

[L. & M.]
[S. 800-2-1-90.]

Local & Munl. (1896) Department.

MISCELLANEOUS.

G.O., No. 2250 L

DATED 25-11-96

INDEXED.

[Despatch Abstract.]

Criminal Justice

Recorded J.O.D. reviewing the
report on the Administration of —
during 1895.

BACK PAPERS.

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[1,000-25-10-26]

Local & Munl. (189) Department.

CURRENT No. 3161 L

Order No 2250 L und 25-11-96

Recorded

189
25/11/96
25/11/96

From the judicial Dept

No. 1746, 1747

Dated 5/11

Received 17/11

Registered

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SUBJECT.

Reviewing the report
on the administration
of Criminal justice
during 1895-

Amf
20/11

BACK PAPERS.

G.O.	No.	Department.	Date.

FURTHER PAPERS.

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Government { 1896 } of Madras. JUDICIAL.

Local Government.
3161 L

Recd. 17 NOV 96

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G.O., &c., Nos. 1746, 1747, 5th November 1896.

NOVEMBER.

Criminal Justice.

Reviewing report on the administration of — during 1895.

GOVERNMENT OF MADRAS.

JUDICIAL DEPARTMENT.

READ—the following paper :—

From the Registrar, High Court, dated 13th August 1896, No. 274.

ORDER—No. 1746, Judicial, dated 5th November 1896.

The report on the administration of Criminal Justice during 1895 was received on the prescribed date.

2. The third section of it discusses the statistics of crime committed during the year. These have already been dealt with by Government when reviewing the work of the Police department in 1895, and call for but few further remarks. The figures in the present report, as usual, differ materially from those given in that on the administration of the Police department, owing to the differences in the systems on which they are compiled, but in paragraph 17 the Honourable the Judges have selected, as the main features of the year deducible from the present set of statistics, the same points as were noticed by Government when reviewing the police returns, viz., an increase in the prosecutions under the Madras City Police, the Towns Nuisances and the District Municipalities Acts, a slight decrease in cases under the Salt, Abkari and Forest Acts taken together, and an improvement in the detection of grave crime. The District Magistrate of Nellore will be requested to report the nature of the 172 cases under Act XIII of 1859 and other special Acts, occurring in his district and referred to in paragraph 37 of the report, in which persons were subjected to an order not involving fine or imprisonment.

3. The fourth section of the report deals with the business transacted in the various courts in the Presidency.

The total number of original cases which came before all the courts taken together advanced from 298,080 in 1894 to 307,643 or by 9,563, but almost the whole of this increase occurred in the Presidency Magistrates' courts, which disposed of 8,734 more cases than in 1894. There were, moreover, 8,610 more prosecutions in these courts under the Madras Municipality and Madras City Police Acts than in the year preceding, so that it is clear that the cause of the advance in the number of cases brought before the courts in the Presidency was almost entirely due to increased attention paid in Madras city to offences against the public health and convenience. The work of the other courts advanced but little. But though original cases increased but slightly, appeals from all classes of courts advanced considerably, and the number of them was

the highest on record. This is probably due to the growing severity of the competition for a livelihood among vakils in the mufassal and the consequent decrease in the cost of carrying cases to the appellate courts. Of the several districts Tanjore, Malabar and Madura, as usual, contributed the largest proportion of the original cases. The largest number of appeals were filed in Malabar, Madura, Coimbatore and Tinnevely.

4. *Village Magistrates' Courts.*—The number of village Magistrates who actually tried cases, and the number of cases decided by them, continued to fall. The reasons for this decline are not clear. It is perhaps due to the fact that very small powers of punishment are entrusted to these courts, and that complainants are usually anxious that the persons against whom they proceed should, if convicted, receive punishments more substantial than a village Magistrate can award. Tanjore, Madura and North Arcot were, as usual, the districts in which these tribunals were most resorted to and in Tanjore, where the file was heaviest, the pending cases were, as usual, most numerous.

5. *Benches.*—The bench at Cochin, which was not at work in 1894, resumed its duties in the year under review; the number of these courts accordingly rose to fifty-five. The rapid increase in the work which has in recent years come before benches, and which is almost entirely due to the growing attention which has in recent years been paid to offences against the public health and convenience, has at length apparently approached a limit, and the number of cases tried by them was but little in excess of the figure of 1894. A marked decline due, probably, to a diminution in the energy with which the municipal councils in those districts repressed the committal of nuisances, occurred in the number of prosecutions before the benches in Madura and Tanjore, but these two districts together still contributed, as usual, more than a third of the whole number of bench cases in the Presidency. Disposal of business was prompt in all districts except South Arcot, where 68 cases were pending at the end of the year, and Gódvári, where the Ellore Bench detained nearly one hundred witnesses more than three days, a fact to which the attention of the District Magistrate is invited. The proportion of cases resulting in conviction was about the same as in 1894, being over 80 per cent., and was highest in Bellary (over 94 per cent.) in which district, judging from the fact that on an average only one witness appears to have been examined in every five cases, a large number of the accused must have pleaded guilty. The work done by benches was on the whole creditable to them and His Excellency the Governor in Council desires to express his acknowledgments to the gentlemen constituting these courts and also to the various Special Honorary Magistrates for the assistance they have rendered in the administration of justice.

6. *Special Honorary Magistrates.*—These Magistrates were fewer by six than in 1894, and consequently disposed of a somewhat smaller number of cases. Their work was, however, prompt, the duration of each case averaging two days against three in 1894, only one witness having been detained more than three days, and the Nilgiris, where the file was by far the heaviest in the Presidency, being the only district in which there were more than ten cases pending at the end of the year. The usual considerable variations in the different districts in the percentages of cases which ended in conviction are again noticeable. They have been explained to be due to differences in the nature of the work coming before the courts. The total percentage, however, was almost the same as in 1894.

7. *Stipendiary Subordinate Magistrates.*—The cases instituted in the courts of stipendiary subordinate (other than Joint, Assistant, Deputy and Cantonment) Magistrates numbered 167,818 or more than 54 per cent. of the whole aggregate of criminal cases in the Presidency, and it is thus of the highest importance to the mass of the people that these officers should be prompt and efficient in the disposal of their work. The scheme for the appointment of Stationary Sub-Magistrates, which was designed to enable Tahsildar-Magistrates to devote more time to their revenue duties, and to render the disposal of magisterial work more prompt, was introduced in 1892, and the following figures which exhibit the working of the Sub-Magistrates' courts in the two years

before the introduction of the scheme and in the three years during which it has now been in operation show the degree of success with which it has met in the latter of these directions:—

Year.	Number of Sub-Magistrates at work.	Number of cases instituted in their courts.	Average duration in days of each case.	Percentage of witnesses who were detained more than three days.	Percentage of cases instituted which were pending at the end of the year.	Percentage of decided cases which ended in conviction.
1891	509	136,413	7	1.2	1.7	35.52
1892	510	150,318	7	1.1	1.7	36.83
1893	457	163,689	7	1.0	1.4	36.07
1894	463	167,497	6	.8	1.1	36.83
1895	467	167,818	6	.4	1.1	38.79

* Includes eighteen Tahsildars not ordinarily invested with power to take cognizance of offences under section 191, Criminal Procedure Code.

† Includes 35 such Tahsildars.

‡ Excluding 534 cases under Act XIII of 1859 pending in Nilgiris through absence of accused.

§ Excluding 704 similar cases.

These statistics show that although the number of cases instituted has greatly increased since 1892 and the number of Magistrates has undergone a considerable diminution, yet the average duration of a case has decreased, the proportion of witnesses who were detained more than three days has fallen nearly 30 per cent., the ratio of pending cases has declined, and the percentage of conviction has advanced. It is probable that the growing proportion which offences under special and local laws have in recent years borne to the total of cases instituted is partly responsible for this improvement, for cases under these laws are quickly disposed of, and very generally end in conviction. But, on the other hand, a very large proportion of the recent growth in nuisance cases has fallen upon the shoulders of the Bench courts, and has not affected the statistics of the work of subordinate Stipendiary Magistrates. It appears, therefore, to be on the whole justifiable to conclude that the work of these latter officers has advanced since 1892 in promptness.

The heaviest files among the several districts were in Malabar, South Arcot and Tanjore. The average duration of a case was, as usual, longest in the Agency Tracts and Kurnool, Bellary (as in 1894) and Madura being also conspicuous. Tanjore improved in the matter of the detention of witnesses, noticed in the last review, but the figure was nevertheless higher than in five other districts in which a greater number of witnesses were examined.

8. *Superior Magistrates in the Mufassal.*—(1) In Deputy Magistrates' courts the institutions were almost the same as in 1894. The pending cases and the witnesses detained more than three days were more numerous than in that year, and the average duration of each case rose from eighteen to nineteen days, and was more than thirty days in Kurnool, Malabar and Salem. In Gódvári almost a quarter of the whole number of witnesses examined were detained for more than three days. This point calls for the attention of the District Magistrate.

(2) In the Courts of Assistant and Head and Special Assistant Magistrates outside the agencies the average duration of a case was longest in Malabar (where the file was heaviest) and Tanjore, but the figure for the whole Presidency remained unchanged. Out of a total of 90 witnesses detained more than three days thirty-three were detained in Salem. The District Magistrate should see that wherever possible there is no delay in the examination of witnesses.

The two Cantonment Magistrates in Chingleput district reduced the average duration of cases on their files from two days to one, although the number of cases disposed of advanced some 30 per cent. It is noteworthy that in these courts the percentage of conviction was 52, while in the Wellington Cantonment court it was 98.

(3) In Joint Magistrates' courts the average duration of each case was for the third year in succession heavy in Tanjore (thirty-five days). It was also over thirty days in Coimbatore. The heaviest files were in Malabar and Madura.

(4) District Magistrates disposed of nearly double as many cases as in 1894, but the number was still small, and seven of them tried none at all, while only three tried more than five. Their revisional work increased somewhat. The number of references made by them to the High Court was about the same as in 1894, but the percentage of cases in which interference was refused fell slightly (from thirty to twenty-eight).

The cases committed to Sessions courts by Deputy, Assistant, and Joint Magistrates were again few in number, being 164 out of the 1,124 received by Sessions courts. The attention of District Magistrates was in the last review called to the necessity of requiring the superior magistracy to themselves undertake the preliminary enquiry into sessions cases of importance. Those remarks were probably received too late in the year to have much effect on the returns of 1895, but the Government looks for improvement in this respect in the current year.

9. *Appeals.*—The percentage to the number of persons awarded appealable sentences by second and third class Magistrates of those who appealed against them to Sub-Divisional and District Magistrates was slightly higher than in 1894, as was the number of such appeals which was successful.

The percentage of appellants to the Sessions courts from sentences of first-class Magistrates fell from 63.9 to 62.4, but, owing in part no doubt to the fact that cases in these courts are usually of some importance, was still high. The percentage of such sentences which was confirmed fell from 73.1 to 67.8.

10. *Sessions Courts.*—The advance (108 cases) in the work coming before these courts was due to an increase of dacoity in Coimbatore and Tinnevely. The heaviest files were those in Coimbatore, Tinnevely and Madura, and the lightest (excluding exceptional districts, such as Vizagapatam and the Nilgiris) was in South Arcot.

The heaviest pendency (ten cases) occurred in Salem. The Government notes that in Madura the average duration of a case was reduced from forty days to twenty-nine.

The proportion of the witnesses who were detained more than three days was again large. The Government is not convinced that proper arrangements might not obviate this inconvenience. The fact that in Madura only 34 witnesses out of 855 were detained more than three days shows what improvements might be made. It is observed that the Honourable the Judges have drawn the attention of the Sessions courts to the matter.

The percentage of conviction in these courts increased slightly to 46.60. Out of fifteen cases in which the Sessions Judge differed from the jury and referred the case to the High Court under section 307, Criminal Procedure Code, interference was refused in eight. In 1894, 87.5 per cent. of the verdicts so referred were set aside.

It is noticeable that out of 111 cases in which sentences of death passed by Sessions courts were submitted to the High Court for confirmation the extreme penalty was ordered in only 56.

11. *Presidency Magistrates' Courts.*—The number of cases coming before these courts was the highest on record owing to the increase in prosecutions under the City Police Act, which has been already alluded to. The advance in the work appears to have been satisfactorily met.

12. *High Court.*—Fifty-six Sessions cases (or one more than in 1894) were committed to the High Court. The proportion of convictions fell to 57 per cent. The number of cases referred under sections 307 and 374, Criminal Procedure Code, advanced; but the court's appellate and revisional work was less than in the preceding year. Out of twenty-five appeals against acquittals, the order of acquittal was reversed in eighteen cases.

13. *Punishments.*—Owing, probably, to the decrease in grave crime the number of sentences of imprisonment fell off, while sentences of fine increased, possibly owing to the advance in prosecutions under special and local laws. Whippings were 2,124 against 1,700 in 1894, 616 of the convicted persons against 622 being juveniles.

The percentage of fines realized which was paid to complainants under section 560 rose from 4.0 in 1894 to 4.25, but, as has been remarked in the review on the Police Administration report, the use of this section is clearly neglected at present, and District Magistrates should again draw the attention of Subordinate Magistrates to the matter.

14. The net expenditure on criminal justice during the year under the three heads of salaries and contingencies, refunds and compensation alone, and excluding other charges, was Rs. 8,88,779 or an increase of Rs. 1,02,204 over the corresponding figure in 1894.

(True Extract.)

for Ag. Chief Secretary.

To the Honourable the Chief Justice, with C.L.

" all District Magistrates.
" the Inspector-General of Police.
" the do. of Prisons.
" the Revenue Department.
" the Local and Municipal Department. ✓

ENDORSEMENT—No. 1747, Judicial, dated 5th November 1896.

Copy to the Government of India, Home Department.

A. T. ARUNDEL,
Ag. Chief Secretary.

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189.

READ AGAIN G.O., No.

189.

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