereby bail can be taken for the appearance after arrest. Were this provision of the law properly used, it would rarely be necessary for a Policeman to accompany a witness or person charged with a bailable offence, whom he may have arrested under a Magistrate's warrant.

6. There was a decrease on the whole in the number of persons† who were compelled to attend Court in cases of less importance and petty cases, as compared with the preceding year; and the average proportion‡ to the population is steadily improving. Still much remains to be desired.

†Minor Cases.	
1862....	392,881
1863....	381,845
	11,036

‡	
1861....	1 to 41 of the population.
1862....	1 to 61 of the do.
1863....	1 to 63 of the do.

7. Warrants of arrest appear in very large a proportion in several Districts. In Vizagapatam 37·6 per cent. of the persons required to attend Courts in cases of this character were brought up under warrant. In the Districts of Madras, and North and South Arcot the proportion was likewise great. The remarks contained in paragraphs 4 and 5 apply to these processes.

Districts.	Arrested.	Summoned.
Vizagapatam	9131	15,125
North Arcot	4640	12,087
Madras	3734	16,305
South Arcot	5962	36,940

8. I beg again to draw the attention of Government to the condition of things in the Madras and South Arcot Districts, where 20,039 persons, or one in 33 of the gross population, and 42,902, or one in 26 of the population, respectively, were compelled to appear before some Court in cases of less moment during 1863.

9. Attention was drawn to this point in submitting the Returns of 1861; and Government remarked with reference, amongst others, to these two Districts, "It is "a serious evil, and one to which the at- "tention of the European officer of the "Magistracy should be directed." Again, in disposing of the Returns of 1862, the Government observed, in G. O., No. 78, dated 18th January 1864: "The large "number of processes issued in Madras and South Arcot calls for the serious atten- "tion of the Magistrates of these Districts, which in this respect contrast very unfa- "vorably with the rest of the Presidency."

G. O., No. 1254, dated 6th August.

10. The marginal Statement shows the condition of both Districts during the past three years. No favorable change has been brought about.

Year.	Madras. Number of persons.	Madras. Proportion to population.	South Arcot. Number of persons.	South Arcot. Proportion to population.
1861	22,770	One in 28	46,156	One in 25
1862	20,730	32	38,623	29
1863	20,039	33	42,902	26

Year.	Tanjore. Number of persons.	Tanjore. Proportion to population.	Trichinopoly. Number of persons.	Trichinopoly. Proportion to population.	Salem. Number of persons.	Salem. Proportion to population.
1861	65,887	23	31,010	26	40,140	32
1862	36,772	44	22,210	42	35,585	41
1863	29,657	55	3,551	61	30,569	49

11. The Government Order of the 6th August 1862, No. 1254, above alluded to, applied likewise to the Districts of Tanjore, Trichinopoly, and Salem. The marginal Statement shows the progress made in these Districts in arresting this grave evil. They are rapidly approaching the average. In Tanjore and Trichinopoly, where the proportions were in 1861, one in 23, and one in 26 respectively, the ratios have risen in 1863 to one in 55, and one in 61 respectively.

12. I venture to assert that the reasonable administration of criminal justice cannot, amongst any population, require that one in every 25 to 30 of its inhabitants—in other words one in every 6 or 8 of the male adult population—should appear before some Court during the year. The public is harassed by admitting vexatious criminal litigation; public time is not usefully employed in encouraging and aiding this often frivolous criminal litigation; and, lastly, important criminal cases cannot in fact be well investigated or managed when 3½ to 4 per cent. of the entire population has to record a deposition in Court about something or other during the year. The Police is unfairly taxed, and its proper duty unduly interrupted.

13. A copy of the Abstract Register of Processes issued and executed is submitted monthly to every Magistrate of a District, to enable him to check these subordinates.

No. 1.

Comparative Statement of Warrants and Summons during the year 1862 and 1863.

Districts.	Population.	Grave Cases. 1862. Total number of processes.	Grave Cases. 1863. Total number of processes.	Grave Cases. Increase. Number of processes.	Grave Cases. Increase. Number of persons.	Grave Cases. Decrease. Number of processes.	Grave Cases. Decrease. Number of persons.	Minor Cases. 1862. Total number of persons.	Minor Cases. 1863. Total number of processes.	Minor Cases. 1863. Total number of persons.	Minor Cases. Increase. Number of processes.	Minor Cases. Increase. Number of persons.	Minor Cases. Decrease. Number of processes.	Minor Cases. Decrease. Number of persons.
Ganjam	1,136,026	1335	2005	5466	4970	...	...	12,749	14,956	15,047	5435	2298	...	...
Vizagapatam	1,715,652	577	1721	59	...	...	...	23,357	17,549	24,256	11,864	899	...	...
Godavery	1,366,831	1972	4448	680	1441	...	...	16,840	8025	18,943	782	2103	...	...
Kistna	1,194,421	627	1809	1015	1996	...	...	18,796	11,628	31,272	5698	12,476	...	...
Nellore	999,254	1767	4128	1480	680	...	...	20,915	10,893	13,782	453	...	7133	...
Kurnool	725,768	1373	3702	178	...	...	...	11,093	3719	10,033	686	...	1060	...
Bellary	1,234,674	1738	4226	68	...	...	...	15,689	8782	14,395	2629	...	1294	...
Cuddapah	1,050,104	876	2976	1515	468	...	...	11,234	6920	9008	3808	...	2136	...
North Arcot	1,654,557	1994	4618	2888	1669	...	...	19,908	10,083	16,727	2534	...	3181	...
Madras	675,390	513	773	1074	814	...	...	20,730	20,039	20,039	8549	...	691	...
South Arcot	1,128,430	1902	5510	979	...	...	...	38,625	35,034	42,902	22,285	4277	...	...
Tanjore	1,652,170	3101	11,394	437	...	...	...	36,772	21,479	29,657	11,524	...	7115	...
Trichinopoly	939,400	1278	2349	364	...	...	...	22,210	13,551	13,551	4279	...	5659	...
Madura	1,856,406	3061	9081	2129	...	...	...	30,106	26,770	31,264	16,059	1158	...	...
Tinnevelly	1,670,262	3879	4948	5015	4251	...	...	12,101	19,141	20,105	10,342	8004	...	...
Salem	1,493,221	3514	4515	1560	690	...	...	35,585	30,375	30,568	...	...	1739	5017
Coimbatore	1,215,920	2846	10,223	560	...	...	71	32,114	14,193	15,072	5353	...	...	4358
South Malabar	1,709,081	3182	3505	...	...	...	...	8440	12,089	12,126	2350	2023	...	...
North Malabar		818	995	860	703	...	...	9739	7992	8026	1086	...	...	458
South Canara	788,042	1892	2253	779	420	...	...	6906	4970	4982	...	...	1958	3175
Total	21,206,509	38,545	85,179	27,106	18,102	71	20,051	186,089	298,188	381,845	115,796	33,238	3697	44,277
Net	...	...	...	27,035	...	...	1949	...	...	...	112,099	...	...	11,039

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

OFFICE OF INSPECTOR GENERAL OF POLICE,
KOTAGHERRY, *4th August* 1864.

No. 2.

Return of Warrants and Summons issued in Grave Cases during the year 1863.

Districts.	Population.	Grave Cases. Warrants. Number of processes.	Grave Cases. Warrants. Number of persons.	Grave Cases. Summons. Number of processes.	Grave Cases. Summons. Number of persons.	Total. Number of processes.	Total. Number of persons.	Proportion to population.
Ganjam	1,136,926	1282	1456	5519	5519	6801	6975	163
Vizagapatam	1,715,652	353	759	283	307	636	1066	1609
Godavery	1,366,831	780	1455	1872	4134	2652	5589	232
Kistna	1,194,421	437	823	1205	2982	1642	3805	313
Nellore	999,254	786	1186	2161	3622	3247	4808	207
Kurnool	725,768	347	673	1204	2799	1551	3172	209
Bellary	1,234,674	294	656	1512	2313	1806	2969	415
Cuddapah	1,050,101	480	696	1911	2748	2391	3444	304
North Arcot	1,654,557	2251	2812	2631	3175	4882	6287	263
Madras	675,390	481	481	1106	1106	1587	1587	425
South Arcot	1,128,430	1153	1594	1728	2057	2881	3651	309
Tanjore	1,652,170	1115	1382	2723	4237	3838	5619	294
Trichinopoly	939,400	536	536	1106	1106	1642	1642	572
Madura	1,856,406	1809	2353	3381	4190	5190	6543	283
Tinnevelly	1,670,262	1354	1452	7540	7747	8894	9199	181
Salem	1,493,221	1277	1391	3797	3814	5074	5205	286
Coimbatore	1,215,920	781	829	2625	2696	3106	3525	344
South Malabar	1,709,081	1230	1290	1881	1883	3111	3173	350
North Malabar		552	564	1126	1134	1678	1698	
Canara	788,042	571	573	2100	2100	2671	2673	294
Total...	24,206,509	17,869	22,961	47,711	60,269	65,580	83,230	290

OFFICE OF INSPECTOR GENERAL OF POLICE,
KOTAGHERRY, *4th August* 1864.

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

No. 3.

Return of Warrants and Summons issued in Minor Cases during the year 1863.

Districts.	Population.	Minor Cases. Warrants. Number of processes.	Minor Cases. Warrants. Number of persons.	Minor Cases. Summons. Number of processes.	Minor Cases. Summons. Number of persons.	Total. Number of processes.	Total. Number of persons.	Proportion to population.
Ganjam	1,136,926	2203	2294	12,753	12,753	14,956	15,047	75
Vizagapatam	1,715,652	3377	9131	14,172	15,125	17,549	24,256	70
Godavery	1,366,831	1110	2222	6915	16,721	8025	18,943	72
Kistna	1,194,421	1632	3892	9996	27,380	11,628	31,272	38
Nellore	999,254	1368	1937	9525	11,845	10,893	13,782	72
Kurnool	725,768	879	1844	2810	8189	3719	10,033	72
Bellary	1,234,674	929	2005	7853	12,390	8782	14,395	85
Cuddapah	1,050,101	747	1129	6173	7969	6920	9098	115
North Arcot	1,654,557	2890	4610	7193	12,087	10,083	16,727	98
Madras	675,390	3734	3734	16,305	16,305	20,039	20,039	33
South Arcot	1,128,430	4709	5962	30,325	36,940	35,034	42,902	26
Tanjore	1,652,170	1174	1402	20,305	28,255	21,479	29,657	55
Trichinopoly	939,400	1646	1646	11,905	11,905	13,551	13,551	61
Madura	1,856,406	3271	4037	23,499	27,227	26,770	31,264	59
Tinnevelly	1,670,262	1629	1919	17,512	18,156	19,141	20,105	83
Salem	1,493,221	3229	3360	27,146	27,208	30,375	30,568	49
Coimbatore	1,215,920	1444	1558	12,719	13,514	14,193	15,072	80
South Malabar	1,709,081	1058	1156	11,031	10,970	12,089	12,126	84
North Malabar		1717	1740	6275	6286	7992	8026	
Canara	788,042	721	721	4249	4261	4970	4982	158
Total...	24,206,509	39,467	56,359	258,721	325,486	298,188	381,845	63

OFFICE OF INSPECTOR GENERAL OF POLICE,
KOTAGHERRY, *4th August* 1861.

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

No. 124. ORDER THEREON, 20th September 1864, No. 1382.

The Governor in Council regrets to observe that in several Districts the practice of issuing warrants in cases where summonses should suffice, is still followed by the Native Magistracy. The attention of the several Magistrates was called to this point in the Proceedings of Government of the 18th January last, No. 78. The Magistrates of the Districts noted in the margin will now report what steps they may have taken to put a stop to this serious evil.

Vizagapatam.
North Arcot.
South Arcot.
Trichinopoly.
Madura.
South Malabar.

2. The Governor in Council also resolves to call the attention of the Magistrates generally to the remarks made in the 4th and 5th paragraphs of the Inspector General's letter, regarding the irregularity of many of the Sub-Magistrates in their attendance at office and transaction of criminal business, and with reference to the omission to avail themselves of the provisions of Section 181 of the Code of Criminal Procedure, which authorizes them in certain cases to take bail for appearance. The Magistrates of the Madras and South Arcot Districts will furnish Government with any explanation they may have to offer regarding the excessive number of persons compelled to appear before the Courts in their respective Districts in petty cases.

(True Extract.)

Secretary to Government.

To the Inspector General of Police.
„ Magistrate of

Exd. J. Tulloch.

South Malabar

What

Judicial Department.

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PROCEEDINGS of the MADRAS GOVERNMENT.

Read the following Letter from the Inspector General of Police

/ 9th August 1864. No. 1624 /

Order thereon. 28th September 1864 No. 1382

The Governor in Council regrets to observe that in several Districts the practice of issuing warrants in cases where summonses should suffice, is still followed by the native Magistracy. The attention of the several Magistrates was called to this point in the Proceedings of Govt of the 18th January last. No

The Magistrates of the Districts noted in the margin will now report what

Viragapatam
North Arcot.
South Arcot.
Trichinopoly
Madura.
South Malabar

KOTAGHERRY, 4th August 1864.

Inspector General of Police.

what steps they may have taken to put a stop to this serious evil.

2. The Governor in Council also resolves to call the attention of the Magistrates generally to the remarks made in the 4th & 5th paragraphs of the Inspector General's letter, regarding the irregularity of many of the Sub-Magistrates in their attendance at Office and transaction of criminal business and with reference to the omission to avail themselves of the provisions of Section 181 of the Code of Criminal Procedure, which authorizes them in certain cases to take bail for appearance. The Magistrates of the Madras and South Arcot districts will furnish Govt. with any explanation they may have to offer regarding the excessive number of persons compelled to appear before the Courts in their respective districts in petty cases.

To the Inspector Genl of Police 3/despo 27/9

" Magistrate of the several Districts 8/despo 27/9

Judicial 1864. Department.

No. 1382

PROCEEDINGS of GOVERNMENT

Fol. 2193-2238.
2256-2419.

Dated 20 Sept 1864

Passing orders regarding irregular issue of Warrants by the Native Magistracy &c.