M.R.O. 1—39,000—16-10-29.

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No.	1590	Press Mis.
21-22 Dated	2-11-	1864

3/4

Not to be folded or roughly handled

Proceedings of the Madras Government, Judicial Department, 2nd November 1864.

No. 21. 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 Madras, 21st October 1864, No. 2165.

General Department.

I have the honor to submit the accompanying Extract from the Diary of the Superintendent of Police, Tinnevelly.

2. He reports that the Summonses issued for the trial of petty criminal cases, by the Head Assistant Magistrate, and by the Sub-Magistrates within his range, are being served by Revenue Peons and others.

3. The Summonses so directed and served do not pass through the hands of the Police, and will not appear on my Registers, and thus their number will be excluded from the periodical review of Government.

4. I think that the practice thus brought to notice defeats, to a certain extent, the intention of the Law and of Government. It must lead to an unobserved continuation of those abuses which are now attracting the attention of Government.

5. The Police Act, Section 32 of Act XXIV of 1859, as it originally stood provided—following here 2 and 3, Vic. Cap. 47, Sec. 12—that "all Summonses, "Warrants, Search Warrants, Warrants of Commitment for trial, or orders for the "escort and conveyance of Prisoners, and all other Processes issued by any Officer "in any criminal proceeding, shall be directed and delivered to Officers of the "Police alone; and such Processes shall be served and executed by them and none "others."

6. The avowed object of this Government was, by this provision, to substitute a properly controlled and disciplined body for that host of unwatched and irregular *batta* and Revenue Peons, who, under the old system, harassed the public, and levied contributions under a quasi official authority as Policemen.

7. The Code of Criminal Procedure, Sec. 70, slightly modified this provision; It declares that "a Summons shall ordinarily be served through a Police Officer;" but provides that under certain circumstances any other person may be so employed. The circumstances under which the rule may be departed from are, that "immedi- "ate service be necessary, and no Police Officer be immediately available."

8. Such circumstances can very rarely arise in dealing with petty cases of the character instanced. And a Magistrate should, I think ascertain from the Police Officer in charge of the Station that there is no one available, before an exceptional procedure which is open to so many obvious objections is adopted.

9. I venture to solicit the early attention of Government to the matter; for if the practice be not checked, we may find that under the pressure of the stringent orders annually issued by Government, Sub-Magistrates are, instead of rectifying abuses, really reviving the old irregular procedure, and continuing to harass the people unreasonably by an immoderate issue of Criminal Processes in petty cases, which will not be properly brought under observation. I am satisfied that if the evil is to be checked, this irregular means of evading the exposure which Police registration so effectually secures must be put a stop to.

10. The Procedure brought to notice is contrary to the spirit, and probably, I think, to the letter of the Law.

11. The service of all Summonses, within any reasonable limit which the useful administration of criminal justice can require, may be effected by the Police. It is obvious that the Revenue Peons of the State should not be so employed. If they have no duty to perform connected with Revenue administration their number should be reduced. Other persons, we may be assured cannot be so employed without making a living by it; and serious abuses must result.

Extract from the Diary of the Superintendent of Police, Tinnevelly.

"September 28th. Mr. Armstrong says that he* has been issuing Summonses in petty cases,† and having them served by Revenue Peons and others; that he and his Sub-Magistrates have been doing this in order that they might not take the Police away from their legitimate duties."

* (And his Sub-Magistrates.)

† Assault, abuse, &c.

2. "I told him that I thought the service of all Summonses was the legitimate duty of the Police; that unless it was absolutely necessary that Summonses should be served immediately, and where there were no Policemen present, Summonses should not be given for service to others. He (Armstrong) considers that there are no Policemen available, because it takes away men from other duties."

3. "I should like instructions on this point. I don't care who serves them; but unless they come through the Police we cannot keep a correct and faithful Register of all Processes issued."

(True Extract.)

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

No. 22. ORDER THEREON, 2nd November 1864, No. 1590.

The Governor in Council concurs in the opinion of the Inspector General of Police, that grave objections attach to the practice of employing Revenue Peons, and other persons, in serving criminal Processes in criminal cases, which, except under very exceptional circumstances, should be served by the Police. His Excellency in Council directs that all Magistrates of Districts will issue stringent orders against the practice here referred to.

(True Extract.)

A. J. ARBUTHNOT,
Chief Secretary.

To the Inspector General of Police.
,, Magistrate of
,, Revenue Department.

Encl. R. H. Lee.

Judicial Department.

PROCEEDINGS of the MADRAS GOVERNMENT.

[illegible] 186[illegible]. *Department.*

No. [illegible]

PROCEEDINGS *of* GOVERNMEN[illegible]

Dated [illegible]

[illegible]