

MADRAS RECORD OFFICE.

Government of Madras.

Public DEPARTMENT.

G.O. No.	1171	Press ~~Mis.~~
Dated	22-7-1986	

Not to be folded or roughly handled

1171

*Proceedings of the Madras Government, Judicial Department,
22nd July 1867.*

No. 249. Read the following letter from Major C. E. BATES, Madras Staff Corps, to the Chief Secretary to Government, Fort Saint George; dated Madras, 8th April 1867.

I have the honor to forward, herewith, copy of a letter received by me from the Chief Office of Inspector General of Madras Police, in reply to an application from me for a copy of the final Order of Government on the "Trichinopoly Torture case" G. O., 363, dated 7th March 1867), and request that you will kindly lay the same before His Excellency the Governor in Council, and solicit the favor of my being furnished with a copy of the said Government Order.

I. It will be observed that no reason of any kind is given for non-compliance with my request; and the G. O. is the final Order of Government on a case in which I am personally concerned. It is upon me that the chief responsibility is thrown (directly) by the Inspector General of Police in his report to Government, and also, by implication, in the G. O. under reference.

II. I would respectfully submit for the consideration of His Excellency the following reasons for which I think that I have a fair claim to the G. O.

1st.—Because, in paragraph 10 of letter, No. 1752, dated 24th October 1866, to Secretary to Government, appended to G. O., 1737, 2nd November 1866, the Inspector General of Police charges me with being "unduly reticent"—an expression which can bear but one interpretation, viz., a wilful concealment of facts; whereas, a reference to my report, which accompanied his letter, will show that, not only was there no reticence on my part, but that there was really no just ground for the charge, and I utterly reject the supposition, either directly expressed or implied, that I fear to avow my acts, or shrink from the just responsibility which attaches to them; and, in paragraph 18 of the same letter, the Inspector General writes "he (*i. e.* the Superintendent) should not have permitted a remand of prisoners to a lengthened imprisonment," &c. This is ascribing to me an authority which, as a Police Officer, I did not possess, and at the same time blaming me for not making use of such imaginary power.

When once a prisoner has been remanded by a Magistrate, he becomes the Magistrate's prisoner; therefore, to say that "the Superintendent should not have permitted" would imply an authority on the part of the Police to dictate to the Magistrate—thus reversing the order of relationship between the two Departments, than which I should suppose there is nothing more worthy of condemnation, and certainly not contemplated by the Police Act or Code of Criminal Procedure. If by the expression "should not have permitted," the use of moral influence is intended, I refer again to my report; which shows that I remonstrated with the Taluq Sub-Magistrate for keeping the prisoners so long under remand without trial; therefore, either my explanation has been totally ignored by the Inspector General, or he must have meant more than moral influence.

When a Police Officer, in placing a prisoner before a Magistrate, commits irregularities, it is the bounden duty of such Magistrate, according to repeated orders, to bring such irregularity to the notice of the Superintendent; but, if the Magistrate is silent, and tacitly consents to the irregularities, what is the Superintendent to do? In other respects, I may have erred in judgment; but error in judgment is not a crime, especially when it has been committed in good faith. There is

The Superintendent should not have permitted

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much, however, in the 2nd paragraph quoted from, which is calculated to create a false impression, and it was but natural that I should anxiously look for the final order of Government on the report of the Inspector General, and expect to be made acquainted with its purport.

2ndly.—Had I been in the Police at the time the final G. O. was issued, I should have received it in due course, and enjoyed the opportunity afforded of clearing up one or two doubtful points, one of which reflects most injuriously upon me; and had I supposed that my quitting the Police would operate as a bar to my receiving the G. O., I should not have resigned my appointment until the matter had been finally settled.

3rdly.—But I have a still stronger reason for preferring a claim to a copy of the G. O. I have already seen the Order, which was given to me in perfect good faith, under the impression that I was entitled to it; but, on my being cautioned that the giver would probably incur the displeasure of Government, if I should make use of it, I returned it to him.

I am not quite sure how far I am justified in alluding to an Order I am supposed not to have seen, but I have no other means of fully satisfying His Excellency that I have a claim to a copy of the G. O.

It would be difficult for me to describe the consternation with which I perused this Order, inasmuch as that the wording of it imputes to me a line of conduct which, had I been guilty of it, would forfeit all claim on my part to the character of an Officer and a gentleman, and render me unworthy to bear Her Majesty's Commission.

III. I cannot but suppose that the Order was framed under some great misapprehension. It would be a source of great regret to me if the Government held that opinion of me which the wording of the G. O. implies.

It is in order to clear up this doubt that I solicit a copy of the G. O.

From the Inspector General of Police, to Major C. E. BATES, Staff Corps, Madras; dated Madras, 5th April 1867, No. 585.

I regret that it is not in my power to furnish you with the copy solicited.

No. 250. ORDER THEREON, 22nd July 1867, No. 1171.

The Governor in Council directs that a copy of the Government Order, No. 363, dated 7th March 1867, be furnished to Major Bates.

(True Extract.)

Acting Chief Secretary.

To Major C. E. Bates, with Proceedings, No. 363.
To the Inspector General of Police.

Edw. J. H. Burns.

accompanied his letter with
their stool, not only was there
no reticence on my part, but
that there was only too good
ground for the charge—and
I utterly reject the supposition
either directly expressed or implied
that I fear to avoid my act,
or shrink from the just repon-
-sibility which attaches to them.
And, in para 78 of the same letter,
the Inspector General writes:
"He (i.e. the Superintendent) has
not now permitted a demand
of provision of a lengthened in-
-formant. This is a serious
-breach on authority which a
-police officer I did not suppose
-and at the same time blaming
-me for not making use of
such a magnificent power."
When once a prisoner has been
demanded by a Magistrate
he becomes the Magistrate's
prisoner. Therefore pray that
"the Superintendent should not
-"

*You could
have forbidden your
subordinates to ask
for a demand -
W.H.*

When a Police officer is passing

To Major C. E. Bates. with
P. No. 41.313
3. Insp. Genl of Police