

Judicial (1895) Department.

ORDINARY MS.

G.O., No. 2157

Dated 23rd Oct. 1895

INDEXED.

[Despatch Abstract.]

CRIMINAL JUSTICE.

Recording letter from the Inspector-General of Police submitting report with reference to G.O. No. 610, dated 23rd March 1895, regarding the difference in the figures of crime for 1893 according to the Judicial and the Police returns.

BACK PAPERS.

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

FURTHER PAPERS.

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

No. O. 42.

DEPARTMENT.

CURRENT No. 4037

No. 4180.

CHIEF OFFICE OF THE INSPECTOR-GENERAL OF POLICE,
 Beganda
 MADRAS, 22nd August 1895.

FROM

M. HAMMICK, Esq., I.C.S.,
 INSPECTOR-GENERAL OF POLICE,
 Madras,

TO

THE Chief Secretary
to Government,
Colacawand.

SIR,

Enclosures.
 (one)

With reference to G.O. No. 610, dated 23rd March 1895, I have the honor to report that after causing an investigation to be made of the reasons for the difference between the total number of offences for 1893 as shown in the Police return-Statement A. and in the High Court return-Judicial Statement No. 2, Part I, I find that the subject of the difference between the two sets of figures generally was considered before in North Arcot and the District Magistrate's and the Superintendents' reports on the subject were submitted to Government with the Inspector General of Police's letter No. 4511, dated 6th August 1890, recorded in page 16 of G.O. No. 1672, Jd., dated 30th October 1890.

The

in adm. Report
 for 1897

The question was taken up after the Administration report was finished and as the matter required a detailed scrutiny on the part of this office and one or two Magistrates' offices whose judicial returns were checked with the corresponding Police returns. The reply to the reference from Government has, I regret, been delayed.

2. Column 2 of Judicial statement.

No. 2, Part I for 1893 shows 290,395 as offences reported. First, it is found that complaints rejected under Section 203, C.P.C. are not communicated to the Police by Magistrates (in their Monthly B Statements) but only cases declared false and never to have occurred. So if the 10,202 cases of complaints rejected under Section 203 C.P.C. shown in Column 3 of the above statement be deducted from Column 2, the balance is 280,193.

3. Secondly cases taken up by Magistrates direct are communicated to the Police in the month in which they are decided and not in that in which they are reported. Vide instruction in Magistrates Monthly B form furnished to the Police of which a copy is herewith submitted.

submitted. The result of this is (1) that Complaints rejected under Section 203 C.P.C. are not, as above noticed, reported to the Police because they are not cases tried and decided (2) that cognizable cases so pending disposal at the end of a year as which, of course, appear in the year's judicial statement to the High Court appear in the Police return for the following year in which they are disposed of and (3) that non-cognizable cases pending disposal at the end of a year, which appear in that year's return to the High Court do not appear in the Police return at all either of that or of the following year as there is no column in the B form under non-cognizable cases for shewing previous year's cases but only persons concerned in previous year's cases are included in Column 10. The District Magistrate, North Arcot, observes in para 42 of his letter on page 12 of L.O. No 1672, dated 30 October 1890 that cases under what are called "grouped offences" - what these are will be seen from the printed instruction (1) in the B Statement - complained of direct to Magistrates and pending disposal at the end of the year do not appear

in Police returns. This should be so as
according to the instruction, but in
practice both grouped offences and
the others which are required to be shown
separately are only communicated to
the Police in the month in which they are
to be decided. It will be seen that Column 5
under cognizable cases of the B Statement
2. herewith submitted is not filled in
because cases are shown in the State
of ment only when they are disposed of. It
will be seen also that offences which may
be grouped and shown in one item
e.g. Assault 352 I.P.C., Hurt 323 I.P.C.
are not so grouped but each case is
shown separately. This appears to be
done for greater convenience sake.

4. According to the Judicial Statement
No. 2, Part I, the number of cases pending
disposal at the end of 1893 will be as
Column 5, 275,778 minus Column 6, 268,006
or 7762. Of this, 1200 are cases investigated
by Police pending trial with courts
at the end of the year as shown in
Column 15c, total on page ~~xxiii~~ of
Statement A of the Police report for 1893.
The remainder 6562 (7762 - 1200) may be
taken

taken as Magistrates cases pending trial
at the end of 1893 and not appearing in
the Police return of 1893 or subsequent
years. Some may be cognizable cases
which may appear in subsequent years
return but they are left out of account
for present purpose. ~~Comparing the~~
~~total figure approximately~~. The 6562
cases being thus taken as cases which
do not appear in the Police return will
if deducted from 280,193 shown at the
end of para 2 above, leave a balance
of 273,631 to be compared with the Police
figure.

5. Now according to Statement A
of the Police report, Columns 4 and 6
of Part I and Column 7 of Part II, 1893,
the total reported offences are 275,329,
which is only 1698 more than the figure
arrived at at the conclusion of the
preceding para. But the difference
ought to be much greater. For, the
Police return includes cases referred
to Magistrates as false and cases
which have not been detected,
while the Judicial Statement excludes
both these classes of cases as will be
seen from the instruction for preparing
this

this statement, quoted by the High Court
in the order under reply. Only cases in
which the Police forward the accused
under custody to magistrates are shown
in the judicial statement. One reason
for the Police figure not being greater
than what it is is in the fact that magis-
trates split into a number of cases
2. what is treated as one case by the Police,
e.g. the instances quoted by the Super-
intendent of Police, North Arcot, in
para 2 of his letter submitted with the
Inspector General of Police's letter of
6 August 1890 recorded in G.O. 1672 of
30 October 1890. This arises principally
when all the accused in a case are not put
up for trial at the same time but at
different times as it may happen when
some of the accused abscond and are
arrested afterwards and put up. In
such instances the Police treat the case
as one but the magistrate gives different
calendar numbers at each trial,
and ledgers more than one case.
The same may also occur when magis-
trates try cases separately under
the provisions of Section 239 C.P.C. Both
these causes may be insufficient to wholly
account

* Para 6 of the
Government of Madras
letter to the Govern-
ment of Pondicherry,
recorded in G.O. 1672
of 30 Oct 1890.

account for the Police figures not differing as
much from the judicial figures as they
should. However it appears that the
number of instances in which cases treated
as one by the Police are split into more
than one by magistrates are many.
In one District, Tanjore, it is reported
that a case transferred from one magis-
trate's file to another appears in the
judicial statement of both as reported
and that there is thus a double entry.
But I am not absolutely certain whether
this is so everywhere.

The District Magistrate of North Arcot
in para 3 of his letter to the Superintend-
ent of Police submitted to Government
with the Inspector General of Police's letter
in the G.O. of 30 October 1890, ^{has} noticed that
there was considerable irregularity on
the part of magistrates in furnishing
the Police with B. Statements, but
I believe they are regularly received
now as their receipt is watched by
means of a check register. In ^{Chingleput}
and Madras, whose returns were
examined, it was found that all B
form Statements for the year had been
regularly received.

the 6. Under the head of number of persons
in convicted one important point of differ-
ence is that Magistrates shew in
their statements to the High Court convic-
tions by the Court of 1st instance
but the Police those by the last appellate
Court. Hence the former should be
greater than the latter but the difference
between the number of persons convicted
according to the Police return for 1893
viz. 183841 (Columns 30 and 31 of Statement
A Part I and 15 and 16 of Part II) and
that according to the judicial state-
ment No 2, Part I, Column 9 viz. 208792
is too large to be accounted for by this
person alone. It appears from Column 8
of judicial statement No 6 that sentences
of lower Courts were reversed on appeal
in only 5271 cases. The instruction con-
tained in para 8 of the Government of
India's letter in G.O. No 537 Jd.
dated 2nd March 1886 is that when
an accused is tried under more
than one head of charge in the same
transaction (Section 235 C.P.C.) he
should be exhibited under the
principal one only which is the same in
both the Departments. But in certain

instances it appears that Magistrates
show more than one person as convicted de-
where the Police show only one. i.e. in cases
in which the Magistrates pass separate
sentences under each different section.
e.g. a person charged under Sections 457
and 380 I.P.C. is convicted and sentenced
to say six months imprisonment
under 457 and another six months under
380. Magistrate shows two cases and
two persons but the Police only one case
and one person. And again under the
provision of Section 234 C.P.C. a person
charged for instance with three thefts
at one trial and convicted of them is
shown by the Police as one person
convicted of three thefts (the three cases
being shown as detected but in the
Column of persons only one person
shown as convicted) but the Magistrate
ledgers three thefts and against each
one person is shown as convicted or,
in all, three persons for the three cases.
This difference in procedure must cause
a noticeable difference in the returns.
7. Hitherto no comparison between
the Police and the judicial figures
has

has been attempted ^{but} ~~and~~ I think that
as remarked by the Government of India
in para 4 of their letter communicated
in Madras Government Order No 2483,
J.D. dated 12 October 1894 where the two
sets of returns purport to give the same
information the figures should agree.

When the changes proposed in para 5 of
the Government of India's letter viz.
that the judicial statement should
include all cases which have come before
a magistrate in any form and on which
the magistrate has passed orders i.e.
include false and undetected cases
of the Police which are not now included,
and the amended forms and the instruc-
tions for preparing them are introduced,
there should be less room for discrepancy
and it should be less difficult to
reconcile differences. It should also
be possible to arrange that in points
where the procedure of the two depart-
ments now differs they should follow
one and the same course.

8. It would be a matter of great
difficulty at present to try and reconcile
the figures in each district and
the

the Police return would probably be
much delayed if the attempt was made.
The difference must, I think, be
accepted as long as the present
sets of forms are in use.

I have the honor to be,
Sir,

Yours most obedient servant.

Mammeth

Inspector of Police.

sls

CURRENT No. 4037

(1895) DEPARTMENT.

FROM

M. HAMMICK, Esq., I.C.S.,

INSPECTOR-GENERAL OF POLICE,

Madras,

TO

THE Chief Secretary
to Government.

(Cotacament.)

CHIEF SECRETARY
23 AUG 1895
GOVERNMENT OF MADRAS

No. 4080.

Dated 22nd

Received 23rd

Rep. 24th

Sec. 1.

Agnes 1895.

SUBJECT.

Submitting report with
reference to G.O. No. 610 dated
23rd March 1895 J.D. regarding
the difference in the figures of crime
for 1893 according to the judicial
and the Police returns.

To await the return of 23-3-95.
As to the above. It may perhaps be
better to deal with this along with
the replies to G.O. of 12-10-94, No. 2483.

Note
Criminal Justice Report 1895
also see the copy of the
report in the library
The Police Report for 1895 also
is not available at present

610d) 23.3.95 (ab.)

2254/65d) 17.9.94 se.

2483d) 12.10.94 mi

537d) 2-3.8.94 se

Read again 5.0.95 22-3-95, No. 610

2 (No 4037)

23 Oct 1895 No. 21/10
mi

Revised

19/9/95

23/9/95
To Mr. M. J. ...
23/9/95 (x) ...
31/10/95 ...
24/10 ...

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When examined

When signed

189

READ AGAIN G.O., No.

189

DATED

CURRENT No.

ENCLOSURES TO G. No.

ORDER OF GOVERNMENT

A A A A A A A

LETTER OF GOVERNMENT

STATEMENT WITH DITTO.

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