

Political (1895) Department.

ORDINARY MS.

G.O., No. 122

Dated 16th Feb. 1895.

INDEXED.

[Despatch Abstract.]

ARREST OF DESERTERS

Passing orders on reference by the Resident in Travancore and Cochin on the subject of the -- from the British Army found in Travancore, and suggesting to the Military Department the procedure which ought to be adopted in such cases.

BACK PAPERS.

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

FURTHER PAPERS.

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

Residents' Office on circuit
Trichur, 25th January 1895.

From H. B. Gigg Esquire M.A.C.S.E.
Resident in Travancore and Cochin

To The Honorable Mr. E. Gibson
Ag. Chief Secretary to Government
Fort Saint George

Sir,
My attention was recently drawn to a notice published in the Police Sheet of the Travancore Government Gazette, the notice in question was the descriptive roll of a deserter from the 2nd Madras Lancers signed by the Commandant of that Regiment, and a footnote to the same by the Superintendent Travancore Police directing the arrest of the deserter should he be found in Travancore. On perusing the notice I wrote to the Superintendent Police asking from whom he received the descriptive roll and on what authority he had directed the Travancore Police to arrest the deserter. In reply he writes "I beg to inform you that I got the descriptive roll of the deserter referred to from Captain Deane Commanding the

2" Madras Lancets, he sent it to me as Morris is a native of Travancore. As regards the second point it is one of the primary duties of the Police to arrest all deserters though I see now you draw my attention to it the specific heading is not included under section 35 of the Travancore Criminal Procedure Code corresponding with section 54 of Act X of 1882 But section 40 (corresponding with section 59 of Act X of 1882) I think covers the case as even any private individual may arrest any one who is proclaimed as an offender which a deserter from the Army is."

I will be obliged if you will kindly inform me whether the Travancore Police can legally arrest in such cases without instructions through the Political Officer and Durbar. The Travancore Criminal Procedure Regulation can give no Sirkar Police Officer jurisdiction over British Subjects except in cases specially provided for in the Regulation and the case of such persons being deserters from British Regiments is certainly not and cannot probably be properly provided for in the Travancore Criminal Procedure Regulation

Consequently if such persons are to be dealt with in Native States it can only be done without law, - it seems to me, as a matter of imperial necessity through the Political Department.

I have the honor to be
Sir
Your most obedient servant

H. P. P.
Resident

90

Political 163

Com 107/97 : 4999 28-10-90
" 68/93 3719 16-6-92
49492-10-89
1855 Jan 28 3-10-92
68 Jan 9 9-1-96 SE

From

The Resident in

Travancore and Cochin

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The Chief Secretary to Government

Fort St George

Dated 25th January 1895

Received 5th Feb

Ref no 287

Enclosure



Requesting the opinion of

Government if the Travancore

Police can arrest a deserter from

the British Army found in Travancore

with a request from the Political

Agent through the Durbar to

Political Dept

Travancore and Cochin

Enc 163

For orders

The Resident in Travancore brings

to the notice of Govt. that a notification

was published in the Travancore Gazette

giving the descriptive roll of a

deserter from the 2nd Madras Lancers

signed by the Commandant of that

Regiment and a footnote to the

same by the Supdt, Travancore

Police directing the arrest of the

deserter should he be found in

Travancore. Mr. Grigg wishes to know

if the Travancore Police can legally arrest

in such cases without instructions

through the Political officer and Durbar

He also states that the case of deserters

is not and cannot properly be

provided for in the Travancore

Criminal Procedure Regulation and

presumes that if such persons are to be dealt

with in native states it can only

be done "without law" as a matter

of imperial necessity. A reference

to the correspondence under

cover of G.O. 3^d July 1897, No.

No. 334, Pol., will show that Mr.

Grigg's presumption is correct.

Arrest of Deserters

The correct procedure for the arrest of deserters should, however, be for the Commanding officer to address the Resident to move the Darbar to secure the arrest of the deserters.

It seems best not to draw the Darbar's attention to the omission in the existing law of Travancore. Submitted that Mr. Frigg may be informed accordingly, his attention being at the same time drawn to go. 9. 3. July 1889.

Yes
10/11

Yes w

For orders

Instructions may at the same time be issued to commanding officers through the mil. Dept. that when they desire to enlist the cooperation of the Police in Native States, the correct procedure is for the commanding officers to address the Resident to move the Darbar.

Yes

w

10 Feb

The question of extradition by Native States of deserters from the British Army is a delicate one. It appears to be imperatively necessary that action should be taken through the Resident.

8/2/95

29/2

21/2

CS

Yra

no. 163

order of 16 Feb. 95. No. 122

the correspondence recorded in

The attention of the Resident in Travancore and Cochin will be drawn to go. 9. 3. July 1889, no. 334. A reference to the correspondence recorded in this go. will show that the arrest of deserters from the British Army taking refuge in Native States does not come under the operation of any law. & cannot. 2. Mr. Frigg's view that the arrest of deserters from British Regiments cannot be properly provided for in the Travancore criminal Process Regulation is accepted. The attention of the Darbar should not be drawn to the omission in the existing law.

3. The mil. Dept. will be requested to issue instructions to commanding officers that when they desire to enlist the cooperation of the Police in Native States to secure the arrest of deserters, the correct procedure is to move the Darbar through the British Political Officer.

Resident in Trav. (A)
Mil. Dept. (A)

13/2/95

Arrest of deserters

When given for copying
When copied
When examined
When signed

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READ AGAIN G.O., No.
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DATED

CURRENT No.

CS
mio

(from orders)

ENCLOSURES TO C. No

ORDER OF GOVERNMENT

LETTER OF GOVERNMENT

STATEMENT WITH DITTO

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