

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No.	492	Press
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100-101		
Dated	2-4-1864	19

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Not to be folded or roughly handled

*Proceedings of the Madras Government, Judicial Department,
8th April 1864.*

No. 100. 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 Fort St. George, 24th March 1864, No. 626.

General Department.

I venture to draw the attention of Government to the abstract of the Proceedings of the Legislative Council of the Governor General of India, on a Military Cantonment Bill, which has been published in the *Gazette* of 10th instant. I do so in case its provision may be extended to the Madras Presidency.

2. I observe that it is proposed to make the Cantonment Joint Magistrate the Superintendent of Police within the Cantonment.

3. This is obviously wrong in principle, and a very serious retrogression from the sound position already taken up.

4. Executive Police powers and judicial functions have been separated. No Police officer can properly be entrusted with judicial powers, and *vice versa*; and these functions must still be kept broadly separate even where we are assured of the matured judicial training of Civil Magistrates. Experience tells us that the two functions can least of all be safely joined in the hands of a Cantonment Magistrate, who has frequently little acquaintance with law, and no experience. Law is in danger of being required to give way before Police expediency. I therefore most earnestly trust that this Government will not retrograde in this respect, or permit powers so incongruous, so sure to be injudiciously used, to be re-associated.

5. Secondly, the thing cannot work. There must be but one Police for a District, and the whole must be under one head, the District Superintendent. Without this, there is no possibility of maintaining uniformity and due co-operation; antagonism must spring up, and sound Police administration will disappear.

6. It is simply futile to suppose that this natural and pernicious result can be prevented by nominally uniting these different bodies under an Inspector General. This officer is not an Executive District officer. His general supervision and occasional inspection are useful. But I speak from large experience when I say that he must be powerless to keep two separate bodies, such as the Police of a Cantonment, and the general Constabulary of a District, together, when every feeling and tendency will be to drive them asunder and place them in antagonism.

7. The Inspector General's control over the Cantonment Police officer must practically be *nil*. He can take no cognizance of Magisterial acts, and it will be easy to represent most acts as done in a Magisterial capacity.

8. The sound principle observed in Madras must be maintained in its integrity. The Superintendents of the District Constabulary are Police Superintendents in Cantonments likewise, and stand therein to the Commanding Officer in the same position as they do to the Magistrates without the Cantonment.

9. If the single officer be insufficient, and the presence of an European officer be constantly required within the larger Cantonments, it will be easy to give a special Assistant Superintendent of District Police to manage the Police within the Cantonment.

10. The Cantonment Joint Magistrate must be kept strictly to his judicial function and general supervision as a Magistrate, but must continue without Police executive powers.

No. 101. ORDER THEREON, 8th April 1864, No. 492.

The Governor in Council entirely concurs in the opinion of the Inspector General, but he observes that the Bill referred to does not apply to the Madras Presidency.

(True Extract.)

To the Inspector General of Police.

Exd. J. Tulloch.

Chief Secretary.

Nº 662 Nº 626

[illegible]

8th April 1864. £3492.—
The proceeds of the
sale of the property of the
estate of the late Sir
John Lubbock, Bart.
£3492.—

To Mr. Wm. W. Davis at No. 12 3/4
Impatiens Summit

100.107

499.

