

Revenue (1897) Department.

MISCELLANEOUS SERIES.

G.O., No. 5364

DATED 15th Oct.

[Despatch Abstract.]

Recording Proo: Judge. Kept. Reviewing
Report on the Adm. of Criminal Justice
in this Presidency during 1896.

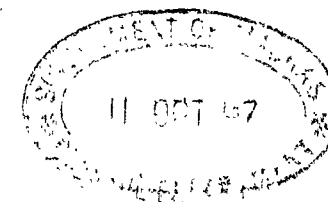
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Government { 1897 } of Madras. JUDICIAL.



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Enclosures

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G.O., &c., Nos. 1393, 1394, 25th September 1897.

SEPTEMBER.

G.O. Nos. 1393, 1394 of 15th Oct 1897

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Criminal Justice.

Reviewing report on the administration of — in this Presidency during 1896
ing copy to the Government of India.

and forward.

GOVERNMENT OF MADRAS.
JUDICIAL DEPARTMENT.

READ—the following paper:—

From the Registrar, High Court of Judicature, dated Madras, 13th August 1897,
Dis. No. 1385.

ABSTRACT.—Submitting fifty-five copies of the report on the administration of Criminal Justice in this Presidency for the year 1896.

ORDER—No. 1393, Judicial, dated 25th September 1897.

The report on the administration of Criminal Justice during 1896, which is in the usual form, reached Government by the prescribed date.

2. *Crime generally.*—The statistics of crime are dealt with in the third section of the report and the disposal of business in the courts in the fourth. The former subject, however, needs little notice here, as its main features have already been discussed in the review on the Police Administration Report for 1896. They were (i) an increase in serious offences against the person and (ii) of prosecutions for criminal intimidation, insult and causing hurt; (iii) a decrease in reported crime under the Salt and Abkari laws; and (iv) a decline in the number of cases struck off by the courts as false. The apparent decline in the number of offences against property noticeable in the statistics of the present report is unreal; for, as has already been noticed by Government, a number of cases of this description occurred towards the end of the year owing to the sharp rise in the prices of food-grains and the consequent prevalence of distress, but were not brought within the judicial cognizance of the courts before its close and so do not appear in the returns.

3. Of the 124,227 cases reported under the Indian Penal Code, 9,299 or 7.5 per cent. were dismissed *in limine* under section 203 of the Code of Criminal Procedure against an average of 8 per cent. in the preceding four years. Taking by themselves cases of hurt and criminal force and assault—which form a very large proportion of the offences instituted on complaint, 4.6 and 6.3 per cent., respectively, of the complaints were rejected under section 203. Only 10.4 per cent. and 8 per cent., respectively, of the accused in these cases were, however, convicted. It appears to the Government from a perusal of these and other similar figures in the case of other forms of crime that a larger proportion of complaints might without hardship or injustice to the complainants be dismissed under section 203, Code of Criminal Procedure. The fact that nine out of every ten persons tried for assault and causing hurt were acquitted seems to show that most of them were brought before the criminal courts on groundless or vexatious charges, or on accusations which were without evidence to support them, and that sufficient care was not exercised in every instance in scrutinizing complaints at the outset and in conducting preliminary inquiries. The attention of District Magistrates will be drawn to the matter.

4. Another measure which should tend to discourage frivolous or vexatious complaints is the grant of compensation under section 560, Code of Criminal Procedure. On of the magistracy has been frequently called to the provisions of this they were not as often resorted to as they might have been during the year 1895. Only 1,418 persons were directed to pay compensation against 1,527 in 1895.

5. Fewer persons were charged during the year for offences against the Towns Nuisances and the Madras City Police Acts, but prosecutions under the Municipal Acts were considerably more numerous than in 1895. Cases under the Hackney Carriages Act also increased—a result mainly attributable to the extension of the Act to Vellore in 1895. Convictions for robbery and dacoity and for offences affecting human life decreased. Owing probably to a rise in the number of compromises filed in court or inferred from the absence of complainants, the percentage of convictions fell also in cases relating to marriage, defamation, and criminal intimidation and insult.

6. The total amount of original and appellate work received by all courts taken together was slightly less than in 1895. The decrease in original business occurred almost entirely in cases coming before the Presidency Magistrates, and that in appellate work in the appeals presented to the Sessions Courts. On the whole disposals and arrears remained much the same as in the previous year, but there was a general improvement in promptness in the disposal of original work. The reverse occurred in the case of appeals.

7. The operations of the several classes of criminal courts are noticed below.

8. *Village Magistrates' Courts.*—Institutions in these courts rose from 10, 39 to 11,402 cases. As usual the extent to which these courts were resorted to varied largely in different districts, the cases coming before them ranging from 4 per cent. of the total original work in Bellary to 11.6 per cent. in North Arcot. They appear to have been most popular in Tanjore, Madura and North Arcot, which taken together, contributed more than 40 per cent. to the total of the criminal business dealt with by them; but in no district had Village Magistrates a larger average file than four cases per court in the year. The work seems, on the whole, to have been satisfactorily performed.

9. *Bench.*—The number of Bench Courts varied but little, but the cases filed in them advanced considerably. All except seven districts showed increases and these were more marked in Madura (3,424) and Malabar (890). A further decrease, on the other hand, occurred in Tanjore. The outturn of work by Bench Magistrates showed an improvement. A larger number of cases was disposed of; a higher percentage of conviction was obtained; and business was transacted with greater promptitude. Fewer cases were pending in South Arcot at the close of the year, and Gódvári improved in regard to the detention of witnesses beyond three days; but, as in 1895, these districts were again at the bottom of the list in these respects.

10. *Special Honorary Magistrates.*—There were no Special Magistrates in Anantapur and Vizagapatam. In the remaining districts these officers numbered forty or two less than in 1895. The statistics of the work dealt with by them show very similar results to those relating to Bench Magistrates, viz., an advance in institutions and disposals and an increase in the proportion of convictions. Cases were disposed of expeditiously, except in Gódvári again, where the average duration was no less than thirteen days—a fact which calls for the attention of the District Magistrate. Among other districts the transaction of business was most prompt in the Nilgiris.

11. *Stipendiary Subordinate Magistrates.*—The number of these Magistrates rose from 471 in 1895 to 488; but, owing to the diminution in the number of offences under the Indian Penal Code which were brought to trial during the year, the cases coming before them were considerably less in number. The decrease occurred mainly in Malabar and South Arcot, in both of which districts, however (and also in Tanjore), the files were, as usual, very heavy. Disposals continued to advance. Witnesses were in fewer instances detained for more than three days. The average duration of cases and the proportion of successful prosecutions did not greatly vary from the results of the previous year. An apparent reduction was effected in arrears; but this seems to be unreal, being due to the fact that, owing to the incorrectness of the returns furnished by the District Magistrate of the Nilgiris in 1895, more than 700 cases were wrongly shown as pending in that year. Arrears were particularly numerous in Madura, and, excluding the Agency tracts, where the circumstances are peculiar, the average duration of each case was also the longest there. In Tanjore and Malabar witnesses were detained less frequently for more than three days, but the proportion in these districts was still excessive.

12. *Superior Magistrates in the Mufassal.*—(i) Deputy Magistrates received for disposal 228 cases more than in 1895. The number of persons awaiting trial increased, and was particularly large in Cuddapah (97) and Tinnevely (61). In the former district 62 persons were under trial for more than six months in the court of the Deputy Magistrate of Jammalamadugu, and the District Magistrate will be requested to submit to Government the explanations of the officers responsible. No reason is apparent for the high proportion of pending cases in Tinnevely or in Trichinopoly. The average duration remained stationary on the whole, and was the longest in North Arcot and South Arcot. Malabar (though it improved) showed the largest number of witnesses detained for more than three days.

(ii) The courts of Assistant and Head Assistant and Special Assistant Magistrates disposed of fewer cases than usual during the year. This was in a measure due to the smaller number of offences under the Indian Penal Code which were tried during the year under review. The average duration of cases was longer, and witnesses were detained in a larger number of instances for more than three days, particularly in Kistna. The delay in disposal was conspicuous in Trichinopoly and Tinnevely. Cantonment Magistrates were, as usual, prompt in the transaction of business, all the cases instituted in the year having been decided before its close and the average duration extending only to one day.

(iii) The features of the work done in Joint Magistrates' courts were very similar to those noticed in the case of Assistant and Head and Special Assistant Magistrates. Out of 160 witnesses detained more than three days, 119 or over 74 per cent. were detained in Madura; but the file in this district was heavier than any other and many of these witnesses were examined in cases connected with the anti-Kallar movement.

(iv) The original work coming before District Magistrates slightly increased. They also disposed of more than twice as many appeals as in 1895, a large proportion (151) having been dealt with by the District Magistrate of Coimbatore. There was, on the other hand, an appreciable decrease in the number of revision cases dealt with by them and in those reported to the High Court for orders. Original cases were disposed of more expeditiously and a higher percentage of conviction was secured. By far the largest amount of original work was done by the District Magistrate of Coimbatore.

(v) The number of persons committed to Sessions Courts by the Deputy, Assistant and Joint Magistrates rose from 304 in 1895 to 370 in 1896. The Government agrees with the Honourable the Judges of the High Court in the remarks in paragraph 41 of the report on this subject. The attention of the District Magistrates is directed to the matter.

(vi) The number of appealable sentences passed by second and third class Magistrates slightly increased; but, proportionately, fewer sentences were appealed against and a larger percentage of appeals was unsuccessful. The figures relating to appeals against the decisions of first-class Magistrates present a striking contrast to these results, viz., a smaller number of appealable sentences passed, an advance in the ratio of appeals preferred and a fall in the percentage of original sentences confirmed by appellate courts.

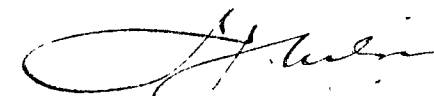
13. *Sessions Courts.*—In Sessions Courts the original criminal work shows a falling off, 1,083 cases having been decided against 1,124 in 1895. The files were, as usual, heaviest in Coimbatore and Tinnevely; but the largest increase, as compared with the preceding year, occurred in South Arcot. The file was in no court much congested, and, on the whole, fewer witnesses were detained for more than three days. In Salem, South Arcot, Bellary and Cuddapah, however, more than four hundred witnesses were so detained. The Government shares the hope expressed in paragraph 49 of the report. Tinnevely improved in the despatch of business. The percentage of convictions declined. It was highest in South Canara (77.94) and lowest in Ganjam (25.71). The Judges approved, or did not express dissent from, the verdict of the jury in the case of 95.2 per cent. of the persons tried and referred the cases of 52 persons under section 307, Code of Criminal Procedure, for the orders of the High Court, with the result that the verdict was set aside in 75 per cent. of the cases decided.

14. *Presidency Magistrates' Courts.*—The statistics relating to the work of these courts call for no remarks. As has already been noticed, institutions in these tribunals declined slightly, but the figure (51,777) was still higher than that recorded in any year preceding 1895. Only thirty-seven cases were pending at the close of the year.

15. *High Court.*—The number of cases committed to the High Court for trial was 43 or 13 less than in 1895. The percentage of convictions rose from 57.0 to 62.5. The Honourable the Judges decided more appeals than were instituted in the year, and the arrears dropped in consequence by about 30 per cent. The cases dealt with in exercise of the court's revisional power were less numerous than in the preceding year.

16. *Punishment.*—There appears to have been an improvement in the method of dealing with offenders. A larger proportion of prisoners were sentenced to rigorous imprisonment; punishment by fines was less frequently resorted to; and a greater number of criminals were awarded sentences of whipping. The proportion of short sentences, however, slightly increased. 670 juveniles were punished with whipping as against 616 in 1895 and 622 in 1894. Owing to the insufficiency of accommodation in the Reformatory School at Chingleput, only fourteen youthful offenders were ordered to be detained in that institution during the year. Judicial statement No. 5, Part 4, appended to the report shows that four boys were sentenced to whipping for infringement of the provisions of Town Nuisances Act and one for an offence under the Forest Act. The sentences passed in these cases appear to have been illegal—vide High Court's Proceedings, No. 456, dated 10th March 1880.

(True Extract.)


for Chief Secretary.

ENDORSEMENT—No. 1394, Judicial, dated 25th September 1897.

Copy to the Government of India, Home Department.

J. F. PRICE,
Chief Secretary.

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

- " all District Magistrates.
- " all Sessions Judges.
- " the Inspector-General of Police.
- " the Inspector-General of Prisons.
- " the Commissioner of Police, Madras.
- " the Revenue Department.
- " the Local and Municipal Department.
- " the Accountant-General.
- " the Chief Presidency Magistrate.
- " the Inspector-General of Registration.

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