M.R.O. 1—39,000—16-10-29.

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No.	2169	Press ~~No.~~
221-22. Dated	14—8—	~~No.~~ 1868.

Not to be folded or roughly handled

2015

Proceedings of the Madras Government, Revenue Department,
14th August 1868.

No. 221. Read the following Proceedings of the Madras Government in the Judicial Department:—

Concurring with the Board of Revenue and the Inspector General of Police, that although the Magistrate of South Arcot could legally refer a case of bribery against a Tahsildar, who is ex-officio Sub-Magistrate, to the Police, there are serious objections to such a course. } (Here enter 5th August 1868, No. 1,220.)

No. 222. ORDER THEREON, 14th August 1868, No. 2,169.

Miscellaneous. Communicated to the Revenue Board.

(True Extract.)

(Signed) H. SEWELL,
Acting Under Secretary to Government.

To the Board of Revenue, with Proceedings Judicial Department, No. 1,220.

Exd. S. T. Augustin.

Proceedings of the Madras Government, Judicial Department, 5th August 1868.

No. 49. Read the following letter from the Acting Inspector General of Police, to the Chief Secretary to Government, Fort Saint George; dated Madras, 16th July 1868, No. 3432-1322.

General Department.

In forwarding the accompanying Proceedings of the Board of Revenue, No. 5092, dated 10th July 1868, I have the honor to solicit the instructions of Government on the general question at issue, which is sufficiently explained in these Proceedings.

Proceedings of the Board of Revenue, dated 10th July 1868, *No.* 5092.

Read the following letter from Major C. S. HEARN, Acting Inspector General of Police, to the Secretary to the Board of Revenue; dated Madras, 9th June 1868, No. 2587-1036.

I have the honor to forward, for the consideration of the Board of Revenue, an extract of a letter from the Superintendent of Police, South Arcot, regarding a complaint of bribery against a Tahsildar, referred by the Magistrate of the Police for inquiry under Section 133, Criminal Procedure Code. I have corresponded demi-officially with Mr. Reade on the subject, but he does not appear to consider that the course adopted is open to any objection. As similar cases have occurred elsewhere, I venture to lay the matter before the Board for an expression of their opinion.

2. Under Section 133, Criminal Procedure Code, a Magistrate may legally refer any case, not otherwise cognizable by the Police, for Police inquiry, but it is not imperative that he should do so, and, in point of fact, the great majority of such cases are disposed of by the Magistracy without Police intervention. I submit that charges against Tahsildars for bribery, &c., are eminently cases in which Police inquiry is earnestly to be deprecated. Ordinarily such charges would fall to be investigated by the very Police Officers who are under the disposal and orders of the implicated Tahsildar for Magisterial purposes, and, even should special Police Officers be deputed to inquire, a serious blow is struck at the relations which ought to exist between the Magistracy and the Police. District Officers have complained of the very injurious tone of feeling created on both sides by this course.

3. Moreover, supposing the charge to be false and malicious, the complainant will probably have gained his object by the mere fact of subjecting the Tahsildar to the odium of a Police inquiry. This creates a direct incentive to malicious complaints.

4. I need not enlarge on the subject. If my view be correct, the reasons will be sufficiently obvious. I cannot but think that inquiries into the conduct of Revenue Officers of superior grade should be disposed of without the aid of Police Agency.

5. A copy of the abstract of original petition is forwarded.

Enclosure No. 1.

Abstract.—Extract from a letter from Superintendent of Police, South Arcot, to the Deputy Inspector General of Police, Southern Range, dated 9th May 1868, No. 58.

Enclosure No. 2.

Abstract.—Abstract of original petition.

The Board entirely concur in the opinion expressed in the foregoing letter.

2. They consider the course adopted by Mr. Reade open to serious objection, in reference to the proper relations of the Magistracy and Police towards each other, as well as for the other reason indicated by Major Hearn.

3. The Board cannot control the acts of the Magistracy, but they consider that Major Hearn would do well to bring the general question under the consideration of Government.

(A true Copy and Extract).

(Signed) A. MacGREGOR,
Acting Secretary.

Proceedings of the Madras Government, Judicial Department, 5th August 1868.

No. 50. ORDER THEREON, 5th August 1868, No. 1220.

The Government entirely concur with the Board of Revenue and the Inspector General of Police, in considering that, although the Magistrate of South Arcot could legally refer a case of bribery against a Tahsildar, who is ex-officio Sub-Magistrate, to the Police for inquiry, there are serious objections to such a course, and that Mr. Reade would have exercised a wise discretion if he had conducted the inquiry into the conduct of a superior Revenue Officer without the intervention of the Police.

(True Extract).

Chief Secretary.

To the Acting Inspector General of Police.
" Magistrate of South Arcot.
" Magistrate of
" Revenue Department.

Rd. 13/8

Rd. J. H. Burnt.

Revenue 1868. Vol 4
Bd of Govt for Augt
No. 2631.

Proceedings of the
Govt. Judl.
Vol 4.

Dated 5th Augt
Received 11th Augt 1868

Do No. 1220.

With Order
No 2169. 14th Augt
Concurring with the
Bd of Revenue & the
Inspector General
of Police that altho'
the Magistrate of S. Arcot
could legally refer a
Case of Perjury against a
Police who is an officer
Subordinate to the Police
there are serious objections
to such a course.

Nos. 221-222

No. 2169.

Copied to the
Revenue Board

14th Augt 68

5 Copies to the Bd of Revenue with Ors J.D. No 1220 Dispd 15