

MADRAS RECORD OFFICE.

Government of Madras.

DEPARTMENT.

G.O. No.	Press Mis.
Dated	18 8 2.

Not to be folded or roughly handled

4TH SEPTEMBER 1882, No. 1177, JUDICIAL.

GOVERNMENT OF MADRAS.

JUDICIAL DEPARTMENT.

Read the following paper:

From Colonel D. M. WHITE, Inspector-General of Police, to the Chief Secretary to Government, dated Madras, 11th August 1882, No. 4075.

I have the honor to forward to you from the Superintendent of Police, Godáviri, with copy of Proceedings by the Magistrate of that district in which he directs the Police to discontinue the practice of arresting persons for nuisance without warrant.

2. As the Police are authorized by law (Section 154, Act III of 1871) to arrest persons for such offences *committed within their view*, I doubt the Magistrate's authority to alter the law and its practice. If the Government concur, I trust the Magistrate may be desired to rectify his Proceedings accordingly.

ENCLOSURES.

From Major W. H. HOSKINS, Superintendent of Police, Godáviri, to the Inspector-General of Police (through the Deputy Inspector-General of Police, Northern Range), dated Rajahmundry, 1st August 1882, No. 263.

In forwarding herewith copy of the Proceedings, No. 30, of the Magistrate of Godáviri District, dated 22nd July 1882, I have the honor to request orders whether the Police are to refrain from arresting without warrant for nuisance committed in their view.

2. The Legislature, in vesting the Police with power to arrest without warrant, apparently contemplated that it should be exercised. I am doubtful whether the District Magistrate has authority to amend the law in that respect.

3. Great delay has occurred in Rajahmundry in the trial of nuisance cases even when arrest was made without warrant, and the defendant was bailed, and attended when the case was put up before the Magistrate. Much greater delay is likely to occur when such cases cannot be tried till a Sub-Magistrate issues processes.

4. Besides, nuisances are often committed by travellers, who will probably have moved on to the next district by the time processes are issued. In one case, committed last year, the Sub-Magistrate eventually issued warrants for the defendants in the Vizagapatam District, and they were arrested there.

Remarks on the above.

Section 154 of the "Town Improvement Act" gives the Police power to arrest *without any warrant* any offence committed *within his view* against any provision of this Act, and removes such power.

4th August 1882.

(Signed) C. A. PORTER, Esq.
Deputy Inspector-General, Northern Range.

The District
arrest for such
differently.

11th August

C. A. PORTER, Esq.
Deputy Inspector-General, Northern Range.

Proceedings of the Magistrate of the Godavari District, dated 22nd July 1882, No. 30.

Read—letter from the Acting Joint Magistrate, dated 15th instant, No. 92, suggesting that Government may be addressed to make Bench Magistrates competent to try persons arrested by the Police without warrant.

Proceedings—dated 22nd July 1882, No. 30.

The District Magistrate sees no sufficient reason to recommend Government to amend the rule. If it is the case, as the Joint Magistrate says, that in most nuisance cases the offender is arrested without warrant, the District Magistrate thinks such a practice should be put a stop to without delay. The proper course is for the Constable to ascertain the name and address of the offender and apply to the Magistrate for a warrant. No one should be arrested for a petty offence unless he refuses to give his name and address, or unless there is reason to believe that he has given a wrong name and address.

(Signed) W. A. HAPPELL,
Acting Magistrate.

ORDER—dated 4th September 1882, No. 1177, Judicial.

It is no doubt "lawful for any Police officer" to arrest persons so offending. The District Magistrate does not throw any doubt on this point; he merely expresses an opinion, in which Government concur, that Police officers should be discouraged from making such arrests in the case of persons committing petty nuisances in towns, and should preferably be guided by the procedure laid down in Section 93, Code of Criminal Procedure.

(True Extract.)

C. G. MASTER,
Chief Secretary.

To the Inspector-General of Police.
" District Magistrate, Godavari.

Exl. A. S. Rodgers.

*My former colleague has
just returned from the
District Magistrate's office
and has brought me the
order of the District Magistrate
dated 4th Sept. 1882, No. 1177,
Judicial. The order is in
accordance with the
opinion of the District
Magistrate, Godavari.*

Govt. of (1882) Madras.
JUDICIAL.

Issued

Recd.

Encl.

G.O., 4th September 1882, No. 1177.

SEPTEMBER.

Police—Arrests.

Regarding the arrest by the Police without warrant of persons committing nuisances under their view.

No 30 4 1/2 5

Proceedings of the Magistrate
of the Godavari District dated
22nd July 1882.

Read letter from the Acting
Joint Magistrate dated 15th
Instant No 92 suggesting that
Government may be addressed to
make Bench Magistrates competent
to try persons arrested by the Police
without warrant.

The District Magistrate sees no
sufficient reason to recommend Govt
to amend the rule. If it is the case,
as the Joint Magistrate says, that in
most nuisance cases the offender is
arrested without warrant, the District
Magistrate thinks such a practice
should be put a stop to without delay.
The proper course is for the Constable
to ascertain the name and address
of the offender and apply to the Magistrate
for a warrant. No one should be
arrested for a petty offence unless
he refuses to give his name and
address, or unless there is reason
to believe that he has given

a wrong name and address:

signed/

H. A. Hapwell
Acting Magistrate

(True copy)

W. H. Hapwell Major

Superintendent of Police

1832 DEPARTMENT.

ENCLOSURE 1, 2.

Is a letter from the Inspector
General of Police, dated 11th August
1882 of 4075.

No. 4075

CHIEF OFFICE OF THE INSPECTOR GENERAL OF POLICE,
Madras, 11th August 1882.

From Colonel H. D. Cloke
Inspector General of Police,

To The Chief Secretary
to Government
Coloanunda

SIR,

Enclosures.

I have the honor to forward a letter from the Superintendent of Police, Godavari, with copy of Proceedings by the Magistrate of that District in which he directs the Police to discontinue the practice of arresting persons for nuisance without warrant.

As the Police are authorized by law (Sect. 154, Act III of 1871) to arrest persons for such offences committed within their area I doubt the Magistrate's authority to alter the law and its practice. If the Government con- cise I trust the Magistrate may be desired to rectify his Proceedings accordingly.

I have the honor to be

Sir,

Yours Most Obedt Servant
H. D. Cloke

Inspector General of Police

Note 548
 Act xxiv of 59 gives
 the appropriate authority to
 the Police; & the D. Magistrate
 orders are ultia vires.
 (infra) *P.T.*

~~Referred to the D. Magistrate
 for his remarks.
 By order
 of the Magistrate.
 Aug. 1882.
 A. Under Secretary~~

10
 10/11/1882 (1882) DEPARTMENT.
 From Col. A. D. Clarke
 Inspector General
 of Police,

No. 1070.
 Dated 11 } August 1882.
 Received }
 No.

SUBJECT.
 Submits for orders letter from the
 Supt of Police, Godavari in the
 Proceedings of the District in
 nuisance case? 22nd July 1882.
 10/11/1882

The rule referred to is that
 prescribed in para 3 of
 the G.O. of 11th July 1882.
 It is to be done with previous
 instruction applies to all
 nuisance cases generally, independent
 of the District.

No 263 28/8/82
 Office of the Supt
 of Police Godavari
 Rajahmundry
 1st August 1882
 From The Superintendent
 of Police Godavari

To The Inspector General
 of Police
 Madras.
 Sir, (thru Dy Supt. Genl. of Police)
 In forwarding herewith
 Copy of the Proceedings No 30 of
 the Magistrate of Godavari
 District dated 22nd July 1882, I
 have the honor to request orders
 whether the Police are to refrain
 from arresting without warrant
 for nuisance committed in
 this view.
 2 The Legislature, in vesting
 the police with power to arrest
 without warrant, apparently
 contemplated that it should be

12
be exercised. I am doubtful
whether the District Magistrate
has authority to amend the
law in that respect.

3 Great delay has occurred in
Rajahmundry in the trial of
nuisance cases even when arrest
was made without warrant and
the defendant was haled, &
attended when the case was
brought up before the Magistrate.
Much greater delay is likely
to occur when such cases cannot
be tried till a Sub Magistrate
issues processes.

4 Prises, nuisances are
often committed by travellers
who will probably have moved
on to the next district by the
time processes are issued. In
one case committed last
year the Sub Magistrate
eventually issued warrants
for

12
for the defendants in Vizagapatam
District and they were arrested
there.

I have the honour to be,
Sir,
Your most obedient servant,
W. H. Williams Major
Superintendent of Police

Plunder
Sec 154 of the "Crim. Inf. Act" gives the Police
power to arrest without any warrant any person
suspected of being concerned in within his power
any provision of this Act for — the
Magistrate's order removes such power —

11/11/82
By Mr. J. S. J.
By Mr. J. S. J.
By Mr. J. S. J.

The District Magistrate is evidently
wrong. The law quoted permits any
Police Officer to arrest for such offence
committed in view, and the Magistrate
has no power to order them to be
differently.

W. H. Williams
S. E. J. Police
11/8/82

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5P

Judicial DEPARTMENT.

No. 2590

From

The Insp: General
of Police.

FOR ORDERS.

4th Sept 1877

It is ordered that

" Careful for my Police
to arrest persons
offending the Statute
do not from any
doubt as to the
validity of the
Orders, in all parts
of the Police District
to ensure the same
being given to the care of
the commanding police
officers in their
respective districts
to be properly
by the persons and
in the C. C. C.

S. G. D. M. P. M. H.

To J. F. M. P. M. H. }
S. G. D. M. P. M. H. } 1419

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11. 11. 11

Blue - ...

FOR ORDERS.

9/5

[Handwritten signature]

19

2- a

CURRENT No.
2590. a

N.B. -
A = Print in full.
B = N.A. to be printed.
P = Print abstract only.
Q = Print heading only.
L = Print, but not for monthly volume.

Reconditioned 7-2-34

9
32.34.

PRESS.

Inde DEPARTMENT
G.O. DATED *4th Sept 1852*
No *1177*

First copy sent to Press.

Returned for signature.

Despatched in print.

14/9



[Despatch Abstract]

11501 -
11502 -
11503 -
11504 -
11505 -
11506 -
11507 -
11508 -
11509 -
11510 -