

Judicial (1895) Department.

ORDINARY Press

G.O., No. 1709-1710/0

Confidential No 133

DATED 15-8-95

[Despatch Abstract.]

Amendment of the Madras Police Acts

Directing that in preference to undertaking legislation for the —, the Govt of India be requested to extend certain provisions of Act V of 1861 to this presidency.

BACK PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.
	183-4	Polt	1891				
	324	Comp	1890				
	122	—	1889				
	60	Polt.	1884				

FURTHER PAPERS.

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

500-9-93.

CONFIDENTIAL

DEPARTMENT.

No. 7317

CHIEF OFFICE OF THE INSPECTOR-GENERAL OF POLICE,

Madras, 12 December 1894.

FROM

Colonel G.A. Portman,

INSPECTOR-GENERAL OF POLICE,

TO

THE Chief Secretary
to Government
Fort St George

SIR,

Enclosures.

With reference to G.O. No. 2528, Judicial Department (Confidential) dated October 22, 1894, I have the honor to make the following remarks—

(i)—Instead of a definition corresponding to that given in Section 1 of the Bill of the Government of India, I am of opinion that in the few sections of Madras Act XXIV of 1859 wherein reference is made to District Superintendents, it is advisable to specify where Assistant Superintendents be included and where not—

(ii)—Under present rules in the Police Order Book, Assistant Superintendents have not the same powers as District Superintendents and I do not consider any change called for in this

this

this respect—

(iii)—No distinction is intended between the expression "District Superintendent" and Superintendent—

Sect. 7. Madras
Act XXIV of 1859

2—After the words "District Superintendent of Police" the words Assistant District Superintendent of Police may be added—

Sect 10. Madras
Act XXIV of 1859

3-(i)—For the word "Deputy" the word "District" should be substituted—

Under present Police orders, Constables are appointed by District Superintendents and not by Assistant District Superintendents of Police, while the appointment of Head Constables by District Superintendents requires the confirmation of the Deputy Inspector General of Police. Moreover, Assistant District Superintendents are not empowered to suspend, reduce or dismiss without their orders being previously confirmed by the District Superintendent of Police—

I am therefore of opinion that Assistant District Superintendent should not be included in this Section—

(ii)—The word "reduce" should be inserted after the word "Suspend"—

(iii)—I do not consider necessary the addition of clauses (b), (c) and (d) of Section 2 of the Government of India Bill—

With

Sect XI. Madras
Act XXIV of 1859

Sect XIII. Madras
Act XXIV of 1859

Sect XIX. Madras
Act XXIV of 1859

(iv)—With reference to Clause (c)—Deprivation of good conduct pay— I would observe that in the rules on this subject proposed by me the loss of good conduct pay follows as a result of the withdrawal of good conduct stripes—

4—The alteration proposed in Section 3 of the Bill of the Government of India by which Police officers under suspension are declared ^{to be subject} to the same responsibilities and authorities as if they were not under suspension, may, I consider be embodied with advantage—

Sect XIII. Madras
Act XXIV of 1859

5—Assistant District Superintendents do not now possess the powers to appoint additional Police officers at the cost of individuals. Under Police orders, the sanction of the District Superintendent is necessary for such a step. No alteration is, in my opinion, needed here—

Sect XIX. Madras
Act XXIV of 1859

6—It is necessary that intention to resign be given to the District Superintendent of Police. Assistant District Superintendents need not be included here—

7—The alterations proposed in Section 4 of the Bill of the Government of India has been dealt with by Government in para 3 of its order under reference—

The

Sec 24. Madras } 8. — The words "who shall cease to perform the
Act xxiv of 1859 } duties of his office without leave" in this Section
probably cover the cases proposed to be provided
for by Section 5 of the Bill of the Government
of India. —

10 — The proposed provisions in Section 8 of the Bill of the Government of India may be substituted with advantage —

Sir
Your most Obedt ~~Servant~~
Chas. F. Collins Colonel
Inspector General of Police

CONFIDENTIAL No 474
Jedl (1894) DEPARTMENT.
CURRENT NO. 6639

FROM

Col. G. J. Porteus,

INSPECTOR-GENERAL
OF POLICE.

CHIEF SECRETARY
GOVERNMENT OF MADRAS
13 DEC. 1894
No. 7317

Dated 12th
Received 13th Dec 1894.

No.

SUBJECT.

Submitting his remarks on the
Govt of India Bill to amend
Madras Act XXIV of 1889.

I don't see what
we can do but
wait for Indian
reply

6
18/12

CURRENT No. 2344

[CONFIDENTIAL]

No. 299

FROM

J. P. HEWETT, ESQ., C.I.E.,
Offg. Secretary to the Government of India,

TO

THE CHIEF SECRETARY TO THE GOVERNMENT OF
MADRAS.

Home Department.
Police.

CHIEF SECRETARY
GOVERNMENT OF MADRAS
9 MAY 1895

Simla, the 2nd May 1895.

SIR,

I AM directed to acknowledge the receipt of your letter No. 2528, Judicial, dated the 22nd October 1894, regarding the Bill to amend section 49 of Act XXIV of 1859 (an Act for the better regulation of the Police within the territories subject to the Presidency of Fort Saint George) which it is proposed to introduce in the local Legislative Council.

2. In reply I am to say that since the above Bill was last under the consideration of the Government of India, the Bill to amend the Police Act, V of 1861, has been passed into law as Act VIII of 1895. This measure, as His Excellency the Governor in Council is no doubt aware, attracted very great attention throughout India, and the provisions contained in it were subjected to close scrutiny. [The Governor General in Council is not in favour of the introduction in the Madras Legislative Council of any Bill to amend the Madras Police Act which goes beyond the terms of the Imperial Act as recently amended. I am accordingly to suggest the desirability of assimilating the provisions of sub-sections (2), (3) and (6) of draft section 49 in the Madras Bill under consideration to those contained in sections 10, 11 and 12 of Act VIII of 1895. I am to explain that the object of draft sub-section (3), which is to prevent the use of emblems designed to offend the religious feelings of any class of the community, will be equally attained by the adoption in the Madras Bill of the provisions in sections 10 and 11 of the Act of 1895, as the use of such emblems, &c., could then be regarded as a matter connected with the "conduct" of an assembly or procession, and could suitably be regulated by the conditions of the license.]

3. With regard to sub-section (1) of draft section 49 in the Madras Bill, it is pointed out in paragraph 2 of your letter under acknowledgment that this sub-section gives a general power to prevent obstructions which covers the case of processions and assemblies, and that if processions and assemblies are specially mentioned, as was suggested in my letter No. 496, dated the 22nd August 1894, it is possible that doubts will be felt whether the power of preventing obstructions exists except when assemblies and processions are taking place. On this point the Governor General in Council adheres to the opinion expressed in paragraph 3 of my letter above referred to, that the power to prevent obstructions on the occasion of assemblies and processions might with advantage be expressly mentioned in sub-section (1). If the reference to assemblies and processions which has so long stood in the existing law is omitted, the inference may be that a

Comm. to
advise
H.M.

restriction of power is intended. His Excellency in Council, however, thinks that the difficulty apprehended by the Madras Government may be met if the words "at the time of assemblies and processions and at all other times" are introduced after the words "of public resort" in the sub-section in question.

4. In paragraph 6 of my letter of the 22nd August last it was suggested that the law in Madras regarding punitive police should be altered and provision made for compensation for damage caused by a riot. The Government of India observe that in G. O. No. 2528, Judicial, dated the 22nd October 1894, the Madras Government decided to repeal Madras Act III of 1882, and replace it by an enactment based on section 4 of the Bill to amend the Police Act, 1861, a copy of which had been forwarded to the Local Government. I am now to suggest that provisions similar to those contained in sections 4 to 6 of Act VIII of 1895 should be adopted in the law to be enacted for the Madras Presidency on the subject.

5. In conclusion, I am to suggest the desirability of adopting in the Bill to amend the Madras Police Act a section similar to section 15, sub-sections (2) and (3), of Act VIII of 1895, regarding the making of rules.

I have the honour to be,

SIR,

Your most obedient Servant,

J. P. Hewitt

Offg. Secretary to the Government of India

1989
CURRENT No. 2344

CONFIDENTIAL No. 168

From

The Govt of India

Home Dept.

No. 299

Dated 2 May 1895

Recd 4
File 12

Encl. 7 sp. co. g. l.

Pointing out certain provisions
which it is desirable to
adopt in the proposed Bill
to amend Sec. 49 of Act XXIV
of 1859.



Memorandum No. 1557

Read again 20 of 6 Dec. 1893. No. 2555 Jnd.

Read the following

From the Government of India, Home Dept., dated 2nd
May 1895, No. 299: -

close scrutiny. The Governor General in Council is not in favour of the introduction in the Madras Legislative Council of any Bill to amend the Madras Police Act which goes beyond the terms of the Imperial Act as recently amended. I am accordingly to suggest the desirability of assimilating the provisions of sub-sections (2), (3) and (6) of draft section 49 in the Madras Bill under consideration to those contained in sections 10, 11 and 12 of Act VIII of 1895. I am to explain that the object of draft sub-section (3), which is to prevent the use of emblems designed to offend the religious feelings of any class of the community, will be equally attained by the adoption in the Madras Bill of the provisions in sections 10 and 11 of the Act of 1895, as the use of such emblems, &c., could then be regarded as a matter connected with the "conduct" of an assembly or procession, and could suitably be regulated by the conditions of the license.

From the foregoing extract the Honorable the Advocate General will observe that in the opinion of the Government of India the use by processions of emblems designed to offend the religious feelings of any class of the community may be regarded as a matter connected with the "conduct" of a procession and could therefore be suitably regulated by the conditions of the license which can be prescribed under Sec. 10 of Act VIII of 1895. This section amends section 30 of Act V of 1861, clause (3) of the amended section empowering the Superintendent of Police to "issue a license specifying the names of the licensees and defining the conditions on which alone such assembly or such

"procession is to be permitted to take place and otherwise giving effect to this section". The wording of this clause is apparently wide enough to cover the insertion of any condition in the license but it is probable that the Courts would hold that only such conditions are permissible as fall within the scope of the general powers given by clauses (1) and possibly (4) of the section.

Clause (4) deals with the regulation of music and clause (1) authorizes the Superintendent

(i) to direct the conduct of assemblies and processions on the public roads, and

(ii) to prescribe the routes by which and the times at which they may pass.

If, therefore, the use of objectionable emblems can be regulated at all, it must clearly be regarded as a matter connected with the conduct of assemblies and processions.

It is observed, however, that the same expression, viz. "may direct the conduct" occurs in § 49 of Madras Act XXIV of 1859 and in the judgment of the High Court read in S.O. dated 6 December 1893 No. 2555, Judicial, it was held that the words did not include power to remove objectionable emblems and were limited in significance by the subsequent mention in the same section of specific things which might be done.

The Honorable the Advocate General will be requested to favour Government with his opinion as to whether the Courts could put a similar construction upon the wording of Section 30 of Act V of 1861 as

amended by § 10 of Act VIII of 1895, or whether the Government of India is correct in its contention that the use of objectionable emblems by processions and assemblies could be regulated by the conditions of the license which can be required under clause (3) of the section.

Ootacamund }
6 July 1895 }

Bedriehico
Chief Secretary.

To

The Government Secretary

CURRENT No. 3410

Confidential



No. 378

Madras 15th July 1895.

From,

Ernest Barclay

Government Solicitor

Madras.

To,

The Chief Secretary to Government

Ootacamund

Sir,

With reference to your Memorandum No. 1557, Judicial, dated 6th instant, I beg to forward herewith, in original, the opinion of the Advocate General on the question referred to him. I also return your Memorandum.

I have the honor to be

Sir

Your Obedient Servant

Ernest Barclay

Government Solicitor.

1895

Dept.

Enclos. No. 1

To

C. No. 3410

Judl Dept
CURRENT No. 3410
CONFIDENTIAL No. 248

From

The Government Solicitor

No. 378

D 15 }
R 16 } July 1895
Rys 18 }
Encls. 2

Amendment of Madras
Police Act.



Confide

Re Memorandum No. 1557, Judicial

Opinion.

1. I do not think that the construction put by the High Court upon Section 49 of Madras Act XXIV

(a) See G.O. dated 1859 in Second Appeal No. 1679 of 1892^(a) can be 6th December 1893 No. 2555. put upon Section 30 of Act V of 1861 as amended by Section 10 of Act VIII of 1895.

2. Section 30 of Act V of 1861, before it was amended, empowered District and Assistant District Superintendents of Police to "direct the conduct & prescribe the routes and times of, and regulate the use of music by, processions. Section 49 of Madras Act XXIV of 1859 contained similar provisions, and the construction of the words "direct the conduct" was restricted by the High Court in the second appeal, above mentioned, to the powers "set out with particularity" in the section. The right to remove objectionable emblems was not provided for therein either specifically or by implication, and, therefore, did not exist.

3. Section 30 of Act V of 1861, as amended by Section 10 of Act III of 1895, confers an additional power upon the above named Police officers. In certain cases they may require a license to be applied for and may define therein the

Jud. Dept.

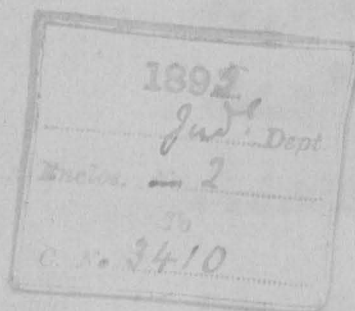
Conditions on which alone such assembly or such procession is to be permitted to take place. I think that the use of emblems can be regulated by the conditions of such license. Section 30A provides for the case of the violation of such conditions.

J. A. Spring-Branson

Madras Advocate General

15th July

1895



DEPARTMENT.

C. No. 5455 from the Govt. of Bombay
6139 from the D. of Police
2344 from the Govt. of India

ERS.

Current No. 2344 is the reply of the Govt. of India to R.O. of 22 Oct. 1894 No. 2529 regarding the draft Bill to amend 549 of the Madras Police Act XXIV of 1859.

With reference to the objection that to insert in subsection (1) of the Bill a special mention of "assemblies and processions" would possibly raise doubts as to whether the power of preventing obstructions existed in other cases, the Govt. of India points out that this difficulty can be met by the insertion of the words "at the time of assemblies and at all other times" after the words "of public resort". There appears no objection to this proposal.

The Govt. remains firm in its objection to the form of subsections (2) and (3) and (b) the

Conditions on which alone
procession is to be permitted
think that the use of emb
by the conditions of such
provides for the case of
conditions.

Madras

15th July

1895

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690-7-5-95.

DEPARTMENT.

C. No. 5485 from the Govt. of
Bombay
6139 from the J.P. of Police
2344 from the Govt. of India

It would have been much more conve-
nient if the copy of Act V of 1861 put
up had been corrected to date.

~~Resolutions~~

FOR ORDERS.

The following distinct matters
are here dealt with:—

(1). The improvement of Mad.
Act III of 1882 regarding Peni-
tence Police.

(2). The amendment of S. 49 of the
Mad. Police Act XXIV of 1859,
regarding the power of the Police
to regulate processions &c.

(3). The general amendment of the
Madras Police Act, in regard
to certain details.

I entirely agree with the f. of I.
that, after all the trouble & ex-
penditure there was last cold weather
about the passing of Act VIII of 1895,
no more amendments or alterations of
Police Acts should be undertaken than
is seen that. Instead therefore, of amending
the legislation here our Penitence Police
Act—see (1) above—as it cer-
tainly should be amended, I would ask
India District SS. 15, 15A + 16 [by
the figures "13, 14" in two places] of
Act V of 1861, as amended by VIII
of 1895, to this Presy. This can be

done under S. 46 of the amended
V of 1861, and at the same time
by the same act Subsections (2)
& (3) of the same S. 46 will come into
force here, very conveniently. If
we adopt this course, we need not
enter here on a piece of legislation
which will certainly give us a good
deal of trouble, which we might
horribly fail to get through in the com-
mune in which it now appears in

Current No. 2344 is the reply of the
Govt of India to P.O. of 22 Oct. 1894 No.
2529 regarding the draft Bill to
amend S. 49 of the Madras Police Act
XXIV of 1859.

2. With respect to the objection that to
insert in subsection (1) of the Bill a
special mention of "assemblies and pro-
cessions" would possibly raise doubts
as to whether the power of preventing ob-
structions erected in other cases, the
Govt of India points out that this dif-
ficulty can be met by the insertion
of the words "at the time of as-
semblies and at all other times"
after the words "of public resort"
there appears no objection to this pro-
posal.

3. The Govt remains firm in its ob-
jection to the form of subsections 2)

As regards subsections 2) (3) + 6) the

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a notice directing that an application for a license shall be made, there would ordinarily be time for the Supt. or his asst. to consult the District or Sub-Divisional Magte.

(ii) The Dist. Supt. and his asst. will not have the power of ordering that a specified assembly shall not take place, in cases where there is no time to refer to a magte. empowered to take action under s. 144 of the Cr. P.C.

This is an important difference; instead of having power to prevent a procession from ever starting, the Supt. & his assistant can only disperse it after it has started, and after it has violated the conditions of the license granted to its leaders. - As was remarked in the letter to the Govt. of India, G.O. of 22 Oct. 1894 No. 2529, if their power is confined to the dispersal of assemblies

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600-7-5-95.

the India Act already in the Statute book & therefore not to be cancelled. ^{Our Act III of 1882 w. have to be repealed, but that w. it cause trouble.} As regards (2) above, we had better get the opinion

FOR ORDERS.

of the Advo. Genl. as below sug. Gertie. He agrees with the Supt. I think we must point out to India that they have overlooked the H.C. judgment in the S.P. of Dec 6, 1893 (Prendergast's case) and ask leave to add a few words to their amended S. 30 to cover banners, surbanners &c. ~~of the~~ which we can then take as our model. If he disagrees, it will be a question whether we should legislate or the ask India to extend S. 30, 30A, 31 & 32 of their amended Act.

The minor amendments falling under (3) above can stand over until we decide what to do under head (2)

20/6/95

I agree

JG

24/6

W

26 June

I don't read the new S. 30(2) of V of '61 in this way. Itake it that it means that the Supt. (or Asst. Supt.) is himself to be satisfied that a disturbance exists which would "in the judgment of the magte. [that is, if the magte. knew the circumstances] be likely to cause a breach of the peace". That is, the Supt. is to be satisfied of the effect which the facts, if known, would produce on the mind of the magte. It is an extraordinary clumsy way of putting it. How? have you tried to say that the Supt. must be satisfied that a breach of the peace was likely. But I can put no other meaning on the word.

I think my own copy agrees is right as to meaning of the Supt. JG

Govt. of India writes that it is not in favour of any provisions which go beyond the terms of the Imperial Act just sanctioned (VIII of 1895 - the Act to Amend Act V of 1861.) & therefore suggests that these subsections should be assimilated to sections 10, 11 & 12 of that Act.

The Madras Bill will be found under cover of G.O. of 25 April 1894 No. 986, but it is to be remembered that in G.O. of 22 Oct. 1894 No. 2529, the Govt. besides approving the additions (in red ink) to subsection (2), consented to confine the powers conferred by that subsection to police officers not below the rank of Asst. Dist. Supt., and to restrict subsection (3) to the case of the same class of officers.

The effects of accepting the Govt. of India's proposal to assimilate subsections (2) & (3) to sections 10, 11 & 12 of Act VIII of 1895 are as follows:

(i) The Dist. or Asst. Dist. Supt. will be unable to issue a notice requiring the leaders of a procession to apply for a license, without first satisfying the District or Sub-Divisional magte. that such procession or assembly if uncontrolled is likely to cause a breach of the peace.

This condition is perhaps not of vital importance. Where there is time to issue

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90 and processions conducted in such a
for manner as to provoke religious ani-
be mosity, the mischief which the Bill
has designed to avert may be done before
as they can interfere. -

the Further subsection (3) of the Bill provides
for interference by the police in cases
where no license has been directed to
be taken out, but sections 10 to 12 of the
India Act (the 1904) do not seem to
contemplate any interference in such
cases. This is a serious omission,
as a Police Supt would be practically
powerless to take any preventive steps
off in case where a procession, ordinarily
unaccompanied by disturbance, ~~thus~~ in
respect of which for that reason no license
had been required, suddenly became likely
to lead to a breach of the peace.

(iii) A Supt & his Asst would be
unable to ~~remove~~ put a stop to the
use of objectionable emblems &c, otherwise
than by dispersing the processions, and
they would be without even this power
unless a license had been issued requiring
that such emblems &c should not be
used.

The Govt of India considers that the
use of such emblems could be
regarded as a matter connected with

I don't think the case is as bad
as is here put. Under S. 127 C.C.P.
a Magistrate or Station House Officer may
disperse any assembly of five or
more persons likely to cause a distur-
bance of the public peace & disperse
under S. 128 may disperse them
by force if they disobey. Still, no
doubt it is better to have the
power to prohibit an assembly or
procession, than the power to dis-
perse it.

The S & G in C is not in favour
of any Bill going by and the
terms of the Bill are not, &
I don't think amendments can
be prohibited.

W. J.

FOR ORDERS.

the "conduct" of an assembly or pro-
cession and could suitably be regulated
by the conditions of the license. - Clause
(3) of section 10 of the London Act empowers
the Supt or his Asst to "issue a
license specifying the names of the loca-
tions and defining the conditions on
which alone such assembly or such pro-
cession is to be permitted to take place
and otherwise giving effect to this section"
This ^{seems} ~~is~~ probably wide enough to cover
the issue of conditions of ^{almost} any description
but, it is submitted, that the conditions must
be consistent with the powers given by
clause (1) which authorizes the Supt &
his Asst

- (i) to direct the conduct of assemblies &
processions on the public roads,
- (ii) to prescribe the routes by which
and the times at which they may
pass

The Govt of India considers that the use
of objectionable emblems may be dealt
with under the first of these powers. It

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690-7-5-95.

is however to be observed that s 49 of Act XXIV of 1859 contains the same phrase vizt "may direct the conduct" and in the High Court judgment printed in G.O. D. 6. Dec. 1893 no. 2555 it was held that this phrase did not include power to remove objectionable banners, & though general in form, must be held to be limited by the subsequent mention of specific things which might be done, eg. the prescription of routes and times.

Is it not conceivable therefore that the same Court might interpret the expression "direct the conduct" in s 10 of Act VIII of 1895 as limited by the subsequent mention of power to prescribe routes & times & to regulate the use of music.

If H.M.'s consider this interpretation possible, a reference to the Advocate General should perhaps be made.

(iv) Subsection 16 of the Bill makes the penalty a fine of Rs 100/-; section 32 of Act V of 1861 as amended by s 12 of Act VIII of 1895 makes it Rs 200/-.

This difference appears immaterial, as also the expression provision in section 11 of Act VIII of 1895 that a procession or assembly which reflects or refuses

This to be noted that the S. of S. are cognizant of this judgment, vide ^{FOR ORDERS.} ~~the S. of S. letter in G.O. 439~~ - They seem, however, now 21.2.94 to have overlooked it, or else have not attached to it the significance attached to it by the U.S., whose arguments seem to me sound. I think we had better, as suggested, fortify ourselves with the opinion of the Adv. Gen. before going further.

Yes, we had only two or three
W 25

FOR ORDERS.

to disperse when ordered, become ipso facto an unlawful assembly. There appears no objection either to the power of stopping processions conducted in violation of the conditions of licenses being given to an Inspector of Police and a Station House officer.

5. The Govt of India further suggests the desirability of inserting in the Madras Act a provision corresponding to section 15 of Act VIII of 1895 - which empowers the local Govt to make rules consistent with the act for giving effect to its provisions. There appears no objection to the insertion of such a section; it may be even desirable. - Rules & regulations regarding certain matters are now approved or issued by Govt under sections 9 & 10 of the Act (XXIV of 1859), but it would be preferable to have a general

s 10 of the Act (VIII of 1895) is less definite but the great of licenses than subsection (2) of the Madras Bill as altered in red ink, but this is not a very important point perhaps

This will (or may) be useful

section empowering Govt to issue rules upon all matters dealt with in the Act.

b. Lastly the Govt of India suggests the adoption of sections 4 to 6 of Act III of 1895 in lieu of the Punitive Police Act (Madras III of 1882), and in order to make provision for compensation for damage caused by a riot.

Hon. Members considered (vide note G.O. 1722 Oct. 1894 No. 2529) that Act III of 1882 should be repealed at once, the provisions of ^{Sec. 4 & 5} the Bill which has now become Act VIII of 1895 being substituted for it in the shape of a separate enactment, in which it was proposed to incorporate provisions for the grant of compensation for damage caused by riots. A letter was accordingly written to the Govt of Bombay which had under consideration an amending bill containing provisions of their description.

The reply to this is Current No. 5986 which ~~stated that the terms of the Bill were unsettled~~ as the India Act VIII of 1895 contains complete provisions on the subject. It is to be noted that it contains the words "such apportionment [of cost of punitive police] shall be made according to the magistrate's judgment of the respective

See note above
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FOR ORDERS.

in November last, no further communication has been received, so it is presumed they are still unsettled; this is, however, immaterial.

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DEPARTMENT.

C. No.

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"means within such area of such inhabitants" These did not find place in the original Bill and are taken from the Madras Act III of 1882. This Govt desired their insertion (para. 3 of G.O. 1722 Oct. 1894 No. 2528).

7. Current no. 6639 of 1894 is Col. Porters' reply to G.O. 1722 Oct. 1894 No. 2528 - para (2).

He was asked

(i) whether there is any reason for the use in Act XXIV of 1859 sometimes of the term "District Supt" and sometimes of the term "Supt".

The reply is that no distinction was intended.

(ii) whether Assistant should always have Supt's powers under the Act & if not, what powers they should not have.

This question was put with a view to inserting in the Act a definition of "Supt" corresponding to that which is to

be found in section 11 of Act VIII of 1895. This definition includes ~~an~~ an Assistant if specially empowered in the term "Superintendent".

Col. Porteous considers such a definition unnecessary & suggests instead that in the few sections* of the Act XXIV of 1859 in which reference is made to District Superintendents it should be expressly specified where Asst^{ts} Supts are included. - Assistants have not the same powers as Supts & now in all such cases & Col. Porteous sees no necessity to enhance their present powers. - ~~with a view therefore~~ to except apparently that he would give ^{superior} proof to appoint an Assistant ~~if~~ maybe.

2. He was at the same time asked whether he thought it advisable to make any further amendments in ^{the} Act XXIV of 1859 on the lines of the Bill to amend Act V of 1861.

3. His proposals upon all the matters referred to him are as follows.

(i) Amend s 7 of Act XXIV of 1859 by inserting "or Asst. Dist. Supt of Police" after "Supt of Police" & making consequential verbal alterations.

This change has been mentioned above

FOR ORDERS.

* The only sections are 7, 13, 19, 49 & 53

This does not seem to be at all needed BS JS W

Not needed - See above BS

[G. 25.]

800-7-5-95.

DEPARTMENT.

C. No.

FOR ORDERS.

(ii) Amend s 10 by substituting District for Deputy & by inserting 'reduce' after suspended.

There are no "Deputy Supts" now & the Police orders vest the powers specified in Dist. Supts. - The insertion of 'reduce' is obviously desirable.

(iii) Substitute s 3 of the India Bill for the last sentence of s 11. - Section 3 of Act VIII of 1895 is substantially the same as s 3 in the Bill, & the adoption of it appears desirable in order to ^{place} the position of a policeman under suspension beyond doubt.

(iv) Substitute s 8 of the Bill for s 52 apparently.

s 8 of the Bill has grown into s 14 of Act VIII of 1895
In the note for orders in 20. 7. 22

I don't see the need of repeating the last sentence of s 11. It will suffice to add to the section the last para of s 3 of VIII of '95 BS JS W

No objection

BS JS W

October 1894 No. 25-29, it was pointed out that the present Madras law on the levy of fines under the Police Act is contained in s 52 of the Act ~~xxiv~~ of 1859, & s 19 of the General Clauses Act which applies ss 63, 68, 69 & 70 of the I.P.C. to all fines leviable under the Police Act.

Sec. 14 of Act VIII of 1895 also applies ss 64 to 67 of the Penal Code & ss 386 to 389 of the I.P.C. - There appears to be no objection to adopting it, as it will place offences under the Police Act in respect of the levy of fines in the same position as offences under the Penal Code. - There seems no necessity for distinction & the change would be an improvement.

2. G. Orders are solicited as to whether

(i) a draft bill to amend Act XXIV of 1859 should be prepared for the next legislative session

(ii) a draft bill re-enacting the Punitive Police Act should be prepared

18/6/95 D
18/6/95 17-6-95

Amendment of the Police Act

FOR ORDERS.

H. M. Pire.

[G.]
53
1,000-30-3-95.

Jud^l Department.



PROCEEDINGS OF THE MADRAS GOVERNMENT.

READ the following paper:—

Q-90. 76 Decr 1895 No. 25-55 Jud^l last 3 sentences of
A- C. 5456 from the Govt of India para 2 only
10/10/95

Ref only 1557
6-7-95.

From the foregoing extract the Hon^{ble} the Advocate General will observe that in the opinion of the Govt of India the use by processions of emblems designed to offend the religious feelings of any class of the community may be regarded as a matter connected with the "conduct" of a procession & could therefore be suitably regulated by the conditions of the license which can be prescribed under sec. 10 of Act VIII of 1895. This section amends sec. 30 of Act V of 1861, clause (3) of the amended section empowering the Secy^t of Police to "issue a license specifying the names of the licensees" and defining the conditions on which alone "such assembly or such procession is to be permitted to take place and otherwise giving effect to this section." - The wording of the clause is apparently wide

enough to cover the insertion of any condition in the license but it is probable that the Courts would hold that only such conditions are permissible as fall within the scope of the general powers given by clauses (1) and possibly (4) of the section. Clause (1) deals with the regulation of music and clause (1) authorizes the Supt^t (i) to direct the conduct of assemblies and processions on the public roads, and (ii) to prescribe the routes by which & the times at which they may pass.

If, therefore, the use of objectionable emblems can be regulated at all, it must clearly be regarded as a matter connected with the "conduct" of assemblies & processions.

It is observed, however, that the same expression viz. "may direct the conduct" occurs in s 49 of Madras Act ~~XXIV~~ of 1859, and in the judgment of the High Court read in G. 76 Dec^r 1893 to 1895. It was held that the words, though ~~generally~~ did not include power to remove objectionable emblems, & ~~was~~ were limited in significance by the subsequent mention in the same section of specific things which might be done.

The Hon. the Advocate General will be requested to favour Govt with his opinion as to whether the Courts ~~should~~ put a similar construction upon the wording of section 30th

Police Act
Reference to the Advocate-
General

Cs.
from orders

* of act V of 1861 as amended by s 10 of Act VIII of 1895; or whether the Govt of India is correct in its intention that the use of objectionable emblems by processions & assemblies could be regulated by the conditions of the license which can be required ^{under} clause 3 of the section ~~from orders~~
The Govt. ~~has~~ 25-6-95

[G.]
25.
000-8-3-95.

DEPARTMENT.

C. No. 3210

Amendment of
Police Act

FOR ORDERS.

The current contains the Advocate-
General's opinion on the point whether
Section 10 of Act VIII of 1895 can be
construed as not giving power to a police
officer to ^{regulate the use of} remove objectionable emblems
from processions & assemblies.
He considers that the construction need
not be put upon it.

Orders are solicited as to whether
H.M.'s wish to legislate or merely
trust India to extend ss 30, 30A 31 & 32
of the amended act v of 1861

I think the intention of these
sections (supersession of the other
sections about prohibition of
emblems).

W
29 July
24/7/95
26/7

22/7/95
20-7-95

*Admission of
Police Act*

FOR ORDERS.

Hyrcas

[G.]
24.
500-21-5-95.

jud DEPARTMENT.

Papers to be read in proceedings:—

Again G.O., dated

189 , No.

Again G.O., dated 22 Oct

1894, No. 2528

A. Current No. 2344 of 1895, dated 2 May from the Govt of India
 - Ref 2 known C No. 4410
 A " " 3410 " 1895, " 15 July, " the Govt. Sec.
 A " " 6639 " 1894, " 2 Dec " the S.S. of Police.

ORDER. 15 August 95, No. 1709
 P.S.

W
13 Aug

AS
9/9/95
10/8

The papers read above deal with three distinct matters viz:

- (i) The improvement of Madras Act III of 1882 ^{with} regarding the extension of power of punitive police
- (ii) The amendment of section 49 of the Madras Police Act. XXIV of 1859 ^{as} regarding the power of the police to regulate ^{the conduct of} assemblies & processions
- (iii) The general amendment of the Madras Police Act ~~in connection with~~ ^{of section}

2. under section 46 of Act V of 1861 and as modified by section 15 of Act VIII of 1895 "the Govt. Genl in Council by an order to be published in the Gazette of India may extend "the whole or any part of" Act V of 1861 "to any Presidency".
 Sections 15, 15 A & 16 of that Act

contain in a complete shape legal provisions which may conveniently be substituted for those of Madras Act III of 1882. - Similarly sections 30, 30A 31 & 32 of the same Act contain all that is ^{imperatively} required in order to remedy the defects in the section 49 of the Madras Police Act. 3. In both cases, it appears preferable to obviate the necessity for legislation by resubstituting the Govt. of India extend the necessary portions of Act V of 1861 to the Presidency & this course will acceptly be followed. When a reply from that authority is received, steps will be taken to repeal Madras Act III of 1882, should its retention be no longer required. The Govt. of India will at the same time be requested to -

2. By the extension of a portion of Act V of 1861 to the Presidency, clauses (2) & (3) of section 46 will ipso facto come into force, &

4. - The extension of sections 30, 31 & 32 of Act V of 1861 to the Presidency will remove the only great defect in the Madras Police Act & the other amendments suggested by the

Subject to the omission in Sec. 16 of the figures "13, 14" which occur in two places

Note
 It is pointed out that it is not to be taken as a precedent, and it is not to be taken as a precedent.

Note
 For orders as to whether this may stand. I think so - The Act works well enough, in fact.

[3]
[2]
200-23-7-95,

DEPARTMENT.

C. No.

FOR ORDERS.

I.S. of Police Dept. 20/8.

I.S. of Police are ^{hardly} ~~not~~ of sufficient ^{practical} importance to call for legislation. 12

Dept. with serial
 20/8

Letter to the Secy to the Govt. of India of 15 Aug. '95, No. 1710 Home Dept.

Sir.
 In reply to Mr. Skerrett's letter of 29th July 1895, enclosing a copy of the 29th Conf. Home Dept. Police of the Govt. of India of the date 2 May 1895, I am directed to request that the P.P. in P. may be moved to extend to the Presidency of Madras under s 46 of Act V of 1861 as amended by Act VIII of 1895 the following sections of the former Act
 (a) Sections 15, 15 A, & 16 (as modified by the omission in two places of the figures "13, 14")

(b) sections 20, 20A, 31 & 32
 2. I am to state that H.E. to P.M.
 C. considers it eminently desirable
 to obviate the waste of time &
 labour which would be involved
 by the initiation of special legislation
 in order to remove the existing
 defects in sec. 49 of the Madras
 Police Act XXIV of 1859, & to
 supplement the inadequate provisions
 of Madras Act III of 1802. The
 extension of the Presidency of the
 above-mentioned sections of Act
 V of 1861 will render such special
 legislation unnecessary, for, if
 the Govt. of India complies with
 the request which is now made, all
 that will be required is the passing
 of an Act to repeal Madras
 Act III of 1802.

3. In conclusion I am to enclose
 a copy of the proceedings of the Govt.
 of this date dealing with the questions
 referred to in this letter

24

24
 5.8.95 5.8.95

Amendment of
 Police Act.

FOR ORDERS.

A.M. Ver.

Draft for approval

Mr. Rogers

Please see remarks to
 file before reading.

attached to
 ans.

Print, communicate to
 J.G. of Police only

14-8-95

H.C.

Please give abstract

to J & J.

ans

15TH AUGUST 1895, No. 1709, JUDICIAL.

CONFIDENTIAL.

GOVERNMENT OF MADRAS.

JUDICIAL DEPARTMENT.

READ—again the following paper:—

G.O., dated 22nd October 1894, No. 2528, Judicial.

READ—also the following papers:—

From Colonel C. A. PORTEOUS, Inspector-General of Police, to the Chief
 Secretary to Government, dated Madras, 12th December 1894, No. 7317.

With reference to G.O., No. 2528, Judicial Department (Confidential), dated
 22nd October 1894, I have the honour to make the following remarks:—

1. (i) Instead of a definition corresponding to that given in section 1 of the
 Bill of the Government of India, I am of opinion that in the few sections of
 Madras Act XXIV of 1859, wherein reference is made to District Superintendents,
 it is advisable to specify where Assistant Superintendents be included and where
 not.

(ii) Under present rules in the Police Order Book, Assistant Superintendents
 have not the same powers as District Superintendents and I do not consider any
 change called for in this respect.

(iii) No distinction is intended between the expression "District Super-
 intendent" and "Superintendent."

2. Section 7, Madras Act XXIV of 1859.—After the words "District Super-
 intendent of Police" the words "Assistant District Superintendent of Police"
 may be added.

3. (i) Section 10, Madras Act XXIV of 1859.—For the word "Deputy" the
 word "District" should be substituted.

Under present Police Orders constables are appointed by District Superin-
 tendents and not by Assistant District Superintendents of Police, while the appoint-
 ment of head constables by District Superintendents requires the confirmation of
 the Deputy Inspector-General of Police. Moreover, Assistant District Superin-
 tendents are not empowered to suspend, reduce or dismiss without their orders
 being previously confirmed by the District Superintendent of Police.

I am, therefore, of opinion that Assistant District Superintendent should not
 be included in this section.

(ii) The word "reduce" should be inserted after the word "suspend."

(iii) I do not consider necessary the addition of clauses (b), (c) and (d) of
 section 2 of the Government of India Bill.

(iv) With reference to clause (c)—deprivation of good conduct pay—I
 would observe that in the rules on this subject proposed by me the loss of good
 conduct pay follows as a result of the withdrawal of good conduct stripes.

4. *Section 11, Madras Act XXIV of 1859.*—The alteration proposed in section 3 of the Bill of the Government of India, by which police officers under suspension are declared to be subject to the same responsibilities and authorities as if they were not under suspension, may, I consider, be embodied with advantage.

5. *Section 13, Madras Act XXIV of 1859.*—Assistant District Superintendents do not now possess the powers to appoint additional police officers at the cost of individuals. Under Police Orders the sanction of the District Superintendent is necessary for such a step. No alteration is, in my opinion, needed here.

6. *Section 19, Madras Act XXIV of 1859.*—It is necessary that intention to resign be given to the District Superintendent of Police. Assistant District Superintendents need not be included here.

7. The alteration proposed in section 4 of the Bill of the Government of India has been dealt with by Government in paragraph 3 of its order under reference.

8. *Section 44, Madras Act XXIV of 1859.*—The words "who shall cease to perform the duties of his office without leave" in this section probably cover the cases proposed to be provided for by section 5 of the Bill of the Government of India.

9. The alterations proposed in sections 6 and 7 of the Government of India Bill relate to the powers of the police in regulating processions, &c.

Section 49 of the Madras Act, which refers to this subject, has been dealt with by Government.

10. The proposed provisions in section 8 of the Bill of the Government of India may be substituted with advantage.

From J. P. HEWETT, Esq., C.I.E., Officiating Secretary to the Government of India (Home Department—Police), to the Chief Secretary to the Government of Madras, dated Simla, the 2nd May 1895, No. 299.

I am directed to acknowledge the receipt of your letter No. 2528, Judicial, dated the 22nd October 1894, regarding the Bill to amend section 49 of Act XXIV of 1859 (an Act for the better regulation of the Police within the territories subject to the Presidency of Fort St. George) which it is proposed to introduce in the local Legislative Council.

2. In reply I am to say that, since the above Bill was last under the consideration of the Government of India, the Bill to amend the Police Act V of 1861 has been passed into law as Act VIII of 1895. This measure, as His Excellency the Governor in Council is no doubt aware, attracted very great attention throughout India, and the provisions contained in it were subjected to close scrutiny. The Governor-General in Council is not in favour of the introduction in the Madras Legislative Council of any Bill to amend the Madras Police Act which goes beyond the terms of the Imperial Act as recently amended. I am accordingly to suggest the desirability of assimilating the provisions of sub-sections (2), (3) and (6) of draft section 49 in the Madras Bill under consideration to those contained in sections 10, 11 and 12 of Act VIII of 1895. I am to explain that the object of draft sub-section (3), which is to prevent the use of emblems designed to offend the religious feelings of any class of the community, will be equally attained by the adoption in the Madras Bill of the provisions in sections 10 and 11 of the Act of 1895, as the use of such emblems, &c., could then be regarded as a matter connected with the "conduct" of an assembly or procession and could suitably be regulated by the conditions of the license.

3. With regard to sub-section (1) of draft section 49 in the Madras Bill, it is pointed out in paragraph 2 of your letter under acknowledgment that this sub-section gives a general power to prevent obstructions which covers the case of processions and assemblies, and that, if processions and assemblies are specially mentioned, as was suggested in my letter No. 496, dated the 22nd August 1894,

it is possible that doubts will be felt whether the power of preventing obstructions exists except when assemblies and processions are taking place. On this point the Governor-General in Council adheres to the opinion expressed in paragraph 3 of my letter above referred to that the power to prevent obstructions *on the occasion of assemblies and processions* might with advantage be expressly mentioned in sub-section (1). If the reference to assemblies and processions which has so long stood in the existing law is omitted, the inference may be that a restriction of power is intended. His Excellency in Council, however, thinks that the difficulty apprehended by the Madras Government may be met if the words "at the time of assemblies and processions and at all other times" are introduced after the words "of public resort" in the sub-section in question.

4. In paragraph 6 of my letter of the 22nd August last, it was suggested that the law in Madras regarding punitive police should be altered and provision made for compensation for damage caused by a riot. The Government of India observe that in G.O., No. 2528, Judicial, dated the 22nd October 1894, the Madras Government decided to repeal Madras Act III of 1882 and replace it by an enactment based on section 4 of the Bill to amend the Police Act, 1861, a copy of which had been forwarded to the local Government. I am now to suggest that provisions similar to those contained in sections 4 to 6 of Act VIII of 1895 should be adopted in the law to be enacted for the Madras Presidency on the subject.

5. In conclusion, I am to suggest the desirability of adopting in the Bill to amend the Madras Police Act a section similar to section 15, sub-sections (2) and (3), of Act VIII of 1895, regarding the making of rules.

Memorandum No. 1557.

Read—again G.O., dated 6th December 1893, No. 2555, Judicial.

Read—the following:—

From the Government of India, Home Department, dated 2nd May 1895, No. 299.

The Governor-General in Council is not in favour of the introduction in the Madras Legislative Council of any Bill to amend the Madras Police Act which goes beyond the terms of the Imperial Act as recently amended. I am accordingly to suggest the desirability of assimilating the provisions of sub-sections (2), (3) and (6) of draft section 49 in the Madras Bill under consideration to those contained in sections 10, 11 and 12 of Act VIII of 1895. I am to explain that the object of draft sub-section (3), which is to prevent the use of emblems designed to offend the religious feelings of any class of the community, will be equally attained by the adoption in the Madras Bill of the provisions in sections 10 and 11 of the Act of 1895, as the use of such emblems, &c., could then be regarded as a matter connected with the "conduct" of an assembly or procession and could suitably be regulated by the conditions of the license.

From the foregoing extract the Honourable the Advocate-General will observe that, in the opinion of the Government of India, the use by processions of emblems designed to offend the religious feelings of any class of the community may be regarded as a matter connected with the "conduct" of a procession and could therefore be suitably regulated by the conditions of the license which can be prescribed under section 10 of Act VIII of 1895. This section amends section 30 of Act V of 1861, clause (3) of the amended section empowering the Superintendent

of Police to "issue a license specifying the names of the licensees and defining the conditions on which alone such assembly or such procession is to be permitted to take place and otherwise giving effect to this section." The wording of this clause is apparently wide enough to cover the insertion of any condition in the license, but it is probable that the courts would hold that only such conditions are permissible as fall within the scope of the general powers given by clauses (1) and possibly (4) of the section. Clause (4) deals with the regulation of music and clause (1) authorises the Superintendent—

(i) to direct the conduct of assemblies and processions on the public roads, and

(ii) to prescribe the routes by which and the times at which they may pass.

If, therefore, the use of objectionable emblems can be regulated at all, it must clearly be regarded as a matter connected with the "conduct" of assemblies and processions.

It is observed, however, that the same expression, viz., "may direct the conduct," occurs in section 49 of Madras Act XXIV of 1859, and in the judgment of the High Court, read in G.O., dated 6th December 1893, No. 2555, Judicial, it was held that the words did not include power to remove objectionable emblems and were limited in significance by the subsequent mention in the same section of specific things which might be done.

The Honourable the Advocate-General will be requested to favour Government with his opinion as to whether the courts could put a similar construction upon the wording of section 30 of Act V of 1861 as amended by section 10 of Act VIII of 1895, or whether the Government of India is correct in its contention that the use of objectionable emblems by processions and assemblies could be regulated by the conditions of the license which can be required under clause (3) of the section.

OOTACAMUND,
6th July 1895.

To the Government Solicitor.

J. F. PRICE,
Chief Secretary.

From E. BARCLAY, Esq., Government Solicitor, to the Chief Secretary to Government, dated Madras, 15th July 1895, No. 378.

With reference to your memorandum No. 1557, Judicial, dated 6th instant, I beg to forward herewith, in original, the opinion of the Advocate-General on the question referred to him. I also return your memorandum.

ENCLOSURE.

OPINION.

[Re Memorandum No. 1557, Judicial.]

I do not think that the construction put by the High Court upon section 49 of Madras

* See G.O., dated 6th Dec. 1893, No. 2555, Judicial. Act XXIV of 1859 in Second Appeal No. 1679 of 1892* can be put upon section 30 of Act V of 1861 as amended by section 10 of Act VIII of 1895.

2. Section 30 of Act V of 1861, before it was amended, empowered District and Assistant District Superintendents of Police to "direct the conduct" and prescribe the routes and times of, and regulate the use of music by, processions. Section 49 of Madras Act XXIV of 1859 contained similar provisions, and the construction of the words "direct the conduct" was restricted by the High Court in the second appeal, above mentioned, to the powers "set out with particularity" in the section. The right to remove objectionable emblems was not provided for therein either specifically or by implication, and, therefore, did not exist.

3. Section 30 of Act V of 1861, as amended by section 10 of Act VIII of 1895, confers an additional power upon the above-named police officers. In certain cases they may require a license to be applied for and may define therein "the conditions on which alone such assembly

or such procession is to be permitted to take place." I think that the use of emblems can be regulated by the conditions of such license. Section 30-A provides for the case of the violation of such conditions.

(Signed) J. H. SPRING-BRANSON,
Advocate-General.

MADRAS,
15th July 1895.

ORDER—dated 15th August 1895, No. 1709, Judicial.

The papers read above deal with three distinct matters, viz.—

- (i) The improvement of Madras Act III of 1882 with regard to the entertainment of punitive police.
- (ii) The amendment of section 49 of the Madras Police Act XXIV of 1859 as regards the power of the police to regulate the conduct of assemblies and processions.
- (iii) The general amendment of the Madras Police Act.

2. Under section 46 of Act V of 1861, as modified by section 15 of Act VIII of 1895, "the Governor-General in Council, by an order to be published in the *Gazette of India*, may extend the whole or any part of" Act V of 1861 "to any presidency." Sections 15, 15-A and 16 of that Act contain in a complete shape legal provisions which may conveniently be substituted for those of Madras Act III of 1882, subject to the omission in section 16 of the figures "13, 14," which occur in two places. Similarly sections 30, 30-A, 31 and 32 of the same Act contain all that is imperatively required in order to remedy the defects in section 49 of the Madras Police Act.

3. In both cases it appears preferable to obviate the necessity for legislation by requesting the Government of India to extend the necessary portions of Act V of 1861 to this presidency and this course will accordingly be followed. When a reply from that authority is received, steps will be taken to repeal Madras Act III of 1882 should its retention be no longer required.

4. The extension of sections 30 to 32 of Act V of 1861 to this presidency will remove the only great defect in the Madras Police Act and the other amendments suggested by the Inspector-General of Police are hardly of sufficient practical importance to call for legislation.

(True Extract.)

J. F. PRICE,
Chief Secretary.

To the Inspector-General of Police.

Gobt. of {1895} Madras.
JUDICIAL.

CONFIDENTIAL.

Issued

Recd.

Encl.

G.O., 15th August 1895, No. 1709.

AUGUST.

Amendment of the Madras
Police Act.

Directing that, in preference to undertaking legislation for the —, the Government of India be requested to extend certain provisions of Act V. of 1861 to this presidency.

15TH AUGUST 1895, No. 1710, JUDICIAL.

CONFIDENTIAL.

JUDICIAL DEPARTMENT.

LETTER—from

THE CHIEF SECRETARY TO THE GOVERNMENT OF
FORT ST. GEORGE,

To

THE SECRETARY TO THE GOVERNMENT OF INDIA,
HOME DEPARTMENT.

SIR,

In reply to Mr. Hewett's letter No. 299 Confidential (Home Department—Police), dated 2nd May 1895, I am directed to request that His Excellency the Governor-General in Council may be moved to extend to the Presidency of Madras under section 46 of Act V. of 1861, as amended by Act VIII. of 1895, the following sections of the former Act:—

- (a) Sections 15, 15-A and 16 (as modified by the omission in two places of the figures "13, 14").
- (b) Sections 30, 30-A, 31 and 32.

2. I am to state that His Excellency the Governor in Council considers it eminently desirable to obviate the waste of time and labour which would be involved by the initiation of special legislation in order to remove the existing defects in section 49 of the Madras Police Act XXIV. of 1859 and to supplement the inadequate provisions of Madras Act III. of 1882. The extension to this presidency of the above-mentioned sections of Act V. of 1861 will render such special legislation unnecessary, for, if the Government of India complies with the request which is now made, all that will be required is the passing of an Act to repeal Madras Act III. of 1882.

3. In conclusion, I am to enclose a copy of the Proceedings of the Government of this date dealing with the questions referred to in this letter.

I have the honour to be,
Sir,

Your most obedient servant,

OOTACAMUND,
15th August 1895.

J. F. PRICE,
Chief Secretary.

Exd. A. D. Xavier.

1895.

JUDICIAL DEPARTMENT.

From the Government of
Fort St. George.

CONFIDENTIAL.

Issued

Recd.

Encl.

Letter, dated 15th August 1895,
No. 1710.

AUGUST.

Amendment of the Madras
Police Act.

Informing the Government of India that it is considered undesirable to undertake special legislation for the — and requesting that certain provisions of Act V. of 1861 may be extended to this presidency instead.

First copy sent to Press.

Returned for Signature.

Despatched.

READ AGAIN G.O., No.
189 ,

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STATEMENT WITH DITTO

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