MADRAS RECORD OFFICE.

Government of Madras.

Revenue **DEPARTMENT.**

G.O. No. 1631	Press / Mis.
298-299	
Dated 18-9-1869.	

Not to be folded or roughly handled

Proceedings of the Madras Government, Revenue Department, 18th September 1860.

No. 298. Read the following Proceedings of the Madras Government in the Judicial Department, dated 10th September 1860, No. 1,161 :—

Forwarding copy of a Resolution appointing a Commission to inquire into the organization and cost of the Police in India, together with a copy of the Memorandum therein referred to, and requesting that any information or assistance which the Commission may require, may be promptly rendered.

(Vide Judicial Proceedings, 10th September 1860, Nos. 59, 60.)

No. 299. ORDER THEREON, 18th September 1860, No. 1,631.

Ordered to be recorded.

(Signed) J. D. BOURDILLON,
Secretary to Government.

PROCEEDINGS OF THE MADRAS GOVERNMENT.

Read the following letter from W. GREY, Esq., Secretary to the Government of India, to the Secretary to Government of Fort Saint George, dated Fort William, 17th August 1860, No. 1,711.

Home Department.
Revenue.

I am directed to forward the accompanying copy of a Resolution this day passed by the Right Honorable the Governor General in Council, appointing a Commission to inquire into the organization and cost of the Police in India, together with a copy of the Memorandum referred to in the Resolution, and to request that any information or assistance which the Commission, in the prosecution of the duty entrusted to them, may require, may be promptly rendered.

FORT WILLIAM, HOME DEPARTMENT, JUDICIAL, THE 17TH AUGUST 1860.

RESOLUTION.

The Governor General in Council deeming it expedient that a comprehensive enquiry should be made into the existing constitution of the Police Establishments throughout British India with the view of ascertaining in what way they may be most effectually improved, and also whether in any part of India the present expenditure on Police is susceptible of reduction, is pleased to appoint the following gentlemen to be a Commission for the purpose of making such enquiry :—

Mr. M. H. Court, Bengal Civil Service (North Western Provinces.)

Mr. S. Wauchope, C.B., Bengal Civil Service (Lower Provinces.)

Mr. W. Robinson, Madras Civil Service.

Mr. R. Temple, Bengal Civil Service (Punjab.)

Lieutenant-Colonel Bruce, C.B., Bombay Army, Chief of the Police, Oude.

Lieutenant-Colonel Phayre, Commissioner of Pegu, will also be a Member of the Commission as long as he remains in Calcutta.

Mr. Robinson, whose duties will probably require him to return shortly to Madras, will continue to be a corresponding Member of the Commission, and should be consulted by letter on all questions of principle which may come before the Commission after his departure from Calcutta.

The objects of the Police Commission will be :—

I. To ascertain the numbers and the cost of all Police and quasi-Police of every description at present serving in each Province, throughout the British Territories in India, who are paid by Government from the General Revenue.

II. To suggest to Government any measures whereby expenditure may be economized, or efficiency increased, in the existing Police Forces.

I. With a view to ascertain the numbers and the cost of the existing Police, the Police Commission should, in the first instance, put itself in communication with the Military Finance Commission and obtain from them all the information which, in the course of their investigations, they have collected on the subject, and also any aid that they may be able to give with a view to complete the enquiry into the cost of the Police.

The result aimed at by the Commission should be to embody in one view a statement of the numbers and the cost of every body of Police, Military and Civil, and under whatever name it may be serving, which is employed within British Territory in India (excepting only the Police employed within the jurisdiction of the Supreme Courts,) and which is paid directly or indirectly by the British Government, and which is not under the orders of the Military Officers subor-

dinate to the Commander-in-Chief. The statement should show the character and constitution of each body,—how organized and how armed and equipped,—to whom subordinate, and on what duties employed. The statement should also include all civil guards and burkundazes, chaprassies and other orderlies—by whatever name designated in different parts of India—who are attached to the Courts and Treasuries or to the persons of the District Civil Authorities, Judicial and Executive from the highest to the lowest, or who are employed in the collection of the revenue.

The statement of cost should include arms, accoutrements and clothing—the total charge to the State, Military as well as Civil, of the Officers employed—the average charge on account of pensions, gratuities, &c., in short should give, as accurately as possible, the true charge of each body upon the public revenue. Care must be taken however not to include charges of a purely judicial character, such as the salaries of the Police Magistrates in the Bombay Presidency. Where a salary is received for the discharge of duties which are partly Judicial and partly Police, this should be noticed.

In order to complete the information which it is desired to collect, and having regard to the circumstance that in several parts of India the establishments for guarding the Jails form part of the General Police arrangements of the Province, there should be given, in a separate statement, the total charges of all Jails including Jail guards—shewing the cost of each Jail and the average number of prisoners it contains, the details of cost in general terms, how the prisoners are employed, and what return is obtained from their labor.

Where the Jails have guards specially entertained, the exact cost will be given in this statement,—where the Jail guards are provided from the Police or from any general corps of station guards, the cost of which is included in the first statement, the estimated share of the cost of the Police or of such general corps debitable to the Jail should be shown, with a note that it is already included in the statement of the numbers and cost of the Police.

II. Under the second head of their enquiry the Commissioners will report any alterations in system which they consider likely to increase efficiency, or to diminish expense.

The general objects to be kept in view as desirable in a perfect and economical Police, are briefly stated in the annexed Memorandum. It is not, however, to be understood that this is meant as a model to be followed strictly. It is simply intended that, keeping in view such a Police as is therein described, the Commission should suggest any changes which, with reference to existing circumstances and the wants of the various divisions of the Empire as stated by the local Officers, may be regarded as practicable within some reasonably proximate period, and likely to conduce to ultimate economy or efficiency.

A draft of a Bill on the model of Act XXIV of 1859 (the Madras Police Act) may be submitted to Government empowering the local Governments to give effect to any such reform as they may desire to carry out in furtherance of the suggestions of the Commissioners. The Bill may be conveniently drawn as applicable in the first instance to a particular Province—as Oude, or the Punjab, or Sinde,—but it should be framed so as to be capable of extension to other parts of the country by proclamation.

The Governor General in Council thinks it very desirable that the Commission should forthwith select and print such public papers relating to Indian Police as may serve to show the results of former enquiries, and the principles already laid down by the Home Authorities and the Government of India,—thus forming a useful guide to the starting point whence present enquiries and reforms should commence.

The several local Governments and Administrations will be requested to instruct the Officers subordinate to them to furnish promptly any information or assistance which the Commission may require from them.

(Signed) W. GREY,
Secretary to the Government of India.

MEMORANDUM.

The characteristics of a good Police for India are—

I. That it should be entirely subject to the Civil Executive Government.

This rule would exclude from the Police all local corps under the orders of the Military Authorities,—such as were, formerly, some of the so-called Police Corps in Bombay, and some of the present Punjab Police.

It would also require a change in the rule which, as formerly in Madras and Bombay, gave the control of the Police to a Judicial body,—the Circuit Judges in Madras, and the Sudder Foujdaree Adawlut in Bombay.

In a Non-regulation Province this rule would point to the necessity of the Police being under the Civil Commissioner, or other head of the Executive Government, rather than under the Judicial Commissioner, or other substitute for a Court of Appeal.

II. The duties of Police should be entirely Civil, not Military.

The line which separates the protective and repressive functions of a Civil Police from functions purely Military, may not always, in India, be very clear, especially in the vicinity of a frontier; but it may be laid down as the duty of a Civil Police to protect the community against all local criminal classes, including Thugs, Dacoits, &c., and to put down all riots and local disturbances. But when, from disaffection, or other cause, not local or temporary, the disposition to break or defy the law extends to persons not belonging to any local criminal class, when riot becomes rebellion, or the breakers of the law are, wholly or in part, strangers to the district, and when from such causes the police of ordinary peaceful times aided by a temporary special constabulary (Burkundazes, &c.) becomes unable to meet the exigency, then the functions of the Civil Police should end, and the task of protection or repression becomes a Military duty, and should be entrusted to purely Military bodies.

Hence it follows that bodies whose duties are mainly to prevent rebellion, or external invasion, and who have few if any purely Civil functions to perform, like many of the Punjab Police Corps, are Military bodies, and not properly Police; that they should not be mixed up, even in name, with the Police, nor be charged to Police account.

It also follows that the Police should be no stronger than is needed for purely Police purposes, and that they should not be maintained in time of peace at a strength which can only be needed in time of rebellion or invasion;—it being understood however that a reserve should be kept up at some head quarters, to be available against sudden local outbreaks.

This corollary would further reduce the force of Police Corps in the Punjab and elsewhere.

The escort of treasure or prisoners, the guarding of Civil Jails and the duty of furnishing escorts to Civil Officers in time of peace are Civil duties, and the Police should be strong enough to undertake them.

III. The functions of a Police are either protective and repressive, or detective,—to prevent crime and disorder, or to find out criminals and disturbers of the peace. These functions are in no respect judicial.

This rule requires a complete severance of the Police from the Judicial authorities, whether those of higher grade, or the inferior Magistracy in their Judicial capacity. When, as is often the case in India, various functions are often combined in the hands of one Magistrate, it may sometimes be difficult to observe this restriction, but the rule should always be kept in sight that the official who collects and traces out the links in the chain of evidence in any case of importance should never be the same as the Judicial Officer, whether of high or inferior grade, who is to sit in judgment on the case.

This rule will prevent Police Officers from taking down confessions to be used subsequently as evidence, this being a judicial process of great importance.

It ought in fact, to prevent any Policeman from taking down in writing any deposition of a witness. The Police should be confined to catching the malefactors and procuring the attendance of witnesses, leaving it to a perfectly distinct agency to examine the witnesses, and take down in writing their depositions.

It may sometimes be difficult to insist on this rule, but experience shows it is not nearly so difficult as would be supposed, and the advantages of insisting on it cannot be overstated. It follows from this rule that Police Officers should never be habitually employed as Assistants to the Magisterial Officers, to try petty miscellaneous cases, &c. The Police Officers may often, with advantage, try their own men, and they should always have power to do so—but, though empowered, they should never be required to take up any other judicial duty. They should be left entirely free to devote their undivided attention to the discipline of their men, and to their proper Police functions, in detecting or preventing crime.

IV. The organization of the Police must be centralized in the hands of the Executive Administration.

The great problem of Police arrangements is how to reconcile this rule with the preceding one, that the Police should be distinct from the Judicial agency; because, in all parts of India, but especially in what are called Non-regulation Provinces, the Executive and Judicial functions are united in the same hands in all public Officers from the lowest to a very high—often to the highest grade.

The working Police, having its own officers exclusively engaged on their own duties in preventing or detecting crime, the question is at what link in the chain of subordination, between the highest and lowest officers in the executive Administration, is the Police to be attached and so made responsible as well as subordinate to all above that link in the chain? The great object being to keep the Judicial and Police functions quite distinct, the most perfect organization is, no doubt, when the Police is subordinate to none but that officer in the Executive Government, who is absolved from all Judicial duty, or at least from all duty involving original jurisdiction, so that his judicial decisions can never be biassed by his duties as a Superintendent of Police. This was the case in Sind and latterly in Bombay. It was the original plan for the Oude Police, though latterly the link of subordination has been fixed lower in the scale, at the district instead of the divisional officer—and, so far, the existing organization in Oude is less perfect than was intended, as a district officer will now often have to decide cases judicially, in getting up the evidence of which he has taken a very active personal part as Superintendent of the District Police. It is difficult to lay down any more definite rule as to the exact point where the subordination should commence than by saying that it should be so arranged that an officer should never be liable to try judicially important cases, got up under his own directions as a Police Officer.

No particular class or grade of officers can be named, because the same name often indicates different functions, in different parts of India, and a variety of local circumstance often alters the relations of officers which would otherwise correspond; *e. g.*: The Deputy Commissioner of Oude or the Punjab corresponds, generally, in position and functions with the Magistrate of other parts of India—but the Magistrate of one of the larger Zillas in Madras or Bombay, has as large a charge as a Commissioner in the Punjab or Oude; one is as large, and several are half as large as the whole Province of Oude.

In such large charges the chance of the Magistrate having to try cases got up by himself are of course infinitely less than even in a Commissioner's charge in the Punjab or Oude.

For the decision therefore of this most important question, as to the precise link where the subordination and responsibility of the Police should commence, no one rule can be laid down. It must be decided, in each Province, according to local circumstances, bearing in mind the great object that no man should be liable to try important cases judicially which have been got up under his own superintendence.

This raises the question, who is to be responsible for the peace of the district?

Clearly that Officer, whoever he may be, to whom the Police are immediately responsible. Under him, it is the duty of every Police Officer and of every Magisterial Officer of whatever grade, in their several charges, to keep him informed of all matters affecting the public peace, and the prevention and detection of crime. It is his duty to see that both classes of officers work together for this end, and as both are subordinate to him, he ought to be able to ensure their combined action.

The exact limits of the several duties of the two classes of officers it may be difficult to define in any general rule; but they will not be difficult to fix in practice, if the leading principles are authoritatively laid down, and above all if the golden rule be borne in mind that the Judicial and Police functions are not to be mixed up or confounded, and that the active work of preventing or detecting crime is to rest entirely with the Police and not to be interfered with by those who are to sit in judgment on the criminal.

Another question for which no general rule can be laid down and which can only be decided by a consideration of all local circumstances, is, where is the centralization to stop? what is to be the size of each centralized area? If the area be too small, combined action becomes difficult, and organized crime, such as Thuggee or Dacoity, cannot be properly dealt with. If, on the other hand, the area be too large, the centralization becomes nominal; it is not really felt at the extremities, except to paralyze action. This question must be decided, in each case, according to local circumstances. The natural boundaries of the district, which limit the intercourse of the people with their neighbours, boundaries of language, facilities of communication and the like, must all be considered. As a general rule, no officer should have a larger charge than he can visit at least once in every year, if his duties are to superintend other superior officers: below this, each officer's area should decrease with his rank, till those in immediate charge of the constabulary of any one district ought to be able to reach any Police post at a stretch within the day. Beyond this, there is no use in multiplying European Officers, except for special charges such as large cities or head quarter stations.

This would limit the area of centralization to Provinces of which the principal stations could be visited once annually by the Chief of Police. The Police should form a separate Department of Government in each Presidency, and in the Government of India; but no attempt should be made to centralize action beyond the limit above assigned, which would be nearly equivalent to a rule that no Police Officer should receive orders from any one whom he did not see at least once a year. The control of the Government of India should be confined to general principles and to such other general supervision as may enable that Government to preserve some uniformity of practice, and due proportion in the amount of expenditure allowed.

It follows from Rule 2 which lays down that all duties of Police are of a Civil character, that the term "Military Police" involves a contradiction and ought therefore never to be used—probably the term "Organized Police" or "Constabulary" would best indicate wherein a reformed Police differs from the bodies it is intended to supersede.

But though none of its functions are other than Civil, it may be laid down as a rule that

V. The organization and discipline of the Police should be similar to those of a Military body.

The organization of every Police body should be Military so far that every man's rank in the force should be an unerring index to his position and duties, and show at once who is to command and who to obey.

The discipline should be Military as far as regards regularity, implicit attention to all orders, and punctuality in all duties; and as far as may be necessary to ensure cleanliness and uniformity, both on or off duty.

As regards drill and parade-discipline, it should never exceed what is necessary to enable the Police to deal with large masses of non-Military men. The Police should be able when in bodies to form line and column, and to change from one of those formations to another—to

change front, and to march at various rates by order—to use the weapons furnished to them effectively, *e. g.* to go through the manual and platoon exercise with a musket and bayonet, and to do duty with Military precision, as sentry.

Where any thing more than this is required, regular troops should be called in, and if much more than this is attained, it may be taken as a tolerably conclusive proof that the Police is stronger than is needed for purely Police purposes, and may be safely reduced.

VI. The appointment and dismissal of every Policeman should rest with the European Officer to whom he is immediately responsible.

As regards Policemen below the rank of an Officer, no appeal or confirmation should be allowed from the orders of the European Superintendent of the District, except in the case of men who have served a certain time in the force—say 10 years. The cases of such men and of Native Officers of all ranks should be referred for confirmation to a superior Officer higher in rank than him to whom they are immediately responsible. But even in such cases the final order should always be that of the Officer to whom the Policeman is responsible.

All fines and stoppages of pay should be regularly and periodically reported in such a form as to enable the Superintendent of Police to judge of the propriety of the punishment.

VII. The Police must be divided into various bodies differently armed and equipped according to the different kind of work required of them.

Some of these divisions will occur as of almost general application—there will be *e. g.*—

1. A Foot Police—to a great extent protective, to provide guards for Jails and Treasuries, escorts for Treasure, &c., and to form the main body of the Police, from which men for every kind of duty will be drawn as occasion requires.

2. Mounted Police—men on horses or camels, according to the nature of the country, will generally be of a class superior in station and intelligence to the Foot men, and will be employed not only on duties requiring quicker locomotion, but on duties of greater trust and responsibility. They may be again of various classes from that which furnishes our Irregular Cavalry down to men mounted on the ponies of the country and paid accordingly.

It is clearly impossible to lay down any general rule as to the equipment or mounting of Policemen which shall be applicable to all India. In the swamps of Assam, and forests of Pegu, the Policeman must know how to manage his elephant; in many of the Deltas and Coast backwaters he will have to trust to boats; in the deserts to camels; in some parts of the country a horse will be indispensable; in others it will be useless. All these varying circumstances must be provided for as occasion arises.

VIII. The pay of the Police must vary according to time and place, but it may be laid down as a general rule that it should always be sufficient to give the Foot Policeman something more than the highest rate of wages for unskilled labour, so as to ensure Government having the choice of all the class to which unskilled laborers belong, thus securing the best and most respectable of that class for the Police. The pay of Mounted Policemen, and of the superior grades, will of course be higher according to their expenses and rank.

This rule will be modified in some Districts where the Police are generally drawn from some particular class of the community. It will also be modified where they are paid wholly, or in part by grants of land; but the general rule to be observed is that the Policeman should get, as pay, rather better wages than he would otherwise make by his industry, so that simple dismissal from the Police may always be a substantial punishment.

This is the best pecuniary guarantee for his honesty and efficiency. This rule is incompatible with the present too general practice of paying Policemen wages, notoriously insufficient for their subsistence, leaving them to make up the difference by peculation.

IX. The Police should always have an uniform dress.

It need not vary more from the usual dress of their class than is sufficient to mark them as public officials on duty, without any thing peculiar to catch the eye, or to feed the vanity of the

wearer. In most parts of India uniform colors, in the various parts of the usual national costume, will be quite sufficient as a distinction.

X. The Arms of the Police must vary according to their duty.

In a generally peaceful and unarmed population, a truncheon will be sufficient. Where there is a chance of their often having to deal with armed or desperate men, they may require cutlasses, or muskets and bayonets. It must depend on local circumstances whether these are to be always carried, or only occasionally, and on peculiar duty.

The exact nature of the arms will also vary, and in peculiar localities and among peculiar classes, peculiar weapons (the Ghoorka Kookree for instance) may be allowed.

XI. The direction of the whole interior economy of the Police must rest exclusively with the Officers of Police.

The Police must be in Scotch phrase "self-contained." Every man will be subordinate to the Magisterial and Judicial Officers of the district, according to their rank, and the duty on which they are employed; but neither directly responsible to, nor dependent on any but his own Officers, through whom he is responsible to the head of the Civil Executive Government. The words "subordinate," "responsible," and "dependent," are here used in their strict sense, and not as convertible or synonymous. On all matters relating to the detection or prevention of crime, every Policeman will, as a matter of course, obey all orders he may receive from any Magisterial Officer to whom he is subordinate; disobeying at his own peril, but being responsible for such disobedience only to his own Officers.

Such responsibility will be enforced, in case of neglect by his immediate superior, through the common superior of all, the head of the Civil Executive Government.

It follows as a necessary consequence, which needs no illustration, that—

XII. There cannot be more than one Police in one locality.

There cannot be one Police under the Superintendent of Police, and another more or less under the Magisterial or other Civil Officials.

An apparent exception may exist in the case of Railway Police, but it ought to be only apparent, as the status of the Superintendent of Railway Police should always be that of a Deputy to the Superintendent of a district *pro hac vice* with his duties confined to a particular defined locality, *i. e.*, the line of Railway, and the ground in the occupation of the Railway Company.

The Village Police will be no exception to this rule, as far as it is a real Police body, kept up at the expense of the State; but it must never be forgotten that in many parts of India, the State bears but a very small portion of the expense of the Village Police, which is in a great measure a purely municipal body, paid by the village community.

It must be also borne in mind that the village watchman in many parts of India is paid by the local community for numerous duties little if at all connected with the Police.

In deciding therefore what authority the District Chief of Police should assert over the Village Police, it will be necessary to enquire how the latter are paid? to what extent they are paid by the State, as distinguished from the local community? and what duties, other than Police, do they discharge?

It must also never be forgotten that the Police duties of the regular Stipendiary Police are their entire daily and perpetual duty, whereas in ninety-nine out of a hundred cases the real Police duties of the Village Police recur only occasionally, at intervals of, it may be days, or even weeks and months, and that when the village watchman, however selected, paid or drilled, is dealing with a crime (which occurs in his village once perhaps in a series of years—it may be

once only in a life time) it is vain to expect the same sort of aptitude which may be reasonably looked for, in the most ordinary professional Policeman.

The great value of the Village Police, as an adjunct to the general Police, is the local knowledge of persons and habits which they possess. Their general mode of life, and the form in which they receive their remuneration, enable them to know all that goes on in the community. This knowledge can often, perhaps usually, be turned to useful account by the general Police, better through the head of the community, the village headman or Zemindar, than by any direct action.

But it may be laid down as a rule, that no village Police, however managed or however useful as a supplement, can ever be an efficient substitute for a general Police for any but village purposes.

As regards the classes whence the Police are to be drawn, it may be laid down as rule that—

XIII. Where practicable they should be drawn from the country in which they serve.

There will however be many exceptions—

In a newly acquired territory, it may be necessary to have a large proportion of the protective Police, foreigners—but this necessity ought annually to diminish.

There are said to be cases in which the Natives of the country are utterly unfitted ever to make good Police. This may be the case, but proved instances of it are certainly rare, and probably the materials of a Police, as good as is practically obtainable for any given community, are always to be found on the spot, if properly used, trained, and taught, for which purpose a number of foreigners may often be necessary at first, as instructors and leaders.

For European Officers the best men procurable should be secured, and there should be nothing between them and their men but Native Officers, well selected and well paid.

No European Constables or Non-Commissioned Officers should ever be allowed, except at Sea-ports and large Military stations, where they are required to deal with Europeans.

As regards the numerical strength of the Police, no rule can be laid down which would be a guide with reference to either area, population, revenue, or character of the country and people —taken singly. All these circumstances must be considered together. It may be laid down as a general rule that a Policeman, if a well paid, should be also a hardly-worked official, and if either the individual Policeman lead an easy life, or the reserves are large enough to be over-drilled and to play at Soldiers, it may be safely concluded that the Police are too numerous for the duty they are required to perform, and that their numbers may be reduced.

These are the tests which may be applied to the various Police bodies in India, with a view to ascertain how closely they approach perfection. The numbers and cost of each body should be considered with reference to the area of British Territory it is required to protect, the land revenue of that territory and its population, and wherever the Police are found much above or below the average, in either number or cost, the cause, if any, should be ascertained with a view to retrench what may be superfluous.

It may not be always possible to retrench such superfluity: the enquiry may in some cases end in a mere transfer of charge from Police to Army, but it will be ascertained what is being paid for real Police purposes, what is got for the money, and what further is required.

After all, it must be remembered that no Police can be made perfect by simple organization. A sound system of organization is no doubt essential, but the character of the administration is the vital point. No Police system can be stereotyped for even a few years, and the best organization which can be devised will fail to attain its object, unless every care be taken to secure a pure and vigorous administration.

ORDER THEREON, 10th September 1860, No. 1,161.

Copies of the above letter and its enclosures will be circulated to the Inspectors General of Police and Jails, the Foujdary Court, the Board of Revenue, and all Magistrates of Districts.

(True Extract.)

Chief Secretary.

To the Inspector General of Police.
" Inspector General of Jails.
" Foujdary Adalat.
" Board of Revenue.
" Magistrate of
" Military Department.
" Revenue Department.

Exd. F. Cartledge.

Revenue 1860 Oct 1st
Pros: of Govt for Sept
No. 1973.

Proceedings of the Madras
Govt. in the Judicial &
Dept.

Dated 10th } Recd. 1860
Received 14th }

No. 1161.

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No. 1631.

Recorded.

No. 298 & 299

18th Sept. 1860.