

Local & Munl. (1895-) Department.

MISCELLANEOUS.

G.O., No. 19982

DATED 21st Oct. 1895-

[Despatch Abstract.]

Criminal Justice.

Recording G.O., Judicial Department, reviewing the report
on the administration of --- in the Presidency for the year 1894.

BACK PAPERS.

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

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Miscellaneous.

LOCAL AND MUNICIPAL DEPT.

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No. 19982

INDEXED.

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189 , No , MISCELLANEOUS.

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ENCLOSURES.

CURRENT No.

STATEMENT WITH DITTO.

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23RD SEPTEMBER 1895, Nos. 1981, 1982, JUDICIAL.

GOVERNMENT OF MADRAS.

JUDICIAL DEPARTMENT.

READ—the following paper :—

From the Registrar, High Court, Appellate Side, dated 14th August 1895,
No. 2181.

ORDER—dated 23rd September 1895, No. 1981, Judicial.

The report on the administration of Criminal Justice during 1894 reached Government upon the prescribed date, viz., the 15th August. It has been prepared in the usual form, with this exception that its length has been materially curtailed by the omission from the body of the report of a considerable amount of detailed information which can be gathered from the appended statements.

2. In paragraph 19 of the report the Hon'ble the Judges state that the only features of the year, as regarded from the standpoint of the criminal courts, were (1) a decrease in the number of Village Magistrates and an increase in that of regular Magistrates who tried cases, and (2) a very large increase in the number of cases under special and local laws. From the figures given in the Police report it appears, however, that an equally remarkable feature was the small amount of grave crime reported. The total number of cases reported during the year according to the statistics furnished by the High Court was 312,003 as against 290,395 in 1893, the increase being mainly due to the large number of nuisance cases. As in the previous year, these figures differ materially from those given by the Inspector-General of Police; the reason for the discrepancy is to be found in the different systems of ledgering upon which the police and the judicial returns are based. Thus, cases rejected by the magistracy under section 202, Criminal Procedure Code, do not appear in the police returns; similarly cases taken up by Magistrates *suo motu* and shown in the judicial statements as pending enter into the police returns of the following year.

3. *Village Magistrates' Courts.*—The number of Village Magistrates who actually tried cases during 1894 was 6,043 against 6,336 in 1893 and 6,690 in 1892. The number of cases instituted was 11,000 against an average of 11,780 during the preceding five years. Resort to these courts was as usual most frequent in the districts of Tanjore, Madura, North Arcot and Tinnevely. Arrears continued heavy in Tanjore in spite of the fact that special attention was drawn to the delays in that district in paragraph 4 of G.O., No. 2264, Judicial, dated 17th September 1894. The particular attention of the District Magistrate will again be called to this matter.

4. *Benches.*—There was no change in the number (54) of Benches of Magistrates during the year under review, but the total amount of work which came before them increased by 29.9 per cent. owing to the enormous advance in the number of nuisance cases prosecuted. The bulk of this increase took place in the districts of Tanjore and Madura which together contributed no less than 21,739 cases out of a total of 63,889 instituted in the whole Presidency. The average duration of cases improved, and the number pending at the close of this year was only 124 against 118 on the 31st December 1893. In only one district, Tanjore, were any witnesses detained beyond three days, and the number so detained, fourteen, was trifling. The general percentage of convictions in this class of courts rose from 77.14 in 1893 to 80.43, the proportion being highest in Madura, Salem and Tanjore, in the last of which districts,

if the returns are correct, an abnormally large number of defendants must have pleaded guilty; for only 1,796 witnesses are reported to have been examined in the 12,497 cases disposed of.

5. *Special Magistrates.*—The number of Special Magistrates was the same as in the previous year, viz., 48, of whom 38 were Sub-Registrars of Assurances. The number of institutions increased slightly—from 3,886 to 4,129—but only 3,211 witnesses were examined against 3,737 in 1893. The average duration of trials remained stationary being three days. The districts which gave the worst results in this respect were Chingleput, Górávari and Ganjam, where the average duration of each case is stated to have been 24, 9 and 8 days respectively. The District Magistrates concerned will be requested to explain the excessive delay which appears to have taken place. The Nilgiris, a circumstance which requires explanation in the former district, where the number of cases pending at the end of the year was unduly large in Chingleput and amount of work seems to have been comparatively light. Including 36 cases pending at the close of 1893, the total number of cases for disposal during the year appears to have been 4,165, of which 4,029 were decided, but the number shown as pending is only 88 instead of 136. Similar discrepancies are to be found in the statements showing the work done by other courts; it is presumed that this is due to the exclusion from the column showing disposals of cases transferred to other classes of courts or terminating in consequence of the death of the defendant. The general percentage of convictions, 73.18, varied little from that of the previous year. In individual districts it is noticeable that the proportion was below 43 per cent. in South Arcot, Nilgiris and Górávari, and above 81 per cent. in every other district. The Magistrates of the districts named will be requested to report whether any explanation for this striking difference is forthcoming.

6. *Stipendiary Subordinate Magistrates.*—There was but little variation in the number of Stipendiary Sub-Magistrates who actually tried cases during 1894. Out of 463, 435 exercised second class and 28 third class powers against 427 and 30 respectively in 1893. Eighteen of the second-class Sub-Magistrates were Tahsildars not ordinarily invested with power to take cognizance of offences under section 191 of the Criminal Procedure Code. The total number of cases instituted rose from 163,689 in 1893 to 167,497, the average file per court advancing from 3.58 to 3.62. According to statement C-4 appended to the report, 2,444 cases were pending at the close of the year, or 106 more than on the 31st December 1893. Of these no less than 534 cases—over 27 per cent. of the institutions in the district—are shown as pending in the Nilgiris; it is explained that these large arrears are due to the number of cases under Act XIII of 1859 in which it has been found impossible to secure the presence of the accused. The average duration of each case fell from seven to six days—an improvement which is probably in part due to the decrease of nearly 16,000 in the number of witnesses examined. If the figures can be relied upon there was a very satisfactory fall in the number of witnesses detained beyond three days. The only district in which the statistics relating to this matter call for adverse comment is Tanjore, where no less than 1,429 witnesses appear to have been so detained. Attention was drawn to a similar shortcoming in the review of the previous year's report; the apparent delay in the examination of witnesses was, however, accompanied by an improvement in the average duration of cases and a great reduction in the amount of arrears in spite of the fact that the total number of institutions increased by over 1,500. Delay in the disposal of cases was most marked in the Górávari and Vizagapatam Agencies and in the districts of Kistna, Bellary and Kurnool, in the last of which there was a considerable increase in the number of cases pending at the end of the year. The percentage of convictions in this class of courts increased from 36.07 in 1893 to 36.83, the same figure as in 1892. There were, as usual, considerable variations in different districts, the percentage ranging from 53.76 in the Vizagapatam Agency and 50.78 in Malabar to 22.83 in Górávari.

7. *Superior Magistrates in the Mufassal.*—(1) The number of First-class Sub-divisional Magistrates rose from 91 to 96, an increase which has not been explained, but is probably due to the enhancement of the powers of a few Second-class Magistrates holding sub-divisional charges.

(2) There was a considerable decrease in the number of institutions before Deputy Magistrates, viz., from 2,986 to 2,370, while the disposals fell from 3,225 to 2,713. The number of cases received by transfer and not included in the column showing institutions must apparently have been 341. The general decrease in the amount of work received may probably, as in the previous year, be attributed to the fall in grave crime. It is unsatisfactory to note that the fall in the amount of work for disposal was accompanied by an increase of three days in the average duration of cases (eighteen days). Arrears were heavy in Kurnool and South Arcot and there was great delay in disposal in the former district and in Salem. It is observed that column 5 of statement C-5 has not been filled up as regards the district of Malabar. The total number of witnesses reported to have been detained beyond three days was 164 against 279 in 1893 and 121 in 1892; these detentions took place in only six districts as in the previous year. The average percentage of convictions in the courts of Deputy Magistrates fell from 40.24 to 38.81, the highest rates being reached in Kistna (52.94), Nellore (52.59) and Nilgiris (50.94) and the lowest in Górávari (29.15), Bellary (28.63) and North Arcot (23.5). In Malabar there was a striking variation—from 63.7 to 38 per cent.—in the rate of convictions during the two years 1893 and 1894 which has not been explained.

(3) Statement C-6 shows that Assistant and Head Assistant Magistrates disposed of 1,995 cases—or 346 more than in the previous year—while the number of institutions rose from 1,284 to 1,705. The increase in institutions was particularly marked in North Arcot (+ 172) Kistna (+ 99) and Malabar (+ 86). The average duration of cases in the courts of Assistant and Cantonment Magistrates improved from fourteen to twelve days and the number of pending cases fell from 103 to 96. There was excessive delay in the disposal of cases in Coimbatore where the average duration of a case was 53 days, in Górávari Agency where it was 25 and in Madura where it was 24. A further unsatisfactory feature in Coimbatore was the fact that 30 witnesses were detained beyond three days out of a total of 76 for the whole presidency.

The three Cantonment Magistrates disposed of 785 cases against 880 in the preceding year, the rate of convictions rising remarkably from 59.5 to 81 per cent.

(4) One thousand and forty-two cases were disposed of by Joint Magistrates or 80 less than in the preceding year. If the returns can be relied upon, not a single witness was detained beyond three days in any court. The average duration of cases, however, increased from fifteen to seventeen days and was altogether excessive in Chingleput (41 days) and in Tanjore (34 days); in the review of the report for 1893 a similar remark was made as regards the latter mentioned court. The percentage of convictions in these courts remained practically stationary (43.84).

(5) The number of cases disposed of by District Magistrates was fewer than ever. Six of these officers did no original work whatever and the rest decided only 27 cases as against 93 in the previous year. The number of references made by District Magistrates to the High Court under section 438 of the Criminal Procedure Code was about the same as in 1893, but the proportion of cases in which interference was refused rose from 25 to 30 per cent. Seven hundred and eighteen revision cases were received by District Magistrates and 725 disposed of as compared with 719 and 756, respectively, in the previous year.

The number of persons committed by Joint, Assistant and Deputy Magistrates was only 162 against 251 in 1893 and 329 in 1892; there has thus been a continuous decline which the Government fears must in part at least be attributed to the disinclination of Sub-Divisional Magistrates to take up cases, however serious, which can legally be dealt with by Sub-Magistrates. A similar cause perhaps accounts for the fall in the total number of cases disposed of by District, Joint and Deputy Magistrates. The Government regards with apprehension this apparently growing tendency to leave serious cases to Sub-Magistrates wherever possible, and desires to impress upon District Magistrates the necessity of requiring Sub-Divisional Magistrates themselves to deal with cases of more than ordinary importance, although they may be cognizable by a second-class Magistrate.

8. *Appeals*.—The increase in the number of appeals presented to first-class Magistrates, which was noticed in 1893, continued in the year under review. The following statement compares the institutions during the last five years :—

	Number.	Percentage of appeals to appealable sentences.	Percentage of wholly unsuccessful appeals.
1890	5,288	10.3	58.3
1891	5,796	9.4	56.4
1892	6,352	9.2	56.5
1893	7,454	10.0	59.8
1894	8,186	9.4	59.6

The rise in the number of appeals from the judgments of second and third class Magistrates appears to be due to the general increase in the amount of criminal work coming before them. The percentage of unsuccessful appeals in each district is shown in the following table :—

District.	1893.	1894.	District.	1893.	1894.
North Arcot	55.2	60.5	Kistna	65.8	59.4
South Arcot	62.3	63.0	Kurnool	58.9	61.5
Anantapur	53.0	53.6	Madura	68.8	64.6
Bellary	45.3	55.6	Malabar	63.1	65.0
South Canara	56.2	52.2	Nellore	51.5	66.0
Chingleput	65.3	61.7	Salem	57.6	67.6
Coimbatore	58.6	61.8	Tanjore	72.9	66.9
Nilgiris	71.8	68.4	Tinnevely	66.2	63.3
Cuddapah	56.9	57.6	Trichinopoly ..	58.2	51.4
Ganjām	54.0	69.6	Vizagapatam ..	57.1	46.5
Gó dávari	43.3	48.1			

Judged by the appeal test the work of the subordinate magistracy appears to have been characterized by a marked improvement in the districts of Bellary, Ganjām, Nellore and Salem, while the percentage of successful appeals rose considerably in Nilgiris, Kistna, Tanjore, Trichinopoly and Vizagapatam. The average duration of appeals decided by Sub-divisional Magistrates was, as in 1893, twenty-five days, and that of appeals heard by District Magistrates seventeen days—or three less than in 1893.

9. *Sessions Courts*.—Sessions Courts received by committal or on reference 1,016 cases against 1,109 in 1893 and disposed of 1,020, the arrears falling from 23 to 22 and the average duration of each case from 29 to 28 days. The duration of cases was apparently excessive in Madura (40 days) and Tinnevely (55 days), but in both these courts the files were heavy and it is explained that in the former the adjournment of two cases for long periods contributed materially to the delay. The total number of witnesses examined was 8,874 against 10,384 in 1893 and of these 3,170 or 35.7 per cent. were detained beyond three days against 54.8 per cent. in 1893. Including the Agency courts, more than half the witnesses were detained for the period named above in eleven courts in 1893 as against four only in 1894, viz., Bellary, Cuddapah, Tinnevely and Vizagapatam Agency. The improvement has been so marked in other cases that there appears to be no reason why a similar change for the better should not be effected in these courts; the matter will, no doubt, receive the attention of the High Court.

The percentage of convictions in Sessions Courts was 45.03 against 41.22 in 1893, being above 60 per cent. in the Agency courts, Nellore and North Malabar and below 30 in Bellary, Kistna and Gó dávari.

Judged by the appeal test the work of Sessions Courts was less satisfactory than in the previous year.

One thousand one hundred and forty-nine appeals presented by 1,833 persons from the decisions of first-class Magistrates—the highest figure on record—were received by Sessions Courts against 1,121 presented by 1,756 persons in 1893, an increase which is the more remarkable having regard to the fact that the number of appealable sentences passed declined from 3,023 to 2,870. The following table appears to indicate a growing tendency to more frequent resort to appeals from the decisions of first-class Magistrates :—

Year.	Number of appeals received.	Percentage of appellants to appealable sentences.	Percentage of confirmations.
1890	745	44.1	63.2
1891	853	47.5	65.3
1892	910	47.4	68.0
1893	1,121	58.1	66.8
1894	1,149	63.9	73.1

The figures in the last column apparently show an improvement in the work of first-class Magistrates, but this is discounted by the increased tendency to have recourse to appeals, and an equally probable explanation of the rise in the proportion of confirmations is the more frequent institution of appeals in cases where the probability of success is small; this theory is borne out by the fact that the percentages of interference with appealable sentences has fluctuated very little during the past quinquennium.

The average duration of appeals fell from 40 days in 1893 to 28 in 1894 and there was a slight reduction in the number of pending cases.

Only 428 revision cases were received in 1894 against 462 in 1893 and 479 in 1892, and a considerable reduction in arrears was consequently effected.

In 18 out of 54 cases referred by Sessions Courts the High Court declined to exercise its revisional powers; sentence of death was confirmed in the cases of 43 out of 79 persons.

10. *Presidency Magistrates' Courts*.—Forty-four thousand six hundred and fifty cases were brought before Presidency Magistrates' courts against 41,993 in 1893 and 45,133 in 1892, the latter being the highest recorded figure. Only 20 cases were pending at the close of the year, and no less than 86 per cent. of the persons dealt with were convicted.

11. *High Court*.—The sessions work of the High Court comprised 55 cases against 46 in the previous year, all of which were decided during the year, the average duration rising slightly owing to the commitment of a large number of cases too late for one sessions and their consequent postponement to the next. In eight cases against nineteen in the previous year Sessions Judges found it necessary to express disagreement with the verdict of juries; of the eight cases disposed of by the High Court, the verdict was reversed in six and upheld in one, retrial being ordered in the remaining case. There was a slight increase in the number of cases reported for confirmation of death sentences, a decrease in appellate work and a slight advance in revision cases; the average duration of appeals increased slightly and it is noticeable that the number of appeals against acquittals was 23 against 5 in 1893; of these only five were wholly unsuccessful.

12. *Punishments*.—The usual table comparing for a series of years the rate of advance in offences against the Penal Code and in the severer forms of punishment is subjoined :—

Year.	Rate of advance or decline in the number of			Whippings.	
	Cases under the Indian Penal Code.	Fines exceeding Rs. 50.	Sentences of imprisonment exceeding six months.	Number.	Percentage of actual to possible whippings.
1885	PER CENT.	PER CENT.	PER CENT.		
1886	7.4	9.9	11.1	1,725	..
1887	2.6	20.9	17.7	1,481	..
1888	2.3	20.6	1.8	1,479	..
1889	7.4	2.6	7.2	2,031	..
1890	0.4	3.5	6.7	1,580	..
1891	0.3	11.7	25.2	1,178	..
1892	1.8	13.1	8.1	1,294	7.43
1893	8.2	8.8	15.4	1,820	9.16
1894	4.5	7.6	11.6	2,366	14.16
	0.02	13.1	10.4	2,084	13.54

The decrease in the number of heavy sentences of imprisonment may be attributed to the fall in grave crime noticed in paragraph 2 *supra*. It is satisfactory to observe that though the total number of whippings has declined 622 juvenile offenders have received this description of punishment against 593 in 1893; 191 of these were sentenced under section 5 of the Whipping Act against 181 in 1893, 79 in 1892 and 40 in 1891.

Particulars relating to the imposition of fines are given below:—

Year.	Total amount imposed.	Percentage realized.	Percentage of realizations paid by way of compensation.
1885	RS.		
1886	4,54,479	73.7	8.7
1887	4,12,719	77.7	7.3
1888	4,62,593	78.5	6.1
1889	5,04,323	75.3	5.6
1890	5,27,390	80.8	4.4
1891	5,79,775	79.4	4.4
1892	7,08,418	77.1	3.9
1893	7,11,340	76.6	4.2
1894	7,47,234	81.6	3.9
	7,98,587	79.7	3.8

The increase in the amount of fines imposed is no doubt partly attributable to the marked advance in the number of nuisance cases. The continuance of the decline in the proportion of payments of compensation is probably due to the same cause.

13. The working of the criminal courts during 1894 appears on the whole to have been satisfactory, comparing favourably in many respects with the administration of the previous year, particularly as regards the duration of cases and the detention of witnesses. This improvement was moreover accompanied by an increase in receipts, coupled with a reduction in expenditure, the net cost of the criminal courts being Rs. 7,86,575 against Rs. 8,35,646 in 1893.

(True Extract.)

Davidson
Chief Secretary 7-10

To the Hon'ble the Chief Justice, with C.L.
 " all Sessions Judges.
 " all District Magistrates.
 " the Inspector-General of Police.
 " " of Prisons.
 " " Revenue Department.
 " " Local and Municipal Department.
 " " Accountant-General.

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Copy to the Government of India, Home Department.

J. F. PRICE,
Chief Secretary.

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Govt. of {1895} Madras
JUDICIAL.

Issued

Recd. 12 OCT. 95

Encl.

G.O., &c., 23rd September 1895,
Nos. 1981, 1982.

SEPTEMBER.

Criminal Justice.

Reviewing the report on the administration of
— in their Presidency for the year 1894.

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