

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No.	1944	Press
		~~Alis~~
Dated	28-11-1867	

354-355

6/9

Not to be folded or roughly handled

1/11/30

*Proceedings of the Madras Government, Judicial Department,
23th November 1867.*

No. 354. Read the following letter from the Inspector General of Police, to the Chief Secretary to Government, Fort Saint George; dated Kotagherry, 8th November 1867, No. 2036.

I have carefully reconsidered the subject of my letter to Government, dated 22nd November 1866, No. 1831, and Government Order, dated 22nd February 1867, No. 289, with reference to Government Order, dated 7th August 1867, No. 1273, which simplifies the matter under consideration.

2. The point under reference is this:—Some Magistrates, by no means all, enter in their *B* Forms only those cases which come judicially before them for trial. I suggested that the *B* Form be a complete register of all offences which occur, and are reported by the Police or others, within the local jurisdiction of each Magistrate.

3. There is, of course, much force in the views of the Magistrate referred to. The argument, no doubt, is that the Magistrate's file (the *B* Form) is a record of the judicial work of the Magistrate's Court, and not a record of occurrences; that the Police, have by law, a concurrent cognizance—with due notice of the occurrence of such offences to the Magistrate under Section 133, Code of Criminal Procedure—of the offences specified in Column 3 of the Schedule annexed to the Code of Criminal Procedure, and keep their own registers of these offences and the steps taken by them, and that they must, therefore, look for the compilation of the criminal statistics of the district, in respect of such offences as are not brought to preliminary inquiry before a Magistrate, to their own records, and not to the judicial file of the Magistrate.

4. My view is that a Magistrate in this country is more than a sitting Judicial Magistrate; that he exercises a general control, and supervises in respect to the occurrence, prevention, and detection of all crime which the law requires shall be immediately reported to him; that his file is more than a mere judicial file, and should show the true condition of his charge in respect to crime, by bringing on the record all offences reported to him by the agency at his disposal, whether Police or Heads of villages; and that he should make frequent inquiry as to what has become of cases which have not gone further than the first report. I would, therefore, have him bring on his file all the crime that occurs.

5. Such I believe to be the main features of the difference of views taken; and I must leave it to the Government to decide on the course to be followed.

6. As a practical matter, for mere purposes of compilation of statistics, the Police Registers are complete of offences within the cognizance which are brought to their notice; but it must be clear that, if the view I take of the Magistrate's file be correct, the *B* Form is a more perfect basis of compilation (some charges are, of course, preferred direct to the Magistrates), and is a useful check on the Police Register.

No. 355. ORDER THEREON, 28th November 1867, No. 1944.

The Governor in Council, after considering the correspondence above recorded, is not of opinion that it is necessary to adopt the suggestion made by the Inspector General of Police, that Magistrates should cause all offences reported to them by the Police to be entered in Form *B*.

(True Extract).

To the Inspector General of Police.

Ed. J. H. Burns.

Chief Secretary.

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Memo for orders.

With all deference to Mr. Robinson's
experience I submit that he has
not made out his case. He wishes the Magistrates to enter
in the B form not only, as the heading
of B form indicates, cases before the
Mag. but offences which are
reported by the Police.

Mr. Robinson states that this
is necessary.

1st Because he compiles his criminal
statistics from the Magistrates B forms

and that his statistics will
be incomplete without the entry
by the Magistrate of offences reported
by the Police.
2nd because this entry would
enable Magistrates to observe
whether the Police are bestowing
themselves about undetected
cases. -

As regards the preparation of
statistics - Mr. Robinson concludes
vide para 6 of his present letter
that he can prepare the statistics

without the alteration proposed in
the B form, from his own Police
Registers.

As regards 2nd point the Magistrate
who does his work well, has a list
of reported offences and makes
the progress of detection, & the mere
entry into Form B. will not alter
his practice.

If Mr. Robinson's view is adopted
it would be better that the
Magistrate should have a separate
form for cases ~~occasionally~~
offences as reported by the Police

~~My report was made~~
~~My report was made~~
in the case of the

in which the case is before the
may it will be difficult to
fill up the columns. - of Form B
and the heading of this
form is imperfect.

I would suggest the maintenance
of Form B. and that the statistics
now reported be compiled
from the Ohio Registers

C18.4
P25

and the statistics included in it
I think that the present method
of reporting statistics that such
a report of a District ought to
have such periodical returns as
will enable him to have at any
time the proper thing and then
make in his report to the State all
officers reported in the statistics
of the work reported to for the
year before in the heading of
the Form B. will make it available
for the inclusion of all cases
reported to the State
I would also the heading of
Form B and sanction the
adoption of the following proposal
over

Mr. Robinson's definition of a distinct
magistrate's powers may be
sufficiently correct, though I rather doubt
whether the practical application of those
powers by the magistrates generally, would
not be regarded by the Police Department
Officers as a partial invasion of what
they consider has been specially conceded
to them. But, however that may
be, we have simply to determine now,
whether, as a matter of Statute, a Form
B required for one & that a purely
judicial purpose - shall be made to
serve another. I am clearly of opinion
that the measure ought not to be
allowed. It is not denied that the Police
^{& must have} have in their own hands the material
necessary to admit of the preparation
by themselves, of the return w. Mr. R -
would not have prepared by the
magistrate - why then, multiply returns?

Following up Mr. R's definition of the modern
Indian Magistrate, he ^(magistrate) should know all that is
going on in his case - but he does know that,
without having imposed on him the duty of a
formal periodical return of what he knows -
The Police also know & record what the Magistrate
knows & they are bound to keep a record of
it - I wd. therefore let them use the returns
at present they must keep - & when
the duty of the new labor w. Mr. R - wd
be made to perform -

It is all very well for the Judge now to allow
Form B to suit Mr. R's present view and
the objection made to him in November 1866 -
But the point really before Judge for decision
is, whether a certain Head of
Magistrate was justified in declining to include
in Form B particulars which do not belong
to that Form.

My view is, that the Hd. of Magistrate was justified
in his refusal - and I would not modify
the Form B to suit the Inspector General's
call.

W.D.

I may add in parenthesis that

Understand and Unapportioned are somewhat
unhappily the weight of the labor of
even now have to bear in preparing
Statistical column to enable Mr. R. to get
up his statistics. W.D.

I agree to the views expressed by
S. W. Phillips. N.

Judicial Department

PROCEEDINGS of the MADRAS GOVERNMENT.

Read the following letter from
the Inspector General of
Police.

2/8 Nov. 1867. No. 2036.

Order thereon. 28 Nov. 1867. No. 1944.

2036
320-67
1375
7.8.67

W.D.

— Simi
M.H.

The Governor in
Council, after consi-
dering the correspondence
above recorded, ^{is not} ~~is not~~
of opinion that ~~it is~~ ^{it is} neces-
sary to adopt the
suggestion made by
the Inspector General
of Police that Magis-
trates should cause
all offences reported

to

to them by the Police
to be entered in Form B.

Inspector Genl. of Police ^{2/12}

John B.
1867. Department.

No. 1944

PROCEEDINGS OF GOVERNMENT.

Dated 28 *th* November 1867

Comd.