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Government of Madras.

Public DEPARTMENT.

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Dated 21. 8. 1918	

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Not to be folded or roughly handled

*Proceedings of the Madras Government, Judicial Department,
21st August 1867.*

Read the following papers.

No. 252. From G. S. FORBES, Esq., Magistrate of Ganjam, to the Chief Secretary to Government, Fort Saint George; dated Chatterpore, 11th May 1867, No. 82.

With reference to the Proceedings of Government in the Judicial Department, under date the 23rd January 1867, No. 147, I have the honor to report that the several Sub-Magistrates declare that there is no attempt on the part of the Police to overstep their functions. I have not met with any instances which lead me to doubt that a proper balance is maintained between the Magistracy and Police.

No. 253. From D. F. CARMICHAEL, Esq., Magistrate of Vizagapatam, to the Chief Secretary to Government, Fort Saint George; dated Vizagapatam, 15th March 1867, No. 55.

In reply to the Circular Proceedings of Government marginally noted, I have the honor to state that there is no misapprehension in this District, in regard to the proper relation of the Officers of Police to the Magistracy.

2. I beg, however, to draw attention to the (Police) *District Administration Reports* for the official years 1863-64, 1864-65, 1865-66. One of the subjects reported on is always "Relations with Magistracy", a head which might, I think, be eliminated with advantage. The tone and spirit in which remarks are made on the Magistracy and their establishments is seldom a pleasant one, while, in a few cases, it is positively indecorous. Officers never think of saying "I hope we give satisfaction", or any thing in that strain. The *least* exceptionable statements are "we work amicably together", "there is an *entente cordiale*," and the like. Considering the position of the Police, who are called in the Act "instruments at the disposal of the Magistrate for the prevention and detection of crime," this kind of phraseology appears very ill selected. Imagine a Collector reporting to the Government that he was happy to state the *entente cordiale* between himself and the Board of Revenue had not been materially disturbed during the past official year! The only Superintendent of Police who expresses himself in a proper way is Lieutenant Porteous, of Tinnevely, but there is a strange contrast between his theory and his practice.

LIEUTENANT PORTEOUS on himself. (Page 97, Reports for 1864-65).

"All grades of the Force know that they are to work under the Magistracy, and look up to them for advice and assistance. They understand thoroughly that they are to be 'a more efficient instrument at the disposal of the Magistrate for the prevention and detection of crime,' for it is well inculcated on all Policemen from the time they enter the Service."

THE SESSION JUDGE on Lieutenant Porteous. Paragraph 8, Proceedings of Government under reply.)

"Instead of confining himself to the duties of his Office, and instructing his subordinates in their duties, took upon himself to be a sort of non-regulation District Magistrate, and his subordinates followed his example, so that the whole District was ridden rough-shod by the Police; and the authority of the Sub-Magistrates being interfered with and subverted, they virtually resigned all power into the hands of the Police, and did nothing."

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3. Meanwhile, other Superintendents use decidedly unbecoming language. I will refer to a few instances.

GANJAM.—*State of the Force.*—Page 2 for 1864-65, where Captain Stuart goes out of his way to have a fling at the Civil Establishments of the District, the Sub-Magistrates, and their Cutcheries:—"Great have been the difficulties in enlisting men of a stamp which gives reasonable hope that in time they will be able to master a knowledge of their responsible duties. Men of education, such as formerly would have been glad to accept Rupees 10 a month, hesitate to enter the Police, the duties of which they consider too severe. They do not like the close and constant supervision. The Cutcherry servants too have much influence over the class alluded to, and, it is feared, use that influence unfavorably. They hope that by dissuading this class from entering the Service, the Force will collapse and the old state of things revive. The system which still continues in the various Taluq Cutcheries of this District, of allowing young men to act as volunteers, is a great obstacle to obtaining the services of educated young men, especially of the Brahmin class; for the Police. They hang about the Cutcheries, instead of entering a closely watched Service. There they do, it is feared, very little, or do the work of the regular servants who are paid by Government."

NELLORE.—*Relations with the Magistracy.*—Page 22 for 1863-64, where Lieutenant Balmer is pleased to praise up the Joint Magistrate at the expense of his Chief. The whole of the passage is remarkable: he complains that the Police are under the same system as other people; charges against them should be disposed of departmentally.

"In the Sub-Division the relationship was all that could be wished for, and the Force owes much to the steady support and encouragement it invariably received. The Native Magistrates in the Sub-Division, as a rule, followed in the footsteps of their superiors, and, with the exception of the Tahsildar of Kanigiri, the Subordinate Magistrates worked well with their Police. The same cannot be said of the principal Division. The Magistracy support the Police; but there is rather a tendency to view them in the light of a 'brutal Constabulary', trampling on and oppressing the people; and complaints, often frivolous, against members of the Force, met with a ready hearing—charges against members of the Force being taken up by the Magistracy without reference to departmental Officers: a bad effect is produced on discipline, and the confidence of the Force in their own Officers is shaken."

COIMBATORE.—*Relations with the Magistracy.*—Page 130 for 1865-66, where Captain Weldon gibbets a Sub-Magistrate by name: he is "ignorant", "a mere puppet", "pusillanimous", "inefficient." It was surely quite out of place to discuss in an Annual Report on the Police of the District the merits or demerits of a particular Sub-Magistrate. Let any specific act of a Sub-Magistrate be brought at the time to the notice of the Head of the District, who will dispose of it in due course, supplying all the necessary epithets himself. But this is one of several instances in these Reports where Police Officers appear to forget themselves.

4. These extracts, be it remembered, are not from every day Diaries, but from carefully compiled reports made up once a year, and they are such as the Inspector General of Police deems it safe, and decent, and proper, and conducive towards the *entente cordiale* to print and circulate officially. This consideration will render it evident that there is good reason for constant watchfulness: the Police must be put and kept in their proper place. Perhaps, if the Magistrates were to

report on the Police, instead of the Police on themselves and on the Magistracy also, it would be a step in the right direction.

No. 254. From J. FRASER, Esq., Magistrate of the Godavery District, to the Chief Secretary to Government, Fort Saint George; dated Kottapeta, 6th February 1867, No. 29.

In reply to paragraph 4 of the Order of Government, No. 147, of 23rd January 1867, contained in their Proceedings in the Judicial Department of that date, I have the honor to state that, in my opinion, the Sub-Magistracy and the Police in this District understand and maintain their proper and relative positions in regard to one another.

No. 255. From G. THORNHILL, Esq., Magistrate of the Kistna District, to the Chief Secretary to Government, Fort Saint George; dated Masulipatam, 9th April 1867, No. 92.

I have the honor, with reference to the Proceedings of Government, Judicial Department, dated 23rd January last, and Order thereon, No. 147, to state that, from the reports I have received on the subject from the different District Officers, and from my own observation, I am of opinion that the relative position of the Subordinate Magistrates and Inspectors of Police are on the whole fairly understood and acted on in this District.

2. The Joint Magistrate has satisfied himself that the Sub-Magistrates theoretically understand the position in which they stand towards the Police, and believes that the theory is acted on.

3. The Head Assistant Magistrate is of opinion that Police Inspectors exercise considerable influence over Sub-Magistrates from their superior training, but does not think the influence is abused.

4. The Deputy Magistrate notices some instances of want of harmony between the two Departments, but does not show that there is any subserviency on the part of the Magistracy towards the Police.

5. I am not of opinion that, so far as this District is concerned, there is generally any want of knowledge of their proper position relatively to the Police on the part of the Subordinate Magistracy. Where a properly harmonious spirit exists between the two Departments, I have no doubt that Sub-Magistrates often ask and receive advice and assistance from Police Inspectors.

6. Where, as is the case sometimes, a want of harmony prevails, it results rather in petty antagonisms than in the subordination of the Magistrate to the Inspector.

7. It is to be regretted that Sub-Magistrates cannot undergo a more systematic training than is at present the case. In that respect, Police Inspectors possess considerable advantages; they are all instructed at the Head Quarters of this District before being placed in a separate charge, and they have only one subject to which to devote their attention. Whereas a Sub-Magistrate has no school to go to, and, having generally a revenue charge in addition to his Magisterial duties, is unable to devote more than a portion of his time to the latter.

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No. 256. From J. W. B. DYKES, Esq., Magistrate of Nellore, to the Chief Secretary to Government, Fort Saint George; dated Nellore, 4th March 1867, No. 8.

I have the honor to acknowledge the receipt of the Proceedings of Government of the 23rd January, No. 147, and state that the Sub-Magistracy in this District, so far as I can ascertain, hold correct notions regarding their position relatively to the Police.

2. I think, however, that in one respect a change is required as regards the working of the Sub-Magistracy with the Police, and that is in respect to the reports made by the latter.

3. I would recommend that the Police be forbidden, either in confidential reports or otherwise, to cast aspersions on the Sub-Magistracy, unless prepared to prove them.

4. There can be no doubt that Sub-Magistrates do feel the power which Police Inspectors possess of writing in to the Superintendent that the Sub-Magistrate intends to dismiss the case, is corrupt, &c. They know that these charges, which they have no opportunity of answering, are being placed on record against them; and the effect cannot be otherwise than bad. It is not allowed in other departments; I do not see why it should be allowed in the Police.

No. 257. From H. G. SMITH, Esq., Magistrate of Cuddapah, to the Chief Secretary to Government, Fort Saint George; dated Chennur, 18th February 1867, No. 5.

With reference to paragraph 4 of the Order of Government in the Judicial Department, dated 23rd January 1867, No. 147, I have the honor to state, for the information of Government, that I have no reason to think that in this District the Police are in any way allowed to overstep the bounds of their legitimate functions, and that the subordinate grades of the Magistracy act perfectly independently of them, as they are generally aware of their position relatively to the Police.

No. 258. From A. WEDDERBURN, Esq., Magistrate of Bellary, to the Chief Secretary to Government, Fort Saint George; dated Ghooty, 5th February 1867, No. 8.

I have had the honor to receive the Proceedings of the Madras Government, Judicial Department, dated 23rd January 1867, No. 147, and, in reply, I have the honor to state that Tinnevely was the only District in which I have served where the Superintendent of Police addressed a written order to a Sub-Magistrate. No such practice obtains in this District, where the relations between the Sub-Magistrates and Police are entirely correct and proper; and I put an immediate stop to it, in Tinnevely, on its first being brought to my notice.

2. It is to be regretted that the Session Judge of Tinnevely omitted to take the trouble to ascertain this fact before he addressed Government on the subject in a letter reflecting upon an absent Officer. My letter to the Superintendent of Police is in the records of that Office, and the draft is in the Collector's Office at Tinnevely, and the date is about November, or the early part of December, 1865.

2. I beg that Government will be pleased to call for the letter in question, and decide whether the Session Judge was justified in recording the remarks he has done on my official conduct.

4. That I did not bring the conduct of the Superintendent of Police to the notice of the Inspector General arose from the Superintendent being a young and inexperienced Officer, who had evidently misapprehended his position in reference to the Sub-Magistracy, and I have no reason to suppose that, subsequent to my letter to the Superintendent, there was any recurrence of a similar irregularity.

5. I cannot, at this distance of time, recollect whether a copy of my letter to the Superintendent of Police was sent to the Session Judge; if it was not, it arose from the Session Judge having taken the very irregular step of issuing departmental orders to the Superintendent of Police. I verbally pointed out to him the impropriety of such proceedings, but I did not think it necessary to trouble Government by a report of the same to them.

No. 259. From T. A. CHASE, Esq., Acting Magistrate of Kurnool, to the Chief Secretary to Government, Fort Saint George; dated Kurnool, 26th March 1867, No. 22.

In reply to Government Order, No. 147, Judicial Department, dated 23rd January 1867, I have the honor to inform you that, from personal inquiry during the Jammahbandy tour, I find that very correct notions on the subject of the relations between the Magistracy and Police are entertained in that part of the District. I have not found the Police exceed their power, or in any way usurp those of the Magistracy.

2. From the remaining parts of the District, I have received information from the Head Assistant and the Deputy Magistrates to the like effect.

No. 260. From E. G. R. FANE, Esq., Magistrate of the Madras District, to the Chief Secretary to Government, Fort Saint George; dated Sydapet, 3rd April 1867, No. 60.

With reference to the Order of Government, No. 147, of the 23rd January last, I have the honor to state that, as far as I can learn, the Police in this District do not appear in any case to have forgotten their own legitimate duties. The Joint Magistrates and the several Sub-Magistrates also have never complained against them, so it may be concluded that they have never had fault to find with them.

2. On the whole, I can safely assert that the Sub-Magistracy and the Police work well together, and with a clear understanding of their relative positions.

No. 261. From J. D. ROBINSON, Esq., Magistrate of North Arcot, to the Chief Secretary to Government, Fort Saint George; dated Chendragherry 2nd March 1867, No. 14.

I have the honor, with reference to paragraph 4 of the Proceedings of the Madras Government, Judicial Department, dated 23rd January last, No. 147, to report that the Sub-Magistracy of this District do, as a body, know their position, and maintain it in their relations with the Police.

2. It was not so during the first year of the new Police organization, as, at that time, the majority of the Sub-Magistrates were men of the old school, who, being but indifferently acquainted with the procedure of the new law which they had to administer, and conscious of their own weakness, were only too ready to be led where they ought to have been able to act independently. This state of things has now passed away: most of the old class of Sub-Magistrates have given place to men

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of higher educational attainments and more modern training, and those of the former school who remain have been compelled, in self defence, to make themselves acquainted with the law as it bears on their relations with the Police, and their other Judicial functions.

3. In one respect only does any symptom of subserviency occasionally manifest itself, and this is in a too great facility in granting remands for prisoners in Police custody, for the purpose of getting up evidence. Two or three recent cases have brought this most objectionable practice under the notice of the Session Judge and myself, and the proceedings which have been and will be recorded thereon will, I doubt not, have the effect of re-calling to the Sub-Magistrates generally the necessity of exercising a more cautious discretion in respect of such requisitions.

No. 262. From C. W. READE, Esq., Magistrate, South Arcot, to the Chief Secretary to Government, Fort Saint George, dated Punrooty, 28th March 1867, No. 14.

In acknowledgment of the Government Proceedings, No. 147, under date 23rd January last, I have the honor to state that, in my belief, the subordinate grades of the Magistracy throughout South Arcot generally entertain correct notions regarding their position relatively to the Police, and the latter have never been permitted, with my knowledge, to overstep the bounds of their legitimate functions, and the Government may rest satisfied that any instance of the kind would not pass unnoticed by me. I am, however, able to state that the relative functions and duties assigned by law to the Magistracy and Police are well understood by each Department, and that, on the whole, mutual co-operation and action for the public weal have ordinarily marked the executive administration in this District unfettered and undisturbed by any misconception of the position, or any misdirection of the powers, relatively possessed by each; and it affords me pleasure to bear my unqualified testimony to the value and efficiency of the new Police Force, the organization of which has, in my opinion, greatly facilitated the criminal administration, of this country.

2. Copy of a letter* on the subject, received from the Joint Magistrate, who has been but a very short time in this District, is herewith submitted.

* Dated 11th February 1867, No. 30.

From W. F. HATHAWAY, Esq., Acting Joint Magistrate of South Arcot, to the Magistrate of South Arcot; dated Virdachellum, 11th February 1867, No. 30.

In answer to your letter, No. 65, of the 1st instant, I have the honor to state that, though I have not had long experience in this District, I do not think it possible that there can exist anything of the subserviency of the Sub-Magistracy to the Police alluded to, as not the slightest indications of anything of the kind have manifested themselves. On the contrary, I have always noticed the great deference paid by the Police to the Sub-Magistracy in most of the points about which they are brought into contact.

2. The only point on which I have noticed that the Sub-Magistrates are somewhat overburdened by pressure from the Police, and to some extent forced into obeying them, is in cases where an inquest is required. It repeatedly happens that, on the occurrence of a sudden death, or the discovery of a corpse, even though there may be no grounds of any kind for suspicion of a crime having been committed, yet a Police Constable will send a message for a Magistrate to come out at once and conduct the inquest, and the Taluk Magistrate will often leave important revenue

criminal work to go to a distant village for a matter of this kind, guessing all the time that his presence is really not required, but afraid that if he does not go, and there is the slightest suspicious circumstance about the death, the Police may suspect or accuse him of willingness to hush up a murder, or, at any rate, apathy about detecting it. The Police have such clear directions in Section 161 of the Procedure Code for conducting the inquest themselves, with the assistance of the villagers, that I regret to see them almost universally endeavouring to evade their work, and thereby causing in many cases most unnecessary trouble to the Sub-Magistrates. The instructions that the Police hold from their departmental superiors on this point, so far as I have seen them, run some thing in this way—"get a Sub-Magistrate on the spot as soon as possible, so that in case there may be any suspicion of crime, he may be able at once to take down 'depositions on oath'; and accordingly, the report that they are required by that Section to send in to the Magistrate generally gets twisted into a requisition for his immediate attendance in person. It may be very useful that in some cases he should attend, but I think that it should be more generally understood that he has full power of deciding on the point, and, as a matter of practice, would never do it, unless the particular circumstances that would make it advisable were clearly and in detail reported.

3. I do not mean to say that the incorrect impression on the subject is entirely due to the Police. The Sub-Magistrates themselves, from being accustomed to the old procedure under Sections 13 and 36, Regulation XI of 1816, are disposed to consider themselves forced to do the work, and thus, no doubt, to a great extent, the error is confirmed in the minds of the Police.

No. 263. From G. L. MORRIS, Esq., Magistrate of Tanjore, to the Chief Secretary to Government, Fort Saint George; dated Vallam, 22nd February 1867, No. 46.

With reference to the Order of Government, dated 23rd January 1867, No. 147, Judicial Department, I have the honor to state that the Subordinate Magistracy in this District, as a general rule, perfectly understand their position relatively to the Police, and would not for one moment allow themselves to be placed in a state of subserviency with reference to the Officers of that Department, such as is described in the Proceedings of the Session Court of Tinnevely.

2. Lieutenant Rolland, the Superintendent of Police in Tanjore, is a most praiseworthy Officer, and would be the last person to allow, much less to encourage, his subordinates to overstep in any way the bounds of their legitimate functions.

3. Some few months ago, matters were not perfectly satisfactory with regard to this particular point in the Taluqs of Combaconum and Mayaveram; and there was at that time a tendency on the part of the Police Officers in those two Taluqs, to be overbearing and to dictate to the Magistracy. The facts were, however, reported by me to the Inspector General of Police, and with his co-operation a better state of things has been brought about, which I now think will continue.

No. 264. From G. BANBURY, Esq., Magistrate of Trichinopoly, to the Chief Secretary to Government, Fort Saint George; dated Trichinopoly, 12th February 1867, No. 9.

As required in Government Proceedings, dated 23rd January 1867, No. 147, I have the honor to furnish information regarding the manner in which the relative positions of the Police and Magistracy are maintained in this District. Mr. Comyn, the Head Assistant, has already paid much attention to this subject, and I beg to annex his letter *in extenso*, as it details very succinctly how the case really stands.

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The Police, as a rule, occupy, I should say, a higher position than was perhaps intended, but I am not aware that in this District there are any Sub-Magistrates so much under their sway. No doubt, many Sub-Magistrates are too lenient in granting remands, and in complying with other requisitions, which, perhaps, according to strict rule, should not be complied with, but the Native Magistracy are naturally unwilling to fetter or hamper the efforts of the Police in any way, and are, moreover, afraid that, should they be too scrupulous in refusing these solicitations, the Superintendent, who is in constant, and most generally friendly, communication with the Magistrate, will give him an unfavorable report of their conduct. Again, the old style of Tahsildar is terribly deficient should he come to a dispensation with the Taluq Inspector: the former is not well educated, knows but little English, is not well up in the Code and Procedure, and is perhaps only too anxious to let matters go on smoothly. Of course, in this case, where the Inspector possesses the superior qualifications, he will occupy the higher position. I remember an instance of this in one District in which I acted as Magistrate: the Tahsildar was an aged Mahrattah Brahmin from the north, quite of the old school; the Inspector was a young Iyengar Brahmin from the old Chingleput District, thoroughly well educated, and, of course, did pretty much what he liked. I may safely say that the state of affairs as described in Tinnevely does not exist here, and that, as long as intelligent and educated men are appointed as Sub-Magistrates, and supported by the District Magistracy, I do not see how such an unsatisfactory result can take place.

From W. H. COMYN, Esq., Head Assistant Magistrate of Trichinopoly, to the Magistrate of Trichinopoly; dated Trichinopoly, 9th February 1867, No. 10.

As requested in your endorsement on the Proceedings of Government, dated 23rd February 1867, I have the honor to submit my opinion as to whether the relative position of the Police and Magistracy in the Taluqs under my charge is fully understood by either or both classes of officials.

2. I may preface my remarks by stating that, after I had been some time in the District I had occasion to notice that there was a certain undefined fear of the Police on the part of some of the Sub-Magistrates, and a tendency towards a subserviency on the part of the latter to the wishes and representations of the former. I have, therefore, made a point of showing the Sub-Magistrates and the Police what their relative positions and duties are; when on Jummahbundy, or on occasional tours in the District, ample opportunity for doing so has presented itself.

3. Police Inspectors and other subordinate Officers in the force have been informed that they are at the disposal of the Magistracy for the prevention and detection of crime; and, at the same time, Sub-Magistrates have been told that they are not to obey the orders, believe too implicitly the representations, or yield too readily to the wishes, of Police Officers, in regard to matters coming before them in their Magisterial capacity.

4. Sub-Magistrates have also been directed to take an interest in the improvement of the Force, by examining the men of the different stations in their knowledge of Police matters and the Codes; and, with this object in view, I have set the example, by examining the men, when visiting the several stations, taking the Sub-Magistrate with me.

5. From general observation, I am of opinion that the Sub-Magistrates in my Division do, as a rule, entertain correct notions regarding their position relatively towards the Police, and no very glaring instances of the latter being permitted to overstep the bounds of their legitimate functions have lately come to my notice.

6. There is, however, still room for improvement, and a recent case, which has now attained notoriety, shows that such a thing as lending too willing an ear to the representations of the Police Officers, and acting on the same, to the disregard of existing orders and regulations, is still extant

in the District. I refer to the conduct of the present Town Sub-Magistrate, in connection with a case of house-breaking, the facts of which will doubtless be fresh in your memory. Another case in point, which came to my notice only a day or two ago, will illustrate the above position. The present Acting Sub-Magistrate of Lalgooty even stopped passing sentence in a case, and applied to me for instructions as to how to proceed, as the Station Officer had shown him an order from a Police Inspector, to the effect that the prisoner in the case was to be forwarded to another Sub-Magistrate. This Sub-Magistrate is quite new to his work, and the impropriety of his conduct has been pointed out to him.

7. There is another and a larger class of subordinate Magistracy, to which I may now refer. I mean the Village Magistrates. The tendency towards a subservient spirit, of the nature noticed above, is, as might be expected, far more prevalent in the case of this class of Officers than with the Sub-Magistrates of the 2nd class.

8. I have invariably, when out in the District, pointed out to Village Magistrates that, while they are expected to afford every possible assistance to, and to co-operate with, Police Officers in their efforts to detect crime, still it is not their duty to obey their orders. This, however, I fear is not fully understood by the generality of Village Magistrates.

9. The Heads of villages are, generally speaking, particularly in the dry Taluqs, ignorant and uneducated men. Their reports to Officers in charge of Police stations are generally couched in terms of profound humility. The Constables are all "a gvergals," and the Village Magistrates always "await their orders"; and even a rich Mirasidar, who is in possession of acres upon acres of land, and who is also Village Magistrate, will write his report in the same strain.

Only a day or two ago, the Village Magistrate of Veeraputty informed me that he used to write his reports in the form of a *Yadast* to the Police Officer in charge of the Illupur Station, who thereupon sent for him, and ordered him, in a rage, not to do so again; since then, he has always submitted his reports in the form of an *Urzee*.

10. The immense authority possessed by Police Officers, in making arrests, in confining parties apprehended, in making summary inquiry into offences, and searching houses without warrant, &c., and the manner in which, it is to be feared, this authority is sometimes abused, are alone sufficient to cause the powers of Police Officers to be magnified tenfold in the minds of the villagers. This power being once recognized, fear is naturally the result in the minds of an ignorant agricultural population, and the Village Magistrate is not apparently exempt from the influence of this fear.

11. In conclusion, I may observe that education alone will remove these obstacles, and place matters on a proper footing; and as long as the Sub-Magistrate is an educated man, who knows and does his work, and is tolerably independent, no fear need be entertained that the Police will be permitted by him to commit irregularities, and the proper position of each, with reference to the other, will be fully understood by both. The majority of the Sub-Magistrates in my division are, I have reason to believe, men of this stamp, and it is with satisfaction that I am able to report that, while there is still room for improvement, such a state of things is not found here as is represented to exist at Tinnevely.

No. 265. From the Honorable D. ARBUTHNOTT, Acting Magistrate of Madura, to the Chief Secretary to Government, Fort Saint George; dated Madura, 2nd April 1867, No. 120.

In obedience to the Order of Government in the Judicial Department, bearing date the 23rd January last, No. 147, I have the honor to report that the state of things described in the Tinnevely Session Court's Proceedings does not exist in this District. The Police and Magistracy appear to be well aware of their relative positions.

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No. 266. From P. GRANT, Esq., Magistrate of Coimbatore, to the Chief Secretary to Government, Fort Saint George; dated Coimbatore, 27th February 1867, No. 17.

I have received Proceedings of Government, Judicial Department, under date the 23rd ultimo, No. 147.

2. With reference to the concluding part of paragraph 4 of the Order of Government, I have the honor to inform you that I consider that the subordinate grades of the Magistracy in this District have correct notions regarding their position relatively to the Police.

3. There is a clear understanding, I believe, on the subject, on the part of both Departments.

No. 267. From C. N. POCHIN, Esq., Acting Magistrate of Salem, to the Chief Secretary to Government, Fort Saint George; dated Macheri, 19th February 1867, No. 10.

With reference to the Proceedings of Government, dated the 23rd ultimo, No. 147, I have the honor to state that I have not heard of any misapprehension on the part of the Subordinate Magistracy of this District regarding their position relatively to the Police, nor have I reason to believe that the latter are in any way permitted to overstep the bounds of their legitimate functions.

No. 268. From W. M. CADELL, Esq., Magistrate of South Canara, to the Chief Secretary to Government, Fort Saint George; dated Mangalore, 13th February 1867, No. 3.

With reference to the Proceedings of Government in the Judicial Department, dated the 23rd January last, No. 147, I have the honor to state that, from what I have seen of the working of the new Police in this District, I have no reason to believe that such a state of things as is described in the Proceedings of the Session Court of Tinnevely, of the state of subserviency in which the Subordinate Magistracy of that District have allowed themselves to be placed with reference to the Officers of the Police, exists in this District. I will, however, take care to guard against the possibility of any probable misapprehension on this subject, and see that the relations of the two Departments are properly understood on either side, and that the Police are not permitted in any way to over-ride the Subordinate Magistracy in the exercise of their functions.

No. 269. From G. A. BALLARD, Esq., Magistrate of Malabar, to the Chief Secretary to Government, Fort Saint George; dated Calicut, 2nd February 1867, No. 12.

Adverting to G. O., dated 23rd ultimo, No. 147, I have the honor to report that, in this District, the Superintendents of Police and their subordinates communicate freely with the Subordinate Magistrates; but the Police know their duties better than to issue orders to the Subordinate Magistrates, and I think I may say that the latter would know their position better than to receive such orders, were they issued.

2. The Subordinate Police note in their diaries anything that they wish to bring to notice with respect to the conduct of cases by the Sub-Magistracy, and the Superintendents, on perusing such diaries, bring any matter that they think requires

animadversion or orders to the notice of the District or Division Magistrate. Then, such orders are issued, or such steps taken, as seem necessary to such Magistrate.

I have frequently found these notices, thus communicated, useful.

3. I am justified in saying, therefore, that the subordinate grades of Magistracy do generally entertain correct notions regarding their position relatively to the Police; and that the latter are in no way permitted, either by their own Superintendents or the superior Magistracy, to overstep the bounds of their legitimate functions in this respect.

No. 270. ORDER THEREON, 21st August 1867, No. 1357.

The Governor in Council considers that the reports of the Magistracy above recorded afford satisfactory evidence that, with rare exceptions, the Sub-Magistracy and the Police understand and maintain their relative positions, and that the Police are not allowed to exceed their legitimate functions in the manner complained of by the Judge of Tinnevely, out of whose remarks this reference has arisen.

2. The Magistrates of the Nellore and Vizagapatam Districts object to the comments of Police Officers upon the Magistracy which are contained under the heading "Relations with the Magistracy" in the Police District Administration Reports.

3. Mr. Carmichael's letter will be sent to the Inspector General of Police, for his information, and Mr. Robinson will be requested, in future, to exclude from the published reports of his Department all comment on the proceedings and conduct of the Magistracy. The diaries of Police Officers, prepared for the information of the Superior Officers of the Police Department, and of the Inspector General of Police, should be considered as strictly confidential communications; but, even in these, the Inspector General of Police is requested to repress any tendency on the part of Police Officers to carp at, or acrimoniously criticise, the proceedings of the Magistracy.

4. The attention of the Inspector General of Police and the Magistrates is directed to the undue leniency on the part of the Sub-Magistracy in granting remands at the instance of the Police, noticed by the Magistrates of North Arcot and Tinnevely, and to the unnecessary trouble imposed on the Subordinate Magistracy, by summons on the part of the Police, to attend inquests, reported by the Joint Magistrate of the South Arcot District. The Police and Subordinate Magistracy should be instructed by their respective Superior Officers as to the requirements of the Law on these points, as contained in the Indian Code of Criminal Procedure.

(True Extract).

R. S. ELLIS,
Acting Chief Secretary.

To the Inspector General of Police.

" Magistrate of

Exd. J. H. Burns.

*The Acting Chief Secy
has noted with and*

The reports of the Magis-
trates seem to me to be
very satisfactory, as
indicating that a good
understanding exists
between the Magistrates
and the Police in their
several districts, and
that both Departments
fairly well comprehend
and maintain the
position which they
should stand to each
other. When it is consid-
ered, for comparatively
speaking, how short a
time the New Police
has been organized,
and how strong was the
prejudice against the
force on its first esta-
blishment, on the part
of even some of our best
Magistrates, the result
of the present experience
must be regarded as
very favorable.

The Acting Chief Secy
has noted with much

his memo the points re-
-garding the work -

On the first of them on
the ⁱⁿfracting ^{remains} ^{facility} ⁱⁿfr-
-ced by Sub Magistrate,
in some districts, and
perhaps, more or less in
all, I would observe that
it is not unnatural that
Police Officers charged
with the detection and
investigation of crime
should be humili-
-ated to see the accused
for ever selected as long
as there is any prospect
of further evidence being
forthcoming. I have
experienced this feeling
myself when exercising
in former days the joint
functions of the District
and Police Officer, now
very properly separated.
So probably have most
other Magistrates under
similar circumstances.
The Legislature however
knowing to what extent

the indulgence of this feel-
-ing would give rise here
in the Administer Criminal
Procedure Code placed
it under the sanction
and made it the duty of
the Magistrate to see that
even such an ⁱⁿfract-
-ed exception to official
formality. It cannot
be in the natural
order of things that the
superior Officers of the
Police, and especially
the European Officers,
should from their social
position and education
exercise some influence
on the Magistrate of
the inferior grade, but
as pointed out by the
Hon. Mr. Justice
this influence is most
succumbed to by the
Magistrate of the old
school - men ignorant
and uneducated - young
-men, of better training
and education know
their proper position &

maintain it -

I do not think that any general order could be passed on this point of the subject with effect or indeed without the risk of doing more harm than good. The defect, so far as it is one, is not to be cured by general orders or circular instructions - As remarked by Mr. Conroy in his recent letter, education alone can supply a remedy, and it seems from his account it is supplying it in Trichinopoly, and of course in other Provinces.

2nd. The practice, from Supl. of Police of commencing in his annual reports on the conduct and qualifications of the Magistrate.

The diaries of Police Officers must be

confidential and privileged communication, no restriction can be placed upon them - although in regard to those who inspect a general statement of any tendency on the part of his Officers to conspire or unite unanimously of the doings of the Magistrate.

Annual reports - intended for incorporation in the yearly Police Administration Report stand however on a very different footing. The strictures of Mr. Col. Maize of Vizagapatam on Mr. Carmichael on the language of some of these reports are certainly not undeserved. His remarks should be communicated to the Inspector General, who should be directed to be careful that for the future the annual reports

his District Officer, and
Deputy Inspectors, and his
own Commission is
strictly confined to
Police matters proper,
to conduct and opera-
-tions of the Police during
the year under report,
and that he commends
on the proceedings & con-
-duct of the Magistrate,
with a view to praise
or dispraise find a
place in them. Such
notions besides being
objectionable of them-
-selves, and wholly
beyond the province
of the Police are likely
to give offence and
mar the harmony
which should exist
between the Police &
Magistrate -

3rd - Reproaches by the
Police on the Sub-Magistrate
to conduct inquiries -

The proper course to
be followed by Officers in

(10)

charge of Police Station
"on receiving notice or infor-
-mation of a unnatural
or sudden death of any
person" is no doubt laid
down in Sec-161 of the
Criminal Procedure
Code. The Station Officer
is "immediately to give
information to the nearest
Magistrate" by which
however I do not consider
that the Head of a Village
or Village Magistrate, is
then unknown to the
Code, can have been
intended. He is the
Police Station Officer,
is to hold an inquiry on
the spot and send his
report to the Magistrate.

It is however not un-
-natural that the Police
Officer should occasion-
-ally express himself
anxious, or press for the
attendance of the ^{Super} Magis-
-trate, or that sometimes
the Sub-Magistrate should
against his own duty

friend the person. It
 is however ^{however} obscure that the
 officer by whom the statu-
 -ment is made had
 been but a day short
 him in charge of his
 Sub Division, and that
 it is not impugned by any
 other Magistrate or com-
 by the Magistrate of his
 own District.

I scarcely think it
worth while to pass any
order on this point. It
must be remembered
that it is most impor-
-tant that all cases of
sudden death should
be fully investigated,
and it is much to be
feared that, under the
old system, many
deaths were hushed up,
or attributed to natural
causes - which had
in truth been deaths
of violence -



If any one department is to be held liable at least to record a public opinion in respect of their work & demands of another department with Mr. Carmichael that the Magistracy should be required to report on the efficiency of the Police, not the Police in that of the Magistrate.

The Resolution to Act 24 of 59 places the Police in a subordinate position compared with the Magistracy. It is to be "a more efficient instrument" at the disposal of the "Magistrate for the prevention & detection of crime".

But without facing either length - or stop their
of defining the relative positions
of the two departments, it will be
sufficient complaints.

of by the Judge of Tainoethy
out of whose remarks
this reference has arisen.

Trichinopoly is the only district, from which the Magistrate writes that the Police occupy a higher position than was intended.

11-8-67
Mr. P. J. ...

12
sufficient; Lakshmi, now to
intimate to Mr. Robinson that
he must at once apply a check to
that freedom of condemnatory
observations in regard to the sub-
scriptions & subscriptions in which
his lieutenants & minor subordinates
have been permitted to indulge.

If Mr. Robinson should
be of opinion that he cannot
do his duty & that his subordinates
are unable to do their, without
causing the personal merits
and official qualifications of certain
members of the magistracy, he must
arrange his communications in
such confidential manner as
will prevent their coming before
the public & the other department
in which they are employed.

of by the Judge of Tinnies
out of whose remarks
this reference has arisen.

Trichinopoly is the only
district, from which the
Magistrate writes that
the Police occupy a higher
position than was intended.

found that, under
old system, many
deaths were due to
or attributed to
causes - which have
in fact been due
to violence -

J. J.

11-8-67

11. 11
 11. 11
 11. 11

in Mr. R's printed statements & reports.

In para 2 of Mr. Ballard's report it is shown, briefly but plainly, how the Subordinate Police are to deal with matters deserving of notice in their opinion & the superior magistracy.

It is admitted in the report from the Madras District that - caused - a bad influence is exercised over the Sub Magistrates by Police Spectors, but the H. A. Magistrate does not think the influence is abused. - As regards the exercise of influence, I should be sorry to have to determine where it stops.

In any case, the line between Police Spectors & the Sub Magistrate who try the cases which the former bring

orders
 saying
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 in the
 only of
 Magistrate
 understand
 their
 and
 are not
 stop their
 lions -
 complains

of by the Judge of Trichinopoly out of whose remarks this reference has arisen.

Trichinopoly is the only district, from which the Magistrate writes that the Police occupy a higher position than was intended.

feared that, in old system, in deaths were brought on attributed to causes - which in fact were of violence -

11. 11

11. 11. 67

11-0-67
 J. H. P.
 M.

bringing up should be as broad as
 that between the judge & the sector.

See report to present representations
 to the Sub Magistrate, to attend at the
 W. the Ad. Magistrate of S. and, W.
 Rathway, complaints of, I apprehend
 that the 'constables & police men
 at Stations have orders from their
 department which does not appear
 in these papers.

There is nothing in Section 161 C.C. Code
 which requires the Sub Magistrate to
 do more than receive from the Police, their
 such intimations of unnatural or
 sudden deaths as the Police are
 bound to submit to the "nearest
 Magistrate". I can find no warrant
 for a Police Officer of any grade,
 calling on a Sub Magistrate to
 come & take part in an inquest.

The
 of by the Judge of Tanjore
 out of whose remarks
 this reference has arisen.
 Trichinopoly is the only
 district, from which the
 Magistrate writes that
 the Police occupy a higher
 position than was intended.

feared that,
 old system
 deaths were
 or attributed
 causes - which
 in fact been a
 of violence -

11-0-67

11-8-67
J. P. G.
Me

(15)
The Subleapt-women need to see what had happened in any case of suspicion or real importance. Strictly speaking, the village Reddy, Monium, or whatever his local designation may be, would be the "nearest magistrate", for these officers are magistrates under the Code. - orders
saying
rs. it
to in the
only of
Magistrate
understand
there
and
should annul them. -

I would request the Inspector of Police to ascertain whether any of his local Superintendents have brought into operation rules in regard to inquiries which exceed the requirements of Section 101 and if such are found to be in force Mr. Robinson should annul them. -
Our native magistracy system I am not
conclude, some of the feelings of the
bested them on their predecessors,
as police officers under the old
system
complain
of by the Judge of Tanjore
out of whose remarks
this reference has arisen.
Trichinopoly is the only
district, from which the
Magistrate writes that
the Police occupy a higher
position than was intended.

feared that,
old system
death was to
or attributes
causing - was
in fact been a
of violence -

11-8-67

J

11-0-67
 J. P. G.
 Me

System in their anxiety to secure
 conviction hence the faculty with
 which demands made by Police constables
 for remand orders are said to be met.

I would warn the Submagistrate
 that they are ^{not} blind & subservient
 to yield to representations of the kind
 however supported, but are expected
 to exercise their own discretion and
 judgment as to whether the Police
 make out a good prima facie case
 in each instance of application to
 be permitted to dep. bring
 under suspicion persons who may
 be in their custody.

The As Magistrate of Salem had not
 been long in charge of Salem Dist.
 when he wrote this very brief
 report included in these papers.
 It would have been well had
 he

orders
 saying
 no, it
 is in the
 only of
 Magistrate
 understand
 their
 and
 are not
 stop their
 claims.
 complains

of by the Judge of Tanjore
 out of whose remarks
 this reference has arisen.
 Trichinopoly is the only
 district, from which the
 Magistrate writes that
 the Police occupy a higher
 position than was intended.

feared that
 old system
 death was
 or attribute
 cause. When
 in fact been
 of violence

11-0-67

J

11-8-67

he afforded to his friend Magistrate
 (Pau, who is a good Magistrate on the orders
 to have) an opportunity of submitting
 his views on the abuse of local
 knowledge on Mr. Pochin's part. —
 I suppose to submit this because I
 have observed that, unlike other
 collectors & Magistrates, Mr. Pochin
 seems always to keep back
 reports & comes from his private
 affairs, having as I believe a
 strong aversion to the tribe of
 "wallus."
10th August.

ing
 ns, it
 in the
 only of
 Magistrate
 understand
 their
 and
 are not
 stop their
 actions.

complain
 of by the Judge of Tinnery
 out of whose remarks
 this reference has arisen.
 Trichinopoly is the only
 district, from which the
 Magistrate writes that
 the Police occupy a higher
 position than was intended.

feared that
 old system
 death was a
 or attribute
 cause. — but
 in fact been a
 of violence

11-8-67

11-8-67
S. B. P. G.

orders

arguing
ens. it
it in the
routy of
Magistrate
understand
their
ions and
are not
not step their
actions.

complainers

of by the Judge of Tinnervelly
out of whose remarks
this reference has arisen.

Trichinopoly is the only
district, from which the
Magistrate writes that
the Police occupy a higher
position than was intended.

and as
fearful that
old system
death was
or attribute
causes. Hence
in fact been
of violence

11-8-67

of

11-11
J. H. P. Jr.
Mr.

Mr. H.
W. Phillips
Minister

and as
fared the
old system
death was
or attributed
causes. With
in fact been a
of violence

11-8-67

Ed

(19)
Memorandum for orders

From the accompanying
process and papers, it
will be seen that in the
a very large majority of
Districts, the Sub Magistrate
and the Police understand
and maintain their
relative positions and
that the Police are not
allowed to overstep their
legitimate functions.

in the manner complained
of by the Judge of Tinnervelly
out of whose remarks
this reference has arisen.

Tinnervelly is the only
district, from which the
Magistrate writes that
the Police occupy a higher
position than was intended.

and where the Sub Magistrate
is reported to be injuriously
subservient to the Police.

The Magistrates of both the
Tichampally and N. Arcot
districts bring to notice the
the tenancy of the subordinate
Magistrate in the matter
of granting remands

at the instance of the Police

The Magistrates of the
Kellur and Vijayapattanam
districts, to the Police

casting aspersions on
the subordinate Magistrate.

Mr. Parvathaswami
specially to notice the ten-
or spirit in which remarks
are made on the Magistrate

The Hon. Ag. Joint Magistrate
North Arcot, brings to
notice the unnecessary trouble
given by the Police to the
Sub Mag. in summoning
them to attend inquests.

in the Police administration
Reports of the last three
years.

The only points on which
it would seem that others
are necessary are

1st on the undue facility
conferred by Sub Magistrates
in granting Remands.

2nd The practice indulged
in by some Sub. of Police
of inserting in their annual
reports, remarks on the
conduct and qualifications
of officers of the Magistrate.

3rd The practice brought
to notice by the Ag. Joint
Magistrate of North Arcot,
of the Police calling on
the Sub Magistrates to
attend inquests, &c.

without sufficiently considering
the circumstances may
suspect of the case are so
suspicious as to justify
the opinion. -

(2)

(21)

Precis of the letters from Magistrates
regarding the relative position of the Sub
Magistracy and the Police.

1. An Order dated the
23^d January last N^o 117. G^o
Government draw the attention
of the Magistrates of the
several Districts, in the provinces
to the remarks contained in
the Proceedings of the
Judge at Yverlilly animad-
verting on the state of
of subordination in which
the Subordinate Magistracy
of that District had placed
themselves so far as
reference to the Police, from
a misapprehension of the
proper relations of the
two Departments, and
desired to be informed
whether the Subordinate
grades of the Magistracy
generally entertained correct
notions regarding their
position relatively to the
Police.

Police, and whether the latter were in any way permitted to over-step the bounds of their legitimate functions.

2. The Magistrates of the Districts noted in the margin are of opinion that the Sub-Magistracy and Police understand and maintain their relative positions, and that the latter are not allowed to over-step their legitimate functions.

3. The Magistrate of South Kanara has no reason to believe that the state of things which is described in Trinerelly exists in South Kanara, but he will take care to guard against the possibility of any probable misapprehension on the subject, and see that the relations of the Magistracy and Police are properly understood on either side.

4. The Magistrate of

Godavery - L. 6. July. h. 24.
Guddappah - " 18. " h. 5.
Salem - " 19. " h. 10.
Soulatare - " 27. " h. 17.
Kurnool - " 26. March. h. 22.
Madura - " 2. April. h. 120.
Madras - " 3. " h. 60.
Ganjam - " 11. May. h. 82.

L. 7. 13. July. h. 3.

L. 7. 2. July. h. 12.

of Malabar reports that in that District the Police communicate freely with the Subordinate Magistrates, and that they understand their relative positions. He remarks that the subordinate Police bring to notice in their diaries the conduct of cases by the subordinate Magistracy, and that the Superintendents bring any matter requiring animadversion or orders to the notice of the District or Division Magistrate.

He has frequently found these notices useful.

L. 7. 5. July. h. 8.

5. The Magistrate of Bellary states that Trinerelly is the only District in which he had seen where the Superintendent of Police addressed a written order to a Sub-Magistrate. No such practice obtains in Bellary where the relations between the Sub-Magistracy and Police are entirely correct and proper.

The

6.

The Magistrate of
Friedrichsfeld submits a report
from Mr. Lönig, his Head
Assistant, who has paid much
attention to the subject in
question. The Magistrate
considers that the Police
as a rule occupy a higher
position than was intended.
Many subordinate Magis-
trates are too lenient in
granting remissions and in
complying with other
requisitions which should
not be complied with.
They are naturally unwilling
to fetter or hamper the
efforts of the Police, and
are moreover afraid that
should they be too per-
-pulous in refusing their
-policitations, the Superinten-
-dant, who is in constant
and most friendly com-
-munication with the Ma-
-gistrate, would give him
an unfavorable report
of their conduct. The
Magistrate alludes to the
deficiencies

L. of 12. Aug. b. 9.

L. of 9. Aug. b. 10.

deficiencies of the old style of
Fahrsildar when he comes to
a discussion with the Police
Inspector who possesses su-
perior qualifications. He
mentions an instance where
an Inspector did pretty much
what he liked, and con-
cludes by saying that the
state of affairs in Lüneburg
does not exist in Friedrichsfeld.

Mr. Lönig had
occasion to notice a certain
undefined fear of the Police
on the part of some of the
Sub Magistrates and a
tendency towards subservience.
He therefore made a point
of placing the Sub Magis-
trates and the Police at
their relative positions and
duties were. From general
observation he is of opinion
that the Sub Magistrates
in his Division do, as a rule,
entertain correct notions re-
garding their position re-
latively towards the Police.

He

of the Sub-Magistrates being
men of the old school and
unacquainted with the new
Law. This state of things
has now passed away, a
better class of men having
taken the places of the older
hands. In one respect only
is there any suspicion of
subserviency, that is, in too
readily granting remands
for prisoners in the custody
of the Police with the view
of getting up evidence. Two
or three recent cases of this
objectionable practice have
been brought under the
notice of the Session Judge
and Magistrate, and the
proceedings recorded thereon
will have the effect of
making the Sub-Magistrates
generally more cautious in
respect of granting remands.

9. In Bellary the
Subordinate Magistracy hold
correct notions regarding their
position relatively to the
Police, but the Magistrate
thinks that a change is
required.

L. of 4. March. 68.

required in respect of the reports
made by the Police. He would
recommend that the Police
be forbidden, whether in
confidential reports or other-
wise, to cast aspersions on
the Subordinate Magistracy,
who feel the powers which
the Police inspectors possess
in this respect. They know
that charges which they
have no opportunity of
answering are placed on
record against them, and
the effect cannot be otherwise
than bad. The practice is
not allowed in other de-
partments, and he does
not see why it should
be allowed in the Police.

L. of 15. March. 68.

10. In Vizagapatam
there is no apprehension
in regard to the proper re-
lation of the Officers of the
Police to the Magistracy.
The Magistrate however
draws attention to the
tone and spirit in which remarks
are made on the Magistracy
in

in the Police District admin-
istration Reports for three years.
He gives extracts from the
reports, and points out that
they are not from every
day Diaries, but from carefully
compiled Reports, such as
the Inspector General of
Police deems it safe, and
decent, and proper, and
conducive towards the
entente Cordiale to print and
circulate officially. This renders
it evident that there is good
reason for constant watch-
fulness. The Police must
be put and kept in
their proper place. If the
Magistrate were to report
on the Police, instead of
the Police on themselves
and the Magistracy also
it would be a step in the
right direction.

11. In South Arcot
the Subordinate Magistracy
generally entertain correct
notions regarding their position
relating to the Police. The
relative

L. 28. March. 1874.

L. of H. Kelly. 6.30.

relative functions and duties assign-
ed by Law to the Magistracy
and Police are well under-
stood by each Department
and the Magistrate bears
unqualified testimony to
the nature and efficiency
of the New Police, the or-
ganization of which has,
in his opinion, greatly fa-
cilitated the Criminal
Administration of the Country.
The joint Magistrate, states
that the only point on which
he has noticed that the Sub.
Magistrates are overburdened
by pressure from the police
and to some extent forced
into obeying them, is in
cases where an Inquest is
required. The Police have
clear directions in Section 161
of the Code of Criminal
Procedure for conducting
Inquests themselves with the
assistance of Villagers, but
the joint Magistrate
regrets to see them almost
universally evading their work,
and thereby causing in many
cases

cases unnecessary trouble.
to the Subordinate Magis-
tracy. The Police Depart-
mental instructions are -

"Get a Sub Magistrate
on the spot as soon as possible,
so that in case there may
be any suspicion of crime
he may be able at once
to take down depositions
on oath."

It may be useful
in some cases that the
Sub Magistrate should
attend, but the Joint
Magistrate thinks that
it should be made generally
understood that he has
full power of deciding
on the spot, and as a
matter of practice would
never do it unless the par-
ticular circumstances that
would make it advisable
were reported clearly and
in detail.

12. The Magistrate
of the Krishna District states
that from the reports which
he

L. 79. April. 1892.

he has received from the
different District Officers and
from his own observations,
he is of opinion that the
relative position of the
Subordinate Magistrates
and Inspectors of Police
are fairly understood
and acted upon. The
Head Assistant Magistrate
is of opinion that Police
Inspectors exercise considerable
influence over Sub Magistrates
from their superior training,
but does not think that
the influence is abused.

The Magistrate
adds that it is to be regretted
that Sub Magistrates cannot
undergo a more systematic
training than is at present
the case -

PROCEEDINGS of the MADRAS GOVERNMENT.

Read the following letters,

From the Magistrate of Malabar	Received 2 ^d February 1867	No. 12
" Bellary	5 th	8
" Golarney Dist ^{ct}	6 th	29
" Trichingopoly	12 th	9
" South Canara	13 th	356
" Cooldapah	18 th	5
" Salim	19 th	10
" Tanjore	22 nd	46
" Coimbatore	27 th	17
" N. Arcot	2 nd March	11
" Pollar	11 th	8
" Vizagapatam	15 th	65
" Ammal	26 th	22
" South Arcot	28 th	14
" Madras	2 nd April	120
" Madras District	2 nd	60
" Putha District	9 th	92
" Ganjam	11 th May	82

Order thereon 21st August 1867/1357

The Governor in Council
considers that the reports of the
Magistracy above recorded
afford

afford satisfactory evidence
that with rare exceptions the
sub-magistracy and the Police
understand and maintain their
relative positions and that the
Police are not allowed to exceed
their legitimate functions in
the manner complained of by
the Judge of Timbuctoo
out of whose remarks the
reference has arisen.

2. The Magistrate of
the Yellow and ^{Vegetation} Districts
object to the com-
ments of Police officers upon
the Magistracy which are con-
tained under the heading
"Relations with the Magistracy"
in the Police District Adminis-
tration Reports.

3. Mr. Carmichael's letter
will be sent to the Inspector
General of Police for his
information and his Opin-
ion will be requested in
future to exclude from the
published reports of his
Department all comment
on

on the proceedings and conduct
of the Magistracy. The diaries
of Police Officers prepared
for the information of the
Superior Officers of the Police
Department and of the Inspector
General of Police should
be considered as strictly
confidential communications,
but even in these the Inspector
General of Police is request-
ed to repress any tendency
on the part of Police Officers
to carp at or acrimoniously
criticise the proceedings of
the Magistracy.

4. The attention of the
Inspector General of Police
and the Magistracy is direct-
ed to the undue leniency
on the part of the sub-magis-
tracy in granting remands
at the instance of the Police,
noted by the Magistracy
of North-West and Timbuctoo
and also the unnecessary trouble
imposed

imposed on the subordinate
Magistrates, by summons on
the part of the Police, to
attend inquests reported by
the Joint Magistrates of
the South Arcot District.
The Police and subordinate
Magistrates should be in-
structed by their respective
superior Officers as to the
requirements of the Law on these points
as contained in the Indian
Code of Criminal Procedure.

PM

140 25/10 1870
19/10/70 9.2.1870

To the Super. Genl of Police
despatch " Magistrates of all Districts

Industrial 1867. Department.

No. 1507.

PROCEEDINGS OF GOVERNMENT.

252.270

Dated. 21 Dec 1867.

252.270.

252.270