

1884
Judicial (193) Department

Copy SERIES.

G.O. No. 2336

DATED 12-7-1884

Confidential

[Despatch Abstract.]

Forwarding to the Govt. of India
Memorandum re: relations of the
Magistracy & Police in the
Madras Presidency—

BACK PAPERS.

No.	Department.	Date.	G.O.	No.	Department.	Date.

FURTHER PAPERS.

No.	Department.	Date.	G.O.	No.	Department.	Date.



Similar
28 July 1884

My dear Sullivan -

*I do not know whether
this matter is in your Dept
or not - if not perhaps you will
kindly make on this note
a paper by your colleague -*

*I enclose 3 copies of some queries
we want answered as fully as
you can get them - to help Linton
in drawing up his report on
the History of the Judicial*

*Please
the de
prop*

verms Execution Functions
of Wein - I am afraid you
may not be able to give a
very full or decided reply
to N 5. as I do not think your
Notations will show the distinction
but as the question is framed on
one of the principle 'howls' in
the Memoranda from home and
from Biagal - I shall be glad to
set as much information as

possible - I read there
D. O. - because we do not want
to make it an Official Suggestion
until some more necessity
is shown for it than at present.
* You can get the information
in what ever way you think
best -

Believe me

Yours truly
J. Gibbs

Dear Webster
Will you see
Hammonck or
some one at this?
Yours sincerely
Charles

3/7

add Mr. Gentry's name
to the list
Hobbes sent to
Madison to be
printed

11/5/94

W

Dear Hannah
Herewith a
little job to
occupy you

W
C F W
1/8/84

Please despatch
the semi-officials as
proposed - C F W
8/8

Indial Department

From the Hon^{ble} J. Gibbs -
d. 23rd July 1884.

The Hon^{ble} Member of the Indian
Government forwards a set of
questions upon the relations
of the Magistrate & Police, for
answer.

It is quite unpracticable to
answer them without a
reference to District Mag, High
Ct & Police. Copies have therefore
been printed and semi-officials
drafted to ^{the} Magistrates, the
J. & Police & Magistrate High Ct.

When the answers come a
reply will be sent to India

7/11/04 Mr W 7/8

Strictly Confidential

Nellore & Co.

Extra No. 1

On circuit Nellore

From ^{21st Aug} J. Grose Esquire,
^{22nd Do} District Magistrate,
Nellore

District Magistrate,
Nellore

To the Honble G. F. Wallbridge

Chief Secretary to Govt
Judicial Dept

Sir,

I have the honor to acknowledge
receipt of your letter of the 8th
desiring replies to certain queries
on the relations between the
Magistracy and the Police.

Those questions seem to be inapplicable
to the circumstances of
this District, and I have had
difficulty in discussing them.
My answers (in the order of the
questions) are as follow:—

1. There is no control of the
administration of the Police
Magistrate here. The control
only amounts to advice.

any of remarks in office just
cases (except as regards directions to keep order & justice
as I have said, there is no control".
vols. (the like)

case is referred to the Police
inquiry, the Magistrate referring
it.

Magistrate holding an inquiry
under Section 159 C. P. C. by Court
inquired into.

Magistrates do not ask for
diaries, or give directions re-
specting the collection of
evidence (except by making
suggestions) before the final Police
Report is sent in.

Statistics of the kind referred
in Question 5 are available,
the matter has never seemed
of importance here. If
statistics are wanted, I
can get them compiled slowly,
asking Magistrates examine their
records.

Q. There is no union of
civil functions in Magistrate
in so far as the Magistrate
to take the part of Counsel
to elicit facts, which bear
cases tried by him. I have
no difficulties or objections
have been there. Cause 1. =

I have the honor
Sir,
Your most Obedt
J. P. M.
District

Strictly Confidential

C No 3386.

1884

Nellore Dist. Magistrate's Office,

FROM

THE DISTRICT MAGISTRATE
OF NELLORE.

To

THE

*Chief Secretary
to Government*

Dated

Despatched

Received

21st August 1884
22nd do.
Extra No. 1 Enclosures. *none*

SUBJECT.

*Replying to certain
questions enclosed
in his letter of the
8th August 1884.*

CONFIDENTIAL.

Camp, MARKAPUR. Aug. 29/84

From W.H. GLENNY, ESQ. Dt Magte of KURNOOL.

To The Hon E. FORSTER WEBSTER, Chief Secretary to Govt.
Sir,

With reference to yr letter of 8th inst. I have *the* *h*
to submit the following information, it relates to the
25 Magistrates subordinate to myself.

1. In no case has any present incumbent ever taken the
prely investign out of the hands of the Police on
receipt of the "Occurrence Report" sent up under Sect.
159. — (It follows of course that none of them has
ever "tried" a case "enquired into" by himself.)

2. Never has a "Diary" been received before an "occurrence
Report". — (Consequently no orders to Police about
evidence *do* have ever been given on receipt of Diary.)

3. In the three years 1881, '82, '83, EIGHT Magtes
have disposed of 125 cases NOT brought before them
by the Police.

Of these 98 were Forest cases. These were taken up on
complaint by Forest Officers.

up

1 case was taken ~~up~~ on a Village Magte's report.

FIVE Magtes initiated 14 cases on their own knowledge (or suspicion; distinction between "knowledge" & "suspicion" is practically impossible.) & in every case the Magte tried the case himself.

I have taken pains to get the Magtes to understand the queries, & have sifted the replies. But absolutely correct figures cannot be obtained. This is partly due to the frequent changes in personnel in the course of the three years.

I have the honour to be, Sir,

Yr most obdt Servt

W. H. Glenn
District Magte.

Madura Dist
Magistrate
Madura
4th September

Sir

With reference to your
D.O. of the 8th August 1884,
I have the honour to forward
herewith a memorandum,
containing answers to the
questions therein mentioned

Yours sincerely

C. S. Little

Dist Magistrate

4/9

To the Chief Secretary to Government

Madras

Telegraph Master

CHIEF SECRETARY
3 SEP 84
GOVERNMENT OF MADRAS

Relations of
Magistrate & Police

1/9

Judicial Department

INDIAN TELEGRAPH.				
XS 00 lacam				From (Station) Vindia
34	Day 10	Hour 14	Minute 11	URGENT
To (Person) Honble Mr. Master				From (Person) Honble Mr. Spinks
When may I expect reply to my semi-official enquiries about magisterial and police functions				
*magisterial				
J. L. Atkinson				
RECD. FROM		L. N.		SENT TO
At	Hrs. Mts., By			At
GOTACAMUND 10-3-84				
Telegraph Master.				

For. J. G. Police
 " Dist Magistrate Karnool.
 " Dist Magistrate Villers.
 " Dist Magistrate Madura.

For orders

The Honble Mr Giff asked for a
 to 6. questions which he found
 Replies have not yet come from
 High C. or Dist Mag S. Canara.
 Dist Magistrate Gampain:

Mr Croes' answer is by far the best &
 fullest:

Question I.

G.O. 10 Oct 74. No 1889.
 G.O. 7 June 1880. 1349. }
 1st.
 & many other orders.

G.O. 16 Aug. 1880.
 No 1992

The government have from time to time
 since the introduction of Act No. 10 of
 1859 insisted upon the general
 absolute subordination of the
 Constabulary to the Magistrate as
 fixed principle of administration.
 But practically the control and
 direction of the administration of
 Police exercised by the magistrates
 as stated by the J. G. of the slightest
 description.

ounts to advice and assistance
out generally by means of letters
the occurrence reports forwarded
Police to the Magistrate having
inclin. Recently the Government
directed that it is not necessary
Magistrates to leave their courts
and hurry out to the scene of
trivial cases reported by any
house officer. And under
G.O. Magistrates confine their
interference in Police work
cases of very serious nature. The
policy of this Presidency is that
Magistrates ordinarily should
interference with Police operations
leaving them selves to remarking
Police conduct at the close
criminal cases brought before
-

G. O. 22 March 83
No 860.

Magistrates do with certain
enquiries into cases in which
may have exercised some control
the Police. Thus a Magistrate,
leaving the Police to make further
investigation and to charge an
and in any case where the Police
recommended a case to be

Q: 2:

Think of a false, wrong
the same case. But in cases
a Magistrate has after enquiry
made under his control and
direction, applied for sanction
prosecute, he would not work
on the District Magistrate would
without application, cannot be
to be transferred to another Magistrate
for trial. Such would certainly
done where a public servant
charged of an offence after an enquiry
made under the orders of a superior
Magistrate. It is however very
exceptional for a Magistrate to have
any thing to do with actually
controlling the Police management
a case before it comes into his
court.

Q 3.

Enquiries
Cases taken up under Section 159
are not frequent and as a rule
are confined to cases of very serious
gravity involving a commitment to
the Sessions Court, such cases would
be doubt be tried by the Magistrate
holding the Enquiry. Statutes for
Karnool show that in 81-82

Cases have been taken up by
Magistrates where the preliminary
inquiry was not made by the
Police and of those cases 98 were
cases where the complaint &
inquiry was made by Police
in a

Q. 4:

The diaries referred to in § 172
as a rule submitted to the
Magistrate before the
initial Police report referred to in § 173
is made. Occurrence reports which
are really copies of the diary kept
are submitted when demands are
made for further demands, and
sometimes, though rarely, Magistrates
may by endorsement give the
Police instructions regarding the
collection of evidence. Such
instructions generally would be of
a most general kind and confined
to comments on the insufficiency
or otherwise of the facts produced
as a ground for the grant of demands.
The common custom of native
Magistrates is to denominate any

witnesses they may instruct the
Police to call as "Court witnesses"
in their record of the facts before
them.

Q. 5: State then as regards question 5
cannot be collected without
considerable trouble:

The District Magistrate made a
report that only 3 cases in that
District have been taken up under
Clause C. of Section 191. This is
probably not accurate, but such
cases ^{are} very rare. From Kurnool
it is reported that in the last 3 years
5 Magistrates have initiated process
in 14 cases only upon their own
"Suspicion" of an offence having
occurred.

In such cases the Magistrate
would doubtless in some cases bring
the cases themselves, but where
any objection on behalf of the def
might be raised, a transfer would
without doubt be obtained.

g. reports that no difficulties Q. 6.

arisen in the Executive
ment or unfavourable
ments. from the union of the
utive and judicial functions
Magistrate. The District Mag^r

adura reports his opinion that
in many cases very beneficial
the Magistrate have the authority
to keep in Police investigations

persons may be arrested with out
further cause by the Police. He
th what probably is the experience

very District Magistrate that the
ordinate Magistrate are prone
to look upon their functions as purely
judicial; and that owing to this

a delay often occurs in the trial
cases and occasional failures
justice occurs: This only gives

that District Magistrate
had any cognisance of Police

tion in the District though the
Magistrate's weekly diaries
are now, on the 12th of the month

G.O. January 8th.
No 193.

of a committee which considered
the question, submitted through
the District Magistrates to the
Deputy Inspectors General.

Cases such as those arising
out of the Salem trials, where a
Magistrate was appointed as
of a different nature and the
Comments made from time to time
on those trials show that the
mode of investigation there was
foreign to the system generally
employed in the Presidency -

No answer has yet been
received from the High Ct. as
rem under will go to the Reg^r
for a reply.

M
11/19/74

11/19/74

11 62-56 67. 68.

My dear Sir

Cnr 3719

Judicial (1884) Sept 16

From

J. G. Horsfall Esq.
D. Magistrate
Gangam

5/9th } September 1884
19/9 }

Re Police and
Magistracy.

Judicial DEPARTMENT.

No.

From The D. Magistrate, Gangam, 3/9 Sept 1884
" The Registrar, High Court, Appellate Side
Dated 20th Sept 84.

FOR ORDERS.

Yes, send on
will
23/9

The D. Magistrate and the Registrar
District Magistrate for ward
Letter on the Administration of
Police and Magistrate, it is
assumed they may go on
to Mr. S. with a forwarding
D.O. They endorse the views
already expressed.

M
22/10/84
JW 22/

Cno 3719

Pluse Maysthai

FOR ORDERS.

Do. back from
orders

23 / 10 / 84

Letter CS Mark

Magistrate.

Scpt with
letter in original
24/9/84

Ootacamund

To Mr H. G. Gibbs

23. Sept 84

Dear Sir

In continuation of my D.O.
dated 12th Sept 84, I am directed
to enclose two further replies
to the questions enclosed in your
letter dated 23rd July last, one
from the Hija' Co. ^{the other} and one from
the District Magistrate, Ganguan

I am yours
Sincerely

LW

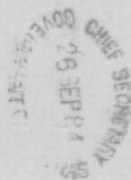
Dr. to Hon Mr Gibbs

of 24th Sept 1884

Camp Beltangodi
21st Sept 1884

Sir,

In reply to your letter
of the 8th August I have
the honor to enclose a set
of replies to the list of questions
regarding the relations of the
Magistracy and Police for-
warded therewith.



Yours very truly

J. Hurrock

To the Chief Secretary



Judicial

DEPARTMENT.

No.

From

Dated *1. Oct. 84.*

FOR ORDERS.

*yes send
Wm 3/10* Orders are requested
whether Mr Stumocks
communication should
be forwarded in continuation
of the former papers to
the Hon^{ble} Mr Gibb at Simla

W

1/2/24

SW

FOR ORDERS.

The Hon. C. G. Mason

Despatched with
original communication
6/10/84

Ostacumund
6 Oct. 1884

To
The Hon. J. Gibbs C.S.S., C.E.

Dear Sir

In continuation of
previous correspondence
in re Magistrate and
Police, I enclose a further
communication from
Mr. Sturrock, District
Magistrate of S. Canara,
of 21st September 1884.
This closes the replies
due

due from the officers
consulted.

11/2
4/7

Tw
4/10/1

4/10

D.O. to Hon Mr. Gibbs
of 6th October 1884.

D.O. from
orders

21st Oct 1884
Hon Mr. Gibbs
of 6th Oct 1884
D.O. to Hon Mr. Gibbs
of 6th Oct 1884
D.O. from
orders

JUDICIAL DEPARTMENT

CONFIDENTIAL

ORIGINAL

Letter No 2336

Dated 12th Sept 1884

Subject:

Do. to the Hon^r Mr Gibbs,
Gov^t of India, forwarding
memorandum re relations of
the magistracy and Police
in the Madras Presidency.