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(2) Date of repair 18.9.47

(3) Initials of the Referencer 4

MADRAS RECORD OFFICE.

Government of Madras.

Financial DEPARTMENT.

G.O. No.	<u>2810</u>	Press Mis.
Dated	<u>21-11-47</u>	

Not to be folded or roughly handled

MADRAS,

16 October 1894.

To

CHIEF SECRETARY
THE HON. J. F. PRICE, C. S. I.,
CHIEF SECRETARY GOVERNMENT,
GOVERNMENT OF MADRAS

FORT ST. GEORGE,

MADRAS.

SIR,

I have the honor to inform you, with reference to G. O. No. 1,620, dated 28th June 1894, and G. O. No. 1,637, dated 2nd July 1894, that the Committee has now given its very careful attention to the various questions raised by the Chief Presidency Magistrate, and Commissioner of Police, in their respective letters forwarded with the G. O. aforesaid. All the above communications were, by resolution of the Committee, left to be dealt with by its Honorary Secretary who was requested to record and circulate his views in detail for its information. This having been done, the

- (1) Jackson, J. L. Esq. (in the Chair)
- (2) Mr. B. S. W. Morgan
- (3) Mr. S. W. Morgan
- (4) Mr. S. W. Morgan
- (5) The Very Rev. Father, Mayer.
- (6) Waljee Laljee Sait, Esq.
- (7) W. N. Pogeon, Esq., F. R. I. R. A.
- (8) Rev. A. H. B. Brittain, M. A.
- (9) V. Subramiah Chetty, Esq.
- (10) C. Ethirajooloo Naidu, Esq.
- (11) V. S. Gantz, Esq., Hon. Secy.
- (12) W. S. Gantz, Esq., Hon. Secy.

marginally noted members of our very representative Committee, duly considered the Honorary Secretary's Minute in open meeting; and the same, requested him further to

and circulate a reply to Government on the lines suggested upon it at such meeting. This letter, therefore, which has also been duly laid before the Committee in terms and substance represents and embodies the collective opinion of that body.

2. It may not, perhaps, be out of place, *in passing*, to dwell for a moment on the fact that the large measure of success which has attended the operations of the Society is the strongest possible argument in favor of the continued existence of a humane association such as ours, started as it was so far back as the Seventies, and resuscitated in 1889 after a more or less undefined, but brief, period of suspended animation. While, therefore, it is naturally a source of gratification to the Committee to find so competent an authority as the Commissioner of Police treating it as on the whole "deserving of all the encouragement and support that can be given," freely admitting the fact that there are now, so "very few prosecutions" (by the Police) "under Sec. 53 of the Police Act as "inevitable," rather than "objectionable;" it cannot but feel that while the Chief Presidency Magistrate has approached the question somewhat infelicitously, the Commissioner of Police complicates the situation by an unnecessary demand for "deal cases."

3. The Society, while freely admitting the facts, finds it difficult to adopt the extremely pessimistic view taken by the Chief Presidency Magistrate in para. 4 of his letter. Doubtless the anomalies pointed out by him do exist, and it is desirable, in the interests of all concerned, that the status of the Society's Agent should be better defined and thoroughly legalized. But, on the other hand, it would seem that the Chief Magistrate, in putting the case as high as he possibly can, overlooks the fact that the Society has all along been working under, if not an absolutely legal, at all events a *quasi-legal* sanction, in so far as no cruelty

one communication to Government on the subject, which resulted on G. O. No. 1,929, Judicial, dated 19th September 1891, being issued. Unfortunately, however, the application of the Society seems to have been somewhat misunderstood, inasmuch as para. 3 of the G. O. aforesaid attributes to the Society a request which it never made, viz., "the constitution of a separate Police force independent of the Commissioner." On the contrary, the terms and tenor of the Honorary Secretary's letters would seem to very plainly indicate that all he desired was that the Agents of the Local Society should be placed on precisely the same footing as in Calcutta and Bombay. And the Committee would here desire to add that the Rules laid down by Government in the said G. O., (based as they are on the Calcutta precedent) would have been then and there unhesitatingly accepted by the Society, but for the immediately preceding proviso, that the Agents "*should in every way be subordinate to the Commissioner of Police, and to him alone,*" (Italics are ours)—qualifying words which might lead to unpleasantly narrow interpretations of Rules otherwise unobjectionable in themselves.

It follows, therefore, that the Committee is still prepared to adopt Rules II. to V. of the said G. O. inclusive in their entirety. It would, however, respectfully suggest that Rule I. be more clearly expressed, for as it now stands the Commissioner of Police could claim to limit the number of Agents of the Society by either calling on it to reduce the number of its employes at any time, or by declining to enrol more than a given number of men at a time.

In conclusion the Committee, would, desire it to be clearly understood that in view to the great advantage of having its Agents enrolled as Constables for the purposes of the Society's work, it readily concedes to the Commissioner of Police the following powers with which alone, it is submitted, has he any concern.

(a) The right to decline to receive the appointment of any Agent who, in his opinion, is not a fit person to be entrusted with a certificate for the exercise of even such limited Police powers.

(b) The right to suspend, or cancel the Certificate of an Agent so enrolled, for misconduct proved to the satisfaction of the Commissioner of Police, and reported by him to the Honorary Secretary.

In the earnest hope that Government will be pleased to repose the same measure of confidence it has hitherto shown in the administration of this Society, and will decline to sanction the imposition of a restriction not insisted on elsewhere, which even the Government itself has not contemplated, and which can only result in the disruption of an admittedly most deserving institution.

I have the honor to be,

Sir,

Your Most Obedient Servant,

Honorary Secretary.

APPENDIX.

Extract from Madras G. O., No. 1,929, Judicial, of 19th September 1891, referred to in this letter.

The rules in force in Calcutta appear suitable for adoption in Madras and their observance will be insisted upon as a condition precedent to the enrolment of the Society's Agents as Constables; these rules are—

- (1) The enrolment of the Agents of the Society as Constables is entirely at the discretion of the Commissioner;
- (2) The Commissioner may at any time suspend or cancel the certificate of enrolment;
- (3) The Agents have no claim to pay, pension, or gratuity as members of the Police force;
- (4) The Agents must wear a distinctive uniform or badge in token that they are connected with the Society; and
- (5) The Agents have power to interfere in cases of cruelty to animals only.

To ensure the observance of the last rule, it will be necessary for the Commissioner to issue an executive order to the same effect, otherwise, on enrolment, the Agents of the Society will be entitled to all the powers and privileges of the ordinary Police.

By 585/94

2322: 25-9-94

756: 3-8-94

1637: 2-7-94

1626: 25-1-94

1929: 17-9-91 orig.

From

The Hong Kong Society
for Prevention
of Cruelty to Animals

Recd 16th }
Recd 16th } Oct 1894
Recd 17th }

Cor. 3195, 2555, 3-3-94

Society for Prevention
of Cruelty to Animals

Submits remarks
on the Chief Presidency
Magistrate's report
on the conduct of
juries.

5946
City Police Office.

COMMISSIONER'S OFFICE
MADRAS CITY POLICE

Quinn Madras 27th Sept 1894

My dear Sir

Some of the S.P.C.A. Agents have
been wrongly handled by men and women who
they have been meddling and in that an
example has been set, it will be followed
and we shall have trouble.

I hear that the Committee of the S.P.C.A.
attribute these outrages to some one's opinion
of his opinion on the subject but
I think that this is unreasonable and that
there is quite right in saying that the
strongest argument against the continuance
of the present anomalies and objectionable
conduct of affairs.

The Committee has had ample time
to consider and decide upon its course to
take and I think that it ought

me and that my letter
to the Committee by
which a reply had been

and that the Committee
of Police having

of an Agent. This is, I think, a point that
may safely be conceded for Government
cannot fairly insist upon the Society
continuing to employ an Agent who has
forfeited its confidence or of whose
efficiency it is not satisfied.

4 — The Commissioner of Police
must have the power to Cancel the Police
Certificate of any Agent who has
abused his powers or otherwise
misconducted himself as an Agent.
Tells me that his Commission fully
recognizes the reasonable
condition.

Commissioner of Police
New York

File

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Tells me that his Commission fully
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condition.

Commissioner of Police
New York

File

5946

Ind. Sep.

CHIEF SECRETARY
6 NOV. 1894
GOVERNMENT OF MADRAS

From.

The Commissioner of Police
Madras

The Chief Secretary to Govt.
Fort St. George

Dated 6th Nov.
Received 6th Nov.
Sep 7

Sd/-y for Commissioner of Police
The Commissioner

Judicial DEPARTMENT.

No. 585 +

C. No. 5566/94.

the Hon^{ble} Secy. S.P. C. A.

Dated

16th October 1894

FOR ORDERS.

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Attention is invited to the notes for order
in G.O. of 20 Nov. 1890 & 17 Sept. 1891 & 18
1828 & 1929, Judl. In the second of these G.O.
the Govt. declined to accede to the Society's request
to invest its Agents with the powers of Police Constables
unless the Society was willing that no Agents
should in any way be subordinate to the Com.
of Police and to him alone. The rules in force in
Calcutta were then considered suitable for
adaptation in Madras & were communicated
to the Society with the remark that their obser-
vance or not be a condition precedent to
the Society's Agents pro-
ceeding with their work. Since then the
Society has not given notice that it is
willing to accept the conditions of the
Madras Police Rules. It is observed that
the Society is doing good work in
its efforts to detect & prosecute cases
of cruelty & nearly always illegals.
But the Agents are the private servants
of the Society having neither the power
of Police Constables of Govt. nor the responsibility
of them. It is urged upon the Society that
though the Agents are the officers of the
Society, they are not the officers of the Govt.

No.

11 17

From

Dated

189 .

FOR ORDERS.

Please see note
that the Secretary should have
power so extensive. This, apparently
is the real matter at issue
between the Society & the Com.
The Secretary cannot legally
punish the agents at all if
they are enrolled as police officers,
the Com. can if he chooses.
The Secretary's objection
is that the Com. has no
power to punish the agents
if they are enrolled as police
officers. This is a question
for decision. The Com. is
willing to let the Secretary
have full control over
the agents, such control as
the Com. wishes to give.
The Com. can, in fact, use
the agents for its own
purposes, but it is not
willing to let the Secretary
have full control over
the agents.

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have full control over
the agents.

recommendation, but it is extremely
probable that he ever would do
so, if Govt. desired him to leave
the detailed control of the Society
to the Secretary. To make
such punishment strictly legal it
would be necessary for the order to
be issued mainly from the Com. of
Police. Presumably the Society's Secretary
keeps in writing orders of punishment if so,
the countersignature of the Com. is
needed under each order. Legal; if
the agents did not themselves raise
objections, the countersignature
would in fact be unnecessary.

At the same time the Com. is
willing to let the Secretary
have full control over
the agents, such control as
the Com. wishes to give.
The Com. can, in fact, use
the agents for its own
purposes, but it is not
willing to let the Secretary
have full control over
the agents.

Dismissal & reduction
of Com. members
The Com. is
willing to let the Secretary
have full control over
the agents, such control as
the Com. wishes to give.
The Com. can, in fact, use
the agents for its own
purposes, but it is not
willing to let the Secretary
have full control over
the agents.

Enrollment in police
agents of the S.P.C.A.

The foundation of unity is
something that has been done to
"Keep the peace"

A. M. Yac.

A. M. Yac.

A. M. Yac.

A. M. Yac.

A. M. Yac.

A. M. Yac.

DEPARTMENT

FOR ORDERS.

think it will be sufficient if the agent detailed for duty on any such report himself to the local police inspector before exercising his powers, take offenders to the police station within the local limits of which the offence has been committed & leave them to be dealt with by the police. - The Secretary does not state whether the objects of these conditions, upon which the Government possibly will not assent, are of a large or small character. If the latter, the Government will not assent at once, but will give time to discuss the matter, if some be given to the Secretary to see if the Government will assent to the objects of the conditions as laid down in paragraph 5 of his letter.

17/11/96

PROCEEDINGS OF THE ADAMS GOVERNMENT.

Read the following paper:—

So. 2756: 3.894 Mph
2322 - 25 7-94 km. 1

Enrolment of
agents of the F.P.C. 25

DEPAR. D

From

Order -

Chas. W. Coe.
Madison

No.

Dated 27th Sept 1899.

Received 28^o

Regd 1st Oct
Enclosures

SUBJECT.

resting that S. P. C.
 may be asked to settle
 question regarding the employment
 of their own agency for detection
 of Cruelty Cases at an early
 date;

4/10

[illegible]

Papers to be read in Proceedings:—

Again G.O., dated

Again G.O., dated

Current No.

G.O.

Current (No.)

Current No.

18 , No.

1891 , No.

1894 , No.

1894 , No.

1894 , No.

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and page 4 of
G.O. of 17 Sept 1891
No 1924

Order 21st Nov 1894 No 2810

The Govt has no objection
to modifying rule no 1 in the
manner suggested by the
Society, that is to say, so as
to leave the nomination of the
agent entirely to the Society.

reserving to the Comtee
the power of appointing a
recapitulation of the work
done by the Society.

The Society will be asked to
submit a report on the work
done by the Society during the
year 1894.

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66/28/94
18/6/94
10/1/95
21/1/95

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ORDINARY, MS.

Journal DEPARTMENT.
G.O., DATED 21-11-96
No. 2810

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[Despatch Abstract.]

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