



EAST INDIES.

**RETURN**

To an Order of the HOUSE OF LORDS, dated 18th April 1853,

FOR

REPORT of the COMMITTEE formed by Lord AUCKLAND in 1838 to investigate the State of the BENGAL POLICE :

ALSO,

MINUTES of Sir GEORGE CLERK, 28th April 1848 :

ALSO,

MINUTES of Lord FALKLAND, 28th February 1850 :

AND ALSO,

MINUTES of Mr. WILLOUGHBY, 11th April 1851; relative to the BOMBAY POLICE.

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East India House, }  
26th April 1853. }

JAMES C. MELVILL, Secretary.

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East India House,  
26th April 1853.

T. L. PRACOCK,  
Examiner of India Correspondence.

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REPORT of the COMMITTEE formed by LORD AUCKLAND in 1838 to  
investigate the STATE of the BENGAL POLICE ; dated 18th August  
1838.

To F. J. HALLIDAY, Esq., Secretary to the Government of Bengal, Judicial  
Department.

Sir,

IN pursuance of the Instructions contained in Mr. Secretary Mangle's Letter dated the 22d of August last, desiring us to form ourselves into a Committee for the Purpose of digesting certain Returns called for with a view to the Improvement of the Mofussil Police, and of drawing up a Plan for the more efficient Organization of that Body, we have now the Honour to submit the Result of our Inquiries, and to report the Alterations which appear to us to be required in the existing System in order to effect that Improvement, and place the Police on a Footing calculated to realize, in as great a Degree as possible, the Object for which it is intended.

2. After duly considering the several Returns above referred to, we thought it would be injudicious to confine ourselves entirely to those Communications, consisting as they did solely of carefully prepared Reports from public Officers holding Civil Situations, and that it would be advisable to seek for Information on a more enlarged Scale, especially from private Individuals, Native as well as European, who had resided, or were still residing, in the Interior, and whose local Knowledge and Experience in different Parts of the Country qualified them for giving the most valuable Testimony. We accordingly solicited the Attendance of such Gentlemen as happened to be within Reach, whom we thought might answer the Purpose, and their Examinations are herewith submitted for the Information of Government.

3. We deem it necessary to premise, that in the Recommendations we are about to submit we shall keep, as far as practicable, steadily in view the Point to which our Attention was directed in Mr. Secretary Mangle's Letter of the 22d August last, namely, "that the Execution of any substantial and early Improvement in the existing System must be much impeded if the Plan submitted by the Committee should involve any great Increase of Expense;" but we hope it will at the same Time be borne in Mind, that as the Inefficiency of that System is in a great Measure attributable to the inadequate Scale on which it has hitherto been carried on, no Improvement without considerable Expense will be practicable: of which indeed the Honourable the Court of Directors themselves appear to be fully aware; for in the Sixteenth Paragraph of their Despatch, dated the 20th January 1836, speaking of the Improvements called for in the Police, they desire, that no financial Considerations should be allowed to stand in the Way of a Change so urgently required.

4. That Urgency is admitted on all Hands, but it arises more from the extreme Unpopularity of our System, and the grievous Oppressions connected with its Operation, than from any increased Disposition to Crime on the Part of the Community at large. So far, indeed, from its appearing that the People are more prone than formerly to the Commission of Violence and Outrage, we are inclined to think, from what has come before us, that Crimes of a heinous Nature, Dacoity or Gang Robbery for instance, are not only less frequent, but that they are not attended with the Circumstances of Atrocity which they used to be; and that prevented as the People have been from taking the Law into their own Hands in Matters of private Dispute, and being no longer exposed to open Plunder and Depredation, their Character, in a municipal point of view, has been materially improved. But in proportion as they have learnt to value the Blessings of Peace, and to look upon what belongs to them as their own, they are less disposed to submit to those Evils of which perhaps they would not have thought much under a more unsettled Rule; and, therefore, the more important it is for the Government to check, even though it may

be attended with some Expense, the Abuses of which it is itself the Cause, and remove thereby the general Discontent unavoidably created by them.

5. The Defects in question pervade every Grade of the Establishment. The Outline of the System is perhaps as good as with the Materials at hand to work with could have been devised, but for Want of proper Organization it does not work as it ought to do. The Magistrates are overwhelmed; the Darogahs and their subordinate Officers are corrupt; the Village Watchmen are poor, degraded, and often worse than useless; and the Community at large, oppressed and inconvenienced in various Ways, are not only disinclined to afford Aid to the Police, but in most Cases had rather submit quietly to be robbed than apply to the Police Officers for Assistance to apprehend the Thieves or to recover the stolen Property.

6. From these Defects the System has never been entirely free, but up to the Change which took place in the Year 1829 they were less perceptible. The Policy that rendered the Office of Magistrate the principal Channel to Distinction and Emolument infused into the Department of Police a Degree of Vigour and Activity which kept the Defects in question in a great Measure out of Sight, and created an erroneous Belief that the System worked well, and that the Community at large were effectually protected. The Affairs of this Department were accordingly considered henceforward a Matter of secondary Consideration; the Superintendents of Police were dispensed with; the Office of Magistrate was united with that of Collector, and the Encouragement which had excited so much Zeal and Activity in aid of the Police was transferred to the Revenue Department, under the Expectation, as it would seem, that the same Degree of Superintendence and Control were no longer necessary.

7. The Defects of the Arrangement adopted in Substitution of the Superintendents of Police are pointed out by the late Mr. C. R. Barwell, in his Note of the 16th October 1836:—"In the actual Mode of providing for the Superintendence of the System of Police, it is scarcely possible to obviate the Evils necessarily resulting from a Want of Uniformity in its Direction and Management. Without such Uniformity of Control no real Improvement can be effected, nor can the Information which is indispensable to its Accomplishment be supplied to Government in that authentic Shape which precludes all Need for further Inquiry, and justifies an immediate Decision on the Topic submitted for Consideration and Orders. Each Commissioner now treats the general Question of Police in his own Way. In some Instances this Way is not that of Improvement; and occasionally it may be apprehended that a retrograde Action is experienced, either from Incapacity or Inattention. In such Jurisdictions it will follow that the Magistrates find their Exertions inappreciated; and, of course, lose all Hope of any Effort they may make being brought favourably to the Notice of Government. The Consequence is that, with the Exception of those superior Minds who work to satisfy their own Sense of Duty towards the Inhabitants of their Jurisdiction, these Officers become heedless and supine, and the whole of the subordinate Natives follow their Example."

8. To the Union of the Office of Magistrate and Collector injurious Effects are generally attributed. The Union which formerly subsisted between the Offices of Judge and Magistrate was not so prejudicial, because Police was the primary Object of the Judge and Magistrate, but it has been secondary with the Magistrate and Collector. Civil Business, it has been observed, could wait, but the Government cannot wait for its Revenue. In neither Case, however, is such a Union desirable. If there be more Business upon the whole than One Man can perform a Part must be neglected, and it has happened in both Instances, and must invariably be the Case, that the neglected Portion is that in which the Government for the Time being happens to take the least Interest.

9. Mr. W. A. Pringle, in his Letter of the 7th February 1837, has remarked upon this Point as follows:—"While the Revenue Department is, as it ought to be, considered of such primary Importance, it is in vain to expect that Police will be anything but a secondary Consideration with a Collector and Magistrate. In some Districts it is made over entirely to the Deputy and Joint Magistrate, and where this is the Case I have generally observed that the Duty has been much better done; but many are afraid to give  
" over

“ over the entire Management where all the Responsibility continues with  
 “ themselves; and a Joint Magistrate that is really active and zealous would  
 “ much prefer incurring the Responsibility, while he also gets the Credit due  
 “ to his own Exertions, to seeing it bestowed to his Superior in Office. I  
 “ would still have the Revenue considered as the primary Object, and that  
 “ the Collector should be the senior and better paid Officer; but I would  
 “ have the Office of Magistrate quite distinct, and in no respect subordinate  
 “ to him. The Office of Magistrate is one in which Zeal and Activity, if at  
 “ all tempered with Discretion and placed under sufficient local Supervision  
 “ and Control, are the chief Requisites; and I should never be afraid of a  
 “ hasty young Man doing much Mischief where Appeals can be preferred  
 “ and readily disposed of on the Spot by a Session Judge, who of course must  
 “ have had sufficient Experience himself as a Magistrate. An active young  
 “ Officer would then take a Pride in having his District in good Order, and  
 “ would look to this for his own Advancement in the Service; and all the  
 “ conjoined Influence of the Collector, and his greater Experience (even  
 “ where magisterial Experience is possessed by him), can never compensate  
 “ for the Efficiency produced by an advantageous Division of Labour, of  
 “ Responsibility, and of Hopes of Advancement; all of which would result  
 “ from the Offices being distinct and independent of one another. I have  
 “ seen Instances too, but very rarely, in which it is better that a Collector  
 “ should not only have no magisterial Authority himself, but that there should  
 “ be another Officer vested with it in the District.”

10. In most of the above Remarks we generally concur, and we doubt much if in the settled Provinces, where the Revenue is realized by the Process of Sale, and the Collectors have little Communication with the agricultural Community but such as must unavoidably render them unpopular, any Advantage is derived by the Police from the conjoined Influence of the Collector, or if the greater Experience available for the Magistracy by means of that Conjunction is not more than counterbalanced by the Inconveniences resulting from it. The Demands of the Revenue Department upon the Time and Energies of the Collector-Magistrate are so heavy that he is obliged, with all the Responsibility upon himself, to transfer the greater Part of the Duty to his Deputy, who, as observed by Mr. Pringle, works under the Disadvantage of having all the Labour without any of the Credit, and is at the same Time liable to the most unpleasant Interference. Moreover, a Deputy is not always afforded, and in such Cases the whole of the double Duty falls upon one and the same Individual, who is likewise in some Districts Collector of Customs, Superintendent of Salt Chowkies, Deputy Opium Agent, and has charge of the Abkaree and Stamp Departments.

11. It has been urged that the Question is not whether the Magistracy of a District would be more ably administered by the Individual selected for that Office discharging no other Duties, but whether, instead of employing one covenanted Officer as Magistrate, and another as Collector, the Efficiency of both Offices is not better secured by committing the Control of them to the more experienced Functionary and employing the second subordinate to him than by intrusting to each a distinct Department, and whether the great practical Convenience of having at all Times One Officer available for Duty in the Interior, without interrupting the usual Course of Business at the Sudder Station, does not more than counterbalance all the theoretical Evils said to attend the Junction of the Offices of Magistrate and that of Collector.

12. The Majority of the Committee, in concurrence with almost the whole of the Gentlemen both in and out of the Service, who have been asked their Opinions on the Subject, think decidedly that the Efficiency of both Departments would be much better secured, generally speaking, by intrusting the Superintendence of each to a distinct Functionary. We are of opinion that their Attention would be less distracted by conflicting Duties; that each would then be individually responsible for his own Department, and enjoy the whole Credit of his own Exertions. And it will not be the least of the Advantages resulting from such an Arrangement that no idle or incompetent Person could then be long tolerated in either Situation.

13. We would not recommend for the former Office young and inexperienced Men just out of College. We are of opinion that even the most promising require to be taught before they can be intrusted with the Exercise of Power.

But we think that any Man of ordinary Capacity and Perseverance would sufficiently qualify himself, under an intelligent Superior, in a short Time, for the Charge of a District, especially as the Sessions Judge, with full controlling Powers, is always on the Spot to supervise and regulate his Proceedings.

14. We would further recommend, as applicable to all European public Officers, whether revenue or judicial, but in a special Degree to Magistrates, that the Individual appointed to that Office, if fit for his Situation, should be changed as seldom as possible. Mr. Lang, in his Report dated the 28th October 1836, observes, "The Removal of public Officers from one Station to another so continually as is now the Custom is, I conceive, one of the greatest Drawbacks to the Efficiency of the Police. I am aware that some Good is the Consequence of Persons in charge of Offices being occasionally changed. A Check no doubt is thus kept over the Native Amlah, which would not exist were the same Officer to remain in the same Situation for a long Series of Years; but Changes constant as they are at present must prove most prejudicial. I should think, generally speaking, an Officer seldom remains more than a Year or Two at the same Station in the lower Grades of the Service; and no sooner has he been made acquainted with the Localities of the District, the People over whom he has been placed, his Amlah, and the Records and Business of his Office, and thereby prepared himself for the efficient Discharge of his Duties, than he is removed from his Situation and ordered off to some other Zillah, to go over the same Work again, leaving his Successor to employ himself, till he is also removed, in the same preparatory Duties. Speaking from my own Experience, I beg to state that I have now been just Eight Years out of College, during which Time I have been employed in Six different Zillahs, in none of which have I remained for Two whole Years; and had I not been about to proceed to Europe on Furlough in the coming cold Season, I should, in all probability, have been ere this en route to a Seventh District, having been in charge of this one for exactly a Year."

15. Mr. Samuells also, in his Report of the 10th December 1836, observes, "The perpetual Change of Officers which occurs in the different Magistracies under the Bengal Presidency is also another great Obstacle to the Formation of a good System of Police. The Nature of our Service will not, I am aware, admit of the continued Residence of an Officer in One District throughout the whole of his Career, but some Mode might, I should think, be devised for rendering Removals less frequent. An Officer of very inferior Talents, if allowed to remain for a Period of Ten Years in One District, would, I am convinced, do more good than a Dozen of the best Magistrates in India could effect when following each other in rapid Succession. The Difference to the People is precisely that between the Blessing of a settled Rule and the Curse of an unsettled Government."

16. It would be needless, however, to multiply Quotations, as the mischievous Consequences of such Changes on the Efficiency of the Police and the Administration of Criminal Justice is admitted by everybody. The Difficulty appears to consist in devising a Remedy for this Evil, the precarious Tenure by which the Health of European Officers is held in India, and the Necessity of rewarding Merit by Promotion to superior Office, being paramount to all other Considerations.

17. One Cause of the Inefficiency of the Police is the little Intercourse which exists between the European and Native Community; and this Evil is greatly increased by the frequent Changes above alluded to so much to be lamented, preventing as they do, generally speaking, a public Officer from feeling more than a transitory Interest in the Welfare of the Natives placed under his Superintendence. It prevents the Community also from obtaining a Knowledge of his Character, it robs them of the good which he would have the Opportunity of doing by remaining longer amongst them, and deprives the Government of all the Credit which it might obtain by the continued Application in the same Sphere of honest and persevering Exertions to promote the public Welfare.

18. The next Defect we have to refer to as exercising a very baneful Influence on the Efficiency of the Police, and the Comforts of the Inhabitants, is the great Extent of Country over which the Jurisdiction of each Magistrate extends. This not only places it entirely out of his Power, except very rarely, to hold any personal Communication with the People under his Charge at their own  
Homes,

Homes, or to become acquainted with the remoter Localities of his District; but it also prevents him from exercising any effectual Control over the Conduct of the Thannadars, his only Instruments for preserving Peace and good Order, who are in consequence notoriously corrupt, and often the Oppressors of all around them. It is also in a great Measure the Source of that Dislike, so generally entertained, to having anything to do with Police Matters; inasmuch, as the intolerable Inconvenience to which Prosecutors, Witnesses, and Defendants at a Distance are exposed, from the Necessity in every Case of attending the Magistrate's Cutcherry, is owing to that Cause. On the latter Point. Mr. Ross observes, in his Minute of the 22d May 1832, "Not only are there no Inducements held out to the People to give their Aid in support of the Police, but, on the contrary, our Regulations have the Effect of making them endeavour to conceal Offenders. This is really the Effect of the existing Provisions for administering Criminal Justice, which Effect they produce by subjecting the People to the most serious Hardships whenever Offenders happen to be apprehended. The Hardships alluded to are much more severely felt than would seem to be supposed; and their Effect is not only to prevent the Establishment of a good Police, but to create Dislike to Government; I therefore deem it my Duty, although I am aware they have been frequently represented, to bring them again to the Notice of the Nizamut Adawlut, and to urge the Expediency of relieving the People from them. Under the existing Regulations, in all criminal Prosecutions, the Prosecutor and Witnesses must give their Evidence in the Magistrate's Cutcherry. In the most trivial Case they are compelled to undergo the Fatigue of a Journey to the Station of the Magistrate, in many Cases exceeding a Distance of 100 Miles, to submit to the Harassment of a daily Attendance in the Magistrate's Court for Weeks together, and to suffer all the Inconveniences and often Distress occasioned by a long Absence from their Homes and Interruptions to their Occupations. These are very serious Grievances, and should not be imposed without great Necessity. They are at present, however, as I have already said, imposed upon the most trivial Occasions, and all Classes are constantly liable to be subjected to them. They are so severely felt that they are seldom voluntarily submitted to, it being in almost every Case found necessary in order to procure the Attendance of those who are required to appear as Prosecutors and Witnesses to seize and send them to the Magistrate's Station under charge of Burkundazes, and while there to keep them under Restraint and sometimes in Confinement on the Pretext of accommodating them with Lodgings."

19. The Remedy usually proposed for these Evils is to reduce the Size of the Districts, and increase the Number of separate Jurisdictions, so that each should be of an Extent that might be more effectually managed by a single Magistrate. But such a Measure, we are of opinion, would not be sufficient to remedy the Evils complained of. It is not so much the Size of the Districts, as the Want of a more close and direct Authority over the Thannadars, which would be a real Substitute for that of the Magistrate on the one hand, and act as an effectual Control over the Thannah Officers on the other. Now it is not possible, without an Expense which is totally out of the question, to reduce the Size of the Districts, to bring the Court of the Magistrate within Reach of every Man's Door, or enable him personally to exercise that vigorous Superintendence over his more remote native Establishments without which every Endeavour to form a good Police must prove abortive.

20. A Mode is suggested for effecting both these indispensable Objects, which has been, perhaps, best described by Mr. W. T. Hathorn, in his Letter dated the 15th February 1837. We therefore quote his Words:—"I am of opinion," says that Gentleman, "that it is required, both for the more speedy Administration of Criminal Justice as well as to ensure rigid Surveillance over the Police, that native Agency be introduced to such Extent as may be necessary to prevent in future the Possibility of Arrears, and to leave the European Officers at liberty to look after the Police. To effect this Object I would propose that Fouzdaree Moonsiffs be appointed at each Police Thannah, and they should be employed not only in the Investigation and Report of all heinous Crimes, but that they should be empowered to hear and decide on the Spot upon all petty Offences, such as Charges for abusive Language and Calumny, inconsiderable Assaults and Petty Thefts, &c. By

“ this Arrangement One Half of the Criminal Cases, which under the present  
 “ System are tried by covenanted Assistants at the Sudder Station Weeks and  
 “ Months after the Occurrence, would be disposed of by the Fouzdaree  
 “ Moonsiffs in a few Hours, or, at the utmost, in the course of a few Days.  
 “ Numerous other Advantages would be gained. Parties, instead of being  
 “ dragged from their Homes, thrown out of Employment for Weeks, nay,  
 “ Months together, subjected to serious Loss and Inconvenience, would have  
 “ Justice given them and their Wrongs redressed at their own Doors. What  
 “ greater Hardship, nay, Cruelty, can be inflicted upon a poor Family than  
 “ forcing the working Members thereof to relinquish their Labour by which  
 “ they earn their daily Bread, and undertake a Journey to the Sudder Station  
 “ of some Thirty or Forty Miles to give Evidence in a Case of abusive  
 “ Language or petty Assault? The Consequence is that, wherever a Case  
 “ occurs, the Bystanders and respectable Witnesses, knowing well the Conse-  
 “ quences of being cited as Witnesses to the Fact, run off and conceal them-  
 “ selves. Those seized will deny stoutly any Knowledge of the Transaction,  
 “ while others will bribe the Darogat to be let off, and thus it is the poor and  
 “ infirm, and Persons of the lowest Caste, are sent in by the Police as Witnesses  
 “ in all Criminal Trials. We shall not only obtain more respectable Witnesses  
 “ in Cases decided on the Spot, but there will be less Time allowed for framing  
 “ exaggerated Stories, or suborning perjured Witnesses. The whole Party will  
 “ of their own Accord proceed at once to the neighbouring Thannah, the one  
 “ to prosecute, the other to vindicate, and the Bystanders or Witnesses will  
 “ follow out of Curiosity to see the Result. No one will object to give  
 “ Evidence upon such Terms, knowing that he will be immediately discharged;  
 “ and the Judgment, it may be further argued, in Cases thus brought forward,  
 “ when the Parties are excited, because the Truth would be elicited, is more  
 “ likely to be correct. The Salaries of Fouzdaree Moonsiffs I would fix at  
 “ Fifty or Sixty Rupees each, exclusive of Establishment, which, giving Ten  
 “ Thannahs to each District, would be little more than the Pay of an additional  
 “ covenanted Assistant at each Station. This Expense would be met in some  
 “ Degree by the additional Sale of Stamp Paper; for how many Criminal  
 “ Prosecutions are abandoned by injured Persons to avoid the Expense  
 “ attending a Journey to the Sudder Station? That the Police of the Country  
 “ can be re-organized effectually, and Criminal Justice improved without some  
 “ slight additional Expense, is altogether impossible. The above Scheme is,  
 “ perhaps, the cheapest that could be recommended. But the above are not  
 “ all the Advantages to be derived by the Establishment of Fouzdaree Moonsiffs  
 “ to dispose of all minor Offences. The Magistrate and his Assistant, being  
 “ relieved of a considerable Portion of the Trials, would be able to give more  
 “ Attention to Matters of Police; and to that highly important Object, the  
 “ hearing Appeals from Moonsiffs and disposing of heinous Offences, the Time  
 “ of European covenanted Officers would be and should be exclusively  
 “ devoted.”

21. This Plan, however, although it would put an end to the Inconvenience  
 of having to undertake a long Journey to the Sudder Station in Cases of an  
 inconsiderable Nature, would not provide for exercising the requisite Control  
 over the Conduct of the Thannah Establishments. It would enable the  
 Magistrate to pay more Attention generally to Police Matters, but it would not  
 supply that local Authority over those Establishments, without which no  
 effectual Control can be exercised. Another Plan has been proposed better  
 adapted, we think, to this Purpose, of which several Officers of Experience are  
 the Advocates, and which we cannot better describe than in the Words of  
 Mr. Dampier (Vide Letter dated the 15th November 1836), as follows:—  
 “ Another great Amelioration of our System would be the Division of the  
 “ Districts into minor Circles of Two or Three Thannahs, with a superior  
 “ native Officer, with Pay equal to that of a Moonsiff, over each Circle. This  
 “ Officer should be authorized to take notice of and inquire into all Cases of  
 “ Misconduct on the Part of the Police, to report to the Magistrate any neg-  
 “ lectful or corrupt Conduct in the local Investigations made by Darogahs, to  
 “ conduct local Inquiries on Oath in Affrays arising from disputed Boundaries  
 “ or Lands where Affrays are likely to take place and Cases are instituted  
 “ under Regulation XV. of 1824, and to act both as a Check and Guide over  
 “ the subordinate Police Officers, and as a Local Assistant to the Magistrate;”  
 “ and



“ and he might in the latter Situation be vested with Power to hear and decide petty Cases of Assault and Theft referred to him by the Magistrate within his Circle, and thus relieve the Sudder Ameens and Principal Sudder Ameens from a Part of the Duties, which now interfere with their entire Attention being turned to their civil Duties. I think the Creation of such an Office would be an Inducement to Darogahs to adopt a better Line of Conduct, as they should be considered eligible for that Office as well as for that of a Moonsiff, and at present it would be a good Opportunity for giving Employment in the Mofussil, in a respectable and honourable Situation, to many of those young Men who have been educated at the Hindoo College or the Government Schools. A Selection from these Scholars for such Offices would stimulate them and others to Exertion, and prove to the People generally that the Government were prepared to place those in their Employ who had received the Advantage of a superior moral Education, and to whom, therefore, they would look with some Degree of Confidence for good Conduct towards their Countrymen. The Holders of these Offices might be considered eligible for Sudder Ameenships under the new System of Promotion in the judicial Line of Service, and should not be liable to Dismissal without reference to the Sudder Nizamut Adawlut or Government.”

22. Baboo Dwarkanath Tagore, in his Evidence before the Committee, goes a Step further, and recommends that the Selection of this new Description of Officers should be restricted to Natives, but extended to other Classes. He says that, “ to remedy the State of Things complained of Deputy Magistrates should be appointed, either Native, East Indian, or European ; and if selected from the Two latter Denominations, they should be conversant with the Native Language, so as not to be dependent on the Interpretations of other People, but understand directly the Ryotts, and when they receive any Petition in the vernacular Language that they may read it themselves. They should be taken from the respectable Class of People, and not selected merely to increase the Salary of those who are at present employed, whether Darogahs, Seristadars, or others, amongst whom a good Man might perhaps here and there be found, but generally speaking they are good for nothing. The Appointment of these new Officers should either be made by the Government or the Court of Sudder Dewanny Adawlut. They should be stationed in the Interior, and their Powers in Criminal Cases should correspond with those of Moonsiffs, and they should be allowed to exercise Jurisdiction over the Thannadars. The present Darogahs should be abolished, and the Thannas remodelled on the Plan of those in Calcutta. The Jamadar, or his Deputy, should personally report, as Circumstances render necessary, to the Deputy Magistrate ; and if it comes to his Knowledge that a Quarrel or Dispute is likely to take place, he should immediately give Information to the Deputy Magistrate. In the Districts where there are a great many European Residents it would, in my Opinion, be advisable to employ European Bailiffs, properly qualified, under the Deputy Magistrate, to do the Duties of Darogah.”

23. But even this appears to us to fall short of what is required. We are of opinion that the important Object in view will not be attained by any Plan which does not provide for the Appointment of Deputy or Assistant Magistrates, with original Jurisdiction in Matters of Police, and with Powers of Punishment in Cases originating within the Limits assigned to them, not exceeding Six Months Imprisonment with Labour and Irons, with a Fine not exceeding 200 Rupees, commutable, if not paid, to a further Period of Imprisonment not exceeding Six Months. In all other respects these Officers will, of course, be under the general Control and Superintendence of the Magistrate, to whom an Appeal should lie in all Cases from their Orders and Decisions. They should be taken from all Classes where due Qualification may be found, and located in different Parts of the Interior of each District, having Authority over the Thannas only within the Range of their respective Jurisdictions, and be appointed and removed by Government in the same Mode as the Deputy Collectors and Sudder Ameens.

24. This, it appears to us, is the only proper Footing on which the proposed new Office can be effectually placed. It is of no Use congregating Authorities at the Sudder Station, or of planting inadequate ones in the Interior. No Plan for controlling the Native Officers of Police at a Distance, or of affording the

People effectual Protection, can be successful which does not provide for the Distribution of Functionaries, with Powers of Investigation and Decision, and of Control throughout the District, to reside amongst them, to satisfy them that the Police exist for their Benefit as well as for our own, and to put an effectual Stop to the Progress of Extortion and Misrule.

25. Such an Arrangement would relieve the Magistrate at the Sudder Station of much of the Duty which now oppresses him, and places it out of his Power to exercise any effectual Superintendence. It would provide, by the Employment of honest and intelligent Men, that effective Control over the Thannadars which the Magistrate is now unable to exercise. It would place the Magistrate's Court within Reach of every Inhabitant of the District, and would bring his protective Authority into immediate Contact with the People. The greatest Portion of Evils to which they are at present exposed would have a fair Chance of being remedied, and we might look, in Process of Time, to the gradual Removal of those Feelings which dispose the Community at large to regard being involved with Matters of Police as the worst of Misfortunes.

26. But the Assistant Magistrates, whose Appointment we have recommended, should not, we think, be introduced at once into every District under the Government of Bengal. Their Introduction, we are of opinion, like that of the uncovenanted Deputy Collectors appointed under Regulation IX. of 1833, should be gradual, and limited at first to a few Districts only, where such an Arrangement may be most urgently required. Nor would there be at present any Necessity for establishing Grades, either of Rank or Emolument. Should the Measure prove on Trial to be successful, it will then be Time enough to increase the Number of these Officers, establish Grades, and place them in all respects on as efficient a Footing as the uncovenanted Deputies above referred to, whose Services have been so useful to the State that there are now employed under the Bengal Government alone no less than 159, and in the North Western Provinces they are, it is understood, entertained in the same Proportion.

27. Taking the Number of Thannahs at 444 (which if not the exact Number now under the Superintendent of Police, is sufficiently correct for the Purpose of an Estimate), and reserving Four Thannahs for the especial Superintendence of each Magistrate of the Thirty-two Districts with which we have at present to deal, and a like Number for each of the Assistant Magistrates, there would not be more than Seventy-nine of the latter Officers, who, if the Plan succeeds, might be divided into Three Grades, as follows:—

5	on	600	Rupees	per	Month.
10	on	400	„	ditto.	
64	on	300	„	ditto.	

making an annual Expense of 3,14,400 Rupees, to which must be added for Establishment, at 80 Rupees each per Mensem, 75,840 Rupees, giving a total Expense amounting to 3,89,748 Rupees.

28. But no such Outlay is at present contemplated. In the first instance the Officers in question will be extremely few, and on the lowest Grade of Salary, which will be sufficient to test the Utility of the Measure; and it is only in the event of its being attended with beneficial Effects that we propose to extend it to other Districts, as may appear advisable. And it should always be borne in mind, that although such an Extension will of course be accompanied by a corresponding Increase of Expense, yet that this Expense will be more than compensated by the Advantages resulting from it.

29. With respect to the Proposal of employing European Residents in the Mofussil engaged in mercantile and agricultural Pursuits in aid of the Police, all these Considerations which have hitherto been deemed conclusive against Magistrates being allowed to engage in such Pursuits, are equally opposed to Persons so engaged being appointed Magistrates. We by no means intend to imply that Individuals of the latter Description, as well as of the former, may not be found in whom both Characters might be united without Inconvenience; but it would be rare, and the Rule once broken through would lead unquestionably to great Abuses. We need hardly add, that the same Objections exist to investing them with Power for the Apprehension of Criminals, and Investigation of Charges, but without Authority to punish. It would be as unsafe and injudicious to intrust Persons so situated with a little magisterial Power as to authorize those exercising the Functions of Magistrate to engage in a little Trade.

30. The Defect which we have next to bring to Notice is one that has been already referred to, namely, the Corruption and utter Worthlessness of the Thannadars. All concur in thinking that this Class of Functionaries are on the worst possible Footing, and that it would be better to dispense with them altogether, unless Inducements can be held out sufficiently strong to dispose Persons of Character and Respectability to offer themselves for the Appointment. In proof of what is above stated, we beg leave to refer to the Evidence given before us by Baboo Dwarkanauth Tagore on the 8th November last, from which the following is an Extract:—

“ 263. You had then many Opportunities of observing the Condition of the Police. State what you think of it?—I think that, from the Darogah to the lowest Peon, the whole of them are a corrupt set of People; a single Case could not be got out of their Hands without paying Money; the Wealthy always get advantage over the Poor. In Quarrels between the Zumeendars and Indigo Planters large Sums are expended to bribe these People. When any Report is called for by the Magistrate from the Darogahs, even in a true Case, that Report could not be obtained without paying a large Sum of Money; and should the Case be between two rich Parties, the richest, or he who pays the highest, would get the Report in his Favour. If a Jamadar or Peon is sent to a Village for any Inquiry, there is immediately a Tax levied by them from all the Ryotts of the Village through the Gosnastah of the Zumeendar, and this mode of Extortion has so long prevailed as almost to give it the Character of a just Demand; so much so, that not a single Ryott would ever make an Objection to pay it; indeed they look upon it as an authorized Tax. If a Dacoity takes place in any Neighbourhood, the Darogah and all his People will go about the Villages and indiscriminately seize the Inhabitants, innocent or culpable; and it often happens that Persons so taken, although of the most suspicious Character, in the particular Transaction, are released on some Money Inducement being given to the Officers. Besides the Levy of the Tax above mentioned, formerly in every petty Theft the same Process was observed, but since (by Regulation II. of 1832) that local Inquiry is done away with their Perquisites are a little reduced in that Quarter. In short, nothing can be done without paying for it whenever they are called upon to interfere.”

31. Mr. Hawkins, in his Report dated the 11th January 1837, after giving an almost equally unfavourable Description of the State of the Police, and referring to the general Unwillingness of the Community to admit Officers belonging to it amongst them, owing to those “Habits of Plunder and Extortion” by which they have ever been characterized, proceeds to describe in very forcible Terms the Causes to which these Habits are attributable. “Devoid,” he observes, “to a great Extent of those moral Qualifications which are in themselves a Guarantee for the faithful Discharge of public Duties, have the Persons usually selected for Office in the Police Department had Inducements held out to them to keep them in the Way of Uprightness and Integrity? Have we endeavoured to compensate for the moral Deficiency by Inducements of Self Interest to a Course of good Conduct? Is not the true State of the Case exactly the Reverse? Look to the Police Darogah, selected without reference to Qualification, (the Determination of which, it must be admitted, is generally difficult,) expected to be incessantly on the Move, for which he must keep a Conveyance of some Kind; in the Receipt of a very inadequate Salary, with no Prospect of Promotion; ever liable to the Displeasure of the Magistrate, his immediate Superior (a Displeasure arising too frequently from Chagrin and Vexation, rather than strict Inquiry and mature Deliberation); constantly subjected to a Change of Masters, and in the event of Dismissal from Office with every Chance of Employment in another District in the same Class of Appointments; is it surprising that he should be found deficient in the Discharge of his public Duties? that he should seek rather to enrich himself than exert his Endeavours faithfully in behalf of those for whose Benefit he is employed? Nearly the same Observations are applicable to the several subordinate Classes of Police Officers entertained by the Government.”

32. In another place the same Gentleman remarks, “The off-hand Way of dismissing whole Bodies of them is one of the greatest Vices of the present Practice; and is in itself no slight Cause of those very Evils which it is intended to check. A Darogah has no Confidence in the Permanency of his

“Office, and while employed he makes the most of his Time in gathering together all in his Power, uncertain when the Order for his Removal may arrive. The Occurrence of a Dacoity, or other serious Offence, for which the Darogah is probably no more in fault than the Magistrate himself, and which may occur at any Hour, might be the Cause of his Dismissal, especially if he fails to discover and apprehend the Perpetrators. There is a most pernicious Practice, which I believe prevails very generally, of fining Police Officers heavily for the slightest Errors. In such Cases they will very seldom appeal against the Orders of their Employers, but will most assuredly make up the Deficiency in their Receipts in a far more objectionable Way.”

33. The above are the Sentiments of almost all who have been consulted, whether in or out of the Service. Further Quotations on this Subject would be superfluous; but if additional Particulars are required, we beg that Reference may be made to the Letters of Messrs. Dampier, Davidson, A. Dick, J. Shaw, Russell, Dunbar, Pijon, Gorgon, and Lewis, and to the Examinations before the Committee of Messrs. Adam, Wise, Maclean, Hurry, Taylor, W. A. Shaw, and Baboo Prosonocoomar. Mr. Adam's Testimony especially appears to us deserving of particular Attention, being the Result of very careful Inquiries, under Circumstances of Intercourse and Communication with the Natives of different Parts of the Interior of the Country, such as few have had the Opportunity of enjoying.

34. From all this most unquestionable Testimony, it is obvious that the Allowances of this Class of Officers not being sufficient to enable them to keep up an Appearance corresponding with their Situation they must take in some Shape or other from the People what the Government refuses to allow, and thus the Government in fact impose upon the Community the Payment of whatever Sum, short of the allowed Salary, is necessary for their decent Subsistence. An Increase to that Extent, therefore, if only to remove a fair Justification for Exaction, seems indispensably requisite. Moreover, it is impossible to expect in Thannadars an Exemption from those Motives and Feelings which actuate all other Classes of Mankind, and, accordingly, the same Rewards and Inducements must be laid before them. If it be necessary to retain the Services of respectable Natives for these Appointments, not only should their Salaries be increased to such an Amount as will enable them to keep up at least a creditable Appearance without Exaction, but they must have something to look forward to; and Despair of ever being able, by any Exertion or good Conduct on their part, to better their Situation beyond the actual Receipt of 25 Rupees a Month, must no longer be allowed to drive them to make the most of their Opportunities. Grades of Thannadars should be established in the same Manner as there are Classes of Moonsiffs and Sudder Ameens; Promotion to the higher Grades being held out as the Reward of Length of Service and certified good Conduct. Such System has been found to succeed in the Judicial Department, and there is no Reason to doubt that it would be equally successful with the Police.

35. The Number of Thannadars may for our present Purpose be taken at 444. To Fifty of these we would assign Salaries of 100 Rupees each per Mensem; to 100 others we would give 75 Rupees; and to the Remainder 50 Rupees. The entire Expense of this Arrangement would be 3,26,400 Rupees per Annum, from which is to be deducted the present Pay of the Thannadars (about 1,35,000 Rupees), leaving a net Increase of 1,91,400 Rupees.

36. In the Salaries of the other Police Officers we see no Reason at present to make any Alteration.

37. Measures should likewise be adopted to secure the Thannadars, not only from being removed on insufficient Grounds but from ill Treatment. It is established by the best Evidence that they are often treated by the Magistrates with no Consideration, fined inordinately, summoned continually to answer unfounded Charges, and removed without sufficient Cause to Distances where their local Experience is lost. The Difficulty of procuring respectable and efficient Individuals as Police Darogahs has been stated to arise in Part from the Fear of Dismissal from Office, or of being disgraced by Punishment, in Cases of trivial Misconduct or at the Caprice of the Magistrate; and when, in Addition to this, it is considered that they have no adequate Pay and no Prospect of Promotion, it is not very extraordinary the Generality of them should

should be corrupt, and that no Persons of any Character or Responsibility offer themselves for the Situation.

38. Unless these Changes can be effected, and the Office of the Thannadar placed upon a Footing that will secure the Services of respectable Men, and put an End to the Necessity, if we may so speak, under which they lie of becoming the Oppressors of the People whom they are appointed to protect, it would be better, we are of opinion, to dispense with them altogether.

39. The same Principles as have been recommended above to be acted upon in respect to Thannadars should, as suggested by Mr. Hawkins, be adopted likewise towards their inferior Officers. The System of Promotion should be strictly kept in view throughout every Grade. The lowest Police Officer should be apprized that the highest Offices in his Department are open to him, and that his attaining them rests entirely with himself. Every Burkendaz should feel, as well as every Jamadar and every Darogah, that zealous Exertions and an upright and meritorious Course of Conduct will certainly be rewarded by Advancement to more responsible and lucrative Employment. This must not rest on mere Professions, but the Magistrates should be required invariably to act on these Principles, and the controlling Authorities should satisfy themselves that they do so.

40. One of our Members would suggest that the Sentence of the Magistrate for Neglect of Duty, or other Breach of good Conduct committed by Native Police Officers in their public Capacity, be made appealable to the Superintendent of Police, to whom monthly Statements of all such Sentences should be regularly submitted for his Information. This Arrangement, which would leave them still liable, as before, to the appellate Jurisdiction of the Sessions Judge for Offences committed by them as private Individuals, appears necessary, in order to keep a Body of Men so numerous in salutary Subjection to the superior Authority most interested in seeing that they do their Duty on the one hand, and in restraining them from the Commission of any official Irregularity on the other. As Matters actually stand, the Sessions Judge is, in fact, the controlling Authority, while the Responsibility rests alone with the Chief of the Department, who doubtless ought to be vested with the Power of taking cognizance, judicially, of the Conduct of his subordinate Officers.

41. The Majority of the Committee are not Advocates for a System of Military Police, as suggested in Mr. Secretary Mangle's Circular Letter of the 30th May 1837. To convert the whole of the Police Establishments of each District into a single organized Body, the Head Quarters of which are to be at the Sudder Station, where they are to be subject to regular Drill, and supply Reliefs to the different Thannahs, so as to keep up Habits of Discipline and combined Action, without losing that individual Intelligence and Alertness, and those Habits of Self-confidence, essential to the Efficiency of Police Officers, would, without an immense Increase of Expense, be impracticable, while there would be great Danger of their losing their Efficiency as Police Officers, without their being of any Use against Mobs, or Bodies collected together on Occasion of sudden and general Excitement to resist the public Authority.

42. It is to be lamented that such Occasions require to be provided for; but we are not inclined to think, for Reasons presently to be assigned, that the Police in the Country can ever become a suitable Instrument for the Purpose. The proper Business for the Police is to deal with Crime against Life and Property, not to put down Insurrection, with which it never yet in any Instance has been or ever can be able to cope. It would give them the Self-sufficiency of the Sepoy without his Discipline. They would, to use the Words of Captain Jenkins in his Letter dated the 21st July 1837, "become a Body of organized Ruffians, which the Magistrate would have very little Power of controlling." They would be above their Work. In the ordinary Duties of the Police, Men so organized, even if they could lay aside their Arms and Accoutrements and submit to the Drudgery, would not be so well qualified for tracing out and detecting the Perpetrators of Crimes, and discovering the Depositories of stolen Property, as those who have been many Years attached to a Thannah are well acquainted with the Character of the Classes they have to deal with, and better able to know where to attach Suspicion and obtain a Clue, from the Intercourse subsisting between them and the People. In short, for all Purposes of Prevention and Discovery, the present System is better adopted than the One which it is proposed to substitute.

43. In Cases of Dacoity, when that Disease of the Bengal Provinces becomes, as it were, epidemic, it is then to be overcome only by special Remedies, and, like Thuggee in Central India, must be met by extraordinary Arrangements. As to Insurrection, it has been found on all Occasions (witness the Disturbances at Bareilly and Benares) that in such Cases the best organized Police becomes useless. The Individuals of whom it is composed are influenced by the Feelings of the Populace from which they are drawn, and cannot consequently be depended on. It is only by calling in the regular Military, who, from their insulated Position with reference to the People, do not participate their Feelings, that anything can be done on such Occasions. The Duties of Police Officers are quite a different Description, and to these they should be kept in this as well as in all other Countries. At Stations, however, where no Military Force is within Reach, and the Magistrates have nothing to fall back upon in the event of any popular Excitement, or other unusual Occurrence beyond the Power of the Police to repress, there should be entertained, we think, at the Sudder Stations, as suggested by the late Mr. C. R. Barwell, a Number of picked Men, trained and disciplined, who might serve as a Protection until more effectual Aid could be procured.

44. If more than this be required,—if under existing Circumstances it be advisable to organize the Gaol Guards, and the Guards entertained for the Protection of the several Officers, Courts, Treasuries, fiscal as well as judicial, at the Sudder Stations,—the best Way would be at once to revive the provincial Battalions, which were of so much Use in former Days, and which, besides answering Police Purposes, possess the Advantage of relieving the regular Corps from harassing municipal Duties, for which their Services cannot at all Times be conveniently spared.

45. We now come to the most important Subject connected with the Police of Bengal, namely, the State of the Chowkeedaree Establishments. In some Districts their numerical Strength appears to be very great, yet they are utterly inefficient, and have been described in the most unfavourable Terms. Mr. W. T. Hawthorn, Judge of Zillah Cuttack, in his Letter already referred to, observes, “that, from the total Absence of any Supervision over the Village Police for a Series of Years, it may be said that at present such a Body does not exist. The Race of People denominated Chowkeedars retain the Name apparently to blind the People as to their real Character. They are employed during the Day to assist the Zemindar in collecting his Rents, and at Night they act as the Agents of notorious Characters, to point out where Property is to be found! This is easily accounted for. The Office is held by the very lowest Caste of Natives, and they are allowed by the Zemindars to realize what they can from the Villagers for their Maintenance. They have, in a Measure, held us at Defiance heretofore. If a Chowkeedar be accidentally detected at conniving at any Offence, and the Magistrate orders his Dismissal, directing the Darogah through the Zemindar to appoint another in his Stead, his Son or his Nephew’s Name is handed up for Approval, and in Ignorance is appointed. The Chowkeedars in Bengal and Behar are, for the most Part, of the following Castes:—Harrees, Bagdhees, Baorees, Dusads, and Domes; in Orissa Pans, Kindrahs and Mehters. These Castes are deemed so inferior, that they are employed as Scavengers and such like degrading Offices. No Hindoo Native of a higher Caste would even touch them. To do so, or to take anything from them, is held to be a Forfeiture of Caste. They seldom realize by honest Means above One or Two Rupees per Mensem at the utmost, and are therefore always ready to connive at Offences on the Promise of getting a Share of the stolen Property. It is not an uncommon Trick amongst the Chowkeedars to apply for Leave of Absence before a Burglary or a Dacoity takes Place, to quiet Suspicion against them, after having informed where Property is to be found, and the Time and Manner in which the Theft can be accomplished with the least Chance of Detection to the Parties concerned.”

46. Mr. Hawkins, in his Letter dated the 11th January 1837, observes, “I now approach that Part of the Subject which I confess completely baffles me, the Village or Chowkeedaree Police. On a really efficient Footing the Village Police is sufficiently strong to put down a great Portion of the existing Crime, and (intimately acquainted and connected are its Members with the great Mass of the Population) to afford material Assistance in the Discovery  
“ and

“ and Detection of Offenders. There is, or ought to be, a Chowkeedar at least in every Village, who in some Places is appointed by the Landholder or Farmer, as the Case may be; in others, by the head Men of the Village. The Persons who appoint are generally held responsible by the Magistrate for the filling up of the Office with somebody or another, though but little is ever said should the Nominee turn out, as not unfrequently he does, an arrant Thief.”

“ Unfortunately, no small Number of Crimes of a felonious Nature, such as Robbery, Burglary, and Theft, are committed by the Chowkeedars. Till within the last few Years, subjected to Corporal Punishment (about the Infliction of which the Magistrates are not very chary), always badly paid, sometimes not paid at all, they were a harshly treated Race, and it was not surprising that none but the lowest of the People could be found to undertake the Duty. In the Districts of Bengal in which I have served the Chowkeedars are invariably of the Harree, Chumar, and Dusad Castes; in Behar they are chiefly Guallahs and Dusads; in the Upper Provinces I believe they are generally Chumars; so that throughout the whole of India the Chowkeedaree Police is composed of the very lowest of the People.”

“ I do not mean to object to any Person merely on account of his Caste, but Experience tells us that very great Numbers of our convicted Felons are taken from the same Classes. Many a Magistrate must have observed that a Man has turned Chowkeedar merely because it gives him an Excuse for leaving his Home at Night, in order that he may go upon his thieving Expeditions.”

“ I am totally at a Loss for a Remedy which will admit of practical Application. The Abolition of Corporal Punishment may in Time do something towards inducing a better Sort of Men to enter into the Chowkeedaree Service; but, confined as these Situations are to Men of particular Classes, the Trammels of Caste must, in a great Measure, be broken through ere better Men can be found to undertake the Office.”

“ Again, there is no Set of Men so badly paid. I believe there is an Enactment which directs that no Chowkeedar shall receive less than Three Rupees per Month; frequently he gets very little more than as many Annas; and in fact, as I stated before, he looks to making more by thieving than honest Service.”

47. Mr. W. A. Pringle, in his Letter dated the 7th of February 1837, gives similar Testimony:—“ At present the Village Watchmen are badly and irregularly paid; and though nominally under One Master only, the Darogah, they are bullied and oppressed by almost every Man in the Village. The Zemindars and Farmers, and their Amlah, too often employ them in collecting Rent and in oppressing the Ryotts; the head Men of the Village make perfect Slaves of them, and the Inhabitants down to the very lowest, constantly threaten them with false Complaints if they demand their poor Pittance. The Chowkeedar, therefore, in Self-defence, being thus placed at Enmity with them all, threatens them with false Accusations in the event of their refusing, or being unable to pay him, and he is frequently driven, for bare Subsistence, to league himself with Robbers and Thieves.”

48. Mr. T. R. Davidson also, in his Letter dated the 10th June 1837, remarks:—“ I am not willing to advocate any radical Change in the Rule under which Chowkeedars are nominated by the Zemindar, because, from his Position, he is the Person most interested in the Welfare of the Residents on his Estate, and from knowing the Tenantry he can make the most suitable Selection. Where the Zemindar is of bad Repute, and Crime be found to prevail in the Neighbourhood, the Punch may be introduced, for in reality the main Body of the Inhabitants are the Parties most concerned in the Appointment of a good Chowkeedar. At the lowest Computation, this Branch of the Police in the Four Districts, Sarim, Shahabad, Patna, and Behar, exceeds 15,000 Men; yet it is so utterly worthless, that I am not sure the Country would be in a worse Position in point of Police were every Chowkeedar dismissed; they comprise the most debased Class of the Inhabitants, and are, I fear, usually, rather engaged in Robbery and Theft, than in guarding the Property of their Employers. In the District of Sarim they are said to be the Leaders of Gangs, and they are notoriously the Medium by which stolen Property is restored throughout the Division.

“ A radical Reform is here loudly called for, and I believe that the Zeal and Judgment of the Gentlemen who will have to perfect the Arrangements in the several Zillahs may effect much, if supported by an Enactment providing for the regular Remuneration of Village Watchmen ; at present, their Stipend varies in every Village from One Rupee Twelve Annas to Three Rupees per Mensem, and in Nine Instances out of Ten the Chowkeedar neither demands nor receives a Fraction of the Sum, but lives upon his Wits and the Facilities which his supposed Employment as a Watchman afford of preying upon the Public. This should be changed, and all Chowkeedars be nominated by the Landholders, or a “ Punch ” of Villagers ; their Names registered, and their Appointments approved of by the Magistrate of the Zillahs ; a certain Rate of Pay should then be fixed, and the Darogah should have full Authority to levy it, in case of Nonpayment, by Distraint, from the Zemindar, if the Nomination of the Chowkeedar rested with him, and from the Jeyt Ryots where they had selected their own Watchmen.”

49. The Papers submitted for our Consideration abound with Evidence to the same Effect, but the above will be sufficient to show that nothing can be in a worse State than these Establishments, and that the most urgent Necessity exists for a thorough Revision, not in One or Two Districts merely, but throughout the Country, in order to place them in a State of Efficiency. In some Districts the Allowances for Watchmen are very great ; in *Purneah*, for instance, they are stated by Mr. Pringle to amount to no less than 1,96,132 *Sicca* Rupees 4 Annas per Annum ; a Sum which, at the Rate of Four Rupees each per Mensem, would admit, under a well regulated System, of the Employment for that District alone of 4,000 Men ; and yet the Establishment is described not only as utterly useless for Police Purposes, but as a Curse instead of a Blessing to the Community. It is the same almost everywhere else ; and it is even a Question whether an Order issued throughout the Country to apprehend and confine them would not do more to put a Stop to Theft and Robbery than any other Measure that could be adopted. A general Revision, therefore, is urgently required, both to remove a pressing Evil which the Disorganization of these Establishments has occasioned, and to enable them to answer the End for which they were appointed. There is great Difference, however, of Opinion as to the proper Course to be pursued for the Purpose.

50. Formerly, the Establishments in question were not only paid by but were entirely under the Control of the Village Communities, the Landholders were bound to keep the Peace, and in the event of any Theft or Robbery being committed within their respective Estates to produce both Robbers and plundered Property, or to make good the Loss. But by the Regulations of 1793, the Police was declared to be under the exclusive Charge of the Officers of Government, and all Descriptions of Village Watchmen were subjected to the Orders of the Darogah, while the Privilege of appointing and filling up Vacancies was still continued to the Landholders, who were held responsible, under severe Penalties, not only to give Information of every Crime committed, but also to assist in apprehending the Perpetrators, although deprived of all Police Powers, and even of the Control over the Chowkeedars. A System so full of Anomalies could not do otherwise than fail. The Zemindars, untrusting with Authority, but still held responsible, would of course afford no cordial Co-operation. The Chowkeedars required to serve Two Masters, nominated and entitled to receive their Pay from the one and bound to obey and liable to Punishment and Dismissal from the other, effectually serve neither ; while the public Authority, in support of which they are expected to co-operate, is naturally hated and betrayed by both.

51. In this State of Things it has been proposed\* to dispense with the Zemindar's Interference altogether, and to take the whole into the Hands of Government ; to realize the Allowances in Money or Land assigned for the Maintenance of the Village Watchmen by assessing the Land, and collecting the Money through the Zemindars, to be paid by them with their Land Revenue into the Collector's Treasury, allowing them Ten per Cent. for Expenses of Collection, and for being answerable for punctual Payment, in the same Manner as they are for Land Revenue. This, it is stated, would supply a Fund more than sufficient for the Support all over the Country of an

\* Vide Paragraph 9th of Mr. Pringle's Letter, dated 7th February 1837.



efficient Village Police, to be paid by Government, and placed under the exclusive Orders and Control of the public Authorities.

52. There cannot be any Doubt that as Matters actually stand, no greater Boon could be bestowed on the Zemindars than to relieve them from all Police Responsibility beyond what attaches to every other Individual of the Community; and it is obvious that if in future they are to exercise no Authority either in the Appointment or Superintendence of the Village Police within their respective Estates, no such Responsibility can equitably be attached to them. But hitherto the greatest Importance has been attached to the System of Village Police founded on the ancient Usages of the Country, on the Conviction that without this Groundwork all other Means for the Maintenance of Peace and good Order must end in Failure. The Desire has uniformly been to secure, if possible, the Co-operation of the agricultural Community in aid of the Police Establishments; such has been the Object of every Law for the Improvement of the Police since the Year 1793 to the present Day; it was partly with this View that the Union of the Offices of Magistrate and Collector was recently brought about, and is still defended by many of its Advocates. It is to the Want of Co-operation on the Part of the Community in general, and the Zemindars in particular, that the Inefficiency of the Police is uniformly ascribed; and it would, therefore, we think, be injudicious to adopt a Measure, the Effect of which must be to deprive us of it still more, without first ascertaining whether or not our Endeavours have been well calculated to effect the Object intended.

53. Perhaps the present defective State of the Village Police is chiefly owing to our own Neglect—no Rules have been framed, for defining the Authority to which the Police Officers belonging to it are to be subject, the Duties they are to perform, the Scale of Remuneration to be received, the Source from which it was to be derived, or the Mode in which Payment was to be enforced—the Fallacy of condemning the System for Inefficiency under such Circumstances is obvious. The Error lies not in the System, but in having allowed it to fall into Decay, and by disgusting all Parties connected with it, instead of encouraging and protecting them. Let us not pull down, but restore. The Majority of the Committee think, that to divest the Zemindars of all Responsibility and Interference, and convert the Village Police into Thannah Burkundazes, to be appointed, paid, and regulated in all respects by the Magistrate, without the Intervention either of the Village Community or of the Landholders, would be to subvert at once the whole Constitution of Village Society, to transform the Village Watch as well as the Thannah Officers into a Military Police, to re-impose that vexatious Interference with its internal Concerns from which Government found it necessary to relieve them by the Enactment of Regulation II. of 1832, to alienate more even than at present the Regard of the People from the Police, and render the latter still more an exclusive Body, with which the Community at large are not only unwilling to co-operate, but regard with Feelings of Antipathy, which it is an Object of the greatest Importance to us to endeavour, if possible, to overcome.

54. We cannot refrain from quoting here the Observation upon this Subject of Mr. Lewis, contained in his Letter of the 2d May 1837:—“By far the  
“ greatest Impediment to the Success of Police Operations in this Country  
“ arises from the total Want of Co-operation on the Part of the People. Exac-  
“ tion on the one hand, and Fear, Ignorance, and Prejudice on the other, have  
“ drawn a very marked Line between the regular Police Officer and the Public,  
“ for whose Benefit he is ostensibly employed; and whatever the Crime may  
“ be, or however notorious and dangerous the Offender, the Village Community  
“ rarely shows any Disposition to assist either in tracing the one or apprehend-  
“ ing the other; their sole Object being to get rid, as speedily as possible, of  
“ their unwelcome Visitors by any Story most likely to effect their Purpose.  
“ But in the Character and Disposition of the Village Chowkeedar there is  
“ something common to both Parties; when properly treated he can give, and  
“ he frequently does give, most valuable Information; and it has therefore  
“ always appeared to me a most desirable Object to make this connecting Link  
“ between the Police and People as sound and servicable as possible.”

55. We doubt much if any Description of Village Police can be efficient; we are quite sure that none can be popular which is not based on the Principle advocated by Mr. Lewis in the above Extract. Our Control over the Establish-

ment, as it is now, being the Point in which we are most deficient, there is no Possibility of its being increased by doing away with the Intervention of those to whom we should look for exercising it with Effect, and whose Influence, if not exercised in our Favour, is sure to be exerted against us.

56. And here we would ask, supposing the whole of the Police, both regular and subsidiary, to be taken into the Hands of the Government and transformed, as proposed, into a Military Body, and supposing it to answer as an Instrument of Coercion and Subjection far better than the present Establishments, with all their Defects entirely removed, would it be desirable thus to dispense, even if we could, with the Co-operation of the People, to set their Influence at Defiance, and to act as if we had no hold upon the Country but the Sword? Would it be politic, we ask, to give up, without a further Attempt, all hope of ever conciliating them, or of impressing upon them the Conviction, that their Benefit, as well as our own, is the main Object of all our Institutions?

57. We think not, and would therefore prefer, in the first instance at least, an Attempt to reform the old System before we introduce a new one. As the first Step, the Village Establishments should be carefully revised, and an Allowance assigned to each Watchman which shall be an adequate Remuneration for his Services. This may be done by means of a new Allotment of Allowances, whether in Money or Land, already assigned for their Support, by reducing the Number of Watchmen in order to increase their Pay, where the Allowances are insufficient, by recovering such Lands as have been misappropriated or improperly resumed by the Zemindars, by substituting a Money Payment on the Part of the Zemindars for Assignments of Land wherever it may be practicable; in short, by re-organizing the whole of the Establishments, by framing Rules of Conduct, by defining the Powers and Responsibilities of the Village Authorities; to whom the Watchmen should be subordinate on the one Hand, and the Duties to be performed by the latter on the other, and lastly, by placing their Pay on a Footing which would secure them an adequate Subsistence as long as they behave well, without their being driven to look for it to illegitimate Sources. The Worthlessness of the Village Police principally arises from their Poverty, which exposes them to the Temptation of screening Offenders for the sake of a Portion of the Plunder, and of even turning Thieves themselves in order to prevent Starvation. Moreover, unless an adequate Remuneration be provided for them, there is no Mode of enforcing the Discharge of their Duties. Imprisonment with Felons in a common Gaol is not a fit Punishment for a Police Officer, a Fine imposed on a Person who has nothing wherewith to pay would only send him to steal, while Dismissal from a Situation to which a suitable Allowance is not attached is altogether nugatory for such a Purpose. Good Pay would at once secure their Activity and Respectability, and there would probably be but little Occasion then to punish them for Misconduct.

58. The Rules above proposed the Magistrate should be invested with Power effectually to enforce, taking care at the same Time that the Privileges of the Landholders and Village Communities should never be interfered with, and holding the Zemindars primarily responsible for the Conduct of the Chowkeedars. Thus reorganized, the Village Watch might, we think, become a valuable Establishment, while the Zemindars would feel a far greater Interest than they do, or can, at present, in maintaining its Efficiency.

59. Such a System would remove at once all the Anomalies now experienced; the Responsibilities of the Zemindars would be real instead of nominal; they would compel the Watchmen to do their Duty instead of conniving at their Misconduct; the latter would have to serve One instead of Two Masters; the Loss of Place would be a real Punishment, and the Situation having become more respectable, would probably by Degrees be an Object of Desire to other than the very lowest Classes.

60. We are decidedly averse to the Repeal of Regulation II. of 1834 in the Case of Village Police of any Denomination whatever. To subject them to corporal Punishment, which was formerly known only for Theft, is to reduce them to the Level of Thieves, and under such Degradation no Hope can be entertained that the Situation will be ever taken by Persons of the smallest Respectability. Discharge from Service is the only fit Punishment for Neglect of Duty on the Part of such Officers, and to render this effectual, their Pay must, as above stated, be remunerative and certain.

61. We

61. We do not recommend that Regulation II. of 1832 be repealed. It appears to be generally approved of by the People; and in India, where no Confidence can be placed in the lower Officers of Police, their Interference should be dispensed with, whenever it can be done with Safety. A System which requires the Interference of the Police on every trifling Matter must inevitably be vexatious and unpopular.

62. At the same Time, however, that we would exempt the People from all irksome and unnecessary Molestation on the Part of the local Authorities, the latter should be armed to the fullest Extent with Power to afford them Redress when required against every Class and Description of Persons; whether Native or European, and this leads us to notice the Exemption of European British Subjects in Criminal Matters from the Jurisdiction of the local Authorities. As that Exemption does not extend to Europeans of any other Nation, or to Americans, or to Natives of any other Country residing in the Interior, it is a Privilege which Individuals belonging to the parent State exclusively enjoy at the Expense of equal Justice, to the great Annoyance of the Native Community whom they have thus the Power of oppressing with very little Risk of Punishment, and to the Hindrance of the Police, which, under the Circumstances, they are enabled to set at Defiance.

63. It has been stated in Evidence before us that, owing to British-born Subjects not being amenable to the local Courts in Cases of Felony, and to the Necessity of sending them with all the Witnesses to Calcutta before they can be tried, their Services are performed by European Traders residing in the Interior who carry on Dealings with the Natives to all other Classes, on account of that very Exemption; that consequently the Law, especially in Districts remote from Calcutta, does not afford sufficient Protection to the Natives against British-born Europeans, and that an efficient Police could but with Difficulty be maintained where those Individuals might be found residing in considerable Number.

64. But, exclusive of this Evidence, there are numerous Instances on Record within our own personal Knowledge and Experience, to prove that the Exemption in question has been lamentably abused; and that, owing to the Difficulties of bringing an Englishman to Justice, the salutary Restraint which the Presence of competent Authority naturally imposes is nowhere felt, and that Outrages which would be visited at home with condign Punishment are passed over with Impunity. The only Remedy at present is a Prosecution in the Supreme Court in Calcutta, to which, as it is not in the Power of the poor People to resort, there is no real Redress for such Wrongs. It is not, therefore, surprising that we should be looked upon both with Dislike and Apprehension, or that the sudden Appearance of a European in a Village, as has been remarked by an acute Observer,\* should be "a Terror to the Inhabitants."

65. Under these Considerations, we are of opinion that British-born Subjects residing in the Interior should, like all other Classes of the Community, be placed in criminal Matters, not involving capital Punishment, within the Jurisdiction of the local Courts, on the broad Principle that Persons of every Description should be subject alike to the Control of the Authorities where they reside, and that no Distinction in this respect should exist between one Class and another.

66. Mr. D. C. Smith, late a Member of this Committee, has left a Minute on our Proceedings, with a Proposal on the Subject to the following Effect, which we think it right to quote, stating at the same Time that we altogether dissent from it:—

" British Subjects should be made amenable to the local Magistrates for all  
 " Offences in which a Fine of 500 Rupees might be deemed sufficient, or in  
 " default of Payment of Two Months Imprisonment in a suitable Place of  
 " Confinement; an Appeal from this Sentence to lie direct to the Court of  
 " Nizamut Adawlut. Should any British Subjects stand charged with an Offence  
 " calling for a more severe Punishment, but not extending to the Penalty  
 " of Death, the Magistrate should commit him to take his Trial before a Special  
 " Local Court, which I would denominate an ' European Court of Justice;'  
 " this Court should be nominated by the Supreme Government, and should  
 " usually consist of the Session Judge of the District and of a Barrister selected

\* Vide Third Report on the State of Education of Bengal, by Wm. Adam.

“ from the Calcutta Bar, who should on these Occasions be deputed to the District, and to be paid, of course, for this special Duty. Before a Court thus formed every British Subject committing any serious Offence in the Interior should be tried, and I would give this Court Power to sentence a British Subject to a Fine of 1,000 Rupees, or to Two Years' Imprisonment, or to both. In Cases wherein the Two Commissioners might differ, or in Cases calling for a more severe Sentence, the Record should be sent up to a Superior Special Commission consisting of Two Judges of the Supreme Court and One Judge of the Nizamut Adawlut. The Proceedings should all be recorded in English, and sworn Interpreters should be employed. Such a Court would, I believe, command the Respect both of our British and Native Subjects. The Barrister would take care that all the Forms and usual Modes of conducting a criminal Trial agreeably to the English Law were properly attended to, and that the Law of Evidence was strictly abided by. The Sessions Judge on the other hand would see that all the Points of the Case that an English Lawyer might not, from Want of local Experience, be acquainted with were brought clearly to Light, and that the Customs and Usages of the Natives were not overlooked. Such a Tribunal, I feel satisfied, would work well in practice.”

67. We altogether dissent from this Plan, because it appears to us that Special Courts for the ordinary Administration of Justice are objectionable, and that, without Distinction of Caste or Colour, all Persons residing in the same Country, and brought by the daily Transactions of Life into contact with one another, should in all Matters be subject to the same Laws and the same Tribunals. Of the Necessity and Propriety of dealing with all alike on the Plan which we have recommended, and of doing away with the invidious Distinction of having one Description of Tribunal for the Governors and another for the governed, there cannot, we think, exist for a Moment any reasonable Doubt. The present System, now that the Country has been open to Englishmen of all Kinds, cannot continue, nor was it intended by the Charter Act that it should do so. That Act, after providing for the Admission of British Settlers, enjoins the immediate Adoption of Measures for the Protection of the Natives from the Wrongs which may be apprehended from them. The Injustice to the People of the Country of exempting a Class of Persons who now enjoy a Right of free Resort to the Interior from the Jurisdiction of the local Authorities which are always open to them against the People, appears to us to be an Evil so great as to outweigh all other Considerations.

68. Practically, the Effect of placing British-born Subjects in the Interior within the Jurisdiction of the local Courts, will be to impose upon them those Restraints which are now felt only at the Capital, and which render Crimes of a heinous Nature amongst them there of very rare Occurrence. By those whose Objects are honest and justifiable no Inconvenience will be experienced by the Change, and the Remonstrances from Persons of a different Stamp do not deserve to be attended to.

69. We have now gone through all the principal Points connected with the Date of the Mofussil Police, in which it appears to us that the existing System requires Amendment. There remain, however, a few secondary Matters relating less to Principle than to Practice, which have been brought to our Notice, and which we consider it our Duty, before concluding, to solicit the particular Attention of Government.

70. The first Point is, that the Proceedings both of the Magistrates and at the Thannahs require to be considerably abbreviated. In regard to the former, the Records of a Trial need contain only the Examinations and the Depositions of the Parties, together with the final Order of the Magistrate, and the Reasons for passing it; but, according to Practice, the Record contains a great deal more. The final Roobukaree, and often the intermediate Proceedings, are swelled by a Recapitulation of the Depositions of all Parties examined, although the original Depositions immediately precede it. This, at best, is a needless Waste of Time and Labour, while it affords the Amlahan Opportunity to distort and mis-state the Evidence, in order to magnify to the Parties their own Influence and Importance. In the Judgment of the Committee the final Roobukaree, or Proceeding, should contain merely the Order or Sentence in the Case and the Reasoning on which it is founded. Those who are acquainted with the Length to which by the present Practice a final Roobukaree in

in the most trifling Cases is extended, well know how great a Saving of ill-employed Time and Labour, and therefore how desirable an Improvement, would be effected by the proposed Abbreviation.

71. In regard to the Thannah Reports, it appears to us that they are susceptible of much Simplification and Improvement. The Practice in this respect may be described as follows:—On receiving Intelligence of an Occurrence requiring local Investigation the Darogah forthwith transmits to the Magistrate a Report of the Information, containing generally an Abstract, or a Copy (sometimes both), of the Deposition of the Prosecutor or Informant, with Notice of the Reporter's Intention to proceed himself, or to depute One of his Subordinates to the Place of Occurrence, for the Purpose of local Investigation. After the Completion of the Investigation the Darogah, or other investigating Officer, forwards what is called a Sooruthall, or Statement, with or without Prisoners, Witnesses, and Prosecutors, as the Case may be. This Document is a voluminous Compilation in the native Language of all Depositions taken on the Spot, from such Persons as the Police Officer chooses to examine, the Examinations of accused Parties, an Account of the Police Officer's own Proceedings during the Investigation, and a Summary of his Opinion on the Charge preferred as to the Guilt or Innocence of the Accused, whom, if deemed guilty, he forwards for Trial, and if innocent, releases on Bail or Recognizance, at his Discretion. This bulky Report is not unfrequently accompanied by the original Depositions of the Parties, besides the Abstract. It is evident that no such long Report was intended by the Framers of Regulation XX. 1817, Vide Section XIII. Clause Second, but in the Hands of an unskilled Mohurrer it always becomes what is above described.

72. The Sooruthall, even when faithful to Facts, is of small Use to the Magistrate, by whom it is seldom looked into with much Attention. The chief object of it is to point out to the Officers, whose Duty it is under the present System to take the Depositions for subsequent Production before the Magistrate, the Kind of Information or Evidence to be given by such of the Persons, Prisoners, or Witnesses sent in by the Police Officer, and in accordance with it the Fouzdaree Mohurrer shape their Examinations; but, in practice, the Sooruthall is not unfrequently drawn up by the Police Officer to suit his own private Views, and represents the Case, not as it occurred, but as he is desirous it should appear; the Depositions and Examinations are written studiously with a view to support the Opinion which he desires should be adopted by the Magistrate, and can never be relied on as a trustworthy Representation of Facts. It has occurred to One Member of our Committee to receive at the same Time, through an Oversight, Two Sooruthalls of the same Occurrence written by One Officer. In one, the Opinion given was, that the Parties were guilty, and the Evidence was studiously shaped to favour the Conviction; in the other, the Witnesses were made to give Evidence exactly the reverse of that contained in the former, and the Opinion recorded was of course in favour of the Accused. These had been, as is supposed to be often the Case, both prepared for Transmission, with the Intention of sending off the one or the other, according to the Inducements held out by the Parties concerned.

73. Though such signal Detections can occur but rarely, yet every Magistrate is well aware that little or no Dependence is to be reposed on Sooruthalls, and they are treated accordingly; while, therefore, they are of little or no Use in promoting the Elucidation of Truth, they furnish Excuses for Delay and Waste of Time in completing Investigations, which is turned to account in fabricating false Evidence, in tampering with Prosecutors and Witnesses, and in extorting Money.

74. It appears to the Committee that no Inconvenience, and probably much Good, would result from the Discontinuance of these Sooruthalls, and the Adoption of a System something like that in use in the Calcutta Police. The Darogah or other Police Officer should make summary Inquiry without recording Depositions, and at the Conclusion should merely send in the Prosecutor, all Witnesses, and Prisoners (if the Case in his Judgment require further Investigation), with a brief Summary of the Charge, and List of the Persons sent in to the Magistrate. If the Case, in his Opinion, be unsubstantiated, he would send in a similar List of the Parties examined, stating shortly that, on his View of the Merits of the Case, he has released the Accused on Bail, or on Recognizance. In the latter Case the Prosecutor, if he deemed

himself wronged, might of course apply to the Magistrate for a Trial of the Charge. But the Power of thus primarily releasing should, in the Judgment of the Committee, be restricted to Misdemeanors, and not to extend to Felonies and Larcenies.

75. The Second Point to which we solicit Attention is, the Practice which at present exists of judging of the State of a District and the Exertions of a Magistrate by the Proportion between Acquittals and Convictions. After the Correspondence which has taken place between the local Government and the Court of Nizamut Adawlut, it would be superfluous in us to enter into any detailed Discussion on the Subject; but we deem it necessary to draw Attention to the Evidence of Mr. William Wilkinson, the late Magistrate and Collector of Koordah, taken before us on 24th November last, which, as coming from a very distinguished Officer, in whom Government have always placed the most implicit Confidence, appears to us entitled to great Consideration. The following is the Part of his Examination to which we allude:—

“ 501. Do you think it is fair to judge of the State of a District, or the Exertions of a Magistrate, solely by the Proportion of Acquittals and Convictions?—Certainly not. I consider it by no means a proper Test or Criterion. For instance, in the Case of a serious Disturbance or Boundary Dispute, it is frequently necessary to apprehend a large Number of Persons to prevent further Disturbances, but who may be all eventually released. Merely to blame a Magistrate for few Convictions is, in my Opinion, unjust. I consider the System of first sending for the Witnesses, and then summoning the Defendants, to have been carried to too great an Extent, and might lead to great Hardships to Witnesses.

“ 502. Have you Reason to believe that Convictions have been forced with a view to make a good Paper Statement?—Yes, I have. I have heard it stated by Authorities that Prosecutors have been fined for false Complaints whenever the Prisoners could not be convicted, so that some Conviction might follow.

“ 503. Do you not consider that such a Feeling is likely to have a bad Effect on the State of the Police?—I do. A Magistrate has now to consider whether a Conviction is likely to follow before he authorizes an Offender to be apprehended. In Cases of Dacoity, a Dacoit may confess and name Twenty others. All these Men should be apprehended, with a view to ascertain whether Evidence may not be procured for their Conviction, and yet the Magistrate may be blamed if they are all eventually released.”

76. We are far from thinking lightly of the Inconveniences resulting from indiscriminate Apprehension without sufficient Cause, and are of opinion that too much Care cannot be taken to impress upon the Magistrates individually and collectively, and through them upon their native Officers, the Necessity and Propriety of conforming strictly to the Law, and of exercising a sound Discretion in that Particular; but the main Evil to be guarded against being, as every judicial Officer from his own Experience is well aware, the natural Inclination of a Magistrate to convict rather than acquit Prisoners whom he has himself apprehended, we much fear that any unfavourable Inferences drawn by the higher Authority as to the Conduct of the Magistrate, from the Proportion between Convictions and Acquittals, may lead to the Infliction of greater Injustice than that which the Adoption of the Criterion in question was humanely intended to prevent. Still more is it calculated to be injurious if the Procedure noticed by Mr. Wilkinson in his Answer to Question 502 be of frequent Occurrence.

77. We would further suggest for Consideration, if this System is to continue, whether Cases in which Individuals are merely summoned to attend in answer to Charges of a petty Nature, which are required to be written and preferred on Eight Anna Stamp Paper, should be included in the Calculation. It is difficult to comprehend how the Proportion between Convictions and Acquittals in such Complaints can form any just Criterion of the State of a District, or the Ability of a Magistrate; and we think that it would be better to specify all such Cases in a distinct Column, the Proportion being restricted merely to the Number of Apprehensions and Convictions. We would suggest likewise, with reference to the petty Complaints above mentioned, whether the Rule alluded to by Mr. Wilkinson, of first sending for the Witnesses before the Attendance of the Defendant is required, may not in the Generality of Cases, lead to far  
greater

greater Abuses, and be a Source of far greater Molestation to unoffending Individuals than the Course of Procedure which has been superseded by it.

78. The Third and last Point to which we have to draw Attention is a Practice generally resorted to throughout Bengal, to which our Attention was first drawn by Mr. Adam in his Examination of the 24th November last, who remarked that "the Treatment of Budmashes, or People of bad Repute, is on a very undefined Footing, Persons accused of no Crime being regularly taken from their Families at Night, and compelled to sleep in the Police Station." This Practice is more fully explained in the Deposition of Mr. H. V. Bayley, taken before us on the 9th of the succeeding Month, from which the following is an Extract:—

"692. What is the System followed in Midnapore regarding the Surveillance of the Police over Persons of bad Character?—I believe that in that District, and the neighbouring one of Hoogley particularly, where Crime is very prevalent, to make convicted Felons sleep in the Thannah in dark Nights without a Moon, when Crime is most likely to take place. The greatest Criminals in the adjacent Villages sleep in the Thannah, and these, as well as those of a minor Description at the distant Spots from the Thannah, sleep in charge of the Village Chowkeedars. This is the best Check we have for putting down Crime.

"693. Is this authorized by the Law or Regulation, or countenanced by the Orders of Government or of the Nizamut Adawlut?—It is not; but every Six-monthly Report of the Commissioner or Sessions Judge, and of Government, enforce on the Magistrate the strict Responsibility for the Peace of his District, which cannot be preserved unless the known Disturbers of it are to have this or some other equally effectual Check placed on their Proceedings.

"694. Then you consider that a Magistrate, in order to enforce such a Check, is at liberty to resort to Measures which are neither authorized by Law or sanctioned by the supreme Authorities?—Although not specially authorized by Law or the supreme Authorities, we are expected to act up to the before-mentioned urgent Orders of our immediate Superiors to preserve the Peace of the District, and the Custom has been sanctioned by long Usage.

"695. Do you know whether this System has ever been officially brought to the Notice of supreme Authorities?—Not officially brought to their Notice, but every Judge or Commissioner must be more or less aware of it who reads the Darogah's Reports in Sessions Cases.

"696. How many Men do you think, on an Average, are confined in this way within the Limits of a Police Thannah?—At a large Thannah for the nearest Villages, perhaps Fifteen or Twenty. At distant Villages they are kept in the Chowkeedars' Watch-houses, according to the Number of Thieves living in the Village, of which I can at once and off-hand give no exact Calculation."

79. Thus it appears that, without any Law or Regulation for the Purpose, without any Authority from the Government or the Court of Nizamut Adawlut, the Thannadars in Parts of Bengal are allowed to exercise the Power of shutting up at Night, in the Thannahs and Villages within their respective Jurisdictions, Herds of Individuals, merely on account of low Caste, reputed bad Character, or because they may choose to think such a Measure necessary to prevent a Breach of the Peace.

80. It would be a Waste of Time to point out the Abuses to which such an Assumption of Power is unavoidably liable. It is sufficient to state our entire Concurrence in the Remark of Mr. Adam, that if this be necessary for the Preservation of good Order, what is now an illegal Act should be legalized, but that a good System of Police would not need such arbitrary Violation of personal Liberty.

81. The proper Course which we conceive should in all Cases be observed as an invariable Rule is to obey the Law. If this had been done, it is probable that either the Measure in question would have been shown to be unnecessary, or, if necessary, it would have been authorized under proper Regulations and Restrictions, so as to prevent Abuse.

82. Nothing, we conceive, can be more prejudicial than for the Magistrates to be confirmed in the Belief that they are authorized to exert a Vigour beyond the Law,—to act, not according to what the Law is, but what each considers

that it ought to be, and, in short, to do anything they deem expedient, if not expressly forbidden by the Legislature. No System of Police is entitled to the smallest Praise which cannot be carried into effect without exceeding the Law, nor can any Magistrate claim to be considered a good one who is unable to keep his District in Order without having Recourse to Measures for which there is no legal Sanction. It is needless for the Legislature to enact Laws, if those by whom they are administered are allowed to disregard them at Pleasure, and such a Practice ought, we think, to be discountenanced in the most decided Manner.

83. We have now finished all that we have to remark on the State of the Police of Bengal, Behar, and Orissa. That of Assam, Arracan, and of the Country under the Jurisdiction of the Agent in the South-western Frontier, will be reported upon as soon as we have sufficient Information for the Purpose.

We have the Honour to be, Sir,

Your obedient humble Servants,

(Signed)

W. W. BIRD,  
W. BRADDON,  
F. C. SMITH,  
R. J. HUTCHINSON,  
J. LOWES,  
FRED. JAS. HALLIDAY.

Calcutta,  
18th August 1838.

*Extract from the Proceedings of Government in the Judicial Department.*

MINUTE by the HONOURABLE SIR GEORGE CLERK, dated  
28th April 1848.

Jud. Cons.  
6th Sept. 1848.  
No. 7,409.

It seems to me that the Police throughout this Presidency is on a Footing in several respects most unsatisfactory. On the one hand, the Numbers professedly employed upon or maintained for Police Purposes is great, and the aggregate Cost ample; on the other, those so employed are in themselves incompetent for the Service, and in some Grades have other important Duties to perform, or, for the most part, have to subsist on a Pittance which is inadequate to remunerate efficient Service of any kind.

2. It is now Thirty Years since we acquired the Government of the Deccan and Khandesh, with much of the Country we rule over in Guzerat. In that Period all the old Freebooters of the Peishwas' Time have passed away. There is a new Generation of all Classes born under our Rule. Local Corps have arisen in each Province, and the Numbers of District Officers have been doubled.

3. But it is quite clear from Records before me that Crime has not decreased, that we are affording no increased Protection to our Subjects, that Objections are raised to the Reduction of the Additions made to the Police during War Time 1838-39, and that it is but lately Ragojee Bangria successfully defied a large Body of our armed Police and Regulars, and continued for Years fearlessly to plunder our Subjects, mutilate our native Officers, and in various ways to insult the Government.

4. Appended to a Minute by Mr. Le Geyt, I find a Return of Gang and Highway Robbery, Burglary, Cattle Stealing, and Arson in the past Year, in the Zillahs named in the Margin\*, showing,—

Poena, Nuggur,  
Khandesh, Kauwans,  
Ruinagherry, Surat,  
Ahmedabad, Dharwar,  
Belgaum, and Shoola-  
poort.

Of Gang Robbery	-	-	-	769	Cases
„ Highway Robbery, Burglary, and Cattle Stealing	-	-	-	6,162	„
„ Arson	-	-	-	234	„

Total in One Year - - 7,165 „

The Return gives Thirty Cases attended with Murder, and 1,993 attended with Violence; and Colonel Outram, C.B., Resident at Baroda, in his late Report dated 18th January 1848, gives the Gang and Highway Robbery, Burglary, and Cattle Stealing in British Districts bordering on his Highness the Guikawar's Dominions in 1832, at 103 Cases, and in the past Year (1846) at 1,007 Cases. Here we have signal Proofs of the Inefficiency of our present System of Police.

5. Such



5. Such a State of Things demands the immediate and serious Attention of Government, it being our first Duty to afford our Subjects full Protection in Person and Property. Without both, the industrious are not secure in the Possession of their hard-earned Property, and an Inducement is held forth to the idle and evil-disposed to prey on their Neighbours. Thus the Insecurity of the High Roads throughout the greater Part of this Presidency has become lamentable.

6. Extensive and radical Reforms are, therefore, called for. The present Police Force might be doubled without any beneficial Results so long as it remains in its present Condition. The Reform to be effectual must embrace the Rural Police of Villages and Purgunnahs, the District Officers (Mamludars, Muhal Kurees, &c. &c.), the Police Corps, the Magistracy, and the Superintendents.

7. I have, therefore, endeavoured to obtain Information on this Subject, and I now proceed to show all that I can ascertain of the Numbers and Expense of the present System. I propose also to point out the Defects that strike me, and afterwards to offer such Suggestions as appear to me calculated to introduce a better Police.

8. I annex Abstracts marked A. B. and C., being Tables formed for ready reference.

9. Abstract A. shows that in the Thirteen Zillahs or Collectorates the Police consists of the following several Denominations, at the Cost exhibited opposite to each :—

Col.				Costing per Annum.
				Rs.
1. Rank and File, Local Police Corps, Foot	-	4,997	- - -	4,00,203 0 0
2. Ditto Poonah, &c. Horse	-	1,212	- - -	2,66,260 6 0
3. Peons solely on Police Duties	-	2,607	- - -	1,43,221 0 0
4. Poonson Police and Revenue Duties	-	5,713	(at One Third Salary)	96,969 9 8
6. Rukwaldars, or undisciplined Police	-	5,318	- - -	1,77,614 0 4
7. Village Jaglees, &c. &c.	-	18,239	- - -	2,48,603 0 10
8. Shetsundees, Sowars, Puggees, &c.	-	32,239	- - -	3,87,724 12 1
9. Mehwassee, or Local Police, Horse and Foot, under Chiefs	-	1,664	- - -	84,574 0 2
Totals	-	71,989	- - -	18,05,169 14 1
Add Establishments of European and Native Assistants, &c.	-	-	- - -	2,06,147 4 0
				20,11,317 2 1
Deduct as per Note D in Column 9	-	-	- - -	3,420 0 0
Total	-	-	- - -	20,07,897 2 1

10. Columns 11 and 12 show that there are 17,358 Villages inhabited, and 1,477 uninhabited, covering an Area of 88,230 Square Miles, over which the Police is scattered.

11. Columns 15 and 16 contain a Statement of the stolen Property recovered and unrecovered in the Year 1844 to 1846 inclusive; the former being 273,112 Rupees, and the latter 20,10,006. The Amount of Rewards granted in the same Period to Informers is 16,816 Rupees (vide Column 17).

12. Columns 1 to 6 of Abstract B. show that there are Eighty-eight European Magistrates and Assistant Magistrates in the Thirteen Zillahs, some of whom are also Revenue Officers, Bheel Agents, &c. &c. Columns 7 to 19 exhibit 17,660 native Functionaries exercising different Degrees of penal Powers, many of whom also are Revenue Officers. Columns 32 and 33 show, that in the Year 1846 inclusive, there occurred in the Thirteen Zillahs, and remained undiscovered, 3,127 daring Robberies and 136 Murders.

13. I shall now refer to some of the Items in the Abstracts, and endeavour before proceeding further to complete our Police Statistics, as far as the Returns I have obtained will admit of.

14. It seems from Paragraph 9 of this Minute, that, exclusive Peons, &c. &c. employed on "Police and Revenue Duties," our Constabulary Force of all Arms, whether hereditary or stipendiary, paid in Land or Cash, amounts to the enormous Number of 71,989, (besides the Kohlapore Light Infantry, Sawunt Waree Rangers, the Poonah Horse at Head Quarters or on detached Military Duties, and the Irregulars in Guzerat, now on Police Duties,) costing annually  
(162.) D Rupees

Rupees 20,07,897 2 1. But this by no means includes all Charges on account of the Police, for there must be added the following :—

				Rupees.	
Exclusive of Deputation.	{	13 Magistrates	at One Third Salary per Annum	1,15,933	5 4
		1 Joint Magistrate	„ ditto ditto	- 56,000	0 0
		35 Assistants	„ ditto ditto	- 81,200	0 0
		22 Military	„ Whole Staff Pay, ditto	- *1,20,000	0 0
		9 Medical	„ ditto ditto	- 16,200	0 0
		112 Mamludars	„ ditto ditto	- 61,254	0 0
		94 Mahalkurees	„ ditto ditto	- 14,268	0 0
		7 Police Amils	„ Whole Salary ditto	- 11,856	0 0
		6 Foujdars and 1 Naile	„ ditto ditto	- † 2,094	0 0
		12 Joint Police Officers	„ ditto ditto	- † 4,050	0 0
		16 Kotwals	„ ditto ditto	- † 2,346	0 0
		Total Rupees			
Which added to				- -	20,07,897 2 1
Gives a Total of Rupees				-	24,42,698 7 5

annually expended on account of Police; and a further Reference to the Magistrates would, I have no Doubt, elicit a considerable additional Charge incurred on this Account. I have, for instance, been unable yet to procure any satisfactory Estimate of the large Item composed of Cost of Buildings, Arms, and Contingencies.

15. Were there no other Evidence than that our Police Establishments number 71,989 Men, costing annually, in Land and Cash, say Thirty Lakhs (30,00,000) of Rupees, that in the Three last Years for which Returns are procurable the unrecovered stolen Property lost to our Subjects amounted to 20,10,006 Rupees, while the untraced daring Robberies and Murders were in the same Period respectively 3,127 and 136, and that no Confidence in the Government Police is felt even by the European Residents in Civil Stations or in Military Cantonments, who, as a general Rule, maintain Watchmen paid by themselves to protect their Property from Robbers, we have sufficient Proof of the urgent Necessity for applying ourselves to the Consideration of that vital Element of the Welfare of the Subject—the Police of the Country.

16. The Duties expected from the Police Establishments of this Presidency are, first, strictly Police Duties, which here, as elsewhere, are,—

1st. To prevent and to detect ordinary Crime against Person and Property, and to preserve the general Peace of the Country.

2d. Magisterial Duties, which fall on the Mamludars and Magistrates, and their Assistants, whose Duty it is to prepare Cases for Trial before the judicial Authorities of a Grade higher than their own, and to try and to decide the less important Cases.

3d. Miscellaneous Duties, such as guarding Gaols, escorting Treasure, &c. &c. It should be borne in mind that neither of the Two latter Classes of Duties have any essential Connexion with Police Duties properly so called.

17. The Returns before Government prove the Truth of the general Impression, that ordinary violent Crimes against Person and Property are annually increasing; and when it is considered that the general Pacification of the Country has been long effected, that the large Class already adverted to, which we found existing as half Soldiers, half Robbers, has died off or settled to more peaceful Pursuits, it is evident that the Increase of Crime among the Population in general is very serious.

18. Difficulty of obtaining Subsistence, Disaffection to Government, or any similar Cause is never alleged as the general or continuous Cause of this frightful Increase of Crime; no Hypothesis is, in fact, ever offered to account for it, except that the Impunity of Crime is greater now than formerly, that the Duty

\* This is given in round Numbers, but is supposed nearly correct. The net Pay only is drawn by many in the Military Department, the Remainder being Civil Officer's Pay. There are also Twelve other Military Assistant Magistrates in the Survey, Thuggee, and other Departments.

† Denote that a Portion of the Salary of these have been included in the General Statement of Cost (A.) among the European and Native Establishment.

of preventing and detecting Crime is not efficiently performed. It is our boast that we have given to the Country perfect general Peace and Freedom, both from all Alarm of Foreign Invasion and from Danger of successful internal Rebellion; yet it would seem that whenever anything resembling Rebellion does occur in this Presidency, in all that relates to early warning of the impending Danger, the speedy Detection of those implicated, and the consequent early Suppression and certain Punishment of the Rebels, the Police is lamentably deficient. The Outbreak generally takes the Authorities by Surprise, and is only suppressed by the expensive and cumbrous Expedient of employing large Bodies of regular Troops, and the real Ringleaders are frequently either undiscovered, or, if unknown, escape Capture. The Ramoosee, Bheel, and Cooly Bunds are not popular Insurrections: they usually begin with Gang Robberies, which go on increasing in Number and Daring, and unpunished, till the peaceable Inhabitants become more afraid of the Robbers than of the Terrors of the Law for harbouring them. But the Rebels never bring any formidable Military Force into the Field,—nothing, in fact, but what the Police, if efficient, ought to be able to cope with and subdue. As far as the Police therefore is concerned, it cannot be said that even the Duty of preserving the general Peace of the Country is efficiently performed.

19. After possessing the whole of this Presidency for so many Years, and having in some respects greatly improved the Administration of Justice, it is not creditable to the British Government that Life and Property is nowhere safer,—in many Places it is certainly not so safe,—as, in quiet Times, under the Native Governments.

20. Our Laws are partly to blame. By abrogating the ancient Custom of holding Communities, to a certain Extent, responsible for Crimes committed within them, and which they might have prevented, by requiring Evidence which shall not only satisfy the Tribunal which hears it, but, when written down, convince one which is absent, by a generally cumbrous and tedious System in which Fulness of Record seems more studied than general Efficiency of Action, by insufficient Severity of Punishment for violent Crimes, and Over-tenderness for those who have no obvious honest Means of Livelihood, and who notoriously, sometimes avowedly, live by Crime, but who are not clearly proved to be guilty of a specific Offence laid to their Charge, and by other Defects in our Laws, we offer a Degree of Impunity to Crime which acts as an Encouragement.

21. But it sometimes occurs that, with all these legal Disadvantages to contend against, the System has been efficiently worked by energetic Men. It is therefore to be presumed that there is, besides defective Laws, some other Cause of the general Evil which exists. The Fault can hardly be laid to the System itself as a whole, because, in its essential Outlines and nominal Gradations of Duties, it is much the same as Systems of known Efficiency. It may vary in detail, but very similar Systems might be cited which cost less, and in which fewer Europeans are employed, but which are nevertheless far more efficient.

22. Gang Robberies increase in a District till there is a general Insecurity of Property, unless the Owner himself undertakes its Defence, and prepares accordingly as if there were no Government in the Country. The Offenders, in a Majority of Cases, are seldom efficiently foiled or subsequently detected. This, I believe, has not been an unusual State of Things in more than One of the Provinces of this Presidency of late Years, and has lasted for a considerable Time together, yet, in such Cases, the Blame has never been fairly fixed on any one Cause. The Village Police, though sometimes convicted of Negligence, and oftener of being afraid to act, seldom come under Penalties. The District Officers are usually reported to have acted up to the Regulations. The Zillah Authorities say they have done as much as their Revenue Duties allow them to do, but Crime is neither checked nor detected. Yet, in all such Cases, there is clearly apparent general Slackness and Want of Activity, and the Reader lays down the Report or Return without being able to say that one has been more to blame than another, but with a general Impression, that had the whole been managed with more Energy, such Things could not have occurred.

23. By considering in detail the Duties of every Branch, and its Fitness for the Discharge of them, it may, perhaps, be possible to discover to what is owing the Influence which paralyzes the whole Body.

24. The Police Establishment of this Presidency consists of the following Elements :—

1st. Village Police, under the superintending Authority of the Village Patell. He has under him,—

Village Watchmen, generally hereditary, and reports to the Head of the

2d. District Police. The Police Umuldar, <sup>or</sup> Mamlutdar or Mahalkurree, whose Duties are of a mixed Nature,—Revenue, Police, and Judicial. He has under him Peons, some stipendiary, others, in the Southern Zillahs, hereditary, and all discharging both Revenue and Police Duties. He reports to the Head of the

3d. Zillah Police, a Magistrate, who is also a Collector, and has European Assistants, some of whom are also Assistant Collectors; others, Officers of the Police Corps, generally disciplined as Regulars, and under European Officers. They have also to perform Duties unconnected with the Police, in guarding Gaols and escorting Treasure, &c. Irregular Horse also, generally commanded by European Officers. The Magistrate reports to the

4th. Sudder Adawlut, in which Body is vested the general Superintendence of the whole Police of the Presidency. They report to Government, but not necessarily, except in Matters threatening the general Peace of the Country or involving Expenditure.

25. Let it now be inquired how far each Class efficiently performs the Duties intrusted to it :—

1st. The Village Police.—With regard to this Body, it must be borne in mind that their Services and their Emoluments are, in a great Majority of Cases, hereditary; that, even if we can dispense with the former, we cannot legally much curtail the latter; and that, if we could, the general Character of the Body would, as a Matter of Policy, forbid our doing so; also, that the Amount they receive in the aggregate, partly in Money and partly in Land, in Kind from Government and the People, is very large. The Estimate I have elsewhere given is not, perhaps, a complete Statement of their Emoluments in any of our Zillahs; but if it be considered that, in addition to what Returns may show to be paid in Money and Land, they are entitled annually, sometimes daily, to receive, in every Village of most of our Provinces, something in Kind from every one of the Cultivators in turn, it will be evident that the whole Amount of Taxation imposed by the Necessity for their Maintenance is very heavy.\* It cannot be said that they are now efficient. Indeed, many high Authorities might be cited to justify an Opinion that their Efficiency has been entirely destroyed since we obtained Possession of the Country; but I have seen nothing to lead me to think that this Conclusion is altogether correct. Indeed, Examples might be cited to show that, well managed, they could be as efficient now as they ever have been. When efficient, nothing can be better in all agricultural Districts. Forming an essential Part of the universal Village System, they have unrivalled Facilities for both the Prevention and Detection of Crime; and I think it may safely be said that, under good Superintendence, they can be rendered, not only superior to anything which could be devised for a Country like the agricultural Districts of India, but that they afford a Degree of Security to Person and Property such as is not surpassed in any other Country.

26. In most Cases where the Village Police are found wanting, it will appear, on Inquiry, that, though they may have kept clear of Penalties for Neglect of Duty, they have done nothing more; that they have not done all which they would themselves admit active Village Police Officers might have done; and that had they done their best, under an efficient general Superintendence, a different Result might have ensued. A Robbery is committed in the Village, and the Traces of the Robbers carried beyond the Village Boundary. The

\* Mr. Le Geyt gives the Number of Wuttundars and Stipendiary Police as follows :—

Nuggur Zillah	-	-	6,022 Men,
Khandesh	-	-	6,311 "
Ahmedabad	-	-	4,222 "

and states that their Numbers in Poonah and Surat and the Concan are not given, though he thinks they cost a considerable Sum annually in Money and Land. Of this there can be no Doubt; but it is remarkable that a Member of the Court which superintends the Police of the Presidency should feel any Uncertainty on such a Point. He states "they have been lost sight of or totally neglected." Neglected they have certainly been, and very grievously mismanaged; but in Guzerat, Khandesh, and the Deccan they are still, I believe, nominally, the responsible Parties, in the first instance, for every Police Process.

Villagers

Villagers have so far cleared themselves; but instead of following up the Traces, sit down to make over further Trouble and Responsibility to the neighbouring Village. The latter disputes the Clearness of the Marks, which before the Dispute is settled by the District Officers are effaced by Rain or Passers-by, and the Robbers get clear off. All Parties are intent, not on doing their best to secure the Thief, but to do just what is required to shift the Responsibility, and nothing more. This very Case is One which every experienced Magistrate throughout India knows is of constant Occurrence, and something similar to this is the last that is ever known by our Police Officers of a great Majority of the Crimes committed. How different is the Result when, from any peculiar Circumstances, the Search is prosecuted with real Activity. Nothing can then exceed the Zeal, Patience, and Tact of the Village Watchmen; Escape from them seems almost impossible; or, if effected, you have some Certainty substituted for the vague Information "that a Crime has been committed," and that after the Offenders were followed a short Distance all Traces of them was lost, which is now so generally the End of a Police Inquiry.

27. All this shows that it is not so much this Part of the Machinery which is in fault as the Want of Activity in working it. The Instances of general Inefficiency are almost always accompanied by Signs of Want of Energy in the Superintendence, while energetic Supervision rarely fails to secure successful Results. We may therefore assume that, could we secure such Supervision as the general Rule, the Village Police might again be made efficient, and we must look to some of the superintending Authorities for the Course of the ordinary Failures.

28. I intend the above Remarks for the Police in agricultural Districts. In large Towns something more has always been and ever will be required, and in such Localities a more regularly organized and trained Body is required.

29. The District Police is, with a few local Exceptions, all stipendiary. There is no Difficulty, therefore, as in the Case of the Wuttundar Village Officers, in altering Duties and Establishments as may seem desirable. The Mamlutdar and, except in Guzerat, the Mahal Kurree, are, as Police Umildars, the superintending Authorities, employing under them to write, to execute Process, or make Inquiries, the Carkoons and Peons, who also serve for similar Duties in the Revenue Branch. With regard to all these Parties it may be observed that their Police Duties are generally subordinate to those connected with the Collection of Revenue. No Degree of Efficiency as a Police Officer will do much to advance a Man unless he be also a good Revenue Officer; but a good Revenue Officer will always get on if he can only keep clear of absolute Blame in Police Matters. This Estimate of the Qualifications of Officers is applied to all Classes, European as well as Native; and to so faulty and absurd a System is to be ascribed in great Part the Inefficiency of this costly Police, for of course the natural and inevitable Tendency is, that the Officer gives all his Zeal and Attention to Revenue Duties, and takes no more Trouble with the Police than may suffice to avoid Blame.\* The Effect of this is visible in almost every Case

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\* The following Remarks by Mr. Le Geyt are many of them very just, and much to the Point:—

"The Mofussil Officers who are intrusted with Police Duties, both European and Native, are unable to give their undivided Attention to Police Matters. Police, in fact, is not considered to be their first Duty; it is subordinate to their Fiscal and Revenue Occupations.

"For the Europeans, the Path of Promotion and Distinction is not the Department of Police, but that of Revenue.

"There are no Rewards for able Police Officers; no Prestige even attaches to Ability in this Department, obtaining for its Possessor Credit in the Eyes of Government or among his Fellow Servants.

"A Collector who devotes this principal Part of his Attention and Time to the Police of his District would, in all probability, be found deficient as a Revenue Officer, perhaps only from Want of Time to attend properly to both. His Conduct as a Revenue Officer comes immediately before Government; his Ability as a Policeman is scarcely known, and in the Case supposed would be lost sight of in the Obloquy cast on him as a bad Collector. Among the native Subordinates the same depressing Cause also exists to a great Degree. It is not impossible that a subordinate Officer may gain Credit for his Activity and Zeal in Police Duties, but he will never be made a Mamlutdar unless he shows considerable Fiscal Ability and Knowledge; and he has not Time to acquire Fame in both Departments, even had he the Capacity."

Mr. Le Geyt goes on to say, "that the most important Measure for improving the Police," meaning the Executive Police, "would be to separate it entirely from other Fiscal or Judicial Duties."

of Failure of a Police Inquiry. Even in very serious Cases, the Mamlutdar pleads that he is prevented from repairing to the Spot by important Revenue Duties. To incite, direct, and combine the Exertions of the Village Authorities, he despatches an inferior and irresponsible Karkoon, on receiving whose Report the Police Umildar devotes to the Inquiry such Time and Attention as he thinks he can spare from pressing Revenue Matters, and the Portion devoted is of course far less than suffices for Efficiency of Police. He was also to prepare Criminal Cases for Trial before the Magistrate, and to dispose of the less important himself; and the Trial of a Prisoner whose Detention in Custody might bring down Censure must generally take precedence of the active Pursuit of a greater Criminal still at large. I have had abundant Opportunities of observing, since I have been conducting this Government, that the Magistrate is chiefly occupied with Revenue Matters, and that nothing in the Shape of Police Duties is ever the Mamlutdar's first Object.

30. Mr. Le Geyt has recorded an Opinion that the Police of the Country is, and ever must be, most inefficiently controlled by the Court of Foujdaree Adawlut; and it is admitted by the same Officer that Collector-Magistrates cannot possibly bestow on Police the Attention which it deserves. Such Admissions are important, coming as they do from an Officer of much Experience in Police, backed as they are by the Reports of the several Magistrates, in respect to the Occupation of their Time and Attention by Revenue Duties.

31. The natural Remedy which suggests itself is, to divide the Duties and give them to different Men; to leave the Police Officer, as far as possible, unfettered by Revenue or Judicial Duties. But to put a Police Officer, paid as an entirely independent Officer must be, by the Side of every Mamlutdar or Mahal Kurree, would involve either a heavy Increase of Expense or the Reduction of Salaries not at present by any means too large to secure Efficiency and Honesty. And there is a more serious Objection to the entire Separation of the Two Departments. I do not think either would be as efficient, certainly not as influential, if the Offices were perfectly distinct and independent, as they might be made if united under a System which left certain competent Police Officers always able to devote undivided Time and Attention to Inquiries now expected of those who are engaged with important Duties.

32. At present the Supervision by Judicial Commissioners of Police is confined to the Period they are on Circuit; at all other Times the Sudder Foujdaree Adawlut collectively perform the Office. Mr. Le Geyt suggests that the Judicial Commissioners should be the Superintendents of the Police of their respective Ranges, an Idea in which I concur as a temporary Measure, hoping that certain Reductions, including those which the present Police Force is capable of sustaining without Injury to its Efficiency, may in Time admit of Two Superintendents of Police being appointed, One for the Northern and One for the Southern Zillahs of the Presidency. Mr. Le Geyt adds, that the additional Establishment they would require (a Sheristadar, Two Carkoons, and probably Two English Writers) might be supplied from that of the Register of the Sudder Court.

33. Thus the Judicial Commissioner, periodically on a Tour of his Charge, would be well versed in the working of the Police, without involving any extra Outlay. He would be the responsible, and, from his local Knowledge, qualified Officer, to overlook the Subordinates in his Range instead of a Board. For he should be empowered to do, in his individual Capacity in respect to Police, all that he can now do as One of the Sudder Court. And by this means the System which I would now introduce will be subjected to the Superintendence and Observations of more than One experienced Commissioner in turn. The Judicial Commissioner, as general Superintendent of the Police of his Range, should correspond direct with Government and the Magistrates.

34. The Superintendence of the Police by the Sudder Court in their corporal Capacity should thus cease, and I propose that the Continuance of its Inspection, as now, by the Judges individually, should only last for another Year; for it may be safely asserted that there are not necessarily any Two Qualities in common between a good Judge and a good Superintendent of Police except the Industry, Patience, and Uprightness which all Public Servants ought to possess. It is the Duty of the Judge to know nothing of Matters which can come before him judicially but what he hears and sees in Court. Universal Knowledge of everything that passes which can effect Crime or Criminals, sought often from

Sources the least pure or creditable, is the Aim of the Police Superintendent. The Judge must confine himself to what is clearly established before him, or what may be logically deduced from it. It is a Mark of peculiar Sagacity in a Police Officer to jump at right Conclusions from the most trifling Evidence, and often from Data quite imperceptible to all but his practised Eye. The personal Zeal and Interest with which the Police Officer tracks the Criminal are diametrically opposed to the Temper of him who can evenly hold the Scale of Justice, and who is expected, in administering Justice, to lean, in all doubtful Cases, to the Side of Mercy. It is true that some of the Qualities enumerated are less needed in the Superintendent than in a subordinate Police Officer; but if he does not need them himself it is essential he should have some Sympathy with those who do, and who are to be instigated by him to the Exercise of such Qualities. This is hardly possible if his own Character be the direct opposite.

35. It may, therefore, be safely said that the Union of the characteristic Excellences of a good Judge and good Superintendent of Police is among the rarest Combinations which can be expected from Human Nature. It follows necessarily that, in proportion as the Members of the Sudder Adawlut are well selected for their most important Duties as Judges of a Supreme Court of Appeal, they must be unfitted to superintend Police; and it is therefore the reverse of a Reflection on them to say that their Superintendence has been most unproductive of good, and that much of the present Inefficiency of the Police seems traceable to the Attempt to combine in that One Body Duties utterly incompatible. In fact, hardly a Question affecting the Police can come before the Judges by Petition which may not be viewed in Two totally different Lights, accordingly as it is considered an Appeal to a Court of Justice or a Reference to the supreme Police Authority. To state a very common Instance: a notorious bad Character is imprisoned in default of finding Security for good Behaviour. He petitions the Sudder. The Impulse of the Superintendent of Police is, if there be any Informality, to correct it at once, and keep the Man in Confinement; but the upright Judge is bound to discharge him except his Guilt be clearly established.

36. Perhaps the most obvious Evil of our present System of superintending the Police is, the entire Ignorance in which Government is kept as regards all that forms the most anxious Part of a Home Secretary's Duties in a constitutional Government like England. When Crime has increased to such an Extent that no Man is safe unless he can protect himself, or when actual Rebellion has commenced, the Attention of Government is attracted to the Police of a District; but in ordinary Times they are entirely dependent on periodical Reports, in which it is often difficult to distinguish the Police from the Magisterial Matter, and which give little Information regarding the Temper, Habits, or Feelings of the People, their Disposition towards Government, whether any or what Classes are prone to Crime, and how far our System of preventing or detecting it be suitable or otherwise.

37. To supply this Want I would take the Superintendence of the Police under the direct Control of the Government, and, with a view to assist Government, especially by means of local Inspection, appoint hereafter a General Police Superintendent or Commissioner for the whole Presidency. It should be the Duty of this Officer to visit in rotation every Zillah, especially those where the Police System is least perfect, and to satisfy himself, by local Inquiries and personal Observation, as to the Condition of the Police. Zillah Police Officers should, except on emergent Cases, correspond with Government through him, and he would aid Government with his Opinion and Advice on all Questions affecting the Police of the Country. I would propose to provide for the Expense of creating such an Office by reducing One of the Judges of the Sudder. Inefficient as I believe the Control of such a Body must necessarily be, the Police Business adds materially to the Duties of the Court, and I see no Reason to suppose that Three Judges would not be quite sufficient to get through the purely Judicial Business which comes before it; moreover, if they are relieved of the Duty of inspecting the Police, the Judicial Commissioners need not visit every Zillah annually. A Visit every Second Year would, I think, secure every Purpose of inspecting the Judicial Establishments, and this would leave the full Sudder Court all present for a larger Portion of the Year than is now practicable. The Establishment of this System of Superintendence would, I believe, be the only Part of the Plan I have proposed which would render necessary any

Changes in the existing Law, and therefore it is that, before applying to the Legislature for the necessary Powers, I would try the System for a short Time under the present Judicial Commissioners, merely directing them to correspond on all Police and non-judicial Matters direct with Government; but, for the Reasons above stated at length, I am quite satisfied that we can never expect to see our Police what it ought to be as long as its Superintendence is left to Men chosen for their Qualifications as Judges.

38. The Collector and Magistrate may often be 100 or more Miles distant from the Scene of any Crime committed in his District; and, as a general Rule, his personal Attendance at any Police Inquiry held on the Spot where the Crime was committed, and the relinquishing of all other Business to trace out the Perpetrator, is seldom, and I believe never, practised. The Case is not very materially altered when the Officer in Charge of Police is an experienced Assistant, with the full Powers of Magistrate. The Devotion of his undivided Attention to the Detection of the Perpetrator of any One Crime is quite rare, and, in the present State of the Service, the Duties and Responsibilities of every experienced Assistant are little less varied or onerous than those of Collector. The Consequence is, that almost everything connected with the Police is done by both the Magistrate and Assistant on Reports received at Second Hand from the District Police Officers. The few Instances in which an able Magistrate can personally take up the Police Inquiry into any Crime or Class of Crimes are only sufficient to show, by their Success, the Benefit which would result from having an Officer of that Class and Training always available to devote himself entirely to such Investigation.

39. Yet it is difficult to determine on an entire Severance of the Two Departments. Even at present, with all the Aid derived from granting Magisterial Powers to the Civil Surgeons, the Paucity of qualified Magisterial Officers is such as often to impose great Hardships on Parties or Witnesses, dragged to such Distances from their Homes as to make the Administration of Justice a grievous Tax on the Time, the Pockets, and the Patience of all concerned; and it is obviously impossible to separate the Two Departments, and yet leave as many Magisterial Officers distributed over the Country as at present. Moreover, the Judicial Parts of a Magistrate's Duties are as heavy a Clog on him as his Revenue Avocations. Almost any Revenue Business may, in extreme Cases, be postponed for Days together; but a Delay of Days to decide a Case, when Prisoner and Witnesses are all in Attendance, is certain to incur Remark and Censure; and it would require great Reliance on the Part of his superior Authorities on the Zeal and Judgment of a Magistrate to be persuaded that the Period of such Delay was well employed in prosecuting an Inquiry into a Robbery, attended perhaps after all with no immediate Success, and which, to judge from Results, might as well have been left to a subordinate Carkoon. But merely to separate the Offices of Collector and Magistrate will not materially improve Matters, as far as the Police is concerned. A sufficient Remedy for the Evil just adverted to appears to me to be, to give the Magistrate an Assistant for the sole Purpose of superintending the Police, and of devoting, when requisite, his whole Time and Attention to investigate any particular Crime or Class of Crimes.

Superintendent of  
Zillah Police pro-  
posed.

To this Office I would, as far as the Existence of such Corps admit of, appoint in each Zillah the Commandant of such Corps, under the Designation of Superintendent of Zillah Police. He should be invested with the full penal Powers of Magistrate; but it should be distinctly laid down that he was to devote himself entirely to the Police, and that as long as he had any Police Duty to do he was not to employ himself in deciding magisterial Cases, nor on any account to have such Magisterial Charge of any District or City as might involve such Duty, or tie him to any One Spot. He might have under him such Number of Assistants, European and Native, as the Extent and Importance of his Charge might require, and they should be accountable to him alone. They might, in the first instance, be drafted from the Collector and Magistrates present Establishment, and form, as "Police," a Branch of the Magisterial Establishment. The District Joint Police Officers should report direct to this Assistant Magistrate, as Superintendent of Zillah Police, in the Manner above pointed out, and receive their Instructions direct from him. All important Cases for Trial he should hand on to the Magistrate or Judge, as the Case might be, as soon as he had completed the Police Inquiry. The Magistrate would confide



confide and hand up, as at present, all Returns of Trials by himself and Assistants, and Committals for Trial before the Session Judge. But all strictly Police Returns of Accidents and Offences, as well as special and periodical Reports on Police Subjects, should be prepared and handed up by his Deputy as Superintendent of Zillah Police. In ordinary Cases these might be sent to the Hoozoor Magistrate's Cutcherry, where a Copy would be kept for the Magistrate's Information and for Record. In emergent Cases the Report might be sent on direct, the Magistrate being subsequently furnished with a Copy.

41. The Hoozoor Peons, now discharging both Revenue and Magisterial Duties, should be divided, and a due Proportion of those devoted to the Magisterial Department should be assigned to the Superintendent of Zillah Police. All local Police Corps should be placed under his exclusive Control; but I would recommend an entire Change in the Constitution and Duties of all these Bodies.

42. The Sudder Foujdaree Adawlut was called on, by our Letter of 25th February 1847, to submit its Ideas on a Proposal to effect a Reduction in the Strength and Cost of the several Police Corps in this Presidency, and, in reply, a Summary of Information on the Subject, gathered from the several Magistrates and Commandants of those Corps, was submitted in a Report, dated the 20th September last. Refers to the Corps in the Margin.\*

43. The Magistrates of the Zillahs in which these Corps are located, and their several Commandants, are all opposed to any Reduction being made in the Strength or Cost of these armed Bodies. In some Instances an Increase in Strength is said to be necessary. The Judges collectively offer no Opinions, and it was scarcely to be expected that the local Officers, whose Views they sum up, would suggest any Decrease. Establishments seem to have been generally increasing, though it might have been hoped that some Suggestions would have been laid before us whereby, by economising and centralising (as, for instance, in passing Treasure under One Escort periodically from many Districts to the Sudder Station), the Duties of the Police Corps would be lightened, if not so as to admit of a Reduction, at least to avert the Necessity of any further Increase. But the Objections offered to a Decrease in the Strength of these Corps may be attributable to their being organized on a false Basis. They are of too military a Description, while Duties are expected of them quite incompatible with Military Education and Discipline.

44. The Commandants and Magistrates, in many Instances, urge the Necessity of there being a sufficient Number of Men at Head Quarters for Drill, and both would seem to value the Corps more as a Military than a Police Body. The Commandant being but an Assistant Magistrate, though, perhaps, of many Years Service, and possessing not the necessary Magisterial and Judicial Power in the Province for ensuring his Zeal and Energy being devoted to the Efficiency of the Police, he applies both to the Military Protection of the Corps he commands, while the Power of the Magistrate, as Head of the Police, tends to neutralize that of the actual Executive Officer.

45. I observe that in 1840 it was directed that 100 Men of the Guzerat Provincial Battalion should be kept at Head Quarters for Drill and Instructions, and for acting on Emergency. Some Magistrates urge the Necessity of Men on Out-post Duty being often relieved; others, that those Men should supervise the Country around their Posts. It is supposed that the Means of Relief are to be found by always having a Number of Men at Head Quarters; but Men can exchange Posts well enough without this. And the latter Proposition lays down a Duty at variance and incompatible with Military Education and Discipline.

46. In other Instances, Magistrates urge the Necessity of at least retaining their Corps on the present Strength, on Grounds that seem to me strange. For the Frontier, adverted to with Apprehension, is not that of a Foreign State, but One of our own contiguous Districts,—Districts which have been for a Quarter of a Century under our Rule,—Districts in which large Sums have been expended by us, as in Khandeish and some Parts of the Deccan, on Bheel Agencies, and the Settlement of the predatory Tribes to Agriculture,—Districts, in some of which Corps, composed of those Tribes, have been in Existence for Years, and in all of which Corps the Establishments have steadily increased, in

\* Khandeish Bhul Corps, Ghaut Light Infantry, Ahmednugur Police Corps, Rutusgherry Rangers, Poona Police Corps, Guzerat Police, Cooly Corps, Surat Sebundees.

order further to place at the Disposal of the local Officers increased Means of suppressing Crime.

47. The several Magistrates and Police Officers of Zillahs should be apprized of our Disapproval of the present Military Organization of the local Police Corps; that we want Scouts, Trackers,—Men possessing the quick Intelligence and Observation that will lead to Information of intended Outrages, and to the Apprehension of Criminals,—and not Men who can correctly perform Military Evolutions. They should also be told, that we see no Necessity for more Men at Head Quarter of a Police Corps than will suffice for the Duties indicated in Paragraph 11, and their European Officers possess Intelligence and Zeal. They will see sufficient of their Men at the Outposts.

48. Great Improvement may be effected in the Transmission of Treasure and Prisoners to the Sudder Station from distant Purgunnas, when a Remittance has to be made to the Sudder Treasury. The Collector should endeavour to hand it on from Purgunna to Purgunna, the Guards returning to their own Post on Delivery to the Purgunna in advance of their Charge, a Peon, &c. &c., remaining with it to the End. In conveying our Orders on this Point to the Collectors, they should be informed that our Purpose is to economize Time and Outlay, and the immediate Return to each Post of the Escort detached from it, instead of its proceeding as now, for many Marches to the Sudder Station will admit of a Reduction in the Strength of these Posts, and, of course, of a corresponding Reduction of Expense.

49. To practise Economy where it is so much needed, and to meet the Cost of Alterations which I would recommend, with a view to render the Police more efficient, it is necessary to reduce these local Corps. They should be undrilled and undisciplined in the Military Sense of the Expressions. Irrespective of Reductions that have been ordered, which were intended to bring these Corps down to the Strength of which they consisted in 1838, all Drill Masters, Drummers, and Buglers ought to be discharged. These Corps should furnish only Gaol Guards, Treasury Guards, those at the Mamlutdar's Station, at the City Gates, at the Magistrate's House, and, in short, the fixed Guards only.

50. The Returns I have received show 510 Men of the Bheel Corps at its Head Quarters; 210 Men at the Head Quarters of the Ahmednuggur Corps, and so on. This Part of the mistaken System of misapplying these Men to Military Duties, I would recommend the Reduction of all the Police Corps to Two Scales of 350 and 300 Men,—the larger Number to be the Strength of the Police Corps in the Zillahs where there is most to do, as Tannah, &c., and the latter for the Remainder.

51. The Military Equipment and Training of One Police Corps may have been necessary, when the Absence of a large Portion of our regular Army on Foreign Service made it imperative on us to throw on the Police many of the Duties of regular Troops, and to have some Substitute for the latter ready to take the Field in case of Emergency, but the Result has been utterly to spoil the local Corps; and it is melancholy to think that so much Zeal and Labour should have been expended by some of our best Officers in making these Bodies totally unfit for their legitimate Duties. As the temporary Cause no longer exists, no Time should be lost in restoring these Bodies, as far as possible, to a Condition to perform the Duty for which they were intended, and the numerical Strength of the Police composing them, without Prejudice to their Utility as Police, be reduced, as I propose. Strict Orders should then be issued, utterly to abolish everything Military in their Dress or Equipment which has not reference to their Efficiency as Police. Even their present distinctive Appellation should be abolished, and they should be called simply the ("Tannah," "Poonah," or as the Case may be) "Police." No Drill should be permitted, except what is required to teach them to march and to use their Firelocks with Regularity and Precision, and their Dress should be of the ordinary Native Form and Materials, and if Woollen, of some dark and inconspicuous Colour. It may be observed, that active Men so equipped, and acquainted with the Use of their Arms, will be more efficient for guarding small Bodies of Prisoners or Treasure than the best drilled of the present Police Corps.

52. An Exception should, I think, be made with regard to Guzerat and Candeish, where it is desirable to have a Corps of the Bheels of the Country qualified

qualified to take many of the Duties of regular Troops, not only with a view to give Employment to a lawless Tribe, but to provide for the legitimate Duties of regular Troops in Districts where the Unhealthiness of the Climate is such as to render it impossible to employ even regular Sepoys. If Natives of other Provinces, I would therefore still retain these Corps as Military Bodies, with their present Names, on a reduced Establishment, under the Orders of the Superintendent of Zillah Police, transferring Supernumeraries to his Establishment for general Police Duty. The Employment in these Corps of any but the Tribes of which it was originally intended they should be composed, an Irregularity which is now so common, should be strictly forbidden.

53. A few Horsemen are essential to the Efficiency of every Police Establishment in this Country. By a Process, and from Causes identical with those who have converted our Police Corps into Regiments of Infantry, our Police Horse have been changed into Regiments of Irregular Cavalry, excellent, I believe, in Constitution and Discipline, and most efficient, as their Actions in the Field testify; but what the Army has thereby gained has been lost to the Police. A Detachment of these Horse is still stationed, I believe, at many of our Tannas, but they are there, not to aid the Police in preventing and detecting ordinary Crime, but to preserve the general Peace of the Country, and seldom move out except when it is threatened.

54. One of these Cavalry Regiments, "the Poonah Irregular Horse," however, is an integral Part of our Army, subject to Martial Law, and they have been distinguished in Action in a Manner which makes their Reduction to an ordinary Body of Mounted Police quite incompatible with a due Regard for their past Services. With respect to this Corps, therefore, the proper Course appears to be, to ascertain, in the Military Department, to what Extent they are required as a Military Body, and, by a prospective Reduction, to bring down their Numbers to that Standard. Men who have no Service Claims might be transferred at once to the Zillah Police; and in the Case of those in excess of the Number required for Military Purposes who have such Claims, the Transfer might be effected as Vacancies occur. The Regiment might be reduced to 320 Sabres, without Diminution to its Efficiency, otherwise than in Numbers,—376 Men costing now 10,191 Rupees per Annum would thus be available for Police Duties in the Deckan and Candeish.

55. The same might be done with the Guzerat Horse. If, in a Military Point of View, a Regiment of Irregular Cavalry is required there, let it appear as a Military Charge; those not so required will be available as Police Horse. It is, however, to be borne in mind, that Part of the Expense of this Corps is defrayed by his Highness the Guicowar, whose Interests must be consulted in every Arrangement to be made regarding it. Such Men as may be discharged on these Reductions of Police Corps should receive a Bounty, for which Application will require to be made to the Government of India, where the Subject is still under Reference from us. I should hope, however, that many would prefer to take Service as Peons or Zillah Horse, under the Superintendent of Zillah Police.

56. With a Body of Police, both Foot and Mounted, relieved from all Necessity for keeping up a Show of Military Efficiency, and devoted to their legitimate Duties of preventing and detecting Crime, with a District Officer in every Kutcherry, set apart in a Manner which I shall presently propose for Police Duties, and with Authority over all the Village Police Officers, I cannot but think that an active Superintendent in each Zillah will speedily bring the Police into the desired State of Efficiency. It may be urged, on the other hand, that a System something similar to this already exists without any marked beneficial Results in Parts of this Presidency; but a Moment's Consideration will show how totally different is the proposed System from that now in force. At present, there are numerous European Officers selected from the Army employed in command of Police Corps; but it may safely be said that, with the Exception of organizing these Bodies on the Model of Troops of the Line, it entirely rests with the Magistrate and with the Officer employed whether the latter shall have the real Control of the Police or be merely an additional Assistant Magistrate, or have nothing whatever to do with either Police or Magisterial Duties; whether the Officer is able and willing, and co-operates with the Magistrate, the Police is left much in his Hands, though directly he has little of the Credit or Responsibility; at other Times, he has Charge of Districts or a

City as an Assistant Magistrate, and spends the greater Portion of his Time in trying Cases; while, if indifferent to his Civil Duties, he may entirely avoid all but such as are connected with his Corps, to which he may also be confined, if, however able or willing, he happen to be on bad official Terms with the Magistrate, who has the Power to stifle the most just Remonstrance, or to refuse to hand on the best considered Plans of Reform. I think, under the proposed System, this will be impossible. The Duties and Responsibilities of each Party will be defined; and, while the Magistrate cannot be indifferent to, or ignorant of, what the Police are about, the Arrangement of definite Means will rest with the Superintendent of Zillah Police; he will be in direct Correspondence with those who have the general Control of the Police of the Country, and the Praise or Blame of Success or Failure will be his.

57. It may be asked, What Object is to be gained by having the Police Superintendent so nearly independent with still a nominal Subordination to the Magistrate? I would answer, that the Object is similar to that of having the Commander-in-Chief of an Army in a very similar Position towards the Governor of a Country, or a Medical Officer under the Command of a Military Body. In each Case a certain Degree of Control is necessarily left in the Hands of the Party who possesses the Chief Authority, but he exercises no Interference in the technical Details of his Subordinate's Measures, though he has the Means of preventing or checking glaring Misconduct in professional Matters. But I would chiefly rely for satisfactory Results of the Plan proposed upon the proposed Improvement in the Mode of general Superintendence.

Mamlutdar.

58. There can be no Doubt that the Knowledge and Influence the Mamlutdar now acquires as chief Revenue Officer of the District must sometimes be of important Service in his Discharge of Police Duties, while, deprived of all Police Authority, he would entirely lose his present Character of Governor of the Pergunnah or District; and we may frequently perceive that the more we depart from ancient Usage in this respect the less efficient does our System become in all its Branches. This would more particularly be the Case if we also took from him, along with his Police Powers, his Duty of deciding magisterially trivial Criminal Cases, and preparing the more important for Trial before the Magistrate; a Duty essentially distinct from that of Police Officer, but which could hardly be left in his Hands if we took from him all Police Authority. It is a common Remark among intelligent Natives, that in separating the Administration of Civil Justice from the Office of Mamlutdar, we have made a considerable Sacrifice of the Influence and Respectability of the latter. At present, notwithstanding the higher Pay, and generally higher official Rank of the Moonsiff, he usually, in the Eyes of the People, still ranks subordinate to the Mamlutdar as the Representative of Government and Civil Governor of the District; but were the Mamlutdar reduced to a mere Collector of Revenue there would be some Difficulty in deciding to which of the Three independent Authorities, the Moonsiff, the Mamlutdar, or the Police Officer, belonged—the Attributes of Representative Government in the District, and the Subject deserves graver Consideration than on a superficial View it would appear to merit, when we see the Confusion which invariably follows the Abuse of such a Representative from a Native Community, especially in Times of Difficulty and Danger. Besides, it is to be borne in mind, that the great and obvious Evil at present is the Want of any One Person in Authority to devote his undivided Time and Attention to trace out a difficult Police Case; and there is no apparent Reason to apprehend that such Officer would be less efficient if he were not entirely independent of the present District Police Officer, whilst much might be adduced to prove that in some Circumstances he would derive Advantage to his peculiar Duties from such Connexion. It will therefore, I think, be sufficient if, in each District, One of the Mamlutdar's or Mahalkurree's present Caroons be invested with the Office of Joint Police Umildar, freed from all revenue or general Duties, and devoted entirely to Police Inquiries, he should be selected in the first instance for his general Intelligence and Activity; and in all Districts where the Police Duties were important, it might be laid down that, as Vacancies occurred, he should, if efficient, succeed to the Pay of the First or Second Caroon; or even (if the Police Duties were of a relative Importance to justify the Measure), that the Mamlutdar's Pay should be reduced (on Occurrence of a Vacancy) to make up adequate Remuneration for his Deputy in Police Matters, whose Pay should thenceforward be fixed at such

such enhanced Standard. In all important and urgent Matters, when the Mamlutdar was not at hand, the Joint Police Amildar shall correspond direct with the Officer in charge of the Zillah Police, keeping the Mamlutdar also always duly informed of what might affect the general Peace of the District. His Head Quarters would be the Mamlutdar's Kutcherry. When there he would conduct his Duties like the Foujdar of a large Town as the Mamlutdar's Subordinate, but possessing a Department of his own for his Acts, in which he was amenable to a common Superior.

59. As regards Periodical Returns, care should be taken to distinguish strictly Police from Magisterial Returns. Statements of Accidents and Offences reported from Lists of Cases decided or handed on to other Authorities. The Police Returns should be prepared and signed by the Joint Police Officer, and sent by him to the Officer in charge of the Police of the Zillah through the Mamlutdar, who should make Copies for his own Records, and for Transmission to the Magistrate. The Returns of Cases received, heard, and decided, or handed on, should, as at present, be prepared by the Mamlutdar, and handed up to the Magistrate. It should be distinctly understood, that the Trial of Petty Cases, and the Preparation of the more serious ones for Trial by superior Authority, should rest, as at present, with the Mamlutdar. The Functions of the Joint Police Officer should be strictly Police, the Prevention and detection of Crime, and not judicial. He should collect Evidence, but have nothing to do with the Trial or Decision. This will leave him always ready to proceed to the Spot where any Crime had been committed, the Investigation of which required his Presence. In particular Districts, where the Police Duties required it, One or more of the subordinate Carkoons might also be transferred to the Police Department as Assistants to the Joint Police Umildar.

60. A Division should be made of the Body of district Peons. The Proportion which might be judged requisite for Police Duties should be transferred to the Police Establishment, under the Order of the Joint Police Umildar, and shown separate in all Returns. He should have the same Power to punish them that the Mamlutdar now possesses; and this should be the Case also as regarded his Control over the Village Police Establishment.

61. Among the Advantages which I anticipate, in addition to those above alluded to, from leaving the Joint Police Umildar under the Restrictions enumerated on the Establishment of the Mamlutdar, may be mentioned the Opening it will afford for always securing the Services of active Men. Were the Two Branches entirely separate and distinct, the Means of getting rid of Men who, though still efficient for Revenue Duty, were become deficient in bodily Activity, would be very limited. Many of our Native Revenue Servants do excellent Service as Carkoons and Accountants long after they have lost the personal Energy essential to a good Police Officer. As long as it is possible to effect an Exchange of Situations between a young and an elderly Member of the same Establishment, it will be in the Magistrate's Power to add to the Efficiency of the Police, without Injury to the Revenue Branch.

62. I should hope in Time to see some Share of Criminal Jurisdiction intrusted to our Native Judicial Officers. Many of the Cases now decided by the Mamlutdar and Magistrate might then be committed for Trial before the Moonsiff, greatly to the Relief of the former Functionary, as well as of Parties and Witnesses.

63. District Police, a portion of the Carkoons and Peons of each District Cutcherry Establishment, varying in each District according to the Proportion the Police may bear to the other Duties of the Mamlutdar, should be transferred to the Police Department, and One of the Carkoons to be appointed Joint Police Officer\* for the District. The Carkoon selected as Joint Police Officer

\* It is a Question for Consideration how far the existing Law (Sect. VII of Regulation XII of 1827 and Act XX. of 1835) for appointing Mahalkurries and Foujdars in large Towns will be sufficient to justify Government in giving this Officer the independent Authority assigned by Law to a District Police Officer. This Question might at once be put to the Sadder. Should it be found impracticable to do so, as the Law now stands, he might for the present have merely the Authority of a Carkoon of the Mamlutdar's Establishment placed under the orders of the Superintendent of Zillah Police, and set aside by Order of Government for the special Duty of conducting Police Inquiries, in which exclusively the Mamlutdar should be desired to employ him, and to issue

Officer of the District should correspond direct with the Superintendent of the Zillah Police, and transmit to him all Police Returns through the Mamlutdar, who should retain Copies for his own Records. The Trials of Offenders must, as at present, rest with the Mamlutdar, the Joint Police Officer confining himself to Duties strictly appertaining to the Police, including the Discovery and Collection of Evidence. In general, One Officer will be sufficient for each Mamlutdar's Charge, though particular Cases may occur where more may be required, and occasionally Two Districts may be placed in charge of One Officer.

Village Police.

64. The Village Police should report Accidents and Offences to the District Joint Police Office, and in all strictly Police Matters the Village Police should be entirely under its Control, and it should be the first Duty of the Superintendent of Zillah Police to attend to the Revival and Reform of this Police, which is of excellent Material, and still at the Service of the Government. He would find it advantageous to provide himself with Inspectors of this Police from the Men of his Corps now to be discharged from it on the Reduction. As the Reform of the Village Police in some Places will require Time and Consideration, he should be allowed to exercise a sound Discretion in retaining a sufficient Force of other Classes to do the Police Duties there, until the Rural Force be ready to undertake them. Where the Village Establishments have disappeared, and where there are no Service Lands for Police, the present Possessors of the Village Land should be consulted regarding a Provision in Land for the Maintenance of a Rural Police.

65. In conclusion, I regard the Duties to be performed by the Superintendent of Zillah Police to require peculiar Qualifications in the Officers to be selected. The Commandants of the local Corps ought to have been chosen, and I trust have been chosen, for most of those very Qualifications. In the first instance, therefore, I would appoint One of them to the Superintendence of the Police in each Zillah. He will receive all Police Returns and Reports, and forward those relating to the District to Government, or to the general Police Superintendent of the Presidency (for the present to the Visiting Judicial Commissioner). If the Matter be emergent, he will write direct, keeping the Magistrate informed of all that may concern him; but ordinary Reports and Returns will be sent through the Magistrate, who will keep Copies for his own Records. His first Duty will be, in conjunction with the Magistrate, to make the required Division of District Establishments, selecting those who are to be exclusively employed as Police, and then to submit a full Report to Government of the Nature, Extent, and Cost of the whole Police Establishment, Village, District, and Zillah, showing how they are at present employed and paid. It is to be observed, that there is at present no such complete Report for any single Zillah, and it is an indispensable Preliminary to any extensive Measures of Reduction. This Report should in particular show the Constitution of all local Corps, and how far they answer their intended Object of affording Employment to the Classes who might otherwise live by plundering their Neighbours. It should also include a Statement of all Payments to Chieftains of predatory Tribes, of the Nature of Black Mail, and state particularly what Engagements exist with such Chiefs to make good Losses by plundering within the Sphere of their Influence, and how far the Engagements are acted up to. All these Particulars are essential to a Knowledge of what our Police ought hereafter to cost us.

28th April 1848.

(Signed) G. R. CLERK.

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Instructions to all Village and other subordinate Police Authorities, to obey the Orders of the Carkoon, and to report to him in all Matters affecting the Police.

Should the Powers so given be hereafter found to be insufficient, it will be open to Government to provide for any specific Degree of Authority which may be found desirable by direct Legislation.

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MINUTE by the RIGHT HON. LORD FALKLAND, dated 28th Feb. 1850.

No. 7,810.

THE Returns which accompanied my Predecessor's Minute on the Reform of the Police System of this Presidency have at length been verified. They are before us, and it only remains that we should reject or adopt the Alterations which he has recommended.

2. Even if I placed an implicit Reliance in the Justice of Sir George Clerk's Deductions and Proposals, I feel that the present is an Occasion when it would not become me simply to record an unqualified Assent.

3. The Subject of Police in this Country presents at every Turn Difficulties of so serious a Nature, that we cannot receive with too much Caution a Plan which proposed to remodel the entire Police Establishment, and to alter its Relations with the Authorities to which it is at present subordinate.

4. In this latter Particular, however plausible the Plan proposed may at first Sight appear, it will naturally excite Distrust, because its Author may *primâ facie* be supposed to advocate the Revival of a System which has been tried and has signally failed,—I mean the Separation of the Police into a distinct and independent Establishment.

“This Separation,” observed One of the greatest of Indian Statesmen, “was by many regarded as a great Improvement, for it was naturally supposed that the Business of the Police would be conducted with more Regularity and Efficiency by a Class of Men whose Time should be devoted to this Duty only, than by any Class who had other Duties to attend to. But this System, besides being objectionable in many other respects, had One main Defect in not being founded in any of the Usages of the Country, for no System for any Part of the municipal Administration of the Country can ever answer that is not drawn from its ancient Institutions or assimilated with them.”

5. My intimate Conviction of the Justice of this Sentiment, and of the Necessity, if we would consult the Welfare of the Country, of shaping all Reforms according to the Standard which it prescribes, renders it a Duty to examine my Predecessor's proffered Measure with Attention and in detail, and to reject or alter, without Scruple, every Part of it which will not accommodate itself to this guiding Principle.

6. The First Question which is naturally suggested by the radical Character of the proposed Changes is this,—has a Case been made out to justify them?

7. We may conclude that there has. We find it stated in the Twelfth Paragraph of Sir G. Clerk's Minute, and established by Returns, that, “in the Years 1844 to 1846 inclusive, there occurred in the Thirteen Zillas, and remained undiscovered, 3,127 daring Robberies and 136 Murders.”

8. We want no further Proof of the Necessity of some organic Change of System; if we did, we have daily before us Evidence of the comparative Impunity with which Crimes of Violence may be committed.

9. The following Extract, taken from a Table appended to the Sudder's Letter in vindication of the District Police of Guzerat from Colonel Outram's Charges (No. 1057 A., dated 10th April 1848,) would seem of itself to establish that, if Crime have not increased under the Regulations in the Provinces of Guzerat, as contended by the Judges, the Police System hitherto in force has entirely failed to cope with or to check it.

See Appendix 1.

GANG ROBBERIES, WITH AND WITHOUT MURDER.

Ahmedabad.		Kaira.		Broach.	
A.D. 1834	489	A.D. 1834	754	A.D. 1834	500
1835	312	1835	600	1835	338
1836	311	1836	442	1836	241
Total 3 Years	1,112	Total 3 Years	1,796	Total 3 Years	1,079
A.D. 1844	1,071	A.D. 1844	846	A.D. 1844	449
1845	914	1845	813	1845	569
1846	1,007	1846	774	1846	516
Total 3 Years	2,992	Total 3 Years	2,433	Total 3 Years	1,534

10. The Table requires no Comment. It shows that for the Three Years, 1834 to 1836, there were committed in the Three Provinces of Ahmedabad, Kaira, and Broach, no less than 3,987 Gang Robberies,—a Number altogether incompatible with efficient Police Arrangement. Ten Years later, however, in the corresponding Years, 1844 to 1846, the Number of Robberies committed had mounted up to 6,959; in other Words, Crime had nearly doubled.

11. Disorders like these demand a Remedy; and though it may be conceded that a Portion of the Increase exhibited in our Criminal Returns is not real, but apparent, and arises from their progressive Accuracy, it must still be admitted that the State of Crime throughout the Country, after Thirty Years uninterrupted Power, is far from creditable to our Government.

12. We cannot forget, that at the Time we conquered the Deccan the Superiority which its Inhabitants enjoyed over our old Possessions in the Security of Life and Property, and the Unfrequency of Gang Robberies, was so remarkable that Mr. Elphinston, in his able Report of the 25th October 1819, has attempted to account for the Causes of it.

13. If the System subsequently pursued be attentively considered and compared with the System of Government which, according to Mr. Elphinston, produced the Disorders which he describes as then existing in Bengal, we shall find many of the same Causes which he has noticed in operation here and producing similar Results.

14. Some of these are indeed inseparable from a Foreign Government, others originate in the constitutional Bias of our Legislation to uphold public Liberty opposed to the despotic Spirit of the Native Institutions; others, again, are due to Errors which were committed in framing a System purely experimental, and which has required the Performance of incompatible Duties from the same Officers.

15. The latter are the most legitimate Subjects of Inquiry, as they admit of immediate Reform; and to these Sir G. Clerk has addressed himself.

16. His Minute embraces the details of a Measure for systematically reorganizing our stipendiary Police Agency, and it is with this we have at present to deal.

17. He has hardly meddled with the most important Element in any efficient System of Police in this Country,—I mean the Village Institutions.

18. The Two Subjects admit of separate Consideration, provided it is ever borne in mind that no Scheme of stipendiary Police Agency should be independent of the Village Police, the Success of the one will depend upon its harmonizing with the other, and will probably be more or less in proportion as this Harmony is attained. It is the Fusion of the Two Agencies into One System, which shall work well in practice under a divided Responsibility of Check and Control, which forms, and ever will form, the principal Difficulty in all Measures of an Indian Government for the Amelioration of the Police.

19. But this is a Matter for after Discussion.

20. I would now request Attention, first, to the Reason assigned by my Predecessor for the departmental Inferiority of the Police, and next, to the Details of the reformed Management as developed in his Minute.

21. He mainly ascribes the too frequent Failures of the Police in preventing Crime and in tracing Criminals and stolen Property to the joint fiscal and judicial Duties which devolve upon the Men who are charged with the executive Duties of the Police.

22. No One, I think, will dispute the Justice of this Opinion who considers what the Revenue Duties of a Mamletdar and of a Collector really are; and no One will deny the paramount Importance hitherto attached by Government to their Performance. A Man's Prospects in Life depend upon the Ability with which he acquits himself of laborious fiscal Duties. In addition to these he has the Functions of a Judge and the Preparation of all Criminal Cases as a Magistrate. Yet, by a strange Inconsistency, the same Man is the Executive Officer of Police. Wherever a Crime has been committed he is expected to be found at the Head of his Men, and to post, at a Minute's Warning, in the Pursuit of Criminals from One End of his District to the other.

23. It follows as an inevitable Corollary from such a System—

1st. That the Police Duties must and will be neglected.

2d. That a Class of Men will be employed who are unfit for their Performance.

24. The



24. The first must result from the Preference shown by Government to the Qualifications which make an able fiscal Officer.

25. The Justice of the Second Deduction will be obvious from the Reflection, that the efficient Performance of those Duties which constitute a good Revenue Officer require Attention to Desk Work and Accounts, and will, in Time, induce sedentary Habits; while bodily Activity, Energy, and Courage are essential in the Officer of Police.

26. It therefore happens that our Mamlutdars, who are also the District Police Officers, are generally Brahmins or Hindoo Clerks, who, from their usual Training and Occupations, are seldom endowed with great personal Activity and Courage, however capable they may be as Accountants, or of superintending the Revenue Management of a District. Men like these would probably therefore be found inefficient as Police Officers, even if they had no other Duties to discharge.

27. That many of them should shrink from their more active Duties as Police Officers, or that they should avoid such Duties as far as they are able, can scarcely, under such unfavourable Circumstances, be wondered at; on the contrary, it would be unreasonable to look for any other Result, when we find that these Men are saddled with other laborious and more congenial Employments, to which, moreover, they are taught to attach a higher Importance.

28. Another Cause which may be deemed to contribute to the Inefficiency of this Class of Police Officers is, their constant Liability to Removal in the Course of their Revenue Occupation from One District or Pergunnah to another.

29. In every Case where this occurs, the little local Knowledge which in the District where they had previously been serving had assisted them in their Police Investigations, is for some Time altogether wanting.

30. The great Object of the Plan of Form which is here proposed by Sir G. Clerk is, to relieve the Executive Police from all fiscal and judicial Duties; at the same Time, he is not blind to the Danger arising from the Police being constituted an independent Body; he would divide, not separate; he would allot the purely Police Duties to an organized Class of Police Agents, but would still keep the latter subservient to the Authority of the Magistrates.

31. He observes, "that independent Officers would not be as efficient, certainly not as influential, as under a System in which both Duties are united, and which yet provided certain competent Police Officers always able to devote their undivided Time and Attention to Police Duties."

32. The Proposal seems to be consistent with sound Judgment, and its Propriety in the Abstract may be at once admitted.

33. An Analysis of the Details can alone show how far they are compatible:—

1st. With the presumed Supremacy of the Collector in the Police Management of his Charge; and,

2d. With the Preservation unimpaired, or the Renovation, where impaired, of those ancient Village Institutions which, under the Native Governments, are supposed to have discharged the Duties of protecting and, in some Respects, of governing the People, while they were made accountable to the higher Officers of the State for the Realization of the public Revenues.

34. The Measure proposed by Sir George Clerk comprehends the following Alterations in the Systems now obtaining:—

1st. The Superintendence of the Executive Police Agency to be taken from the Sudder and imposed upon the Government.

35. This is a Measure the Necessity for which has long been apparent, and which we have already received Orders to carry out, without Reference to the Question of Police Reform. (Vide recent Despatches from the Honourable the Court of Directors.)

2d. A Commissioner of Police to be appointed for the entire Presidency, and to correspond with Government. His Control over the Police Establishment is intended to be absolute for the Period of One Year, until it may be presumed that the new System has been brought into full Operation. Sir G. Clerk has proposed that the Three Judicial Commissioners should be Commissioners of Police within the respective Ranges of their Circuits.

To this Measure the Sudder Judges have objected in a recent Letter, a Copy of which accompanies these Proceedings; and for Reasons which will be given

See Appendix 2.

in the Sequel I am inclined to concur with them in Opinion, and to recommend another Arrangement.

3d. The Collector and Magistrate is to retain the supreme Authority over the Police Establishment of his Collectorate, but to confine himself, as a Police Officer, to administrative and judicial Duties.

From the Context it would, however, appear, that his Authority will be very much limited, and that it will be restricted generally to a Power of Interference in the Disposition of the Police Force to the Obedience which the Superintendents will be bound to pay to his general Instructions or special Requisitions, and to their being obliged to render to him Copies of all Correspondence. In other Points it would seem that he is held to have a paramount Authority which he is not to exercise.

4th. Superintendents of Police are to be appointed One for every Collectorate; they are to be subordinate to the Magistrate, but to have exclusive Control over the Establishment of Executive Police; their whole Time and Attention is to be devoted to the Investigation of Crime, although each is to be a Magistrate, yet, except on rare and special Occasions, they are prohibited from acting in their judicial Capacities. In Collectorates, where there are local Corps, Sir G. Clerk proposes that the Commandants of such Corps should be appointed Superintendents of Police.

This may be a very proper Arrangement under existing Circumstances; but the Duties of this Office are so peculiar and important, that in my Opinion the Success of the Measure will depend in a great Degree upon the Selection of fitting and competent Agents, and the Range of Selection should, therefore, not be restricted to any particular Class or Service.

5th. Assistants to the Superintendent are to be appointed, European and Native, and to be accountable for their Proceedings to him alone.

This is a Question of Detail for After-consideration. Until the System shall have been in some Degree matured, these Appointments appear to be unnecessary.

6th. The Establishment of Peons at the Huzoor is to be decided by the Magistrate, in conjunction with the Superintendent, under whose Orders the Peons assigned for Police Duties are exclusively to be placed.

7th. The Mamlutdar, like the Magistrate, is to have Authority over the Police in his District; but in subordination to the Superintendent.

This latter Reservation is not actually expressed in the Minute, but it may be inferred, as will be seen in the Sequel. It would also seem that, as a Rule, his Interference in Police Investigations is intended to be similarly restricted; he is to confine himself to judicial Duties.

8th. Attached to each Mamlutdar there is to be a separate Carcoon, who will be styled Joint Police Amildar.

The same Arrangement has been introduced long since, and with excellent Effect, in the Nuggur Zilla.

This Carcoon is to devote his Time exclusively to the Duties of the Executive Police. He will correspond direct with the Superintendent, whose more immediate Subordinate he is. His Head Quarters will be the Mamlutdar's Cucherry, and he will conduct his Duties also in subordination to the Mamlutdar, but possessing a Department of his own.

9th. The District Establishment of Peons will be divided as at the Huzoor, and a Portion assigned over to the Superintendent for Police Duties. This Portion will be placed under the direct Authority of the District Police Amildar, who will have the same Power to punish them that the Mamlutdar now possesses (of course, under the Control of the Superintendent), and they will be shown separate in all Returns.

36. It will thus be apparent, that Sir G. Clerk has made a complete Provision in his Scheme of Reform for the Separation of the Executive from the Judicial Functions of the Magistracy.

37. To search for and apprehend Criminals will be exclusively the Duty of the Superintendent and the District Police Carcoons, with their subordinate Establishments. Here, however, their Duties cease: the Magistrates and the Mamlutdars will either prepare for Trial the Case received from the Executive, or decide, as at present, all such Charges as fall within the Compass of their judicial Cognizance.

38. But

38. But the Collector and Magistrate, and the Mamlutdars, as chief Police Authorities, will not be debarred from acting as Executive Officers on special Occasions, when immediate Reference cannot be made to the Superintendent or his Executive Staff, and the Welfare of Parties would be prejudiced by Delay; on the other hand, a special Power will be reserved to the Superintendent to exercise judicial Functions as a Committing Magistrate on the very rare Occasions when his Assumption of such Duties may be necessary for the Detection of Crime or the Ends of Justice: but it is intended that he should carefully guard against an Abuse of this Discretion; and should he resort to the Use of it, I think he should be required in every Case to submit his Reasons for doing so to the Collector and Magistrate, who should exercise a jealous and rigid Supervision in dealing with such Proceedings.

10th. All District Police Officers will, in Matters of Police, report direct to the Superintendent, receive Instructions direct from him, and pay implicit Obedience to his Orders.

11th. The Superintendent is to make all strictly Police Returns direct to the Commissioner of Police or to Government; but he is at the same Time to furnish a Copy to the Magistrate for Information and Record.

12th. With respect to the different local Corps of this Presidency, Sir George Clerk recommends that the System obtaining should be entirely changed; he proposes to divide the Regiments of Irregular Horse, which are at present Military Corps, reducing the purely Military Arm to Half its present Strength, and converting the other Half into Police Horse, under the Orders of the Superintendent.

13th. He considers that the several Corps of local Infantry should be converted into Police of Two Classes, and their Strength reduced in every Case to either 350 or 300 Rank and File, as each may be classed. The Men should be dressed, armed, and trained entirely for Police Duties, to perform which efficiently "Scouts," as he justly observes, "are wanted, and not Soldiers." These Corps are to be placed entirely under the Orders of the Superintendent.

39. I may here pause to record my general Concurrence in the Measure above detailed. Sir G. Clerk has, in my Opinion, undeniably demonstrated the Necessity for a Change, and has shown by unanswerable Arguments, that there are Causes of Failure inherent in the existing System. This Scheme of Reform is sketched, as I consider, with a bold and masterly Hand, as far as it extends, and the Means provided for ensuring efficient Supervision over the Working of the new Police are generally excellent.

40. I shall hereafter have occasion to call Attention to the few Improvements of which the Plan appears to be susceptible; but, as a whole, I accord to the proposed Measure of Reform an unqualified Assent.

41. It cannot fail to occur to any one who is conversant with the Compilation of judicial and other selected Papers printed by the Honourable Court's Orders in 1826, that in one respect this novel Scheme of an Executive Police, under the exclusive Direction and Control of a Superintendent, bears a strong Resemblance to an Innovation upon the ancient Police System of the Country which was introduced during the Reign of the late Peishwa.

42. The Superintendent in some Degree represents the Native Official styled Tupasuawees; but, under the present Scheme, the Resemblance will be confined to Points on which the native Scheme was good, and on which the Agency of the Tupasuawees was at first found to be beneficial. The later Defects of the Police Administration in the Reign of Bajeerong were attributable chiefly to the Corruption of Native Agents who filled that responsible Office.

Sir H. Pottinger observes of the Plan, that "it was good, but the Instruments were incorrigibly bad."

Captain Grant Duff informs us, that "it originated in the Introduction of the Farming System," and was of opinion that it was well conceived; "but to be efficient," he added, "it required vigilant Superintendence in the Government, and able Conduct in the Officers," both of which Essentials, it is to be hoped, may be provided for in the Scheme under Consideration.

43. Sir G. Clerk's Minute but slightly notices the Village System, nor has he offered any Observations on its Re-organization. The Revival and Reform of it, he succinctly remarks, will be One of the First Duties of the Superintendent; and he estimates its Cost to the State, as deduced from the Tables which accom-

pany his Minute, at about Eight Lacs of Rupees, annually,\* consisting of Lands alienated for Police Purposes, or of Money Payments. He reckons upon the whole of the Grants and Funds as available for reviving and completing the Village Police Establishments. Of these Hereditary Servants he most justly observes, under "good Superintendence it may safely be said that they may be rendered not only superior to anything which could be devised for a Country like the Agricultural Districts of India, but that they afford a Degree of Security to Person and Property such as is not surpassed in any other Country."

44. Throughout his Minute he fully recognizes the Re-organization of the Village Establishments as an essential Part of a reformed System; and it is therefore to be the more regretted that a Want of Leisure, probably consequent on his approaching Departure from India, prevented him from recording his valuable Opinions on the best Mode of re-establishing, in their pristine Efficiency, those singular and national Police Institutions which it is admitted on all hands have, under the Operation of our Laws and Usages, fallen very generally into Disorder and Disrepute.

45. The little that is said in the Minute on this Subject appears also to be said hastily, and without mature Reflection.

46. The Duties of the Village Police are generally stated by Sir G. Clerk to consist "in reporting Accidents and Offences in all strictly Police Matters to the District Joint Police Officer." He recommends that the Village Officers should be declared, in regard to their Police Duties, entirely under this Officer's Control; and it is elsewhere stated in the Minute, that the Power to punish Village Officers for Neglect or Misconduct in Matters of Police is to be vested in the Joint Police Amildars; or, in other Words, in their Superior, the Superintendent.

47. I am reluctantly compelled to observe, that I cannot concur in these Recommendations. In my View they would be fatal to the Existence of the Village System, which, as its Basis, requires a large Discretion to be reposed in the Patell, and his Respectability and paramount Authority in the Village to be acknowledged and firmly supported by the Government.

48. This official Importance, if I may so term it, of the Patell under a Native Government has perhaps been too much lost sight of, as it is, by our Collectors and Magistrates, to whom these Officers are directly subordinate. But to give to the Superintendent and his Officers the Powers of punishing Patells, hitherto exclusively entrusted to Collectors and Magistrates, and perhaps, in a Degree, to the Mamlutdars, would be to efface the last Vestige of their ancient Consequence and Influence. Instead of the hereditary Head of a Village Corporation exercising the combined Functions of Municipal Magistrate and Superintendent of the public Rents, responsible for the good Order of the Village Community, and, in his representative Capacity, rendering them liable generally for Neglect or Misconduct in preventing or detecting Crime, he would find himself, between the Mamlutdar and the Superintendent, reduced below the Level of their humblest stipendiary Dependent; he would speedily make the Discovery that he was expected to serve Two Masters, and, as the Superintendent would probably be the most feared, we may even admit that he would be the best obeyed.

49. For the combined Responsibility and Authority of this nearly independent Officer would naturally dispose him to be exacting in Instances of presumed Want of Energy or Neglect. In Cases where he believed himself to have been thwarted or not properly supported by the Village Officers, he would at once resort to Punishment, and therefore, under a Stimulus like this, the Police Duties of the Potails would probably take the Precedence of his Revenue Duties.

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\* NOTE.—The Eight Lacs are obtained by deducting the Amount of the Sums set down as the Cost of the Village Police from the Residue of the Police Charges which is paid in Cash by the Government.

Rukwaddars	-	-	3,318	-	177,614	Rupees.
Jaglias	-	-	18,239	-	248,603	"
Shetamdees	-	-	32,239	-	387,724	"
					813,941	"
which deduct from the Total of 2,007,897, reduces at once						
the Charge of the Police to the State	-	-	-	-	1,193,986	"

50. But it does not follow that they would on that Account be more efficiently discharged; it is my Belief the Result would be precisely the reverse. A very different Spirit than prevailed formerly would animate the Village Officer; instead of working as the Head of a Confederacy, united in a common Interest and bent on a common Purpose, he would act as an ordinary Police Agent, whom it would manifestly be unjust to punish, if he could show that he had individually exerted himself, or acted under Orders.

51. Under such Circumstances, the prevailing Custom of the Country by which the Potal and the Inhabitants of a Village are held responsible for the Property plundered and traced within its Limits, could not be enforced in the true Spirit and Intention of its Conditions.

52. The most that could be predicted of Potails amenable to a Discipline like this would be, that they would acquire the Spirit and Habits of the Stipendiary Policemen in proportion as their Position of Village Magistrate had been lost sight of, and an oppressive Police Administration would everywhere prevail, which would probably exemplify the Justice of Sir Thomas Munro's Remark, that "There is no System so odious as that where the Police holds the first Rank in the Community."

53. The great Difficulty with which we have to grapple in the Disposal of this important Subject is, therefore, to devise such a Measure of Village Police Reform as shall on the one hand re-establish the Potails in their former Authority and Position as Chief Police Officers of the Village, providing them at the same Time with fitting Village Servants; and, on the other, so define their Relations with the Superintendents and other Officers of the Stipendiary Police as to secure the hearty efficient Co-operation of both Agencies in the Detection and Suppression of Crime.

54. An Inquiry of this Character should not, I consider, be entrusted to the conflicting Opinions of the Superintendents, from whose Reports Sir G. Clerk appears to have intended that the Manner and Measure of the proposed Reform should be eliminated.

55. We should begin with clear Views of what is required, and dictate the Principles upon which the Investigations and Settlements which are to furnish Subject Matter for these Reports are to be conducted.

56. For this Purpose Materials are not wanting: the Subject of Village Police has engaged the Attention of our Officers from the Period immediately succeeding the Conquest of the Deccan up to the present Hour. We have Access to the Opinions which were held regarding it by the greatest of our Indian Statesmen; nor is this Police invested with the ephemeral Character which is attached to Stipendiary Agency, the Creature of our own Government, and liable to be altered and moulded as we please. The Village System is a striking Example of those original Institutions which distinguish different Nations, and which appear to have their Origin rather in physical Peculiarities of Race or Climate, than in the Theories of Legislators or the Workings of Chance.

57. Institutions like these are in their Nature permanent, and are with Difficulty abolished; for they accord with the Genius of the People to consider carefully how best they can be revived throughout the Presidency upon a Model which shall at once be uniform, and not at Variance with established Laws, is, therefore, the first Part of our Task to which Attention should be paid.

52 a. If fairly re-established, they will exercise a beneficial Influence far more powerful than any System of Laws which a foreign Government could introduce without them.

We have Experience to justify this Conclusion.

It is admitted by Mr. Elphinstone, that when we conquered the Country it was in a State, "as relates to the Security enjoyed by the Inhabitants in Person and Property, superior to our oldest Possessions."

After Thirty Years of Government, Mr. Frere observes of the same unaltered Native Police in the Sattara Territory; that "it may be very favourably contrasted with our own."

53 a. The Details of the System have been too often described to require Definition. The Responsibility before noticed of the Community to the individual Sufferer from Robbery, constitutes one of its peculiar and chief Characteristics.

This almost universal Rule of Village Responsibility was, perhaps, the very best that could have been devised to arm the Potal with efficient Weapons for the Detection and Suppression of Robbery, since its Enforcement is certain to ensure for his Measures the active Co-operation of the Inhabitants.

54 a. Mr. Elphinstone terms it "a coarse but effectual Remedy against the Indifference of the Neighbourhood to the Sufferings of Individuals, which it would be better to regulate than to abandon."

How far the Reproach of Coarseness is deserved may be a Question with those who attentively consider the intimate Relations which subsist between the different Members of a small Community, divided into Castes, but united by a common Consent in the Scheme of Village Government, and who call to mind the minute Supervision over each other's Actions, and the Right of interfering in the most trivial Affairs of their Neighbours, which is claimed and allowed by the social Theories of the Hindoos, and which is virtually exercised in small Societies to the Deterioration of even the Pretence of individual Independence.

55 a. To me it appears that no System of Espionage could surpass it, and that no social Policy could be better calculated for enabling the Patell and the Village Authorities to prevent Crime, or, when Crime has been committed by the Inhabitants of their Community, to detect the Culprits.

56 a. It is highly probable that this Consideration was taken into account when the Practice of exacting Compensation originated. Its Justice may at least be defended on the Plea of this peculiar social Framework, which makes Privacy next to impossible, and Concealment a Matter of the greatest Difficulty. In a Word, wherever there are the usual Village Police Officers, it is seldom or never that if a Robbery occur, Neglect or Connivance may not be justly imputed to them, if the Robbers are suffered to escape.

57 a. The Materials for re-establishing the Village Police System are still to be found in every Part of this Presidency, and express Provision for its Maintenance is made in (CVI. Regulation XII. of 1827) our Regulations. Even in Zillahs and Districts where it has most been suffered to fall into Disorder, as in the Northern Koukun, or where other Arrangements have in a Measure superseded it, as in the Southern Koukun, although minor Distinctions may attract Notice, the broad Type of the original Institution is everywhere observable. There is hardly a Village of Consequence without its Potal, who is still considered answerable for the public Order, though he may receive no official Emoluments, and no Village Servants may be provided by Government to assist him in maintaining it.

58. But if, as I have before observed, the Regulations make Provision for preserving the Machinery of the old Village Police System, the Causes which have conduced to its diminished Efficiency are deserving of Attention.

59. Mr. Elphinstone, in his admirable and critical Analysis of the Native Police System at the Conquest, would seem to have foreboded this Decay, and has offered a Number of valuable Suggestions, with the View of preventing it.

"Whether," he observes, "we can equally maintain the Frame of Government is a Question that has yet to be examined. The present System of Police, as far as relates to the Village, may be easily kept up, but I doubt whether it is enough that the Village Establishment be maintained, and the whole put under the Mamlutdar. The Potal's Respectability and Influence," he adds, "must be kept up by allowing him some Latitude, both in the Expenditure of the Village Expenses, and in restraining petty Disorders within his Village.

"So far from wishing that it were possible for the European Officers to hear all Complaints on such Subjects, I think it fortunate that they have no Time to investigate them, and desirable that the Mamlutdar also should leave them to the Potails, and thus preserve a Power on the Aid of which we must in all Branches of the Government greatly depend.

"Too much Care cannot be taken to prevent their Duty being irksome, and their Influence impaired, by bringing their Conduct often under the Correction of their Superiors. Care also," he observes, "should be taken of the Potal's Chief Police Assistant, the Village Watchman, whose Allowance, if not sufficient to support him or to keep him out of Temptation to thieve, ought not to be so high as to make him independent of the Community, and should be in part derived from Contribution; which may compel him to go his Rounds among the Villagers, as at present."

60. The Policy which should have been our Guide in framing Laws for maintaining the Authority and Efficiency of the Village Police Officers, would seem to be indicated in the foregoing Observations with sufficient Distinctness.

61. Above all other Considerations the Influence and Position of the Potail were to be maintained, a Provision which is indeed a true Secret of the Efficiency of the Village System.

For this Purpose small discretionary Powers in punishing Petty Offences were to be entrusted to this Officer, and a Latitude allowed him in their Exercise.

It is clearly to be deduced from the Principles laid down by Mr. Elphinstone, that every Resident of the Village, especially the Village Servants, ought to be amenable to the Potail's Authority.

The Necessity for providing Village Watchmen to assist the Potails is also insisted on, as well as the Propriety of revising their Allowances, a Portion of which was to be defrayed by the State, and the Remainder paid in the Shape of customary Perquisites by the People.

62. It was obviously desirable that an early Revision of the Remuneration paid to the Potails, as well as to the Watchmen, should have taken place; because where the Emolument was inadequate it was impossible that they should preserve their Independence and social Influence in the Village, or that they should refrain from abusing the discretionary Powers with which it was intended that they should be entrusted. It was proper, besides, that Government should know what Portion of their Remuneration was derived from the State, in what Cases Lands or Allowances had been alienated, how far they could be appropriated to the Maintenance of the Member of the Family actually discharging the Duty of Potail, as well as in what Cases further Remuneration was indispensable. It was also not improbable, as after Inquiries in many Instances have shown to be the Case, that Potails were in the Enjoyment of Hucs and Perquisites of an objectionable Nature, for which, if abolished or disallowed, a Compensation ought in Fairness to have been substituted.

63. But though much has been written at various Times upon settling the Scale of the Potails Remuneration, nothing has, until lately, been done; in respect to the Revision of the Allowances of Village Watchmen, nothing has even been attempted. The Undertaking, no doubt, presents, at the first Aspect, very serious Difficulties; and it is to this Cause that I ascribe the apparent Neglect of Mr. Elphinstone's Advice: but it is essential to the Preservation of the Village System, that this Advice should now be acted on, and I may be able to show, ere I have concluded, that the financial Difficulties to be encountered are not so serious as they seem.

64. Certain it is, that to this Neglect the diminished Efficiency of Village Police Agency is mainly to be attributed; the Condition of the Patells generally, far from being improved or re-established, has been deteriorated, and many Villages are to be found, where, as already observed, they are called on, under our Government, to perform Police Duties, although they receive no Assistance, and enjoy no Emoluments whatever.

65. Nor can a more favourable Report be made of the Degree of Attention which has been paid to the Measure recommended by Mr. Elphinstone for supporting the Authority and Influence of the Potail, by vesting him with discretionary Powers as an Officer of Police.

Few Traces of such a Trust are to be found, none except under Compulsion of its Exercise.

Whether it were that the Regulation departed too abruptly from the Native Original, or that the direct Supervision of Government were required to regulate that natural Tendency on the Part of our Judicial Officers to construe them in all Cases according to the English Maxim, so foreign to Asiatic Minds, that Power is vested in the Laws and not in the Officer, it is not easy to decide. Perhaps both are partly true; although I find the Regulations thus described by our late able Colleague, the Hon. Mr. Reid (in a Memorandum written by him when Chief Secretary, and dated the 20th of May 1840): "That their Effect has been to define what was before discretionary, and break up a System which was found under former Governments to work well."

66. That the old Village Discipline should in some Measure be relaxed, under a regular Government, is perhaps unavoidable. The Idea of Independence, for the First Time made familiar to the humblest Member of the Community, who finds himself, to his Surprise, supported by the Authorities in

Resistance to an arbitrary Order, which in former Days he never would have questioned, is apt, in its first Stages, to turn to Licence. It was well said by Mr. Elphinstone that, "we have only the Choice in this Country of taking " from our Agents the Power to do good, or of leaving them the Power to do " Harm." We have attended solely to depriving them of the latter; and I feel convinced, that if we would not see the remaining Influence of the Potails over the People entirely destroyed, we must, in a Degree, retrace our Steps, and confer upon these Officers extended discretionary Powers.

67. Before, therefore, I proceed to consider the Question of present and proposed Remuneration, and the Necessity for a Revision of the Village Establishments, I desire to suggest for Consideration the following Rules, involving a slight Modification of existing Regulations, and calculated, in my Opinion, to revive and maintain the Ascendancy of the Potail in the Government of his own Village.

Power is given to these Officers, under Sections 49 and 53 of Regulation XII. of 1827, to take Cognizance of trivial Cases of Assault, and to punish the Offenders, on Conviction, with Twenty-four Hours Imprisonment. This is nearly the Amount of Discretion entrusted to them under our Government. It is easy to divine that, by itself, this Power would be but little resorted to in Practice, the more especially as the only Penalty which the Patells were able to award, would, even when enforced, be hardly regarded as a Punishment by the Majority of the People of this Country.

68. I propose to extend the Powers of the Potail to Sentences of Six Hours Confinement in the Stocks, and to fine in the Amount of Five Rupees. He should have the like Powers in Cases of Contempt or Disobedience of his Authority by Parties bound to respect it. He should only be required to keep a Register of his Proceedings where he resorted to the Two last-named Punishments. The Preparation of these Registers should be the Duty of the Cooleuruee, or Talatee, acting under the Orders of the Potail. They should merely record the Offence charged, the Decision passed, the Punishment awarded, and the Names of the accused Party, and of the deposing Witnesses.

69. The Village Police Establishments, as soon as settled, should be also made entirely amenable to the Potail's Authority, who should be empowered to punish them for contumacious Conduct or official Delinquencies, to the full Extent of the Penalties which he may accord.

70. These Alterations would confer upon the Potails small discretionary Powers which would be really felt and feared, and which would enable them to support their Authority when called in question; but more than this is required in a System which holds out Hopes of maintaining the Position of these Officers on a desirable Basis.

71. For this Purpose it is absolutely essential that the Number of those who at present have the Power to investigate Charges of Breach of Duty preferred against Potails, should be very much curtailed. This Power should be entrusted solely to the Officers more immediately responsible for the general Condition of the Village Police, and who can understand the Importance of supporting and preserving the System in its Integrity.

72. The Officer I refer to is the Collector and Magistrate, under whose exclusive Protection and Control I would desire to place the whole of the Potails within his District. No immediate Authority should step in to censure and to punish, and the Commissioner alone should be empowered to supervise his Decisions; Charges against Potails for Breach of Duty should be preferred before him, where necessary, by the Superintendent and the Assistant Magistrates, but the Collector alone should investigate and decide upon them.

73. Nor, considering the laborious Duties of which Collectors will be relieved on the Introduction of the reformed System, is there any Reason to fear that the Duties now proposed to be imposed upon them will be found beyond their Powers. At any rate, this Course appears to offer the only Means of securing a regular and systematic Supervision of the Village Establishments, and of diminishing the Risk arising from indiscreet, uncertain, and prejudiced Procedure.

74. There is still another and equally important Object to be attained by a Provision of this Nature.

It holds out the most certain Prospect of the Amalgamation and perfect working together of Two Parties so differently constituted and disciplined as the



the Stipendiary and Village Servants, as well as of preserving in the Hands of the Collectors the real as well as the nominal Authority over the entire Police of his Districts.

75. In respect to the Disposal of the Stipendiary Force, the Superintendent is nearly (as I have once before observed) an independent Officer; as regards the Discipline and Management of the Village Police, the Collector will exercise, under the above Arrangement, virtual as well as nominal Supremacy. The Village Police will obey the Superintendent's emergent Orders, when summoned by him to do so, and the Collector will support the Superintendent in the Exercise of this Authority as his own Representative. But with maintaining the Discipline and controlling the internal Economy of the Village System, the Superintendents will have nothing to do, independently of the Collector.

76. It seems essential that a Monthly Report of all Complaints received against Potails for Abuse of Authority or Neglect of Duty, and of all Punishments which the Collector may award against them, should be made by that Officer to the Commissioner of Police, who should narrowly examine all such Proceedings. It will be one of the Commissioner's chief Duties to watch the general Effects which follow our Attempts to revive the Village System, and to see that the Conduct of the Local Officers is such as to afford a fair Chance of Success. We must look to the Commissioner to regulate that Difference of Treatment which may be expected from Men who differ in Character, Temper, and Capacity, and whose Efforts, though directed by Government to a common Object, are yet independent of each other. Difficulties arising from Causes like this would be properly noticed in the Periodical Report which the Commissioner should submit to Government, upon the new System of Police, detailing its Progress and Success.

77. I shall now turn my Attention to the Village Establishments throughout this Presidency, as exhibited in the accompanying Returns. Under the Heading of the different Collectorates I shall endeavour to convey a general Insight into the present State of the Village Police, its Requirements to render it complete and efficient, and the Proceedings of Government in former Years with regard to it, where such Proceedings tend to throw a Light on the general Subject, or are of sufficient Interest and Importance to merit a particular Notice. I shall preface these Remarks by the following brief Allusion to the Question of the Sufficiency of the Potal's official Emoluments, a most important Consideration, and which has for some Years past engaged the Attention of this Government, and has been before us very recently in the Revenue Department. A brief Recapitulation of these Proceedings will be found in the Appendix. We have been informed by Mr. Bushby's Letter of the 6th October 1847, that the Government of India had recommended to the Honourable Court that it be left to the Discretion of the Bombay Government to deal with the Matter as a Part of the ordinary Details of Revenue Administration.

See Appendix 4.

78. It was further suggested, that, pending the Court's Orders, the Interval should be employed in revising and completing the Registers of Potails and Cooleurnees, and in preparing them for "further Orders," which has partially been attended to. We are now awaiting the Communication from the Honourable Court promised in Mr. Secretary Halliday's Letter, No. 503, dated 28th of last July, who has informed us that the Rules drawn up by Captain Wingate for settling the average official Emoluments of under-paid Potails have also been referred to the Court for Consideration.

79. The Recommendation of the Government of India to the Court above referred to appears to me to embody the only valid and practical Method of meeting the Difficulties of the Question. The Amount as well as the Nature of official Remuneration, whether in Land or Money, to be assigned, not only to Potails, but to maintain the necessary Village Police Officers where not already provided, are Points which can best and most economically be dealt with by the local Government. They should form a Part of the ordinary Revenue Settlement of the Country, upon a System similar to that prevailing in Bengal, and which is thus graphically described in the Letter of Sir Herbert Maddock to this Government, No. 192, dated 6th August 1838, a Copy of which will be found in the Appendix.

" All Village Expenses on account of Village Establishments are charged in  
" the Village Accounts against the gross Collections; the net Collection, after  
(162.) . G " paying

“ paving Village Expenses, and after customary Charges being brought to credit as the Government Income or Revenue. These Charges never appear as Part of the Expense of a Collector's and Uhsildar's Establishment, and they are under the Control of the Collector or superintending Revenue Authority, who fixes them at the same Time that he makes the Revenue Settlement, and who would report upon them to his immediate Superior, as a Part of the Arrangements of his Settlement. He would not have Occasion to make a separate Application for them, as new Establishments.”

80. There is one important Consideration which I would here casually notice; whatever we may resolve to be the Patel's Wultun,\* Provision should be made for preserving it in its Integrity, and for securing the entire official Emoluments to the Officer who actually discharges the Duties.

81. This Rule should be strictly observed in every Instance. Where Hereditary Patels, either from being Minors or for any other Causes, do not perform the Duties of their Office, the entire Wultun should be temporarily assigned to the Party acting for them. This may seem to some to be harsh and even impracticable; it is my Belief, that under a judicious Settlement of the Official Revenues and Hucs in every Village, the Rule might be enforced, and that its Enforcement would prove salutary.

82. I now proceed to take a summary View of the Material available in the different Zillahs throughout this Presidency for re-organizing a Rural Police on a reformed System, and which is now only partially called into action, and under no regular or well-defined Plan.

83. These Remarks should be considered as applicable only to the particular Zillahs to which they refer.

For as some Zillahs differ so widely from others, those of Guzerat from the Deccan, and those of the Deccan again from the Southern Mahratta Country, in Race, Language, Institutions, and Customs, it would be unwise, and indeed is impossible, to propose for all a uniform detailed System of Police Arrangement; but the main Object of the following Remarks is to exhibit, as nearly as we can do in a Disquisition on so extensive and general a Scheme:—

1st. The Zillahs in which the Material for a reformed Police is complete, and only requires Re-organization:

2d. The Zillahs where the Police Establishments are inadequate.

In this latter respect, although it cannot be expected that at this early Stage we can estimate exactly the Sum of the Assistance which will be required by Government for perfecting the Measure, yet we shall be able to perceive the Nature of the Aid required, and to form a rough Approximation of the Value of the Sacrifice which will, in the first instance, be required.

84. And here I cannot avoid recording, once for all, my thorough Conviction that the trifling Sacrifice which may be found necessary for this Purpose will be as Seed sown in a fruitful Soil; for the Protection given to Agriculture and Commerce by a good Police will infallibly and speedily be felt in the Shape of an improving Revenue.

85. The Reverse of this Proposition may be pronounced to be equally true, the evil Results attending it to be as certain. Notwithstanding, though the Subject has been frequently and anxiously considered, remedial Measures for rendering this Rural Police efficient would seem to have been hitherto indefinitely postponed.

86. Some general Measures have, at length, become indispensable, if we would arrest the Progress of Decay now going on around us in these old national Institutions, or prevent the Character of this Agency from being altered.

#### *Ahmedabad.*

87. We learn from the accompanying Returns,† that in the Ahmedabad Collectorate there are 1,090 inhabited Villages, each Village has its Police Patell and Wuttundaree Mhars, although the above Officers are not included in the Returns. But, independently of these, there are distributed through the different Villages no less than 3,742 Village Police Officers, under the Names of Puggees, Vurtuneas, and Raomas; these Men hold 89,835 Beegas of Govern-

See Appendix 11.

\* See Act XI. of 1843, which requires to be revised.

† NOTE.—The Returns of Revenue are taken from the Abstract Statement of the verified Reports furnished to Sir G. Clerk; the Population Returns from an Abstract Statement of the Census of 1846, supplied from the Revenue Department.

ment Land, and (Land and Money Payment included) are chargeable to the State at 91,772 Rupees annually.

On the 9th February 1842 Sir Robert Arbuthnot, then Collector of Ahme dabad, submitted to the Sudder Adawlut, at the Requisition of that Court, the Statement marked in the Appendix, exhibiting the Sacrifice which, in his Opinion, Government would be called upon to make, if it were intended to complete the Village Establishments throughout the Collectorate. I observe, that this Statement provides for an additional Force of 1,491 Village Officers, at an aggregate increased annual Expense of 5,270 Rupees. Appendix 5.

The Details given in it lead me to believe that any Addition to the, at present, considerable Police Force of the Villages under this Collectorate may be dispensed with; no Village is without its Police, according to the Custom of the Country; all that appears requisite is, that they should be re-formed by the Superintendent, on the Plan now in progress in the Southern Mahratta Country, under Mr. Forgett. Rev. 14,10,186 7 9. Population, 590,754.

#### *Kaira.*

88. In Kaira the Number of inhabited Villages is 573; the Number of subordinate Village Officers distributed among them, exclusively, of course, of Patells, is 2,937; at a Cost to the State of 62,579 Rupees. Rev. 16,16,042 3 1. Population, 566,513.

The Collector complains that there are no Raonias in 18 Villages, and no Puggées in 185; but, under a well-regulated and strict Superintendence, there is obviously ample Material for a complete and very efficient Village Police; and if local Exigencies require any Addition to this already powerful Force, such Cases can only be rare Exceptions.

#### *Broach.*

89. The Police of Broach is even over-numerous; the Number of inhabited Villages in this Collectorate is 397. The present Number of Village subordinate Police, exclusive of Patells, is no less than 4,344, maintained at an aggregate Cost to the State of 83,933 Rupees: but from Mr. Davies's Report it would seem that their Emoluments are very unequally divided; the Average received by many of the Bheel Wurtuneas is not more than One Rupee a Month. He therefore suggests, and I think very properly so, a considerable Reduction in their Number, in order to maintain the rest on an improved Footing. The Collector recommends the Resumption of Service Lands, and the Substitution of Cash Payment at a uniform Rate of Two Rupees a Month in their Room. Rev. 18,53,545 7 6. Population, 262,513.

As our Object is to revive and to consolidate the ancient Village System, this Proposal cannot be entertained.

#### *Surat.*

90. In this Collectorate there are 604 inhabited Villages, and no less than 4,792 Village Servants, exclusive of Patells, who annually receive in Money or Kind, 56,586 Rupees. The Village Police is reported by the Collector to be complete, except in a few Villages of the Koorsud Surbhon and Kurrode Purgunnas; yet, perhaps, in no other Collectorate has the Necessity for a thorough Change of System been rendered more apparent than in this, or more ample Proof been given of the utter Inefficiency of the Police, in its present State, to prevent Gang Robberies. Rev. 16,78,876 14 3. Population, 433,260.

#### *Tanna.*

91. In this Collectorate Reform is more required than elsewhere. The Number of inhabited Villages is 2,992, and there is literally no Village Police whatever.

Mr. Law, the Magistrate, refers to a Report by Mr. Pringle in 1839. That Gentleman proposed a Plan for creating a Village Police, to be paid in Money, at a Cost to the State annually of 86,732 Rupees, which included the Appointment of Rukwuldars, and increased Remuneration to Patells, whose Wuttuns were generally inadequate. Mr. Law observes, that there are 870 Village Police Officers wholly unpaid. Night Rounds prevail where there are no Police Stations; but Mr. Law justly regards the Practice as useless against Gangs of Robbers. It has been objected to by the Government of India, as oppressive. See Appendix 6.

The State of the Rural Police in this Collectorate very early attracted and long engaged the Attention of Government. On the 26th June 1836 Mr. Simson

submitted to Government Proposals for reforming the District Police, at an estimated Cost of 9,960 Rupees per Annum. The principal Feature of his Plan was, to establish a Village Police, by appointing to every Village Two of the Inhabitants as Rukwuldars, each of whom was to receive a Grant of Three Beegas of Waste Land on Pussarta Tenure, as in Guzzerat. Deficiencies in the Service Lands of the Patells and Mhars of the Villages were to be made up from the same Source.

Sir G. Anderson, in considering these Proposals, remarked that the real Root of the Evil in this Province lay in the general Pusillanimity of the People; the Remedy for this Evil, in his Opinion, would be found in improving the Village Police, where it did exist, and in creating it where it did not exist. He was in favour of the Grant of Service Lands, provided they were inalienable from the Office, and given for the sole Maintenance of the Parties in charge of the Duties.

The Government of which Sir R. Grant was the Head concurred generally in the Views expressed by the present Sir G. Anderson; yet nothing was actually effected on this Resolution, owing, principally, to the numerous Changes of Officers in charge of the Collectorate. (Para. 40, App. A. to Mr. Vibart's Letter, No. 1,679, Revenue Department, dated 28th December 1840.)

Three Years afterwards, on the 9th of April 1839, Mr. Pringle proposed to the Sudder Adawlut the Scheme alluded to by Mr. Law; it differed in a material Degree from the others.

Mr. Pringle was averse to the strict Enforcement of Night Rounds, which were in partial Use. He advocated the compulsory Attendance of a certain Portion of the Villagers in Turn at Night in the Village Chowree, and armed; he proposed to appoint in every Village a separate Fojdar Patell and Rukwuldars, who should be selected from the Wild Tribes exclusively.

He proposed that new Officers should be remunerated by a Pall, or Exemption from Assessment on a Part of the Land cultivated, instead of by Grant of waste Service Land. The Scale of Remuneration he divided according to a Classification explained in an Extract from his Report, containing Table of proposed Establishment, which will be found in the Appendix.

Appendix 7.

He proposed also to attach to each Mamlutdar a Carcoon or Police Darogah, whose Duty it would be to superintend the working of the Village Police, and to keep Registers of the Village Officers.

The Sudder forwarded Mr. Pringle's Proposals to Government, with their Comments and Opinions.

Our late Colleague, Mr. Reid, was then Chief Secretary to Government, and his Views on the Subject appear to have been required. On the 20th May 1840 he submitted a Memorandum on Mr. Pringle's Report; in this Memorandum he approves of compulsory Attendance for the Service of the Night Rounds, which would succeed if judiciously introduced, and to which he thinks the Punderpeshas only would object. He doubts the Policy of introducing Strangers from the Wild Tribes as Village Watchmen; but, like Mr. Simson, would select the Rukwuldars from among the young Mahratta Residents of the Villages. He would exact from the Mhars, and all others receiving Emoluments from the Community, Service as Police, awarding them such Remuneration from Government as might seem expedient with reference to their present Receipts. He considered that on the general Run of Villages an efficient Patell and Village Officer, and the Village Community, sufficient for all Police Purposes, when working in concert with the paid Police Force of the Districts.

Sir James Carnac, in a Minute dated 20th June 1839, observed, that Mr. Pringle's Report appeared to have this inherent Objection, exclusive of the vast Expense attending it, that the System which he recommended would be an Innovation on the established Customs of the Country, and would require compulsory Service where it was never known to exist before. "I have observed," he justly remarks, "that all speculative Improvements, unless executed with the Consent and Co-operation of the People, fail in ultimate Success."

Sir J. Carnac concludes by stating, that he saw no Objection to appropriating Waste Lands (for the Re-establishment of the Village Police) under certain restrictive Regulations.

The whole of these Proceedings were finally submitted to the Court, and nothing has since been done. The general Scheme submitted by Mr. Vibart

on

on the 20th December 1840, contained a Provision for improving the Position of the Patails of the Khalsa Villages in the Southern Talookas, at a Cost to Government of only 3,000 Rupees; but this Scheme was disposed of, as I have already observed, by Mr. Secretary Bushby's Letter of the 16th October 1848, See Appendix 4. No. 960.

The Sketch which I have given above of former Proceedings will enable us to communicate distinct Instructions to the Officer who may be appointed Superintendent of Police upon the Principles of the Settlement which ought to be adopted, for reviving the Village Police of this Collectorate, the Revenue of which is set down in the Return at 21,59,917 11 2 Rupees. Rev. 21,59,917 11 2  
Population, 817,773.

The Details of the Settlement should be subject, in every Case, to Modification by the Collector and Magistrate.

The Superintendent should first report to the Collector on each separate Talooka in its Turn; every Village should be visited, the Number of its Inhabitants, the Emolument of the Patell, and how paid; when by a Percentage on the gross Amount of the Collections, the annual Amount should be stated; when by holding Land Rent Free, &c., its yearly Value; and, in Khotee Villages, if the Patail be not paid at all, the Report should show the annual Revenue derived from them by the State. All other Hucs or Privileges enjoyed by Patails should also be enumerated. Where it appears unnecessary, from the Smallness of the Village, or other Reasons, that there should be a separate Patail or Village Officers, the Report should show this, and the Reason.

The State of the Mhars Wuttun should be next exhibited; the average annual Value, and the Nature of any Hucs and Collections enjoyed from the Villagers, should be given. Any additional Remuneration which may seem to be indispensably required in particular Cases should be suggested in Communication with the Collector, and as that Officer may recommend.

But it should be observed, as an essential Condition of such Remuneration, that a Portion of it should be derived from the People themselves, as recommended by Mr. Elphinstone. For this Purpose, where there is no Provision of the Nature known as Mhars, Bullatee, if any such Instances are to be found, it should be the Endeavour of the Superintendent to introduce the Practise.

With the same Proviso, Waste Land should be set apart, whenever available, in all the Villages where there are Patails, for the Support of One or of Two Rukmildars, to be selected from the Inhabitants or Youths from the Neighbourhood. These Men, with the Mhar, are to be taught, when appointed, to consider themselves as the Staff of the Patail, subject to his Authority, and amenable to Punishment for Disobedience or Neglect.

I prefer remunerating these Officers by Grant of Waste Land, where Land is available, not only as causing no positive Diminution of Revenue, but as being in conformity with the old established Usage of the Country; such Wuttun Lands are more valued in the Koukan than even elsewhere. They not only attach more strongly than a mere Money Allowance would do the Parties who enjoy them, but their Resumption, when practicable, is dreaded more than the heaviest Punishment, and Fear of it would ensure the highest Degree of Efficiency which could be expected from this Class of Servants. They probably, also, in a greater Degree than mere Money Payments, encourage the Settlement of Relatives of the Holder, either as Hangers-on upon him, or as employed in the Tillage. All these Men become available in Times of Need, as Police Servants, and consider themselves bound to assist the Wuttundar in the Performance of his official Duties.

I know it has been objected, that "such Grants or Assignments have a Tendency to assume the Character of permanent or hereditary Property, irrespective of the Conditions on which they are held." There is little Danger, as I believe, of such a Tendency proving, in the present Day, to be in Practice detrimental to the Interests of Government. There may have been a Difficulty in dealing summarily with hereditary Rights; there can be none in regulating, as I think proper, any new Grants or Allowances conferred for the Performance of ancient and customary Duties. Lands so conferred should not be subject to the Laws of Inheritance and Succession;\* they should be appro-

\* Where Waste Lands are not available, the Rukmildars should be remunerated on the Principle suggested by Mr. Pringle, namely, by a Part, or Exemption from Assessment on a Part, of the Land cultivated, the Rate of Exemption in each Case being fixed by the Collector.

priated solely to the Maintenance of the Party in charge of the Duty, not of his Relations.

It should be a primary Part of the Superintendent's Duty to organize in every Village, not by open compulsory Measures so much as by judicious Management, the System of Night Rounds, or of the Attendance of Parties at the Village Chowree in their Turn, under the Orders of the Patail: the Measure cannot be enforced by Law; it will therefore rest with the Superintendent to exert his Influence in introducing it where it does not exist, and to state in Detail in his Report how far he may have succeeded.

But the Principle to be here, as everywhere, insisted on, is the Responsibility which, under the ancient System of the Country, devolves upon the Community, of aiding the Village Authorities in the Performance of their Police Duties.

See Abstract  
Statement

I believe, with Mr. Reid, that a very perfect Village Settlement, both for Police and Revenue Objects united, can be introduced throughout the Koukan upon Principles like the above, without any Diminution in the Revenue now received, which, we should remember, is little less than 21,60,000 Rupees.

I agree with that Gentleman in considering the Institution of a Village Police in this Province as the Basis of all Order, and a Measure without which no permanent or extensive Improvement can be looked for.

I do not consider that a Police so organized will at first, or for a long Period, be able to resist the sudden Attacks of numerous Gangs, when unaided by the Presence of the paid Police; but Efforts to trace the Robbers in such Cases will become more systematic, and eventually more successful, and in proportion to their Success will be the Infrequency of renewed Attempts, and doubtless the Habit of attending armed at the Chowrees, and acting in Concert under the Orders of the Patails, will tend to counteract that Spirit of Pusillanimity which is said to be the prevailing Weakness of the People of this Province.

#### *Colaba.*

Rev. 2,80,489 14 5.  
Population,

92. The preceding Remarks are equally applicable to the small Territory of Colaba, where there are 166 inhabited Villages, superintended by Foujdar Patails, who are in receipt of no Emoluments whatever.

#### *Rutnagherry.*

Revenue.—It is stated  
in the verified Returns  
at 8,35,880 3 5.  
Population, 625,782.

93. They also apply to the District of Rutnagherry, producing a Revenue of nearly Eight and One Third Lacs of Rupees, and containing 1,295 Villages, in a few of which, and in the Malwan Talooka alone, are Twenty-two Rukwuldars, entertained at an annual Charge, as shown by the Returns, of 115 Rupees. All or nearly all the Villages are held on the Khotee Tenure.

There are Sixty-two Villages in this Collectorate, in which, as we learn from the Collector and Magistrate's Letter forwarding the Returns, there is no Police of any kind. In other Towns the only Village Police are, as in Colaba, and Southern Talookas of the Koukan, unpaid Foujdar Patails, assisted by a Village Mhar and Village Goorow.

#### *Poona.*

94. The Returns for Poona show a Total of 1,193 inhabited Villages, and the Collector reports that there are no less than 1,293 Foujdar Patails who are not remunerated for Police Duties; but the objectionable System of confiding the Revenue and Police Duties to separate Members of the same Family appears to be very prevalent.

See Appendix 4.

The Cost to the State by Mr. Vibart's Scheme, of making up the Allowances of the Patells of this Collectorate to a certain Scale, whenever they fell short of it, was estimated, I observe, at 6041 15 8 Rupees. On this Subject we must, however, await the promised Instructions of the Court. There are, it seems, a Body of 1,375 Shetsundees and Rukwuldars, who perform Police and Revenue Duties, at a Cost of 21,432 Rupees annually, of which 9,120 are paid from the Revenue Department.

There is no Village without a Patail and a Mhar; in some Villages there are Rukwuldar Ramosees, but who are not paid as in others by an Assessment of Government Lands, but by a Levy of Buttotee. The Practice of Night Rounds is confined to Villages.

There

There is ample Material, as it appears to me, for the Settlement, at little or no Expense, of a System of Police which would be extremely efficient, provided the Question of the adequate Remuneration and Position of the Patails be finally set at rest in the Manner proposed to the Court by the Bengal Government. In the meantime, the Superintendent who might be appointed should proceed under the Orders and Instructions of the Collector to settle and report the Detail, as far as practicable, upon the Principles which I have laid down as proper to regulate the Proceedings of the Superintendent of Tanna.

Rev. 15,35,212  
Population, 604,990.

#### *Ahmednuggur.*

95. There are 2,221 inhabited Villages in the Ahmednuggur Districts, and a Police Force of Rukwuldars and Iaglias, which amount to 2,919 Persons, and remunerated in Lands, Hucs, and Cash, at a Cost of 74,204 Rupees per Annum.\*

Rev. 31,34,408 12 5.  
Population, 929,809.

There is also a Force of Mewassee Police, 134 Horse and Foot, who are maintained at an annual Expense of 9,735 Rupees. Night Rounds are reported to have been formerly introduced, but subsequently abandoned.

Police Arrangements, more resembling in the Details of Management those which it is proposed to introduce elsewhere, prevail in this Collectorate, but by no Means under a complete and efficient System. The Elements are at hand, but they are not called systematically into Action. The Bheel Agent is an able and efficient Superintendent of Police, and he has under him, at every Mamlutdar's Station, a District Police Carcoon, who is placed at his Orders, and corresponds with him direct. Little, in fact, beyond the Aid of a judicious settling Officer is required in Ahmednuggur, to re-establish and perfect the Village System, the Maintenance of which here as elsewhere seems to have been little attended to.

The Magistrate reports, that there are no Village Iaglias in Seventy-six Villages, and that Fifty-two are considered as under the Charge of the Iaglias attached to other Villages.

The requisite extra Remuneration for Patails in this Collectorate is set down by Mr. Vibart at 11,740,1 Rupees. If settled by the Rules of Captain Wingate, this Sum would be somewhat exceeded.

#### *Khandeish.*

96. Khandeish has 3,146 inhabited Villages, and a Force attached to them of 4,448 subordinate Village Guards, under the Names of Rukwuldars, Iaglias, and Hashmes. Their Cost is set down at 52,323 Rupees.† There are also 385 Mehwassee Police Horse and Foot, kept up under Bheel Chieftains, at a Cost of 47,023 Rupees;‡ so that the total Charges for Village Police Guards in this Collectorate alone amount to the large Total of 99,346 Rupees annually.§

Rev. 20,17,993 13.  
Population, 685,619.

The Amount set apart by Mr. Vibart's Scale for extra Remuneration to underpaid Potails in this Province amounts to 7,975 Rupees annually.

#### *Sholapore.*

97. Sholapore has 1,011 inhabited Villages, with a rural Police Force numbering 3,060 Men, maintained at a total Cost of Rupees 40,282 per Annum. The estimated Expense of remunerating the Patells according to the Rates proposed by Mr. Vibart was 96,36 13 11 Rupees.

Rev. 13,96,290 14 6.  
Population, 613,863.

The Police is represented in the Magistrate's Report to Sir G. Clerk to be incomplete. In 304 Villages the Village Police Servants are stated to be paid by the Inhabitants, and are, therefore, not amenable to Punishment for Misconduct. All Servants of this Class whom it may be desirable to retain should unquestionably be brought under the Operation of the Law by the Grant of Service, Land, or Exemptions from Assessment, or by small Money Payment

\* NOTE.—In Land, 24,049 Rupees; in Hucs, 26,032 Rupees; in Cash Payment, 9,590 Rupees.

† In Land, 44,465 Rupees; in Money, 7,858 Rupees.

‡ In Land, 10,681 Rupees; in Money, 36,342 Rupees.

§ NOTE.—The Collector states that there are 225 Villages (chiefly of the Wild Tribes) without any Police Establishment. In Forty-eight Villages the Police are not remunerated; there are no Night Rounds by the Villagers, but the Village Iaglias and the Patails have nightly Rounds.

from the Treasury, not sufficient, however, to make them independent of the Villagers, or to lead the latter to discontinue their voluntary Payments. On the other hand, it would probably be found, that there are many Cases where it might be proper to resume Service Lands on the Death of the Occupant, among the Shetsundee, for example, of whom I shall presently have occasion to speak more fully. Upon the whole, there would seem to be ample Material for the Organization of a good Rural Police in this Collectorate, without additional Expense. All that we require is a judicious settling Officer as Superintendent, to act under the Instructions of the Collector. The System of Night Rounds was in practice before the Date of the Introduction of our Government; it is not objected to, and might be perpetuated with Advantage.

*Belgaom.*

Rev. 14,15,304.  
Population, 860,193.

98. In this Collectorate, where there are only 1,577 inhabited Villages, the Shetsundees and Rukwuldars and Iaglias, forming a Body of rural Militia at the Disposal of the Patells for Police Duties, may be termed a standing Militia, since their Numbers amount to 11,696 Men. There are also the hereditary Ghud-Kerries of Bhimghud and Parghud, 248 in Number; the former, principally Shetsundees, are maintained at a Cost, in Lands, of 2,06,910 Rupees. The Ghud-Kerries hold Land and Villages to the Value of 6,925 Rupees annually.

The Shetsundees of the Southern Mahratta Country are described in the joint Report of Mr. Hart and Captain Wingate on the minor Village Officers and Servants of the Nowlghoond Talooka Zilla Dharwar, is a Kind of Irregular Troops entertained by former Governments to preserve the Peace of the Country, and paid in Land instead of Money. The voluminous Correspondence on our Records establishes the Correctness of this Description; they are not Wuttundars; indeed, the Researches of the Enam Commissioner, Mr. Hart, have enabled him to state positively in a Report submitted to Government by Mr. Goldsmid, the Acting Collector of Dharwar, in 1844, that up to the Close of the last Government, the Sur-sonbhedars had the Power of transferring the Shetsundees from District to District, and, when there were more than were required in the Province, of reducing their Number, and resuming the Lands of those reduced.

Perhaps it might be more difficult to instance Examples of the Adoption of the latter Course than of the former. That, as a general Rule, they were treated as hereditary Servants, I entertain little Doubt, concurring perfectly in the Sentiments expressed on this Subject by Mr. Townsend, the Revenue Commissioner, that, "under a Native State, most Services are hereditary, especially those which are remunerated by Land." But I also concur with him in opinion, "that their hereditary Tenure contained in it no Obligation on the State for its perpetual Continuance." Under such Circumstances, Cases of the Extinction of Shetsundee Tenures, during the Lifetime of the Occupants, would hardly fail to be exceptional. This Supposition is not opposed to the Revenue Commissioner's Conclusions, that "Shetsundees may be reduced in Number to a sufficient Force gradually, as Deaths occur, and that on the Death of the present Incumbents their Successors may be transferred to other Districts."

I concur with him in believing, that the Measure is legitimate, practicable, and expedient, "and will afford Funds" whence to remunerate other Village Servants. I would go further: the Correspondence on the Subject certainly seems to me to establish, that there would be nothing inexpedient in transferring, with their own Consent, the Shetsundees, where too numerous, to Villages and Districts where their Numbers were deficient, or where there were none; resuming their present Holdings, and giving a liberal Equivalent in Lands in the Districts to which they may be attached. The Measure would be very limited in its Operation, since Villages where Shetsundees are not to be found do not appear to be very numerous, and it would be unnecessary to make Transfers to Villages where Servants who discharged similar Duties are found under another Name; Tulwars, for example, who perform, under the Patails, the requisite Police Duties.

The Extinctions of Shetsundee Holdings, by Lapses from Deaths, must be very gradual. There seems to be no good Reason why we should await the  
slow



slow Operation of such a Rule, to do that which was done without Hesitation by the Native Governments, and which the Shetsundee Tenure, as established by the total Absence of Evidence, or even of Assumption on their own Part, that they are Wuttundars, clearly implies a Right to do.

The Organization of this immense Police Militia, as well as of the Village Police generally throughout the Collectorate, is now in progress under an active and able Officer, Mr. Forgett, and with the Sanction of the Government of India. When his First Report shall have been received, we shall have accurate Information before us of the Disposition of the Shetsundees, and be able to give such Instructions as may be deemed proper in regard to Transfers and to their future Distribution throughout the Districts.

#### *Dharwar.*

99. The Number of inhabited Villages in Dharwar is 1,093; the Number of Shetsundees and Rukwuldars 4,639, a Material for Police which is evidently superabundant, and admits of great Reductions, though far from being carried to the Excess which prevails in the Belgaum Collectorate. Their Emoluments are valued at 94,902 rupees annually. Of this large Remuneration, they hold Lands assessed annually at 91,826 Rupees, and receive Money Payments amounting to 3,076 Rupees. The Police is represented by the Magistrate as very incomplete. In some Villages there are uselessly large Establishments of Shetsundees, in others not one. There are Five Villages which are reported to be without Police of any kind.

Rev. 11,97,256 8 10.  
Population, 647,193.

100. To place in a clear Point of View the financial Facilities at our Disposal for the Reform of our Village Police Establishments, I shall draw largely in this Place from the Report to which I have lately referred by Mr. Hart and Captain Wingate, on the Village Servants in the Nowlgoond Talooka.

These Gentlemen prefaced, in the following Extracts, the Proposal for a general Reform of the Village Establishment within the Talooka reported on: " Though the present Number of Shetsundees be excessive, it is, in our Opinions, of very great Importance to the Success of the Village Administration, that there should be attached to every Village of any Size, One or more Revenue and Police Peons, a Number quite sufficient, with the Thulwar and Mhars, to form a very efficient Municipal Police, could be kept at a very small Expense."

These Peons were to be stipendiary, and at the Orders of the Patails; they were to be divided into Three Classes, Peons, Naics, and Havildars, at the respective Rates of Pay of One and a Half, Two, and Three Rupees per Mensem; they were to be regulated in the Agricultural Villages, on the following Scale:—

Village Revenue.	Havildar.	Naic.	Peons.
250 to 500	0	0	1
500 to 1,200	0	0	2
1,200 to 2,000	0	0	3
2,000 to 3,000	0	0	4
3,000 to 4,000	0	1	4
4,000 to 5,000	0	1	5
5,000 to 6,000	0	1	6
6,000 to 7,000	0	1	7
7,000 to 8,000	0	1	8
8,000 to 9,000	1	1	8

and so on, giving an additional Havildar, Naic, or Peon, for every 1,000 Rupees of Revenue. This Scale appears unexceptionable.

They add, " The Expense of the above Establishment is very trifling, being only 5,826 Rupees for the Eighty Villages of our Statement (in Nowlghoond), instead of the present enormous Charge of 28,380 Rupees," (inclusive of Charges for Tulwars and Mhars, the subordinate Village Establishment of the Nowlghoond Talooka costs annually 29,087 15 10.) " There will, therefore, be an eventual Saving of 22,554 Rupees effected by the (gradual Resumption of the existing Shetsundee Land."

101. It is true that I do not concur in the Details of the Plan proposed, and for the Reasons stated by Mr. Townsend in his Letter of the 17th July 1847, handing up the Report. The numerical Efficiency of the proposed Establishment I do not dispute; I do not think its Insufficiency was demonstrated; but the Insufficiency of the proposed Scale of Pay, for even Village Peons, is obvious, and, as Mr. Townsend justly remarks, "a Rate of Pay which does not remunerate, is always a practical Error." But supposing that Distinctions of Rank were put out of the Question, and that the highest Rate of Pay proposed by the Committee, or Three Rupees per Mensem, were allowed to the Number to be retained in this Talooka (or Havildars, Naics, and Peons, together 314, as shown by the figured Statement), the annual Cost would come to but 10,304 Rupees, or would result in an eventual Saving upon the present Expenditure of 12,066 Rupees. Yet this Rate of Monthly Wages is sufficient to remunerate a Man in the Districts under Notice for his entire Time and Services.

102. I therefore adduced this Proposal in proof of what may be done by a judicious and energetic Settlement Officer, rather than as showing how it should be done. "The Shetsundees at present perform both Revenue and Police Duties;" why absorb them, then, further than is shown to be necessary, and merely for the Purpose of replacing them by Stipendiary Peons?

104. I have already stated, that in Zillahs where different Arrangements have not been substituted for the System of Service Lands, and where Land is available, I prefer that Village Police Servants should be paid by Assignments of Waste Land. In this Mr. Townsend entirely agrees with the Views I have expressed.

It is the established and ancient Usage to remunerate such Service by Assignments of Land.

It is the popular Usage.

It is the cheapest Method of State Remuneration; for Mr. Townsend has justly remarked, that "the same Field, the Rent of which would perhaps amount to Twenty Rupees per Annum, bears a Crop much more valuable than this Rent." It therefore goes far to support, not the Individual alone, but his entire Family.

Then there is the fictitious Value attached to Property in the Soil, the Advantage before noticed of affording Employment to the Male Members of the Holder's Household, the Security of Tenure, and of a Standard Value based on Corn instead of Rents, and, therefore, in long Periods, less liable to fluctuate than a Money Payment. These and other Advantages derived from the System of Service Lands\* are to be considered by the Government, and are, no doubt, duly estimated by the Possessor.

105. The Objections urged by Messrs. Hart and Wingate, that "Land cannot be reserved to the actual officiating Members, but in spite of all Precaution will be subdivided among the Family at large, and that in the event of Misconduct it presents nothing tangible to attach by way of Punishment," I consider to be strained. Government, if it pleases, can always treat the Holding of such Servants as a whole, and do this by imposing a partial Assessment on the Land, by way of Fine, by Transfer to another Member of the Family, or by entirely resuming it.

106. I have now followed the Statements which accompanied Sir G. Clerk's Minute through every Zillah of this Presidency, in as far as we are enabled to glean from them the actual Village Police Requirements of each, and the Material at hand for reforming and reorganizing the Village Establishments, which are to be placed under the Authority of the Patells. Other Considerations remain to be discussed, but I feel that I cannot better conclude my Remarks on this Branch of the Subject than in Words drawn from the Report so often referred to by Messrs. Hart and Wingate, which embodies the Ideas of probably every practical Officer of the Bombay Government, from the Time of the Honourable Mr. Elphinstone to their own.

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\* Nor is any positive Loss of Revenue incurred by their Assignments of Waste Lands where available, Year by Year they are unproductive.

“ The Village Administration is the very Keystone of our System, upon which the Efficiency of the whole Fabric of our Government depends, and the large Expenditure incurred in perfecting the higher Classes of Stipendiary Officers, while the former remain neglected, is, in our Opinion, Money laid out in vain. The Village Establishments are in daily Contact with the Mass of the People, whose Comforts (they might have added Security) are dependent upon their Efficiency, and until our Improvements descend to them we may be said in reality to have made no Progress at all, and to this are to be attributed both the general insufficient Strength and Remuneration of our Village Officers and Servants, as well as the Fact of the Police of the Country having remained so defective as it is; and when we come to consider the very small Expense at which the Village Establishments could be placed on a proper Footing in point of Numbers and Efficiency, we shall have Reason to wonder at this most essential Reform having been so long delayed; for, as it happens in the Case of this District, and possibly of the whole Collectorate, we shall have it in our Power to accomplish the important Object in View without any extra Charge falling upon Government at all.”

107. It now remains to determine upon the Steps to be taken for bringing the Reform sketched in the accompanying Pages into immediate Operation.

In the first place, the Law will require to be altered. The Sudder have already submitted a Draft Act for that Purpose; but as the Judges were not aware of our Sentiments on the Character and Extent of Reform which has become necessary, I propose that they now be fully informed, and requested to submit a Draft which will so alter existing Laws as to enable Government to put in force, as Leisure and Opportunity may permit, every Part of the Measures recommended in this Minute.

108. The next Point to be considered is the Scale of Establishment which will now for the First Time be required for the Stipendiary Branch of the Police.

In introducing a Reform so extensive as the One under Consideration, it will be necessary to begin with the higher Officers, and work downwards. It will therefore be sufficient to notice in this Place the Chain of superior Agency by which the Stipendiary Police Establishment is to be organized and controlled, and the additional Cost which it will immediately entail upon the State.

109. The Honourable Court have distinctly ordered that the direct Control of the Executive is in future to rest with Government; in other Words, the Business heretofore performed by the Judges will fall to the Share of the Secretary in the judicial, general, and ecclesiastical Departments. What that Business at present amounts to may be gathered from the Statement in the Appendix. The laborious Duties at present devolving on the Judicial Secretary render it morally impossible that this additional Burden can be imposed upon him without Assistance. He will require the special Aid of the Deputy Secretary, or of an Assistant; and I should feel obliged to my Colleagues for any Suggestions on this Subject which they may think proper to offer. Appendix 9.

110. The Agent next in Order between Government and the Executive is the Commissioner of Police. This is the Officer to whom we must look for moulding, in the first instance, the various and diversified Elements of the new Police, as described in the foregoing Pages, into a perfect and a practical working System. I have already stated that I concur with the Judges in opinion that the Judicial Commissioners should not, as Sir G. Clerk proposed, be appointed Commissioners of Police.

111. I should much wish that there could be Two Commissioners, One for the Northern and One for the Southern Divisions. I fear the Charge is too extensive to impose upon a single Man, with the confident Expectation that he will be able to do it Justice; but in the present Time of financial Difficulty I do not see how this Evil is to be avoided.

112. I propose to meet in a great Measure the Expense of the Commissioner's Salary by reducing One of the Four Judges of the Sudder. This is but reasonable, as the Court, by the radical Change of System, will be relieved of a great Portion of the most harassing and laborious Duties which now occupy its Time. I would propose to put the Commissioner of Police on the same Footing, in regard to Salary and Establishment, of a Revenue Commissioner, but without Travelling or Tent Allowance.

This would occasion an annual Excess of Charge of 24,008 11 4, as shown by the following Table:—

Sudder Adawlut present Cost.	Each per Annum.	Per Annum.	Per Annum.	Total per Annum.
	Ra.	Ra.	Ra.	Ra.
Four Judges, at - - -	36,500 0 0	- - -	1,46,000 0 0	
Travelling Allowance to Three Judicial Commissioners, at.	3,800 0 0	11,400 0 0		
Tent Allowance to Three Judicial Commissioners, at.	666 11 0	2,000 1 0		
Clerk for Judicial Commissioners, at.	- - -	480 0 0		
			13,880 1 0	
Commissioner of Police without Travelling and Tent Allowances.	- - -	- - -	42,000 0 4	1,59,880 1 0
Three Judges, at - - -	36,500 0 0	- - -	1,09,500 0 0	
Travelling and Tent Allowance and Clerk to all the Three Judges as Judicial Commissioners.	- - -	- - -	13 880 1 0	
				1,65,380 1 4

*Establishment of the Revenue Commissioner, N.D.*

	Rupees.
Office Establishment	5,340 0 0
Native Dufter - - -	7,500 0 0
Peons - - -	1,440 0 0
Apothecary - - -	1,608 12 0
	<u>15,888 12 0</u>

*Rough Abstract and Estimate.*

	Rupees.
New Establishment - - -	165,380 1 4
Old Establishment - - -	159,880 1 0
	<u>5,500 0 4</u>
Excess of new	5,500 0 4
Add Establishment for Commissioner of Police	15,888 12 0
	<u>21,388 12 4</u>
Total Excess - - -	21,388 12 4

113. The Increase of Charge by the Appointment of a Superintendent for each Zillah has next to be considered.

Following Sir G. Clerk's Plan of naming the Officers commanding local Corps to be Superintendents of Police in the Zillahs where these Corps are posted, we find that we can provide for the following Zillahs without any additional Expense:—

	Rupees.
Ahmednuggur where the Commandant draws a consolidated Salary of	716 0 0
Ghat Local Infantry, Northern Konkun Salary of	800 0 0
Guzerat Coolee Police, Ahmedabad, pay made up to - - -	645 0 6
Guzerat Provincial Battalion, Kaira - - -	523 0 0
Khandesh Bheel Corps, Khandesh - - -	800 0 0
Poona Police Corps, Poona, made up to - - -	704 1 0
Rutnaghery Rangers, S. Konkun - - -	645 6 0
	<u>Extra Charge per Annum.</u>
To which should be added a Superintendent for Belgaum at 500 Rupees a Month, exclusive of Military Pay and Allowance of a Military Man	6,000 0 0
Broach, 300 Rupees ditto	3,600 0 0
Dharwar, 500 Rupees ditto	6,000 0 0
Surat, 300 Rupees ditto	3,600 0 0
Sholapoor, 300 Rupees ditto	3,600 0 0
	<u>22,800 0 0</u>
Colaba should be a Part of the Superintendent of the Northern Konkun, and thus the Appointment of Five new Superintendents will impose an increased annual Charge of	21,388 12 4
Add Charge for a Commissioner of Police - - -	21,388 12 4
	<u>44,188 12 4</u>
Making a Total of - - -	44,188 12 4

exclusive

exclusive of an Establishment of a Carcoon and English Writer for each Superintendent, and a proper Proportion of Peons, which should be supplied from the Establishment of the Collector and Magistrate.

Each Superintendent, while travelling, should also be entitled to Deputation of Five Rupees a Day.

114. On the other hand, as an Offset against this additional Expense, there will be an annual Saving under the new System in clothing the Police Corps enumerated above of about Rupees. The Mode of effecting this Saving has been shown in my Minute on the Subject of clothing the Police Corps under this Presidency.

115. There will also be an annual Saving by the Reduction of the Strength of the Guzerat Provincial Battalion from 931 to 569 Men, including Native Officers, of a Sum of 42,589 4 Rupees per Annum\*; total immediate Reductions from the above Two Sources, Rupees. See Appendix 13.

116. It will, I think, answer no good Purpose at this Time to enter into more detailed Instructions than will be found in the preceding Portion of this Minute,† for the Guidance of the Magistrates and Superintendents in carrying into effect the extensive Measures of Reform which are here contemplated. This Reform, if it were immediately adopted and sanctioned, is not from its Nature calculated for being suddenly and abruptly introduced; nor have we any Materials on the Records of Government, as I have before observed, which enable us to estimate with anything like Precision the financial Results attending it. It will, however, be necessary to give general Instructions for the Information and Guidance of the Executive Officers, the Magistrates, and Commissioner; independently of which, that they may fully understand the Views and Principles laid down by Government, and work together upon a general System, I am of opinion that the whole of the preceding Observations should be circulated, together with Copies of the Returns and Papers in the Appendix to this Minute. Each Officer will thereby gain a Knowledge of the State of the Police Establishment throughout the Presidency, which cannot fail to be of Use in reforming that Part of it which is under his own immediate Charge. Appendix 8.

117. I now turn to the proposed general Instructions to Magistrates and Superintendents which are to set this Reform in progress. They will refer to the Executive in the First Place, and to the Rural Police in the Second.

The First Duty of these Superintendents will be to reorganize, in concert with the Magistrate, the Executive Branch of the Police Establishment.

His First Step will be to convert the local Corps into efficient Police Corps, and to introduce the new System of Clothing as well of Drill and Discipline in the Place of the present entirely Military Arrangement; he will also at once proceed in concert with the Collector to mark off the Peons, whose Duties will hereafter be exclusively confined to the Police, and who will be at the Superintendent's more immediate Disposal. The Extent to which existing Establishments could be modified with Advantage to the public Interests may be surmised from the accompanying Distribution Return of the Peons in a single Collectorate Tana as contrasted with the altered Return, which might, without Difficulty, be substituted in its Room. Distribution Return similar to that furnished by Mr. Law should also be supplied by every Magistrate when forwarding to Government through the Commissioner of Police the Superintendent's Report of the Completion of these preliminary Arrangements. The Superintendent, in concert with the same Officer, will also lose no Time in arranging the District Executive Police, the Collector and Magistrate appointing the Peons set apart for purely Police Duties, and naming a Carcoon under every Mamlutdar to act from that Time forward as the District Police Officer. Appendix 7.

118. The Separation and Division of Duties between the Executive and Judicial Officers should also be arranged and brought into immediate Operation; all this should be effected under the general Superintendence and Sanction of

	Rs.	
* Abstract Monthly Charges of the Guzerat Provincial Battalion	7,810	3 8
Of the Ahmednuggur Police Corps	4,161	2 0
Monthly Saving	3,649	1 8
Which multiplied by Twelve is equal to	42,589	0 4

† See also a Statement of the probable Saving from reducing the different Police Corps under the Judicial Department to the Standard fixed by Sir G. Clerk, but which could only be effected gradually, and as the Police improved in Efficiency.

the Commissioner to whom the Progress made should be reported by the Magistrate and Superintendents jointly at the Close of the First Quarter, and periodically until the Reform of the Executive Branch of the Police has been completely introduced into the Collectorate, when a full and detailed Report should be submitted by the Magistrate.

Appendix 10.

119. The gradual but complete Reorganization of the Rural Police should follow close upon the other; as will be seen from the preceding Observations it will naturally be a Work of Time, and not unlikely will in many Districts be attended with Embarrassment, as well as with Delay, which no Exertions on the Part of the Settling Officers, and no Support or Countenance on the Part of the local Government, will avail to regulate or prevent. Nothing would, however, so certainly and speedily remove all Difficulties as the Recognition by the Honourable Court of the great Principle first laid down in Mr. Secretary Maddock's Letter of August 1838, and afterwards supported by the Supreme Government on referring the Question to the Honourable Court as stated in Mr. Secretary Bushby's Letter of the 6th October 1847, Revenue Department, that it be left to the Discretion of the Bombay Government to deal with the Matter (as in Bengal) as a Part of the ordinary Detail of Revenue Administration.

120. In the preceding Remarks a Sketch of what is required to be done in each Collectorate has been already furnished. Lists should be prepared by the Collector and Magistrate on the Plan of completing the Establishments of Pergunna after Pergunna. These Lists should show,—

1st. The Villages where there is an Establishment of at least a Patell, Two Coolurnee or Tulatee, Three Mhar, and Four Village Watchmen, enjoying Wuttuns in that Capacity, or paid by the State.

2d. Those Villages where there are only some of these hereditary Officers.

3d. Villages where there are no paid or Wuttundary Rural Police.

4th. The Proposal of the Collector and Magistrate in each Case to supply any Deficiency with Columns showing where Waste Lands can or cannot be assigned in lieu of Service, and the exact financial Result; and also showing the Result if the new Officers were to be paid by a Pall or Exemption from Assessment, or if paid by a Money Stipend. In other respects he will follow every Instruction which the antecedent Remarks render applicable to his Collectorate.

121. In all Cases where Establishments are entire, the Superintendent should, under the Orders and Supervision of the Magistrate, proceed by the same cautious and gradual System to bring them into efficient working Order, and to make the Village Officers acquainted not only with their Duties but with their increased Responsibilities likewise.

122. He should endeavour, as Mr. Forgett is now doing in Belgaom, to interest the entire Inhabitants of the Village in a System of Self-defence against Attacks from without, and Self-control over Irregularities from within; and he should furnish monthly Progress Reports to the Collector and Magistrate for the Information of the Commissioner and Government. In this Manner the Deficiencies now experienced in each Pergunna will be gradually brought to light, and it is to be hoped, in a Question of such vital Importance to the Prosperity of the Country, will not be left long without a Remedy.

123. This Minute has already extended to such a Length that I propose to take a separate Notice of the various Subjects depending on the Settlement of the general Question of Police, and of which the Plan of Reform which I have proposed, if adopted by my Colleagues, will in the Main be found to have disposed.

124. By this Method I shall avoid an unnecessary Complication of a Subject which should be decided on broad Principles, and not with reference to particular and local Questions.

125. For the same Reasons the arming and Plan of the Police Corps and other Particulars intimately connected with the Efficiency of any System of Police have, and will have, to be separately considered.

28th February 1850.

(Signed) FALKLAND.

MINUTE by the Honourable Mr. WILLOUGHBY, dated the 11th of April 1851.

1. I HAVE perused our late Governor Sir George Clerk's admirable Minute on the Police of this Presidency, dated the 28th April 1848, and the Right Honourable the Governor's able Minute in continuation, dated the 28th February 1850, with all the Care and Attention which the admitted Importance and the admitted Difficulty of the Question requires.

2. My Career of Service having been passed in the Non-regulation Provinces and at the Presidency, I possess but little practical Experience of the working of the Police in our own Territories. In the Remarks, therefore, which I am about to offer, I shall freely avail myself of Information and Suggestions which the Experience of others has enabled them to afford: among others who have rendered me this Assistance I gladly mention Mr. Le Geyt, Judge of the Sudder Foujdaree Adawlut; Captain French, formerly employed as an Officer of Police in Candish and Ahmednuggur; Mr. Rose, Claim Commissioner in the Deccan; Mr. J. D. Inverarity, Collector of Sholapoor; Mr. H. B. Frere, now Commissioner in Scinde; and lastly, that active and energetic Officer, Captain G. Fulljamee, Commandant of the Goozerat Irregular Horse. From all these Officers, but in particular from the Two last, I have obtained valuable Assistance.

3. The Question has now been under Discussion for more than Two Years; and I shall not cause further Delay by attempting to enforce what has been so clearly demonstrated by Sir George Clerk, that our present Police is wretchedly inefficient, and the urgent Necessity which consequently exists for a radical Reform of every Branch of it.

4. At the same Time I am bound to acknowledge that I inclined to the Opinion that the Reports of the political Authorities in Guzerat (who are entitled to the Merit of having first originated this Discussion) were rather overdrawn,\* not of course intentionally, but because in reality no strictly accurate Data exists for instituting a Comparison between the former and the present State of Guzerat. My early Recollections of the Province, extending over a Period of more than Thirty Years, would make me slow to believe that Person and Property is less secure now than formerly. In former Years Requisitions for Military Aid and Support of the Civil Power were of frequent Occurrence. I cannot call to mind a single Requisition having been made within the last Ten Years. This of itself indicates a great Improvement; and in further Support of my Opinion, that we have not actually deteriorated, I would in particular refer to the Records of 1832, of which Appendix 12 of the Right Honourable the Governor's Minute is a Specimen.† It is only very

\* This Opinion is corroborated in a remarkable Manner by Colonel Sykes' "Statistics of Criminal and Civil Justice under the Bombay Government for the Years 1844, 1845, 1846, and 1847;" and the Evidence coming from so accurate a Statist is the more valuable.

Colonel Sykes observes, "The above Table embraces all Offences whatever, from petty Police Cases to atrocious Crimes; and though the Number of Offenders appear to have increased annually, the serious Offences have gradually diminished, as is shown by the Committals to the Sessions Courts, which only have Jurisdiction in serious Matters. The latter Class of Offences, it would appear, amount to only 4·3 per Cent. of the total Offences. The Number of Cases committed in Four Years was, 1844, 3,022; 1845, 3,308; 1846, 2,730; 1847, 2,485: total, 11,545; of whom there were 5,924 Convictions, 4,072 Acquittals, 38 Deaths and Escapes, and 1,511 were transferred to the highest Criminal Court, the Sudder Foujdaree Adawlut. Of this Number, 323 were acquitted, 1,188 found guilty; of these, 131 were condemned to Death, 273 to Transportation, and the Remainder to various Terms of Imprisonment. As the Population under the Bombay Government is said to amount to 8,000,000, the atrocious Cases tried to Conviction amounted, therefore, only to 0·015 per Cent. of the Population during the Four Years."

And from a Report of the State of Crime for the Year 1849, now before me, I am happy to observe a still further Decrease. In that Year 129 Cases remained for Trial at the End of 1848, and 2,209 was the Number of Committals to the Sessions Court. Of these, the Convictions were 1,275, the Acquittals 878, Deaths and Escapes 3, untried 182. There were 209 Cases referred to the Sudder Court, of whom 20 were acquitted and 189 convicted; of the latter, 19 were sentenced to Death, 118 to Transportation, and 52 to various Terms of Imprisonment.

† This Subject has been much more attended to in other Parts of India. Here we have no such useful Works as Speede's "Criminal Statistics of Bengal, with Comparisons of the Increase and Decrease of Crime at Intervals of Ten Years." The late Sir Thomas Munro, in a Minute dated 31st December 1824, justly observes, "The best Way of ascertaining with tolerable Accuracy the Increase or Decrease of Crime would be by a Comparison of the Number of higher Crimes in Periods of Ten or Fifteen Years."

recently that the Statistics of Crime on this Side of India have received the Attention they merit, and at all events a Portion of any Increase present Returns may exhibit may be attributed not to an actual Increase of Crime, but to the superior Accuracy with which the periodical Reports and Returns of Crime are now prepared.

5. And I would observe, that Sir George Clerk's Minute, in as far as it is a Comparison \* of the present Police of this Presidency with the same Police 'Thirty Years ago, or with the Police it superseded, is not altogether satisfactory; nor even his Comparison of our System with that in force in Native States or Districts politically managed, such as Kattywar, the Mahee Canuta, &c. If we had their Statistics of Crime as accurately as our own, and if the People there were as much divided into timid Agriculturists and predatory Classes as in our Territory, I doubt if the Contrast would be so much in their Favour. Sir G. Clerk contrasts the Number of heinous Crimes "now and then," and finds that there are more now. But the new Mode of classifying Crimes will account for much of this, without other Causes. He has also contrasted the Number of reported Crimes now and then, and finds that there are more now. But, as I have already observed, increased Exactitude in reporting may have vastly increased the Number reported, even although the Number of Crimes remained the same. He has contrasted the Number of Crimes at the Two Periods, not their Proportion to the Number of People, their Wealth, or the Amount of Traffic, and other Elements, which ought to be taken into Consideration in such Computations.

6. And I have great Satisfaction in stating my Belief, that since the Commencement of the present Discussion a very material Improvement † has taken place in the working even of the present insufficient Police. The Knowledge that the Attention of Government was directed to the Subject, and the simple Act of requiring from the local Magistrates Reports direct of all Murders and Gang Robberies committed within their respective Jurisdictions, has produced a visible and very salutary Effect.

7. Since the Issue of the Circular Order above referred to, dated the 28th May 1847, up to the 1st March 1850, a Period of Two Years and Nine Months, I for my own Satisfaction have kept a Register of all Murders and Gang Robberies reported to Government, exhibiting also in Part the Results of the Exertions of the Police in apprehending the Offenders. I shall take an early Opportunity of submitting this Document to the Board, because it appears to me satisfactorily to establish that the Offence of Gang and Highway Robbery has diminished in most, if not all, of our Magistracies; and further, that a greater Number of Offenders, especially during the last Twelve Months of the Return, have been apprehended and brought to Trial.

8. The Government is much indebted to Sir George Clerk for the able Manner in which he has brought this important Question under Review, and for the Suggestions, many of them most excellent, which he has recorded for rendering our Police Establishments what they ought to be, the efficient Pro-

\* In a Report dated the 16th January 1832, on the then Condition of Guzerat, the late Mr. Ironside reported, "The chief Disorders which prevail are Highway Robberies, and to such a Degree that Communication between Village and Village is almost stopped, and travelling on the great Roads nearly impracticable, unless the Party proceeding be accompanied by Wullawahs; but what is of more Importance, Attacks on Villages by large Bodies of armed Men, called *Dhars*, are of frequent Occurrence, and create a Degree of Consternation the more alarming, because it destroys the very Idea of Security. These Disturbances, although almost general throughout the Country, are more extensively practised within the Districts which form the Sub-Collectorates of Kaira and Broach."

No one who reads the above Description of the State of Guzerat in 1832 will for One Moment contend that we have since then deteriorated, or, in other Words, that the Police of 1850 is less efficient than the Police of 1830.

† This Assertion is borne out by the Half-yearly Returns furnished by the Judges of the Sudder Adawlut of the Number of Persons in Confinement in our Gaols, and which exhibit the following Results:—

1st January 1849	-	-	-	Total Number	4,918
1st July	"	-	-	"	4,748
1st October	"	-	-	"	4,552
1st April 1850	-	-	-	"	4,720
1st July	"	-	-	"	4,633
1st January 1851	-	-	-	"	4,510

A Diminution between the first and last Dates of 408. •



tectors of Person and Property. I think, however, there is a Defect in his Plan in attempting to define too much at the Commencement, and to introduce too much of Uniformity. For at this Presidency we have at least Three distinct Nations to control, and the Provinces of the same Nation often vary as much as Middlesex from Connaught; for instance, the Deccan from the Cancan Branch from Morassa. The same general Principles may perhaps be applied to all, but the Details must be varied according to local Circumstances.

9. With these few preliminary Remarks I beg to signify my general Concurrence in the main Principles on which it is proposed to attempt to reform the Police, namely,—

1st. That the Superintendence and Control of the Police be henceforward vested in the Government, instead of being intrusted to the Judges of the Sudder Foujdaree Adawlut.

2d. That the executive and judicial Functions be separated as far as practicable, instead of being united as at present in one and the same Officer, the Collector and Magistrate.

3d. The Reform of the Stipendiary Police; and,

4th. The Re-organization and Re-construction of the Village Police. In carrying out these Principles, I shall propose certain Modifications in the Details, which may, I think, be advantageously adopted.

10. In support of the First Measure,\* or that the Control and Supervision of all Matters connected with the Police shall be transferred from the Sudder Adawlut to Government, it need only be observed, that Benefit has already resulted from the limited Control which Government has exercised over the Police during the last Two Years, and that the proposed Arrangement has already received the Sanction and Approbation of the Honourable Court of Directors. This Change will of itself create a more uniform and centralized System of Police, and will go a great Way towards reforming what is wrong. Government will be able to act promptly, and exercise their controlling Authority vigorously and with Effect, and if they are provided with Eyes and Ears in the Shape of Superintendents of the Executive Police, to be used as Travelling Deputies, to see for themselves, and to report what is right and wrong.

11. This Change ought to be followed by a very considerable Reduction in the present Establishment of the Sudder Adawlut in proportion to the diminished† Quantity of Work they will be hereafter required to perform: this should be peremptorily insisted upon. Sir George Clerk, moreover, was of opinion, that when so material a Portion of the Court's Duties is transferred to Government, it should be composed of Three‡ instead of Four Judges. I am also myself disposed to think this Reduction will be found practicable; but I would recommend the Board, as no Inconvenience can result from the Delay (for a new Law is required to carry out the Change of System), to postpone a final Decision upon this Question, until my Successor has taken his Seat in Council, since Mr. Bell's long practical Experience of the Extent and Nature of the Court's Duties will enable him to state with Confidence whether those which will remain after the Transfer of the Police to Government will be beyond the Powers of these Judges efficiently and promptly to perform. But pending a Decision, I would not fill up the Vacancy in the Court which will be created by Mr. Bell's coming into Council; and should that Decision be in favour of a Reduction, it will perhaps be deemed advisable to raise the Salaries of the Three remaining Judges to the Scale fixed for the Revenue Commissioners, as already sanctioned by the Honourable Court of Directors, contingently on a Reduction of their Number.

\* Mr. Le Geyt, himself a Judge of the Sudder Court, candidly admits that the Police of the Country is, and ever must be, most inefficiently controlled by the Court of Foujdaree Adawlut.

† Some Idea of the Extent of Duty from which the Court will be relieved may be obtained from Appendix 9 of the Right Honourable the Governor's Minute.

‡ Our late Governor observes, "Inefficient as I believe the Control of such a Body must necessarily be, the Police Business adds materially to the Business of the Court; and I see no Reason to suppose that Three Judges will not be quite sufficient to get through the purely judicial Business which comes before it, especially if they are relieved of the Duty of inspecting the Police. Judicial Commissioners need not visit every Zillah annually. A Visit every Second Year would, I think, secure every Purpose of inspecting the judicial Establishments; and this would leave the full Sudder Court all present for a larger Portion of the Year than is now practicable."

12. On the Transfer of the Police to the direct Control of Government, Sir G. Clerk proposed, with the view of aiding Government and providing for local Inspection, "to appoint a general Police Superintendent or Commissioner for the whole Presidency, who should, in Rotation, visit every Zillah, especially those where the Police System is least perfect, and to satisfy himself, by local Inquiries and personal Observation, as to the Condition of the Police." Under this Arrangement, which is concurred in by the Right Honourable the Governor, the Zillah Police Officers, except in emergent Cases, are to correspond through him with Government, and it will be his Duty from Time to Time to aid Government with his Opinion, and to advise on all Subjects affecting the Police, the Expense of this new Appointment being defrayed as above stated by a Reduction of One of the present Judges of the Sadder Court.

13. This Part of Sir George Clerk's Scheme is evidently framed on the Plan which, some Years ago, was adopted in the Lower Provinces of Bengal. There the general Control of the Police is vested in an Officer styled the Superintendent of Police, with a Salary of 42,000 Rupees per Annum, and Deputation Allowance.\* "He corresponds on the one hand with the Executive Government, and on the other with the Magistrates, whom he furnishes with Instructions for the Suppression of Crimes, the Apprehension of Offenders, and the general Execution of the Duties intrusted to them; he is required to visit the Districts included in his Jurisdiction periodically, and to examine the Mode in which the Police Duties have been discharged; he makes an annual Report of his Proceedings, which includes his Observation on the State of the Country, Increase or Decrease of Crime, and the Success or Failure of the Magistrates."

14. I have not the Means of ascertaining how far this Plan has proved successful in Bengal, but I entertain great Doubts whether the Creation of this middle Agency between Government and the Executive Police is either necessary or expedient at this Presidency. I am disposed to think that the Appointment of a Commissioner of Police for the whole Presidency, and who must be a highly paid Officer, may be dispensed with, and that a far more efficient Agency for controlling and supervising the Police will be obtained by appointing Two provincial Superintendents, One for Guzerat and One for the Deccan, with an Assistant in each Zillah, the Magistrates being, as at present, supreme over all within their respective Jurisdictions.

15. It will be admitted that the Appointment of a sole Commissioner of Police can only be necessary if it can be shown that the Judicial Secretary with such additional Aid † as may be found necessary has not sufficient Time (of his superior Qualifications for the Duty we have constant and abundant Proofs) to bestow on Police Matters, and to perform those Duties of Supervision and Suggestion which would be required from a Commissioner; or unless it can be shown that the Magistrates are indifferent to the Welfare of their Dis-

\* Calcutta Review, No. 5, p. 188. Mr. Speede, in his "Criminal Statistics of Bengal," states that this Office was revived in 1838, and that it is the Duty of the Superintendent to supervise all the Police Establishments, to correct them as far as possible, to assist as well as control their Efficiency. He adds, that great Benefit resulted from this Appointment, although wanting that Scope and Independence of Action, and Efficiency of Government necessary to entire Success, without which it can only be, like all other Indian Improvements, a Half Measure; especially so long as it wants that acknowledged Essential to Police Improvement, a powerful, honest, intelligent, and active Executive Force, under the Authority of that Superintendent alone, and in uniform Subjection to his Orders.

† As suggested in Paragraph 109 of the Right Honourable the Governor's Minute, he should have the special Aid of the Deputy Secretary to Government, or, what perhaps would be better still, the Aid of an able uncovenanted Assistant. I would open a new Head of Correspondence, and call it "Police Branch of the Judicial Department;" and would suggest that all Matters connected with the Police should in the first instance be submitted by the Judicial Secretary to the Member of Government who may be Chief Judge of the Sadder Foujdaree Adawlut, and consequently possessing extensive judicial Experience, and by him passed on to the Board, with his Opinion endorsed. This would be conformable to a Principle advocated by the Honourable Court, namely, that the particular Attention of the Civil Members of Government should be directed to that Branch of the Administration for which, by previous Training and Experience, he may be supposed to be particularly qualified. "Whilst disposed to give due Weight to your Representations, and to the Reasoning contained in Mr. Sutherland's Minute, we are not yet satisfied of the Impracticability of One of the Members of Government at Bombay regularly devoting a Portion of his Time to the Duties of a Judge of the Sadder Court, or of the Inexpediency of that Arrangement. The other Civil Member would, in the same Manner, take upon himself a larger Share of some other Branch of the Administration."—Letter dated 17th October 1834.

tricts, and require a Commissioner to stimulate their Energies or control their superfluous Zeal. My own Impression is, that the direct Control of the Police by Government will be much more effective than that of any subordinate Officer, however high. The Knowledge that all Persons employed in the Police will possess, that their Characters whether for Good or for Evil will come under the Observation of Government, will deter and encourage more than anything else, provided we remedy the great Defect\* in the present System by supplying every Magistrate with a separate Officer to act as his Executive in Police Matters, and to be employed solely on Executive Duties.

16. This is another chief Principle of Sir G. Clerk's Reform, in which I entirely concur, namely, that without constituting the Police an entirely independent Body, the Executive Police shall be relieved from all judicial and fiscal Duties. But in effecting this Object, we must divide, not separate; allot the purely Police Duties to an organized Class of Police Agents, the latter, however, being still kept subordinate to the Authority of the Magistrate.

17. The Mode in which Sir G. Clerk proposed to separate the executive from the judicial Functions of the Magistracy is condemned in Paragraph 35 of the Right Honourable the Governor's Minute. I concur in his Lordship's Opinion (Paragraph 22 to 27) regarding the Causes of Failure at present in preventing Crime and tracing Criminals. There is in reality no Incompatibility between Fiscal and Police Duties, but quite the contrary; as Matters of Fact, I believe, all our best Collectors and Mamlutdars have also been our best Magistrates and Police Officers, and *vice versa*. Doubtless, there are often very tolerable Revenue Servants, who are mere Pen and Ink Men, good at Accounts and Reports, and deficient in other Essentials, and bad Police Officers; so likewise, there are very tolerable Thief-catchers who, as Police Officers in other respects are deficient, and who are bad Revenue Servants.† But, as a general Rule, if we look over the Service, European or Native, we shall find that the Generality of Men who are good in one Branch are good in the other, and that no one is eminent in one Line who is not above Par in the other; and this is no more than might be expected from the Fact, that the most valuable Qualities in a Revenue Officer are the same as those which are most valuable in a Police Officer. Such, for example, as good Common Sense, Quickness of Apprehension, Industry, and personal Activity, Accessibility to all Persons, Facility in understanding and making himself understood by the Natives, and a general Preference of the practical over the theoretical. No Man can be a good Collector or Magistrate without possessing a considerable Share of all these Qualities; and a Man who possesses them in a high Degree will be good in both Capacities. There are, however, Two very incompatible Characters which the System we have hitherto pursued has united, i. e., those of Police and Judicial Officer; but

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\* The same Defect formerly existed in Bengal. The main Point in which Reform is called for in the present System, as is admitted by several of the Magistrates themselves, appears to be in the Want of a sufficient and oft-recurring Surveillance of its inferior Officers; for were they actively superintended, the same Police Officers, corrupt and oppressive as they now are, would prove efficient and useful Servants. If they were, in fact, subjected to frequent personal Supervision by an European Officer, so as to prevent the Commission with Impunity of Acts of Oppression, and produce the Liability to immediate Discovery, throwing a strong Check in the Way of their present unlicensed Extortions, by presenting the Opportunity to the Villagers of making personal Complaints without subjecting themselves to a greater Violence, or, at the least, undertaking a long Journey, or wading through the Pains of a tedious Process; the same Men against whom such serious Charges are now made would be an able and efficient Police, at least in the inferior Grades; especially, too, if there were given to them a Prospect of Promotion in their Line of Duty. Thus, for instance, from Choakedaree, Burkumdoes, through the Post of Berkumdoss to Jemadar, and thence perhaps to be the Head of a Thanna.—“Speede's Criminal Statistics of Bengal,” App. II.

† It is, I think, scarcely correct to say that the efficient Performance of those Duties which constitute a good Revenue Officer induce a sedentary Disposition, while active Habits, Energy, and Courage are essential in the Officer of Police. The exact reverse is more nearly correct. The Duties of a Revenue Secretary or of a Zillah Judge are necessarily sedentary, but it may be safely said that no Man of sedentary Habits was ever a good Mamlutdar, Collector, or Revenue Commissioner; or if good in some Branches of his Work, his sedentary Habits would be a decided Obstacle to his being good in all. The Verification of Cultivation Returns, the Inspection of Crops, of Village Accounts, and many other Details of Revenue Management, require the Possession by a Revenue Officer of Activity both of Mind and Body; and his necessary Tours on Duty, and extended Intercourse with the People, give him peculiar Facilities for acquiring Information on Police Matters from the People themselves; Information which in many Instances would not be imparted to a professed Police Officer, from the Fear of a distant Journey to the Kotwar or to the Session Court, which the Informer might have to undergo in order to give his Evidence.

as this Union seems now universally condemned,\* it is superfluous to point out what different and almost incompatible Qualifications the Two Characters require.

18. It does not appear to me to be true and just to assert that Government attach paramount Importance to the Performance of Fiscal Duties; at least such a Preference has never come under my Observation. In the first place, it may very truly be said, that till very lately the Inefficiency of the Police was never fairly placed before Government; the Fact was often asserted, but was seldom, if ever, supported by the requisite statistical Data. Indeed, the Statistics were all in the Hands of the Sudder, who naturally mixed up in their own Minds their Judicial and Police Functions, and when they found the Judicial Administration was improving, as in most respects it undoubtedly has, they were slow to perceive and unwilling to believe that the Police was deteriorating. It was not likely that they should be the first to discover the Mischief; and if any Attack was ever made on one Part of the System, it was, perhaps, only natural they should resent and attempt to disprove of it, as if it had been an Attack on the whole. Nor, indeed, were their Assailants very discriminating; for Complaints of untracked Robbers or of undiscovered Murders were frequently mixed up with at least an equal Portion of Abuse of our Courts of Justice: the Sudder felt they were doing their best, and not without Success, to improve the latter, and rather too easily persuaded themselves that the Complaints against the Police were either groundless or exaggerated, and attributable to any Cause but their own Unfitness to superintend it.

19. There can, I presume, be no Doubt that proved Incapacity as a Police Officer would have been at any Time at least as fatal to a Man's Prospects as proved Incapacity as a Revenue Officer; it is equally true, that our System tolerates a good deal of Inefficiency in either Branch before a Man is made to suffer for it. The more accurate Way of stating the whole Truth would be to say, that in fiscal Duties the Incapacity is more apparent without a Man being so blameworthy as to incur Punishment, while it is always difficult, often impossible, to decide in Police Matters what Part of a Failure is attributable to Incapacity, and what to adverse Circumstances. The Fiscal Officer has to collect the public Revenue, and if he does not collect it, the Validity of the Reason he assigns for the Omission can always be tested exactly; he can, if efficient, always clearly prove that it was not his Fault. The Police Officer has to discover a Crime, but his Failure, *per se*, is no Proof whatever of Incapacity, and it is very seldom possible to test exactly the Validity of the other Reasons he may assign for Failure: hence it happens that Men are oftener punished for Shortcomings in collecting the Revenue than for Failure in tracing out Crimes; but it is not correct to assert that this arises from "Government attaching more Importance to the former than to the latter Class of Duties."

20. I do not concur in the Remark (Paragraph 26) that our Mamlutdars, who are chiefly Brahmins, are, from their Training, inefficient Police Officers. On the contrary, I think it is a Mistake to suppose that any Part of the Failure of our Police Arrangements is traceable to the Employment of Brahmins or Hindu Clerks as Officers of Police. Doubtless it is desirable that they should be mixed up with other Castes, to make them alert, and their too exclusive Employment would be objectionable; but the same Qualities of superior Shrewdness, Patience, and Subtlety, which have enabled them to engross almost exclusive Possession of Government Employment in the Fiscal Branch will long give them an almost equally exclusive Possession of Office in every Branch of the Police where such Qualities are far more valuable than mere animal Strength and Courage, in fact, in every Capacity superior to that of Sepoy or Watchmen. This is seen whenever the Attempt has been made to enter into the Police, Mahmedans, Parsees, or East Indians. It is very rarely they are really independent of the Brahmins they are intended to supersede. In Nine

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\* "Scarcely any Duties are so utterly incompatible, and require for their Discharge such different Qualifications, as those of Thief-catcher and Thief-trier."—Calcutta Review, No. 19, Page 149. In his Police Report of 1845, Page 472, the Superintendent of Police in Bengal, Mr. Dampier, observes, "The Magistrate, as Police Superintendent, has no Time or Opportunity to act. He is confined to his Cutcherry and Sudder Station. Until some Separation of the Two inconsistent Offices of Thief-catcher and Thief-trier is made, it is a useless Hope to expect that we can reform, beyond placing a Check over the more palpable Abuses."

Cases out of Ten they soon became mere Tools in the Hands of the more patient and cunning Caste; and I can only recollect Two Instances (Mr. Foujett at Poona, and Ardaseer the able Katmale at Surat) in which the Change has been an Improvement on the Brahmins they superseded.

21. What then is the Cause of the signal Failure of all our Plans for checking or detecting Crime, not only I may say in this, but in every other Part of India? Partly, no doubt, Change of Officers, partly the Technicalities of our Courts, and a great many of the other minor Causes glanced at in these Minutes, but mainly our Neglect of Native Police Institutions and Regulations, and our Imposition of other Duties on the Officers who are especially charged with the Duty of detecting Crime and bringing Criminals to Justice. It does not signify whether the Duty so imposed be fiscal, judicial, or even police; unless a Man be able to devote his whole Time and Attention to tracing out any Crime, he can never be an efficient Agent for the Purpose; it is solely and entirely this which prevents our Collectors and Mamludars from being all they should be as Police Agents. It is very rarely that they can be at liberty to throw aside every other Duty, and devote themselves entirely to ferret out the Perpetrators of One Crime, and unless they can do this, Success is impossible in the great Majority of Cases. On the other hand, Experience shows that when they can do so Failure is very rare: put an active and intelligent Mamlutdar on the Track of a Gang Robbery within a reasonable Time, and give him nothing else to do, and it is very seldom that he will fail; but it may be safely asserted that it is not Once in a Hundred Cases that such an Opportunity is offered to him, and the Pressure of numerous other really urgent Duties is always a ready and generally unanswerable Excuse for Neglect.

22. It is most important to bear this in Mind, because the Arrangements proposed will assuredly fail if the Officers charged with their Superintendence be burdened with any other regular Duties, however congenial. For example, if you give them the Charge of a Sudder Station, or of a Town however small, there must be nothing, however trifling, to prevent the immediate Devotion of their whole Time and Attention to the Detection of any Crime that may occur. I am convinced that the System proposed in these Minutes will succeed in proportion as Government keep in view Two Objects:—1st, to have in every\* Collectorate One European, and in every Tulooka One Native Police Officer, ready to act as the Deputy of the Collector or Mamlutdar, in devoting his whole Time and Attention to any given Police Case; and, 2dly, to keep these Deputies in their proper Position as Deputies for this special Object, not as independent Functionaries. This latter is, I am satisfied, quite as essential as the former; but the Views of Sir G. Clerk regarding it, as far as I can gather from his Minute, are not very clearly stated, and I think it would be as well to make the Definition more clear than it appears even in the Right Honourable the Governor's Minute, where, however, the Principle is more strongly enforced. I have myself felt the Difficulty of accomplishing this, but unless the relative Positions of the different Classes of Officers to be employed be clearly defined at the Commencement, the proposed System will cause Confusion and get into Discredit.

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\* An able Writer in the Calcutta Review (No. 19, Page 151) contends for this. Every District, he observes, should have an Officer,—“call him Inspector, Prefect, or Superintendent of Police, it matters little which, whose sole Duty was to trace and detect Crime, to gather Information and Evidence from all available Quarters, and generally to direct and control the Thanna and Village Police. Let it be his Business to superintend the summary Inquiries which the Laws assign to the Local Police, conducting personally such as may seem to require the closest Research, and to send up Cases for immediate Trial to the appropriate Officer; that is, the most serious Charges would go, as at present, to the Judge; the next in degree to the Officer with magisterial Powers, within whose Subdivision they may have arisen; and the most trivial to the Sudder Ameens, or Assistants. Thus would the Chance of Detection be much increased, the Evils of divided Responsibility avoided, and the more willing Co-operation of the Public secured.” See also further Remarks on the same Subject in No. 11, Page 149, of the same able and instructive Periodical, Article, “Administration of Criminal Justice, Bengal,” supported by a Quotation from an excellent Minute by Secretary Halliday, dated the 18th August 1838. It is Part of Sir G. Clerk's Plan to attach to each Mamlutdar “a separate Carcoon, who will be styled Joint Police Amildar.” This Plan has already been introduced with very good Effect into the Ahmednuggur Collectorate. This Functionary will be exclusively employed in the Duties of the Executive Police, correspond with and be subordinate to the Superintendent. His Head Quarters will be the Mamlutdar's Kutcherry, and he will also act in subordination to that Officer, but have a Department of his own.

23. The Position of the sole Commissioner, according to Sir G. Clerk's Plan, or of the Two Provincial Superintendents I would substitute, is clear enough. They are to act as the Eyes and Ears of Government, and to superintend the Police, under the general Control and Authority of the Collector and Magistrates of the Zillahs, in the same Manner as the Revenue or Judicial Commissioners superintend their respective Branches of the Administration. Government will look to these Officers to find out by personal Inquiry what is worthy of Praise or Blame, to bring to light Abuses, to suggest Improvements, and to keep Government better informed than they can be by Paper Returns, as to how the System works. So far all is clear, but next arises the Question, Who is to be held responsible for the Police of a Zillah? the Magistrate or the Superintendent? Who for the Police of the Districts? the Mamlutdar or the separate Police Officer?

24. The Opinions of those I have consulted on this important Question have varied\* on more than any other, the Preponderance, however, being in favour of the Magistrate, and after much and careful Consideration I have arrived at the Conclusion that it is on this Principle we should, in the first Instance, endeavour to work out the proposed Reforms—some of the Expressions contained in the Right Honourable the Governor's Minute, and those quoted from Sir G. Clerk's Minute appear to me to be rather vague, if not contradictory, on this Point. Sir G. Clerk apparently advocates that the Head of the Executive Police should be supreme over the whole Police, both Stipendiary and Village or hereditary, but the Right Honourable the Governor would deprive him of all Control over the latter; and suggests that the Patell, with increased Powers, should be supreme in his own Village, independent of the Superintendent, and subject only to the Authority of the Magistrate. This Point is a cardinal one, and unless clearly settled, there will be constant Collision, Confusion, and Dispute, and the whole Scheme will be a Failure.

25. There can, in my opinion, be little doubt but that if any one saw the Magistrate be made responsible for the Police of a Zillah, the Separation of the Police into a perfectly separate and distinct Branch of the Administration will very speedily and surely follow. This Separation will probably be formal and avowed, but whether it be so or not, it will assuredly be distinct and final in Practice. Unless he continues responsible for the Police of his Zillah, in what will the Magistrate differ from the Judge, except in the Extent of his

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\* Mr. Speede, in his "Criminal Statistics of Bengal," Page 171, observes, "Who will say, then, that the Judicial Branch alone of Criminal Business is insufficient for the entire Occupation of a Magistrate and his One, or better still, Two Assistants; and that the Executive Branch should be left to another Class of Officers, who have been excepted against so strangely, and the anomalous Class of many-headed, uncovenanted Deputy Magistrates substituted, with his ill-defined and worse-regulated Powers, often too encumbered with fiscal Duties, as if to make him more useless, and shall it be said, ridiculous? But of this enough: too much Censure can hardly be passed on the Way the Criminal Jurisprudence in this Country is neglected, and left to be carried on without System, without Control, or without Government." See also the Reply of the Magistrates of Bengal to the Question, "How does the Union of Collector and Magistrate work in your District?" On which Mr. Speede comments: "No Remark, however, appears necessary on the Replies to it, as the Majority seem to agree in considering the Union of the Two Offices as injurious, as is indeed generally admitted by every one who has bestowed a Thought on the Subject."—Criminal Statistics, App. 83. Captain Fulljames and others who are of opinion that the Executive Police should be independent of all Control except that of Government, cite in support of it the Police Regulations adopted by the celebrated Akhbar. These may be summed up as follows: 1st. Katnabs of Cities, Towns, and Villages were appointed, whose Duty it was to keep a Register of the Houses and the Inhabitants. 2d. One House was to be Security for another, so that all were reciprocally pledged and bound each for the other. 3d. The Inhabitants were to be divided into Districts, each having a Chief, or Prefect. 4th. When any Theft or Fire occurred, the Neighbours were bound to give immediate Assistance. 5th. The Prefect and Neighbours were bound to keep themselves informed of the Arrival and Departure of Strangers. 6th. If any Property were stolen or plundered, &c., the Police of the District were bound to restore the Articles, produce the Offenders, or be responsible for the Equivalent. 7th. The most rigid Vigilance was required to prevent the Use of intoxicating Liquors; the Consumer, Seller, Drawer, or Manufacturer, being liable to Punishment. That most of these Rules are excellent, and worthy of Imitation under any Government, may be freely admitted; but I agree with Sir G. Clerk, that we cannot place "a Police Officer paid, as an entirely independent Officer must be, by the Side of every Mamlutdar or Mahalkurree, without either a heavy Increase of Expense, or a Reduction of Salaries, not at present by any means too large." And also in the Observation, that "Independent Officers would not be as efficient, certainly not so influential, as under a System in which both Duties, Revenue and Magisterial, are united, and which yet provided certain competent Police Officers always able to devote their undivided Time and Attention to Police Duties."

Jurisdiction? Any Attempt to give him nominal Authority, and to prohibit his exercising it except in the Absence of the Executive Head of the Police, is sure to fail. The Arguments and Authorities given at the Commencement of the Minute against any such Separation of the Police from the Revenue Branch are quite unanswerable; but the Terms of the 3d and 10th of Sir G. Clerk's Propositions appear to me to tend all that Way.

26. I think, therefore, that unless Government desire to prepare the Way for such Separations, it is requisite that they should very clearly lay it down as a fundamental Rule, that the Magistrate is to continue responsible for the Police of his Zillah, and that his Responsibility is to be a real and efficient Responsibility. This will reduce the Superintendent or Commissioner to the Position of the Magistrate's Deputy, for the special Duty of preventing and detecting Crime; and this in my Judgment is the Position in which the Superintendent will be most efficient, provided the Magistrate and the Superintendent, as they ought or should be made to do, work well and harmoniously together.

27. This will be manifest, if we only consider the Light in which all Natives will view the Superintendent; if they see that he is the Magistrate's Right-hand Man for every thing relating to the Police; that the Magistrate assists and supports him in every Way, attends to all his reasonable Suggestions, and does not interfere with him, except when Interference is really necessary and just. Contrast the Position the Superintendent would under such Circumstances hold in the Eyes of the Community with that of a Man on inferior Salary, without any Prestige from Rank in his own Service, with a virtually distinct and independent Charge, whose Proceedings are viewed with Indifference, if not with some Degree of Jealousy, by the Magistrate and his Assistants. There can be no doubt that, in the latter Case, whatever Weight he might have from personal Qualifications, he would have none from his Position. But it may probably be asked, what if a good and zealous Superintendent be thwarted and interfered with by a bad and indifferent Magistrate.\* It may be safely said that such Cases will be exceptional, and when they do occur Government must correct the Evil with a strong Hand, in the same Manner as a good Survey Officer thwarted by a bad Collector finds Support from the Revenue Commissioners.

28. Supposing the above Principle to be agreed to, it will be necessary to modify the following Propositions of Sir G. Clerk's:—

The 3d would stand as follows:—

“ The Collector and Magistrate is to retain the supreme Authority over the Police Establishment of his Collectorate, and to conduct all the administrative and judicial Duties, but to employ the Superintendent of Police (Vide 4th Proposition) as his special Deputy, in all Matters connected with the Prevention and Detection of Crime, and to be especially prohibited from employing him ordinarily in the other Circuit Duties of a Magistrate's Office.”

Proposition 4, instead of “ the Superintendent, to have exclusive Control over the Establishment of Executive Police,” would run, “ to be the Magistrate's special Deputy for controlling and disposing of the Establishments of Executive Police.”

Proposition 5 I shall allude to hereafter.

Proposition 6 omits “ exclusively”.

Proposition 7. This would run, “ The Mamlutdar to be responsible for the Police of his District in subordination to the Magistrate and his Deputy the Superintendent,” as he is, in fact, now, to the Magistrate's Assistant. Especially if the Assistant be in separate Charge of Districts.

Propositions 8, 9, 10, and 11, would stand as in the Minute.

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\* In thus advocating the Supremacy of the Magistrate in his own Zillah, I do not, of course, propose that he should exercise a minute and vexatious Interference with the Executive Police in the Discharge of their proper Duties. Under ordinary Circumstances they ought to be interfered with as little as possible; and as regards the Discipline, interior Economy, and Distribution of the Constabulary Force, they should be left entirely unfettered in the former, and nearly so in the latter. I recollect a Case where a Magistrate assumed the Power of placing the Men of a Stipendiary Police Corps under Stoppages, and of directing that they should not be allowed to go to their Lines to cook during their Tour of Duty. But all such Matters should be exclusively vested in the Superintendent and Assistant Superintendents of Police.

29. But it is also desirable to lay down very clearly defined Rules regarding Correspondence and Returns. The Superintendent's Records should, I think, form a Part of the general Magisterial Records, and the Police Amildar's Records of the Mamlutdar's, just as an Assistant Magistrate's Records do now. All periodical Returns should be transmitted through the Magistrate or Mamlutdar, as the Case may be, and he will merely countersign and forward them. Neither Duplicates nor Copies need be kept, as the original Return will be on Record for Reference if required, and there will therefore be no Delay. The same Course may be followed with all Correspondence not emergent. In all really emergent Cases the Superintendent may communicate direct with Government, sending a Copy immediately in every and each Case to the Magistrate for his Information. By this System the Magistrate and the Mamlutdar will be kept aware of all that is done in his Charge, without any Increase of Writing; and where Despatch is of Importance ample Provision is made for direct Correspondence.

30. For the System\* I advocate we have an Example, in the relative Position and Duties of the Senior Magistrate and Superintendent of Police at the Presidency, which, when properly understood by both, has worked well. Let the Magistrate, as at present, be supreme in all Matters, police as well as revenue. Let him, with the Aid of his ordinary Assistants, as at present, prepare all Cases for Trial by the Judge, himself disposing of trivial Cases. Give him a special Deputy and Assistant for looking after his Executive and Detective Police Force. This latter Addition to his Means, with a vigorous Superintendence on the Part of Government, will give him all that he now wants; whilst that Union of Power in his Hands which is consonant to the Spirit of the Village Municipality, and therefore well adapted to the Wants of the Country, will be preserved. All that will be required is, zealous Co-operation, and an anxious Desire of all Parties to promote the Government Scheme for reforming the Police.

31. It may, in conclusion of this Branch of the Subject, be observed, that the System above proposed leaves it open to Government, at any future Period, to make the Superintendents more independent of the Magistrates, should the Necessity of so doing hereafter become apparent; and the Change above suggested fail to effect all the Improvements which might be reasonably effected. But it would be a very difficult Matter to bring back the Superintendents to Subordination to the Magistrates after they have been once made independent, should such a System prove in its working prejudicial to the Reform we seek to introduce.

32. The next great Principle of the proposed Reform is a general and systematic Re-organization of the Stipendiary Police. This is very ably discussed in Paragraphs 42 and 56 of Sir G. Clerk's Minute. I need scarcely observe, that I entirely concur in this Portion of the Plan of Reform, for I have already on more than One Occasion commented upon the absurd extent to which Military Discipline and Tactics have been introduced into our Police Corps. In Movements on Parade, in Dress and Appointments, they have been assimilated at an immense Cost to Regiments of the Line.†

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\* There is One Objection to my Plan, which, in Candour, I must allude to. The Provincial Superintendent will be subordinate not to One, but to all the Magistrates of Zillahs in his Division, and may occasionally be distracted by the Requisitions, and it may be the contradictory Orders of those Magistrates. This is certainly an Objection, but it will be neutralized if all Parties act in Harmony together for the good of the Public Service.

† I have now before me a Return of these Corps, furnished by the Sudder Court on the 29th August 1849, showing that on the 1st May of that Year, their annual Cost was 4,65,376 Rupees. The following Explanations, taken from the Column of Remarks, will illustrate the Military Character which, through the Zeal of the Officers in Command, these Corps have gradually assumed:—

Ahmednuggur.—This Corps is armed with Fuzils and Bayonets, Cross-belts and Pouches, and is instructed both as a Regiment of the Line, and as a Light Infantry Corps.

Poona.—Is armed and equipped like Troops of the Line.

Rutnagherry.—Is armed with C. P. Fuzils and Bayonets. The Uniform is assimilated as much as possible to that of the Regiments of Native Infantry, and drilled and exercised in all Military Evolutions.

Tanna.—Is armed with O. P. Fuzils and Flints. The Discipline maintained is strict, and strictly Military, following as nearly as possible the Regiments of the Regular Army.

Surat.—Is armed with Fuzils or cut down Muskets, and Bayonets; disciplined like the Troops of the Line, and practised in Light Infantry Movements.



The Ahmednuggur and Poona Police Corps, and the Ghat Local Infantry, in the Tanna Collectorate, are striking Instances of this Error; the latter Corps vying in every Respect with the Fourth Regiment of Rifles of our regular Army. In expressing my Concurrence in Sir G. Clerk's Remarks on this Branch of the Police, and especially in the Opinion, that the sooner they are demilitarized the better, I also concur in the Right Honourable the Governor's Remark (Paragraph 18.) "that no Scheme of Stipendiary Police Agency should be independent of the Village Police: the Success of the one will depend upon its harmonizing with the other."

33. A radical Change is also required in the Dress of our Policemen. The present expensive Uniforms are but ill adapted either for a Detective Police or for a rapid Pursuit of Offenders in the difficult and jungly Country to which they usually fly for Refuge. On a former Occasion, I recommended that the Sawant Warree Local Corps should be adopted as a Model in this respect, quoting, in support of my Suggestion, the following Extract from a Letter from that intelligent Officer, Major Le Grand Jacob. "The Sawant Warree Local Corps," he observes,\* "has the Advantage of an Equipment that does not interfere with the Comfort of the Men, nor with their free Movement over rough and jungly Country; stiff Stocks to send the Blood to the Head, tight-fitting heavy Caps to keep it there; pipe-clayed Cross-belts with shining Centre-piece to afford Targets to Enemy's Rifles; curtailed Coat to hold only the Wearer; tight Woollens to chafe the Limbs, and Shoes to blister the Feet after long Marches;—all these Articles, sacrificing Utility to Show, are wanting. They wear simply a dark blue Uniform, Turban which blends with the Jungle Foliage, guards against the Sun, and in War answers the triple Purpose of a Rope for drawing Water from a Depth, making a Ladder for scaling a Height, or a Litter for a wounded Comrade; their Body Clothing is a Rifle Green Surtout, called and fastening as an Angrika, with broad Shoulder-knots to secure the Belt; this protects the Loins, and permits of Pockets for little Comforts on sudden Excursions; One black Shoulder and One Waist Belt support Pouch and Bayonet, dark coloured Dungaree Trowsers, and strong Sandals with broad Instep Straps, complete the Dress. On the March their Knapsack is a Cumlee slung over the Shoulders, serving them also for sleeping Apparel. Thus equipped without being oppressed, Utility the only Object aimed at, the Corps has nevertheless sufficient Uniformity of Appearance to take its Place on a Parade Ground with more showy Bodies, and sufficient Military Training to do so effectively. Their Arms, recently received from England, the Percussion Fuzils, are excellent Weapons. On the present Occasion, their first Ball Practice Parade with them, the Targets at 100 Yards, they put in a Fraction under every other Bullet per Man."

34. It would appear from Appendix No. 8, of the Right Honourable the Governor's Minute, that the present annual Expense of these Police Corps is 5,20,359 8 Rupees; and that by reducing them One Half, as suggested by Sir G. Clerk, it is estimated that the Saving will be 2,07,291 0 5 Rupees. This Estimate, I observe, however, is framed on the Supposition that the Candeish Bheel Corps and Guzerat Cooly Corps† are to be reduced to 350 Men. This, I consider, both impracticable and unwise. I would on no account reduce beyond what was their Strength in 1838 Corps the raising of which has given such a just and well-deserved Celebrity to the Name of "James Outram," and from which, especially in Candeish, we have derived so many and important Benefits. With an efficient and well-working Village Police, I have no doubt that the Strength of the other stipendiary Corps may be ultimately reduced,‡ but not, I fear, to the Extent suggested by Sir G. Clerk.

\* Letter to Government dated the 19th March 1849.

† It may, however, be matter of Doubt whether this Corps will be required in Addition to the late Guzerat Provincial Battalion, very lately converted into a Police Corps. This is a Point on which the Opinion of whoever may be appointed Superintendent of Police in Guzerat should be required. But if a Reduction is practicable, it should be in the present Kaira Police Corps, leaving the Cooly Corps intact.

‡ In February 1847, the Sudder Court were called upon for an Opinion, whether these Corps could be reduced; and in September of the same Year they submitted a Summary of the Replies of the Magistrates and Commandants of these Corps, all of whom, without Exception, are adverse to any Reduction; and some of them stating, that an Increase was necessary.

A very recent Order relieving the Troops of the Line from guarding Convicts sentenced to Hard Labour, must have added very considerably to the Duties of this Arm of the Police; and the Police Corps at Tanna has recently been augmented for the express Purpose of enabling it to relieve certain Posts heretofore held by the Native Veteran Battalion. In a Country where mounted Robbers are now seldom known, large Bodies of Horse must be a useless and unnecessary Expense; but a few Police Horse in each Zillah are desirable. What, however, is required, is not a Body of regular Selledar Horse, forming a Part of the Army (for such are our irregular Corps) but simply mounted Policemen. At present the Horse are distributed seldom more than Five, and often only Two, at a Thanna; this destroys their Discipline, and except to turn out and attack a Gang, they are comparatively useless, for their Commandant very naturally resents any but a Military Employment of his Men. They seldom also know the Country, and cannot get from One Town to another without Guides from the Villages. What we require are mounted Scouts, who can hunt up every Quarter of the Country without Assistance, and without, from their Dress, &c., exciting particular Suspicion. There used to be such a Body in Cutch, and in the Kaira, and Ahmedabad Collectorates; and I believe they were always found very useful.

35. But the great Principle of Sir G. Clerk's Reform, and the One to which I attach the most Importance, is the Re-organization\* of the ancient Village

\* I could fill a Volume with the Opinions of the Men of the greatest Celebrity in favour of the Village System of Police, and referring to almost every Part of India. The late Sir Thomas Munro says, "In every Village in India there are Hereditary Watchmen, whose Business it is to guard the Property of the Inhabitants and Travellers from Depredations, and to exert themselves in recovering it when stolen; and there is, perhaps, no Race of Men in the World who are equally dexterous in discovering Thieves. They are maintained by the Produce of an Enam Land, by a trifling Tax on each House, and by a small Allowance from Travellers when they watch their Property at Night. No War or Calamity can make them abandon their Inheritance; if driven from it they always return again, and often live in the Village when every other Person has forsaken it; and this long and constant Residence, together with their Habits of Life, makes them perfectly acquainted with the Character and Means of Livelihood of every Person in it."

For the Honourable Mr. Elphinstone's Sentiments on the Subject, and for his Description of the System of Police under the Mahrattas, I would refer to his Report dated the 25th October 1819; and for the late Sir John Malcolm's Opinions on his several Minutes recorded in 1829-30.

I have always regarded these Three eminent Men as the best and safest Guides on most Questions connected with this Country. A Committee appointed by the Madras Government as far back as 1806 to report on the Police, after consulting all the Judicial Authorities, observed, that "the general Division of the Country into Villages and dependent Hamlets is well known, and the Influence of the head Inhabitants of their Villages is established on the broad Basis of immemorial Usage and prescriptive Right. That this Influence had undoubtedly in many Instances been abused, but that the Abuses, if traced, would probably be found to originate with the ruling Authority; and that, as the Object of the Power which Circumstances lodged in the Hands of these People was public Utility, the Inference appeared reasonable that it might by proper Regulations be reformed so as to answer the Purposes of its original Institution, and that to divert the controlling Power of small Societies from the Persons in whom it was primarily and naturally vested, and to place it in Hands uninterested in the Welfare of the Society, and without any Influence, appeared little calculated to conciliate the Affections of the powerful, or to provide for the Protection of the weak."

Lord Wm. Bentinck, in perfect Union with these Ideas stated, "that the Heads of Villages were the most proper Persons for Police Officers, as having the greatest Influence; that they would be pleased with the Consequence which they would derive from it; that they were the only Persons acquainted with every Transaction, and who have the Power, in consequence, to prevent Robbery and Intrigue; and that without the Aid of this Description of Persons, there could be no efficient Police."

In commenting on and enforcing these Opinions, the Honourable Court of Directors drew the Attention of Government to the Sentiments of the Select Committee of the House of Commons on East India Affairs, as contained in their Fifth Report, in which there is much to support and confirm what we have advanced respecting the Village Police. In concluding their Remarks on this Point, they declare that they "looked to the Revival of the Talliary Office in every Village as the best Security of internal Police." It is the strongest possible Recommendation of the Talliary Police, that it secures the Aid and Co-operation of the People at large in the Support and Furtherance of its Operations, because it is pursued in a Mode which adapts itself to their Customs and Usages, and to that Scheme of internal Policy by which Society among them has been held together from the earliest Ages; and we are firmly persuaded that any System which has been or may be resorted to for the general Management of the Police of the Country, which is not built on that Foundation, must be radically defective in its Construction, and inadequate to accomplish the intended Purposes. The Court therefore directed that Measures might be adopted for re-establishing "this Village Police agreeably to the Usage of the Country, and of placing it under the Orders and Control of the Magistrates; and in such other Parts of the Madras Possessions, in which it may be found neglected, or in a mutilated Condition, we direct it be also restored to its former Efficiency."

System

System of Police, which still exists in more or less Force in almost every Part of this Presidency, or indeed of India, especially in those Parts in which our Laws and Regulations have not been introduced. It is extraordinary that this System, the upholding of which has been strongly advocated by all of our ablest Statesmen of India, by Malcolm, Munro, and Elphinstone, and the Necessity of maintaining which was urged in the Fifth Report of the Select Committee of the House of Commons on East India Affairs, and on numerous Occasions by the Honourable Court of Directors, should have been so much neglected and overlooked, until at length it has become a mere Shadow of what it once was; although it is freely admitted that it is the only sure Foundation on which to create a really efficient Police.

36. On this Part of the Question Sir G. Clerk has touched but very briefly, but it is discussed with great Ability and at great Length in Paragraphs 43 and 76 of the Right Honourable the Governor's Minute. His Lordship's general Remarks on the Village Police are excellent; and although I quite concur in the Inexpediency of removing it entirely from under the Control of the Magistrate, and placing it under the Superintendent of Police exclusively, I nevertheless think that we must chiefly look to the latter Officer for first re-organizing, and afterwards controlling it,—all his Acts being, however, subject to Appeal, and to the Supervision of the Magistrate. I am of this Opinion, first, because the Collectors and Magistrates have not sufficient Time to perform this Duty, and Second, because the harmonious Working of the Stipendiary and the Village Police can never be expected, if the Control of the former is vested in the Superintendent, and that of the latter in the Magistrate. I trust that only Officers of Experience, Judgment, and Discretion, will be selected for the Office of Superintendent of Police; Officers, in short, who may be trusted, and who may safely be entrusted with considerable Power and Responsibility. But as a Check against any harsh or improper Use of such Power, it might be ruled that no Patell or Village Policeman shall be dismissed, or even punished, except in a very moderate Degree, without the Confirmation of the Magistrate; but, at the same Time, the latter should be instructed to support the Authority of the Superintendent, as far as Justice and Propriety will enable him to do so.

37. It is a remarkable Fact, that if any one were to draw up a Code of Rules for preserving and strengthening this ancient System, he could devise nothing better than the Sections on the Subject in the Regulations of 1827. The System has been everywhere impaired, and in some Places destroyed, not by strict Adherence to the Regulations, but by the Way in which the Law has been administered, often in direct Opposition to its Spirit, and sometimes to its Letter, by Judges in whom the practical Control of the Police has been vested during the last Twenty-three Years. I recollect\* one of our Judicial Commissioners, in his Circuit Report, when commenting on the Inefficiency of the Tanna Police, very naively remarks, that the Provisions of the Regulations on the Subject of the Village Police have been almost entirely neglected and lost sight of.† But it does not appear to have occurred to him, that the Sudder Court itself has, in a great Measure, answer for this, seeing that the Judges of that Court have so long had exclusive Control over the Zillah Police. The proper Remedy has already been decided on in the Transfer of the Duty of controlling the Police to Government; but it is well to bear this in mind, as an Instance of the Manner in which Laws intended for one special Purpose, may be rendered nugatory by the single Mistake of vesting their Administration in an unsuitable Body.

\* Mr. Hutt's Circuit Report, dated the 30th May 1846, Paragraphs 36 and 45. He observes, that the Importance of upholding, as far as possible, the original Institutions of the Country has been very frequently re-organized and advocated by some of the most able Writers on Indian Affairs, and especially the Maintenance of the Village System; but he regretted to find that throughout the Zillahs in his Circuit the Patells very seldom exercised the Authority they were formerly supposed to possess, or which was contemplated by the Regulations. The Judges of the Sudder Court concurred with the Judicial Commissioner, and called on the Magistrates to report on the Subject.

† The Judges of the Sudder Adawlut, in their Registrar's Letter, dated the 13th April 1849, state, that it had for some Time past been their earnest desire "to revive the Elements of Rural Police which existed under the Native Government, the only Vestige of which at present in many places is its Expense."

38. I hope and believe that the Difficulty\* of restoring the Village Police is, in Paragraph 53, considerably overrated. Let Government peremptorily direct that the Village Police, such as it existed in the best Times of the best Native Government, be restored. Let each Magistrate be told he is expected to see that this is done, having the Superintendent of Police as his special Deputy for effecting the Restoration; and the Object will be easily done, where the Magistrate and Superintendent know what the Village System of Police really is; but I suspect such Knowledge is not so common as might be supposed, and that some, both Magistrates and Superintendents, will require a little Instruction and a little Control, to prevent their introducing, as the Village Police System, some Crotchet of their own.

39. The ancient System had many Features in common all over India, but it had also its Peculiarities in every Province, and I think the first Step towards its Restoration should be, for Government to call for a Report through the Magistrates from each Superintendent, as to what were the Details of the Village System of Police in each Zillah in the best Times of the best Native Governments. They should be referred to what is on Record or printed on the Subject, and the Reports should be digested, and their Substance submitted to Government. The Information thus collected would be valuable; but the best Effect would be, that the Call would set Men to inquire as to what had existed, instead of imagining what according to their own Ideas would be a perfect System of Village Police.

40. No more fatal Mistake could be committed than to attempt to reform the Village Police on any uniform Model, for it would most assuredly fail. The same general Principles, such for instance as that of communal Responsibility, may run through the System in all Provinces; but the Details always were, and ever must be different, and adopted to Locality, Customs, and Races; you cannot apply an uniform System to the scattered Villages and Hamlets of the Concan, the Bheel Huts of the Satpooras, and the Huwailles of a Kaira Cusba. The ancient System varied with the varying Circumstances of each Province and Race. Therein consisted its Excellence; and if Government would restore it, Care must be taken not to attempt to mould it to one Model, however theoretically perfect; but, on the contrary, to tolerate and even to preserve all Peculiarities, so long as there is nothing objectionable in them except their Peculiarity.

41. The Keystone\* of the whole System is, the Responsibility of the Village Community for all Offences committed within the Village Limits; either to apprehend

\* A Writer in the Dublin Magazine, evidently well acquainted with the great Defects of the Police of this Presidency, observes, "On the whole of the Southern Mahratta Country the Village Police exists, as it has been time out of mind, and has been improved. The Patell or head Officer is the local Village Magistrate, and is entrusted with efficient Powers for the Regulation of his own Village Police. But here, as in Bengal, active European Superintendence is wanting; and again we meet with Collectors and their Assistants over-worked, and unable to attend to those Details under which alone an efficient Superstructure of Management can be effected."—No. 202, Page 702.

† I beg to refer to the late Mr. Ironside's Report on the Condition of Guzerat in 1832, and the Causes thereof, dated 16th January 1832. This Gentleman's Experience of the Province was very great, from having long served in it. After alluding to certain Causes of the prevailing Disorders of a temporary Nature, he observes, "But there are other and more important Reasons to which the disturbed State of the Country may be mainly attributed, and which, unless speedily and vigorously corrected, cannot fail of ultimately leading to still greater Anarchy and Confusion. I allude to the injudicious and dangerous Course which has been pursued by the Abandonment of long-established Usages—Usages which were not only consonant with the Ideas and Feelings of the People, but were warranted and borne out by Years of successful Experience, and which the peculiar Constitution of Society rendered both allowable and suitable; and this too without attempting to substitute any other of corresponding Benefit and Security to the Community. The Knowledge which the Coolies in particular, and the Disorderly in general, have acquired of our no longer considering Villages responsible either for Acts of Depredation committed within their Bounds, or for Robberies or Dhars successfully traced to their Precincts, emboldened them in the first instance to commence a Course of systematic Plunder which, having subsequently received no adequate Check, has been persevered in to an Extent truly alarming, and which has shaken the Confidence of the People at large. This Deviation from the Custom of the Country has also led to great Indolence and Inattention on the Part of Patells, Village Servants, and others more immediately concerned in preserving the Peace by putting down Robbery. Formerly it was an anxious Duty in every Village at the first Break of Day to examine and carefully preserve the Marks of all suspicious Footsteps which might have approached during the preceding Night, in order that, if called upon, they might be enabled satisfactorily to take up and carry on the Traces. This laudable Practice (which, it must be allowed to be, when the State of Society is considered) is now hardly ever performed, or, if practised

apprehend the Offenders or fairly to trace them to some other Locality, and thereby to transfer their Responsibility to some other responsible Party, or on failure

“ practised at all, it is done in so slovenly a Manner as to be entitled to very little Credit. The Custom of watching throughout the Day within the Boundary to take care that no suspicious Persons are harboured there for improper Purposes has also become nearly obsolete. This Neglect arises from Villages being no longer amenable for Robberies. All that is now thought of is to guard against a Charge of Neglect or Connivance being brought against the Inhabitants, and this is easily done by an apparent Show of Zeal and Readiness to act, whilst, at the same Time, it is notorious that Thieves are not only often aided and abetted in their Aggressions, but that Patells and others frequently share in their Booty.”

And Mr. Ironside, as a Remedy for existing Disorders, naturally suggested a Return to the ancient Customs and Institutions of the Country. The Securities and counter Securities which had been taken he deemed sufficient ; but he added, “ It is the Relaxation of the System which now prevails in not following up the Custom of the Country in enforcing Obedience to such Engagements by the Employment of Mohsuls.” Contending that old Usages should not be abolished without substituting others equally or more efficacious, and that where this cannot be done from the Nature of Society, it is better to tolerate such Usages, and thereby preserve the Peace ; and he strongly urged that Government should revert “ to the old established Custom of holding Villages responsible for all illegal Acts committed within their Boundaries, and for all Robberies satisfactorily traced within the same, unless the Inhabitants are able to exonerate themselves agreeably to Usage.”

It was on this Report that the Proclamation given in Paragraph 76 of my Minute was issued, although it never appears to have been acted upon.

All our Officers who are in charge of our non-regulation Provinces, where the ancient Customs of the Country are still maintained in something like their pristine Vigour are in favour of their Revival in our own Districts, as far as Circumstances admit. In fact, without Reciprocity, how can we expect them to be observed in the States subordinate to us ; for instance, how can we demand from these States Compensation for Robberies traced to their Jurisdiction, unless we are prepared to grant it in similar Cases to them ?

With reference to this Custom, Captain Wallace (Letter dated 22d March 1849) writes, “ It may be more uncivilized than that of the British Regulation Districts, but it has the Advantage of being (what the other is confessedly not) in a great measure successful.”

Captain Fulljames (Letter dated the 22d February 1848), “ The Measure, above all others, which appears to me the most expedient to adopt to prevent a Continuance of the existing Want of Safety to Travellers along that Line of Road (Surat), is the Renewal and rigid Enforcement of the Security and Counter-security Bonds, and the making Villages responsible for Offences committed within their Boundaries according to the Customs of the Country.” Again the same Officer (Letter dated the 30th May 1849) writes,—“ Increased Vigilance on the Part of the general Police will not, in my opinion, compensate for abandoning the ancient Customs of the Country. We must enlist the People of the Country in the Cause of good Order by making them responsible or we shall never succeed. At the same Time we must bear in mind, that Justice is never in so false a Position as when she threatens what she does not mean to perform, and that it is not Severity but Certainty of Punishment as the invariable Consequence of Crime that surrounds the Law with its proper Terrors.”

Captain Wallace (Letter dated the 21st July 1849) explains that, in the Mahee Counta, “ The Custom is, that what is called the ‘ Dhurala ’ Population of each Village is assessed when Compensation is granted, namely, the Population bearing Arms—such as Coolies, Rajpoots, and Mahomedans—the Rastec or labouring Part of the Population being exempted.”

I would also refer to the Proceedings of the Magistrate of Ahmedabad in January 1849 in exacting Security from the turbulent Mehwassee Village of Suluj, only Seven Miles from the City of Ahmedabad, and the unwise Interference of the Judges of the Sudder Foujdaree Adawlut, who ruled that, “ The Process of obtaining counter Security by Means of Mohsuls is not recognized by the Regulations,” and that Chapter III. of Regulation 12, of 1827, contains the only precautionary Measures he can legally resort to for preserving the Peace of the Country and preventing Crime, and that if these were insufficient he must report to the Court, in order that on sufficient ground shown, the Suspension of the ordinary Law provided for in Chapter IV. of Regulation 1, of 1847, might, under the Sanction of Government, be resorted to. In an explanatory Letter, dated the 24th March 1849, the Magistrate explained that the Measures adopted against Suluj had for their express Object “ the upholding the Authority of the Village Officer, who had been set at Defiance by a considerable Section of the Inhabitants, and Circumstances appeared to him to be such that without strong Measures the local Police Authority would have been subverted. The Sanklee Zamin, he continued, is an ancient Institution in Guzerat, and can only, he contended, be enforced by Mohsuls, without abandoning the very important Benefits to be derived in requiring Sanklee Zamin, which answers so admirably to control the turbulent Race of Coolies who have frequently given so much Trouble and caused so much Expense to the State by the Military Coercion which used to be so frequently required, and who are so clannish in their Feelings that the Apprehension of a Person they desire to protect is a Matter of considerable Difficulty. This Description of Security does not affect merely Individuals, but Communities, whole Villages, or, as the Case may be, Divisions of Villages. The Bonds cannot be taken from each Inhabitant of the Village. A Demand of this Kind would be more hard upon the People from the greater Difficulty they would experience in obtaining it. The Villages scarcely ever have any Difficulty in obtaining Security as a Community ; but it is a Matter of daily Practice to see Parties in confinement for Want of individual Security. But how is it to be enforced ? Imprisonment is not a proper Course under ordinary Circumstances ; for should a Village refuse to give Security, it would be necessary to confine the whole Community. It would be unadvisable to select ; if the head Man alone were responsible, the ill-disposed would not be at all affected ; and if a Selection were attempted amongst those of bad Character, the Measure would not only be extremely arbitrary, but the Community might probably be broken

failure to do so, to indemnify the Owner for the Loss he has sustained. The Means of enforcing this Responsibility is by a System of Municipal Self-government, which System, though alike in its general Features throughout the Country, differs very much in its Details, and in the Numbers and Powers of Officers employed. Some of these Causes of Difference are natural and permanent ;—such as the Nature of the Country, mountainous or plain ; the Nature of the Soil, rich or poor ; the Character of the Population, bold or timid ; and its Density, or other Characteristics which are not liable to frequent Changes. Now it will be lost Labour to attempt to alter Peculiarities which depend on such Causes, and it therefore behoves Government to avoid wasting its Energies in Efforts to change that which is unchangeable.

42. Other Peculiarities arise from Causes which are artificial, and admit of Alteration ; among the most prominent of these are the Regulations which we have imposed on the People, and the different Degree in which they have been enforced in different Provinces. For example, Rounds or Night Watches of some Kind or another taken by all the Inhabitants in Turn, are in some Provinces one of the Means by which the Inhabitants have from Time immemorial provided for affording each other mutual Aid and Protection. In many parts of the Deccan or Candeish where, with the Exception of a few Brahmins, all the Inhabitants are of Castes used to personal Labour in their Fields, and capable of bearing Arms, such a Rule is a natural Expedient to hit upon, and is easily enforced. But in Guzerat and Parts of the Concan we find whole Villages inhabited by Castes of more effeminate Character, the Men of which would faint at the Sight of Blood. In such a Community Night Rounds and Watches by the Inhabitants generally are not only unknown, but are positively impossible. The unwarlike Inhabitants always have been and always must be defended by hired Watchmen taken from martial Castes. In such Cases the general Principle that all are bound to unite in defence of the Community in which they reside is enforced in a different Manner, by making all contribute in Money towards the Hire of the Rajpoot, the Cooley, or the Bheel Watchman. This is an Example of a natural and permanent Cause of a Variation of System, which no Regulations or Orders of Government will ever alter.

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“ up. The Mode of Enforcement which follows the Custom of the Country, on which this Description of Security itself is based, is the best to adopt. The Mohsullei affects every one, and when the Amount is distributed over the Village, its Effect is that of a very light Fine affecting each Family, and thus the Interest of all is combined not only to obtain the Security, but afterwards to support the Objects of it, when the Village is called upon. The Measure is particularly directed against the Cooly Population, and is one, I think, which if abandoned would risk the Peace of the Country. I have no Hesitation in saying that the Coolies, of late Years, have much improved in their Habits ; but it is to be recollected that only a few Years have passed since the Country was in a highly turbulent and dangerous State. One Generation has not even passed away ; and if the Measures which have tended to improve them and reform their Habits are relaxed, there seems much Room to fear that former Practices may be reverted to. There is no Dissatisfaction expressed at the Measure, which is one the People are accustomed to ; and it consequently appears to me a very unnecessary Risk to abolish this Kind of Security, and its Abolition would, I fear, virtually result were the Process of Mohsullee discontinued, for there is no other feasible Mode of enforcing it likely to prove effectual.”

These Remarks appear to me to be sound and practical. The Judges of the Sudder Court object to the comparatively lenient Practice of Mohsullee, but would not hesitate to recommend Suspension of the Law on an Emergency. If they are correct in their Interpretation, and imposing Mohsuls to enforce Sanklee Zamin is illegal, the sooner a Legislative Enactment is passed declaring it to be legal the better.

Lastly, in a very interesting Work which has just been published, Lieutenant-Colonel Dixon's "Sketch of Mairwara," we have another Proof of the Benefit of maintaining the Principle of Village Responsibility.

“ Formerly there was no Carriage Road from Aboo to the Southward to Khurwah, in Ajinere, Northwards over the Passes of Dewair Chapulian, Peolee, Mundawun, and Kotkuranu. Traffic on Camels and Bullocks could only pass under the Protection of large Military Escorts. Commerce was, in consequence, subjected to much Expense and Interruption. The Reduction of the Hill Tribes permanently opened these Lines of Intercourse, thereby materially conducing to the Interests of the adjoining States. The Arrangements for protecting Trade and Travellers through the Miarwara Hills are so good that a Robbery is a Matter of rare Occurrence. When such a Case happens the Onus of satisfying the injured Parties rests with the Villages where the Injury has been committed. The Duties of Police are combined with those of the Revenue.” Pages 3 and 4.

On this Subject, see also Paragraph 26 of Sir G. Clerk's Minute, and Paragraph 53 of the Right Honourable the Governor's Minute. Although I cannot too strongly advocate the upholding of this ancient Custom, I am also aware that great Care and Judgment is requisite in enforcing it, and preventing any Attempt to fasten a false Charge on a Village.

43. But

43. But in some of the Districts where Night-watchers and Rounds by the Inhabitants in turn are of ancient Institution, we shall find that they are still enforced under very strict Orders issued by the Officers appointed by Mr. Elphinstone to settle the Country. In other Districts we shall find them entirely disused, either under the subsequent Orders of the Magistrate, or under the Decision of the Zillah Judge or the Sudder Adawlut, declaring the compulsory Exaction of such Service illegal. Here is an Example of a Difference of System arising from an artificial Cause, and easily remedied should any Remedy be thought desirable.

44. Now let us consider the Effects of any Attempt to enforce Uniformity of System in this particular Instance. The Magistrate of Candeish finds the Practice in Existence and working well on the Borders of the Satpooras, where the Sudder Adawlut was never heard of. He finds the System has been discontinued elsewhere, because the Patells did not like to be kept out of their Bed, and petitioned against it; and the Zillah Judge had decided that the Requisition of such Service was not recognized by the Law, and could not therefore be legally enforced. Robberies increase, the People petition for a Return to the old System; the Magistrate restores it, and Robberies cease. The System in fact is found to work well; but why? Because it is an ancient Custom of the Country suited to the Habits and Character of the People of that District, and its Non-existence when it was dropped was owing to the artificial Cause of a judicial Decision.

45. But in his next annual Report the Magistrate represents the good Effects that have followed the Revival of the ancient Practice, and straightway either the Government or the Judges of the Sudder Adawlut circulate his Report for the Information and Guidance of all Magistrates, and direct them to endeavour to induce the Inhabitants of all Villages to adopt a Practice which has been found so useful and beneficial in Candeish. A zealous Magistrate of Kara for instance adopts the Scheme, forthwith dismisses lazy Rajpoot, or cooly Watchmen, and determines that the Bannians and Coonbees shall watch one another, and protect themselves; of course the Scheme fails; and why? Because it was not suited to the Character and Habits of the People of that District, and its Non-existence there was the Result of natural and permanent Obstacles.

46. It may seem a Truism to say, that the People themselves are the best Judges of such Matters, and that the Attempt to restore Village Institutions will succeed or fail in proportion as the Wishes and Opinions of the People are consulted; but it is a Truism which we are all very apt to forget, and which could not be too frequently or too strongly impressed upon all charged with the Reform of the Police.

47. There is an Instance before us in these Papers. There has been a long Correspondence regarding the great Want of Watchmen in the Tannah Zillah. It was agreed that they were urgently required; but Messrs. Reed, W. Simson, Pringle, and Law, all proposed different Plans, and the Consequence is, that the Want to this Day remains unsupplied. But had the Truism, that the People were the best Judges of such Matters, been borne in mind, the Magistrate would have proposed to address each Village, "You have no Village Watchmen; you cannot get on without one; Government will help you, but how do you propose to supply the Want?" The Result would not have been Uniformity; you would not have got all the Villages to agree to any one of the Plans proposed; and why? Simply because the Circumstances of the Villages differ in this respect, and because in different Districts you have different Races, available and suitable as Watchmen. Thus, to the North you would have "Doublas," "Warlees," "or Kala Pureij," a Race not found South of Kelwa Mahim. In Koolwan and Moorbaur you would have "Coolies" and "Thacoors," who are found only on and under the Ghauts and their Vicinity. Here and there you would have a Katkurree. To the South you would have "Mhars" and Mahrattas. Each of the Plans proposed by the Magistrates above-named would have been voluntarily adopted somewhere; none would have been chosen by the People, or been found suitable everywhere.

48. Let Government lay it down that a certain Thing is to be done, that Crime is to be as far as possible prevented, and when committed to be detected, and that the Machinery for effecting this is to be the ancient municipal Machinery of the Village Communities, in restoring and giving Vigour and Efficiency to which the Feelings, Opinions, and Habits of the People themselves are to be

consulted, and Half our Difficulties will vanish, because the Essence of the ancient Municipal Institutions is a very considerable Amount of Self-Government, which if you would have the Institution flourish must always be conceded to them as fully as possible, so long as its Exercise has no evil Effect beyond destroying Uniformity.

49. Connected with the Question of Village Responsibility which by making every Member of the Community interested in the Prevention and Detection of Crime adds so much to the Efficiency of the Police and to the Security of Person and Property, we have a very striking Instance of the Mode in which the System which it is proposed to restore has been impaired under our Rule, and an useful Warning of the Insufficiency of good Legislation alone to secure these Objects.

50. Village Responsibility is recognized by Regulation XII. of 1827, in Terms which admit of no Doubt that it was intended to recognize and give Force to the ancient Native Practice on the Subject. That Practice was exactly similar to our own ancient Anglo-Saxon Practice. Where a violent Crime was committed and Loss ensued, the Community within which the Offence was committed was required to seize the Offender, or to purge itself of harbouring him; in other Words, to prove that he fled elsewhere. In default of doing this, the Community was bound to make good the Loss.

51. This Practice still exists in Native States, and is the Foundation of all that is good in their Police. The Law legalizing it in our Regulation Provinces stands unrepealed, but the Practice has become almost obsolete.\* This has been effected by no more powerful Agency than an Interpretation or Decision of the Sudder Adawlut, that it was necessary to prove Complicity or Criminal Neglect on the Part of the Village Community before you could hold them responsible. The native Practice, however, invariably presumed such Complicity or Neglect, unless the Village cleared itself by seizing the Offender or tracing him elsewhere, and thus threw the Burden of Proof of Innocence on the Village. Our Judges presume, according to a very excellent Maxim of English Law, every Man and every Community to be innocent till found guilty, and therefore left to the aggrieved Party the Burden of proving the Guilt of the Village before he could recover Compensation, which was, of course, in almost every Case practically impossible. Hence the Practice has fallen into Disuse, not by the Repeal of the Law, but by using English legal Maxims of Interpretation, instead of the Maxims of that System of customary Law which it was intended to enforce.

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\* In Illustration of this I would refer to a recent Discussion arising out of the Case of a Robbery of the Property of Captain Evans. This occurred at the Guicawar Village of Kullole. The Robbers were fairly traced into a Company's Village, and the Traces were delivered over to the Patell and Police Havaldar, who refused or were unable to continue the Pursuit. But instead of the Village being made responsible, the Magistrate merely fined the Two Police Officers 3 Rupees each—a Penalty altogether inadequate, but quite sufficient to establish the Liability of the Village. I would also refer to our Proceedings in the Case of a Gang Robbery which occurred on the 12th March 1848 in the Rajpeemple Village of Sungla when Property was carried off to the Value of 979 Rupees, and the Watchman wounded. The Robbers were fairly traced to the British Village of Mollalu, and the Police Superintendent demanded Compensation, observing, "as all Native States are answerable for all Robberies traced to their Villages, I conclude those belonging to the British Government are not exempted from similar Responsibility, and as in the present Case, the Robbers it is admitted were traced to Molalce. I cannot see on what Grounds Compensation is refused; as usual, however, the Assistant Magistrate merely fined the Village for Neglect of Duty in failing to carry on the 'Traces,' and on Appeal to the Magistrate he declined to interfere because the Case had already been disposed of." It was in reference to these Proceedings that in my Minute dated the 13th June 1848, I observed:—

"This is a Case in which according to the ancient Custom of Guzerat Compensation ought clearly to have been exacted from the Village; for the Robbery was traced to the Village, and evidently to the Magistrate's Satisfaction, for it is stated the Village was fined for not carrying on the Traces. Mr. Davies, however, states that Compensation cannot be lawfully awarded. If so how can we ever expect to obtain Compensation in similar Cases when Robberies are traced to the Territory of the Guicawar, or to that of the numerous Chiefs in Guzerat, whose Estates are intermixed with British Territory? I have on more than One Occasion pointed out how much the Security of Life and Property in Guzerat depends upon our maintaining the ancient and well recognized Custom of that Province, in enforcing Village Responsibility. If this and other similar Customs, unsuited no doubt to more civilized Communities, but well adapted for those we find in Guzerat and other Parts of this Presidency, had not been allowed to fall into Disuse we should not so frequently hear of Complaints of the Police of Guzerat having of late Years deteriorated."



52. In any Law to revive the ancient Practice, it would be well to recognize specifically all Cases in which the Responsibility is delegated. For instance, in Guzerat and Candeish, where Villages often pay Black Mail to Chiefs, who are in return responsible for all Offences. In such Cases the Principle of local Responsibility is upheld, but local Peculiarities cause it to be applied, not to the Village generally, but to a particular Party as the Representative in such Responsibilities of the Village Community.

53. With reference to the Subject discussed in the 61st and following Paragraphs of the Right Honourable the Governor's Minute, here also I think it is not so much better Legislation that is required as better Practice in the Administration of the Law. In Native States the Patells have not such extensive legal Powers as they possess under our own Regulations. The Difference is, that in Native States they use such Powers as they legally have, and often in their Discretion exceed them, being rarely punished unless the Oppression be very great. In our own Provinces they rarely ever exercise their legal Powers of independent Punishment, being deterred by the Severity with which we punish the slightest Excess or even Want of legal Form. Our Tendency in this Respect is an ingrain national Characteristic, of which a familiar Example may be cited of Judges fresh from England on the Benches of the Supreme Court punishing a Magistrate for some technical Omission in the Warrant arresting a notorious Rogue. Hence it is easier to point out the Evil than to devise the Remedy. Perhaps next to constant Reiteration of the Principles\* laid down by the Honourable Mr. Elphinstone as to the Latitude which must be allowed Patells, if we would maintain the Efficiency of the Office, the next best Thing would be to make it necessary that all serious Cases against Patells should be referred to the Magistrate himself, and to make applicable to them the Doctrine of English Common Law, that a Police Officer (the Patell) is not punishable for Excess of his Jurisdiction, unless it be proved that he exceeded it knowingly and of Malice. This would often protect them when they acted bonâ fide for the Public Good, and gradually they might get less apprehensive of heavy Punishment for slight Excesses of legal Bounds.

54. One of the greatest Obstacles to the Reform of the Police has very recently been removed by the Honourable Court's Authority having been received for placing the official Emoluments† of Patells on a reasonable Footing. On this important Branch of the Question I concur generally in the Right Honourable the Governor's Remarks in Paragraphs 76 and 81. It would indeed be most unreasonable and unjust rigidly to exact the Performance of responsible Duties from this Class of Officers, without assigning to them adequate, though moderate, Remuneration, and most assuredly this should be assigned to the Office, and not to the Individual. Act XI. of 1843 appears to vest the Government with full Power to do this, the Amount of Remuneration assigned to the officiating Patell being in some Measure dependent on the Extent of the Wuttun.

55. The Absence of Official Remuneration, however, is often an indirect Effect of our Fiscal Reforms, for the Benefit and Relief of the People generally; where

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\* "The Patell's Respectability and Influence in his Village must be kept up by allowing him some Latitude both in the Expenditure of the Village Expenses and in restraining petty Disorders within his Village. So far from wishing that it were possible for the European Officers to hear all Complaints on such Subjects, I think it fortunate that they have no Time to investigate them, and think it desirable that the Mamlutdar also should leave them to the Patells, and thus preserve a Power, on the Aid of which we must in all Branches of the Government greatly depend. The zealous Co-operation of the Police is as essential to the Collector of Revenue and to the Administration of Civil Justice as to the Police, and it ought, therefore, by all Means to be secured. Too much Care cannot be taken to prevent their Duty becoming irksome, and their Influence impaired by bringing their Conduct too often under the Correction of their Superiors. Care also ought to be taken of the Condition of the Village Watchman, whose Allowance, if not sufficient to support him, and to keep him out of Temptation to thieve ought to be increased, but it ought not to be so high as to make him independent of the Community, and it ought always to be in part derived from Contributions which may compel him to go his Rounds among the Villagers as at present."—Mr. Elphinstone's Report dated the 25th October 1819. And Sir J. Malcolm has observed, "Indeed every Day's Experience shows that the Village System must become (as it was formerly) the Foundation of the Prosperity and general Tranquillity of the Country, and that every Part of the Revenue and Judicial Regulations which tend to lessen the Respect and Authority due to Patells and Heads of Villages must be injurious."

† In Appendix 4 of the Right Honourable the Governor's Minute will be found an Epitome of the Proceedings of this Government with the View of ameliorating the Condition, and settling the Remuneration of this useful Class of Officers.

a Part of the Government Revenue was raised by Excise and Assessed Taxes, Exemptions from them constituted a Part, often the whole, of the Patell's Emoluments. When the Village Buffaloes or Houses were taxed, the Patell had some Profit, and more Honour in having his House and Buffaloes exempted. The Repeal of these and similar Taxes has deprived him of this comparative Advantage and Consideration; and it is not easy to give him an Equivalent, except at increased Cost to the State, which must, however, be incurred.

56. On the Subject of the best Mode\* of remunerating Patells and Police Officers, Opinions vary very much. Some hold that Rent-free Land is the best Mode which Government can adopt, because it confers Honour, and is valued beyond its Money Value. Others, again, contend for a Money Payment, because agricultural Pursuits distract their Attention from the Duties required of them. There is no Advantage, however, in discussing this Question, the Honourable Court of Directors having very recently determined, no doubt after mature Consideration, that henceforward Money Payments shall be made in preference to Grants of Land.† I regret this Decision as a Rule of universal Application, and could have wished for a discretionary Authority to adopt either Mode, as might have been found expedient according to local Circumstances. The Answer given in Paragraph 105 of the Right Honourable the Governor's Minute to the Objections urged by Messrs. Hart and Wingate against Grants in Land appears to me quite just. If you know how to manage them, Parties remunerated by Land are just as manageable, and often more so, than stipendiary Servants. I have no doubt that the universal Introduction of Money Payments will occasion a considerable Increase of Expense. It will be necessary to vest Collectors and Magistrates with considerable discretionary Powers, to ensure a speedy Settlement of the long-pending Question of additional Remuneration to unpaid and underpaid Village Officers. Let Government lay down the general Principles on which it is to be awarded, and direct one of our ablest Collectors to settle his Zillah on those Principles, and report the Result and Cost to Government, and so on in succession, until all are settled. The Discretion is less than is allowed in granting annual Remissions, and the Evil of withholding it far greater.

57. The Rules suggested in Paragraphs 67 to 76 of the Right Honourable the Governor's Minute, for reviving‡ and maintaining the Influence and Authority of the Patell in his own Village, seem well adapted to effect that Object, except that for the Reasons stated, and under the Restrictions proposed in Paragraph 36 of my Minute, I think that the Provincial Superintendent of Police should be vested with the Control of the Village Police. By making the Superintendent and his Assistants the Magistrates, Special Deputy, and Assistants in all Police Matters, many of the Difficulties noticed will be removed.

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\* On this Subject, see Paragraph 91 of the Right Honourable the Governor's Minute; I think, however, it is a great Mistake to insist on the Land to be granted being Waste, and I much doubt its Economy. There is often no Waste Land to be had in a Situation convenient for the Party to be remunerated, and in any Case he would value much more a Rent-free Grant of Half the Quantity of Land, if allowed from the Land he already cultivates. In the Southern Mahratta Country, Land yielding from Eighteen to Twenty-four Rupees Revenue (i. e. One and a Half to Two Rupees per Mensem) would be considered ample Remuneration by the Villagers themselves. This Point of the Sufficiency or Insufficiency of Pay for a given Service is just one of those which Government had far better leave to the local Officers to settle, merely telling them that they are to suggest what will be generally considered a sufficient but not excessive Remuneration. Let Government look to the Sum Total for the Province, and judge from that whether the Object be worth the Cost or not.

† Vide their Despatch dated the 6th November 1850, in which the Settlement of the Allowances of the hereditary Village Officers (Patells and Coolkurnees) in the Deccan and Southern Mahratta Country is left to the Discretion of this Government, with an Expression, however, of their Concurrence in the Opinion of Captain Wingate that the entire Remuneration of the Officers should be in Money, not only as indispensable to the Finality of the Arrangement, but because they are disposed to think that a Payment in the Nature of a Salary will be far more likely to secure efficient Service, than if any Portion of the Emoluments are derived from the Proceeds of the Wuttun Land which may belong to the officiating Member of the Family.

‡ The Destruction of the Patell's Authority has been a short-sighted Policy. Their Faults considered venial in the Eyes of the Community, and often committed in utter Ignorance of the Regulations, are frequently magnified and misunderstood by Time-serving Mamlutdars and over-zealous Assistants desirous of attracting the Notice of their Superiors. This, combined with Ignorance of the Law under which they live and dread of doing aught that will make them amenable to its Provisions with Insufficiency of Emolument, and consequent Absence of all Independence of Feeling and Action, is, I apprehend, the true Cause of the Decay of the Village System of which the Patell is the Keystone.

58. I have no Remark to offer on Paragraphs 86 to 105, on the Subject of our existing Police Establishments, except that they will form an admirable Basis for Instructions, to be in the first instance issued to the Superintendents of Police. In Guzerat the Materials already exist, and scarcely any additional Expense will be necessary. Existing Establishments will only require to be reformed and redistributed, and afterwards vigilantly looked after. In the Tanna and Rutnagherry Collectorates, and in the recently lapsed Territory of Colaba, scarcely any Trace\* of Village Institutions is to be found, though it can hardly be imagined that they did not exist in former Times; indeed, it has been asserted that in the Rutnagherry Collectorate the Lands originally assigned for Police Purposes have been usurped by the Khotas. This Point should be carefully inquired into, and if the Fact be as surmised, the Khotas should be required to relinquish the Lands they have wrongfully obtained, or to provide in lieu an efficient Village Police. In this Tract there are not less than 3,500 Villages, yielding a Revenue of 32,76,389 Rupees. The Watch and Ward System prevails, and should, I think, be maintained, under proper Checks and Limitations, against Abuse, those who are exempted from personal Service being perhaps required to find and pay a Substitute.

59. In Belgaum, Dharwar, and Sholapoor, the Materials for the Formation of an efficient Village Police are superabundant, and it is in this Quarter that we may reasonably hope to be ultimately able to effect such a Reduction of Expense as will at least meet the Increase which may be found necessary in other Districts. For instance, in the Belgaum District there are no less than 11,696 Persons, chiefly Shetsundees, employed in the Police, at a Cost of 2,06,910 Rupees, besides the Hereditary Ghudkurrees of Bheemghud and Parghud, who hold Villages and Lands of the Value of 6,925 Rupees. In Dharwar, for 1,093 Villages, there is a superabundant Number of 4,639 Shetsundees, receiving 91,826 Rupees in Land, and 3,076 Rupees in Money.

60. I quite concur in the Right Honourable the Governor's Remarks (Paragraph 98), respecting this Branch of the Police. The Resumption of "Shetsundee" and "Ghudkurree" Lands took place on a very large Scale during the Settlement of the Sattara Districts by Captain Grant Duff, and it does not appear that the Measure was thought harsh or unusual. The Holders were informed, "Your Services are no longer required, and you are consequently excused Service, but may continue to occupy your Lands on Payment of the Government Revenue." Care, however, was taken to fix the Assessment on a moderate Scale, and to preserve a few Privileges to those who had obtained their Lands as Rewards for Services, but the Resumption was very extensive.

61. I have little Doubt that were it deemed expedient, similar Resumptions might be carried out in the Southern Mahratta Country without Difficulty or Danger, if properly managed, but it will be better to try the Effect of reforming this Force, so as to make them effective; and effective, I have no doubt they may be made, under a Man like Mr. Forgett, who understands them. Among such a large Body of Men there must be constant Lapses from Failure of Heirs: Vacancies from this Cause need not be filled up; and in order that Reduction in this Mode may not be lost sight of, a Register Roll of this Class ought to be kept with Accuracy.

62. There is a kind of Service for which Shetsundees are peculiarly fitted, and which is greatly needed, namely, that of Chowkedars, in the small Passes and Khinds, of which there are so many in most Parts of the Deccan. At present these Passes are never efficiently guarded throughout any One of the numerous Ranges which cross the Country; and the universal Testimony of Robbers proves the Extent to which their Depredations are checked, by the Risk of being obliged to pass the most ill-watched Chowkee in their Retreat after committing a Robbery.

63. I do not think Sir G. Clerk's Estimate of the present annual Cost (Twenty-five Lacks) of our Police Establishments, can be considered strictly†

\* This is noticed by Mr. Le Geyt in his Circuit Report dated the 23d November 1849, in which he attributes an Increase of Crime in the Rutnagherry District to the "total Want of anything in the Shape of an organized Village Police."

† From a Letter from the Magistrate of Candeish dated the 29th September 1849, it appears that the Estimate of the Police of that Province was over-estimated by Sir G. Clerk to the Amount of 1,03,072 10 9 Rupees, and that since then it has been further reduced to the Amount of 39,349 Rupees.

accurate. In that Sum is included all the Irregular Corps, some of which perform many Duties of a purely military Nature. It also includes One Third of the Income of every Officer who holds joint Revenue and Police Authority; but a Tenth would have been a fairer Estimate. It includes the annual Value of all the Lands held by Police Wuttundars, but it is not stated whether the Value is estimated by the Government Revenue of the Land, or the gross Revenue. It is quite clear, also, that a considerable Part of the Establishment included in such an Estimate should not be regarded as Police. Now they can be used for no other Purpose; but the Engagements with them were entered into with other Views; and even if they have become useless for different Duties now, it might be necessary, as it has been, to bear the Expense of them as Payments for Services already rendered, not to be discontinued without Breach of Faith. This Feeling has practically operated, and these kind of Views have influenced Government in its Policy and Treatment of Bheels in Candeish, and Ahmednuggur, and of Coolies in Guzerat. It is also to be observed in its Ruckwaldarre System, in the Syadree Range, and in the Shet-sundee System in the Southern Mahratta Country. Only such Portion of the Expense of all these Establishments as are required for purely Police Purposes should be debited to the Police, and the Remainder be regarded either as a revenue or political Question; the Expense of their Privileges being shown as a general not Police Charge, just as in the Case of Wuttundars and Hukdars, whose Occupations are gone, but whose Claims are allowed to hold good for a longer or shorter Period. If a new Calculation were framed of the Number and Expense of the Police on the above Principles, the Results would be very different.

64. Still with all these Abatements it must be admitted that the Expense of the present Police is very great. The Right Honourable the Governor (Paragraph 84) appears to contemplate that an increased Expenditure will be the Result of the proposed Reforms, and roughly estimates that it will amount to 41,118 Rupees per Annum. If really required we should not grudge\* this, or hardly any Amount, in performing one of the chief Duties of Government, or that of efficiently providing for the Protection of its Subjects; and I quite concur in Opinion, that we should be amply compensated for the Outlay. But I feel almost certain that the whole of these Reforms† can be effected without any Increase immediately, and with a Reduction prospectively; we have ample Material, and no Increase is required to effect all our Objects, but merely their Reorganization, and a better Distribution. Sir G. Clerk estimates the Expense of the present Village Police at Eight Lacks per Annum, "consisting of Lands alienated for Police Purposes, or of "Money Payments." All these should, when Leisure will permit, be strictly scrutinized by the Superintendents, for I have little doubt it will be found that a considerable Amount disbursed under this Head has been diverted from its original Object. In some Cases it will be discovered that no Service is performed for Emoluments granted on condition of Service, whilst in others, from Want of proper Supervision, the Service is ostensibly but inefficiently per-

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\* In a Despatch to the Government of Bengal dated the 20th of January 1838, the Honourable Court of Directors express their earnest Desire that "no financial Considerations should be allowed to stand in the Way of a Change so urgently required" as the Reform of the Police. In 1840 in Bengal "the actual Expense of the existing inefficient Police is allowed to amount to 67,25,328 Rupees annually, of which, however, only 6,65,472 Rupees are paid directly by Government, or appear on the public Accounts as an Outlay from the Revenue; 60,59,856 Rupees are supposed to be paid by the Zemindars to the Chowkeedars or Village Watch, amounting according to official Returns to no less than 167,196 Men in Thirty-two Districts, a Force of little Use, and to say the least rendering a Service to the Country far from adequate to the immense Expense of their Maintenance.—Mr. Speede's Letter to Lord Auckland of the 10th August 1840. It would appear from an Article in the Ninth Number of 'Selections from public Correspondence' published by Order of the Lieutenant-Governor of the North-western Provinces, that in that Division of India a great Reform of the Chowkeedar System is now in progress. I think we might with great Advantage imitate the Example of the Lieutenant-Governor, and publish periodically 'Selections' from our public Correspondence."

† Mr. Le Geyt, One of our Judicial Commissioners, who has paid much Attention to the Subject of the Police, states the Means exist and without any material Increase of Expense to create a Police fully adequate to protect Life and Property. The State is actually paying upwards of Twenty Lacs of Rupees per Annum for the present Police. There is a nominal Police Force of upwards of 70,000 Men, and all that is required is to reorganize and place under proper Control this large Material. Vide his Circuit Report dated January 1849, Paragraph 90.

The Honourable Court, in a Letter to the Government of Bengal dated the 9th November 1814, observes, "We have little Doubt that a proper Course of Inquiry would in innumerable Instances bring to Light irregular and surreptitious Assumptions of Territorial Allotments which properly belong to the Village Police. These should be resumed and applied to their original Uses, Care being taken in the Exercise of this Power not to interfere with the just Rights of any Party." Again, on the 19th May 1815, they observe, "It is also highly necessary, in order to prevent the Villagers from being doubly burthened for the same Purpose, to ascertain whether they may not already, in some clandestine Form or other, be still taxed for the Maintenance of the public Police of the Village, though the Funds thus raised may be misapplied\* to Purposes of private Advantage. Whenever this may be found to be the Case, the Inhabitants should be relieved by such Contributions being made to form a Part of the general Levy for the Maintenance of the Police."

65. If the Modification I have suggested is deemed worthy of Adoption, the Salary of Commissioner of Police, 42,000 Rupees per Annum, will be saved, and those of the Two Provincial Superintendents substituted. This should, I think, be 1,400 Rupees per Mensem, with a permanent Deputation of Five Rupees per Diem, or for both 37,200 Rupees; the Saving, therefore, is 4,800 Rupees. I find, however, in the Correspondence on the Subject, a Suggestion which would effect a further Saving, and which, on other Considerations I think well deserving of the Attention of Government. In his Letter dated the 27th March 1849, Captain French has proposed the Creation of an Officer to be designated the "Border Magistrate," with full penal Powers to be entirely independent of the Magistrate, and to be in direct Communication with Government. In other Words, he proposes that the Officer who may be appointed Border Magistrate, shall, as the Collectors now do, exercise both judicial and executive Functions; and Captain French has recommended that the present Commandant of the Guzerat Irregular Horse

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\* The following Extract from a Work written in A.D. 1723 by Alli Mohomed Khan, Dewan of the Soobah of Ahmedabad, goes far to establish that the Grassiahs of Guzerat originally obtained their Lands on Tenure of Service. "Assa the Chief of the Tribe of Coolies joined by the whole of the Zameendars (in the Time of Sultan Ahmed) erected the Head of Rebellion and Disturbance. They were, however, punished, and driven from their Retreats, and the Servants of the King were established in every Place. In consequence of being thus completely dispossessed of their Habitations, that Band of Unbelievers being hopeless began to infest the Roads and Villages with their Depredations. Anarchy increased; Confusion prevailed; the Decay of Cultivation became visible, and the Ryots were distressed. Those whose Duty it was to advise in their Foresight put an End to these Calamities, and exacted from the Zameendars of every Village Security to discontinue their Opposition. Three Parts of the Land of each Village under the Denomination of Tuhud was acknowledged as the Property of the King, and One Portion was given to the Zameendars under the Denomination of Wantu, and they were engaged to furnish Guards and Protection to their own Villages, and were to hold themselves in Readiness for the Service of the King whenever called upon. As these People without paying Obedience to the Prince, did not see it possible to establish themselves, they attended to make their Submission, and engaged to pay the Sirkar a Sulami from their Waitha. Some of the Zameendars were converted to Islamism, and provided for the Defence of their own Talooka, and their Possessions were conferred upon them for the Encouragement of the Faith on their consenting to pay the Pishcush."

In some Parts of Guzerat, Wallawa or Escort Huks are still levied, but on Inquiry it will, I think, be found that the Service due from the Possessor of such Huks is not now performed. This Subject should be inquired into.

In a Letter dated the 25th June 1844 Captain Fulljames writes as follows on the Wallawa System:—

"All those Chiefs who now enjoy the Right of Wallawa or Escort Tax should be required to fulfil the Terms of their Agreement, which is to ensure a safe Transit from One Village to another—the Person guarded paying for this Protection; the Chiefs to make good any Loss, or produce the Offenders, in default of which the Wullawas should be stopped."

In the event of the Wullawa System being allowed to be continued, I would beg to recommend that there should be a certain Number of Coolies selected from each Village, whose Names should be registered, and these alone should be allowed to act as Wullawa. The Rates of Fine should also be fixed and put in the Native Character in the Choru of the Villages. Any Wullawa refusing to go, or endeavouring to obtain more than the sanctioned Fine to be liable to Punishment. I annex a Statement of the Rates of Wullawa now levied by the Thacoor of Ghorasir in the Kaira Collectorate, which he actually farms out for 400 Rupees per Annum. The Chief of Sunallee in the same Collectorate levies Wullawa from Moonda to the Mahee River in one Direction, and to Bellad and other Places in another. Another Tax called "Wol" or "Vol" is also levied in Guzerat, but this is for the Protection of Villages and Lands. The Thakoor of Punnar in the Chowal receives 957 Rupees per Annum, and others smaller Sums. The Punnar Chief also receives 300 Rupees for the Chokeat of Veerungaum.

should be appointed to the Office; the Guzerat Police Corps (lately the Guzerat Provincial Battalion, and the Coolie Police Corps) being also placed under Captain Fulljames' Orders. In making this Suggestion, he observes, " I hope I shall be held excused for naming Captain Fulljames in the Way I have done, but the Records of my Office tell the high Estimation in which he is held by Government and I should dread Failure were the Organization of the new System confided to any other Person." I am confident that the Board will fully coincide with me in Opinion of the high and peculiar Qualifications of Captain Fulljames.\* Our Records abound with Proof of this. I will only mention Two, the Intelligence and Ability with which he ferreted out and brought to Justice the desperate Gang of Dacoits under the Jemadar Puthoo, in 1848, and the more recent Case of his prosecuting to Conviction the Murderers of the eldest Son of the Thakoor of Ghorasir, and this too after the Case against them had been abandoned by the Magistrate [at Kaira. I know of no Officer, in short, to whom I would intrust with greater Confidence the carrying out of the projected Reform of the Police. Not having felt myself warranted in communicating with him on this Subject, I cannot, of course, state whether Captain Fulljames would undertake the combined Duties of Commandant of the Guzerat Irregular Horse and of the Two Police Corps above mentioned, as well as those of Provincial Superintendent of Police in Guzerat; but should he be willing to do so, and the Arrangement be approved of by the Board, then I think an Addition of 1,000 Rupees per Mensem to his present Salary would be a sufficient Remuneration; and this a further Saving of 4,800 Rupees per Annum would be effected, applicable, if necessary, to Increases in other Branches of the Police.

66. In some of our Districts it would be necessary to appoint Assistant Superintendents, to be the Executive Assistants in the Police in those Districts under the Superintendent; but this Expense may be met, I think, by Reductions of existing Establishments. For instance, the Situations of Adjutant or Second in Command of Police Corps may be dispensed with when the present military System of Drill and Discipline is abandoned. I think also the Salary of the Commandants who are to be *ex officio* the Assistant Superintendents, and subordinate to the Superintendent of Police, might be prospectively reduced as follows:—

	Present Salary.	Future Salary.	
	Rs.	Rs.	
Ahmednuggur	- 716	- 600	consolidated.
Tanna	- 800	- 600	"
Guzerat Cooly Corps	- 645.6	- 600	"
Guzerat Kaira Police Corps	- 523	- 500	"
Candeish Bheel Police Corps	- 800	- 700	"
Poona Police Corps	- 704.1	- 600	"
Rutnagherry	- 645.6	- 500	"
<b>Total</b>	<b>- 4,834.0</b>	<b>- 4,100</b>	<b>"</b>

\* This Officer's Proceedings enable us to form an Idea of the Advantages likely to follow the System of appointing to each Province and District active and experienced Superintendents, and Assistant Superintendents to the Charge of the Executive Police. In August 1842 he apprehended Four mounted Juts or Scindees; in August 1844, Three mounted Robbers in the Kaira Collectorate, who were convicted. In December of the same Year he seized Nine mounted Dacoits from Bhicaneer with Seventeen Horses, and the Arms of the whole Gang, for whose Apprehension 834 Rupees were granted by Government; they were convicted. In February 1845 the Bharwuttga Gurdall and Beemakooma, for whom a Reward of 500 Rupees had been proclaimed, were killed in an Attempt to seize them. In July 1847 Two mounted Robbers, and in September 1847 Three, were seized and convicted, making a Total of Twenty-four mounted Robbers or Bharwuttgas apprehended since 1842. His Services in the Dacoity Department have been equally useful. In 1845 he seized Twenty-three Bagree Dacoits under Jemadar Urjun near Dhundooka, and in Ahmedabad Taysa Jumadar of the same Gang, for whom a Reward of 200 Rupees had been offered; also Seven Bagree Dacoits at Pitlad, Four ditto at Dakore (all of whom were convicted), and Nine Dehliwallas at Jumbooser, who were sent to Neenuch; in 1847, Dooleechund, Son of Jemadar Johar Bagree Dacoit, who was convicted; in 1848 Jemadar Puthoo and Twelve Khinyur Dacoits, all of whom were convicted, and a Reward of 2,400 Rupees received for the First; in 1849, Hinga, Son of Tajoo Khangur Dacoit, convicted. Total, Fifty-nine professional Robbers apprehended since 1845, besides seizing and convicting Eight Receivers and Purchasers of stolen Property from Dacoits!

I think

think these Salaries, with a Deputation Allowance of Three Rupees per Diem, *in bonâ fide* deputed on Duty by the Superintendent, will be ample; and a monthly Saving of 734 Rupees or 8,808 Rupees is ultimately effected. Add to this the Saving which will follow the Abolition of the Appointments of Adjutant to the Kaira and Tanna Police Corps, and of Serjeant Major and Quartermaster Serjeant, now attached to the Poona Police Corps, the Reduction of the contingent Expenses of the Police Corps generally, and by appointing only One Assistant Superintendent for Sarat and Broach instead of Two as proposed by Sir G. Clerk, the Four additional Assistant Superintendents which will be required, namely, for Belgaum, Dharwar, Sholapoor, and Broach and Surat combined, can be provided without any Increase of Expense at all.\* In fact, there would be a small Reduction in this Part of the reformed Agency.

67. With the Additions and Modifications I have suggested in this Minute, I entirely concur in the Instructions proposed in the concluding Paragraphs of the Right Honourable the Governor's Minute to be issued to the Officers who may be selected to carry out the Police Reforms. It would be superfluous to remark that the Success of the Scheme of Reform will mainly depend on the Efficiency of the Officers selected to carry it out, and on their possessing the peculiar Qualifications requisite to constitute a good Police Officer. Superintendents and Assistant Superintendents of Police should be young Men of Energy and Activity, constantly on the Move, and prepared to proceed at a short Warning wherever their Presence is most needed. As Sir C. Napier observed in regard to the Officers of the Scinde Horse on the Frontier, "They should live in their Saddles." Their First Duty will be, after due and careful Inquiry, to report on the present State of the Police of the Districts, pointing out what is wrong, and what is now to be done, to render it efficient. They will naturally consider all that has been written and suggested in each Zilla, and, avoiding abstract Views and Theories, suggest for Adoption what is practical, and suited to the Habits, Customs, and Feelings of the very diverse Classes of which the Population is composed. The Provincial Superintendents should report, as early as possible, upon the Fitness of the present Commandants of Police Corps to act as Assistant Superintendents, and should, after a given Period to test their Efficiency, his Report be unfavourable, they should without any Hesitation be removed.

68. But there can be no Doubt that the Inefficiency of the present Police System is in Part to be attributed to the Stringency of the Laws we have introduced, and to the Attention paid to Forms and Technicalities, by which the most notorious Offenders frequently escape Punishment.† Those who legislate for India have not always borne in Mind that "the Art of Legislation consists in thus applying the Principles of Jurisprudence to the Situation, Wants, Interests, Feelings, Opinions, and Habits of each distinct Community, at any given Time. Many of these Considerations serve to show, that the sudden Establishment of new Codes can seldom be practicable or effectual for their Purpose, and that Reformatations, though founded on the Principles

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\* "It is not the passing of new Laws or the voting of a larger Expenditure that is chiefly necessary to render the Police efficient. What is mainly required is, that the People be morally and religiously instructed, that existing Laws be more efficiently administered, and existing Expenditure be re-distributed, and directed into the right Channel. The Remedies are all in our own Hands."—Calcutta Review, No. 5, p. 164. ●

† The Case of the Jemadar of Dacoits Puthoo, apprehended by Captain Fulljames in 1848, alluded to in Paragraph 65, is a remarkable Instance of this. In his Confession, he admits having perpetrated Twenty-two Acts of Dacoity, in which no less than Fifty-two Persons were murdered and Fifty-six wounded, and a large Amount of Property plundered. In 1825 a Dacoity occurred at Neriad, in which Nine Persons were killed and Six wounded. "It is a curious Fact (observes Captain Fulljames in a Letter dated the 2d February 1848) that the whole of this Gang were apprehended by the Mamlutdar of Nuriad, many of whom were handed over for Trial before the Sessions Court. All, however, were acquitted, and the Mamlutdar was suspended from his Situation for apprehending innocent People, which they managed to convince the Judge they were."

"Why do not the Parties who are cheated or bullied complain to the Magistrate? They have tried the Expedient, and although in a few Instances successful, they have generally failed in obtaining Redress from Want of judicial Proof. Moral Conviction is One Thing and judicial Proof another. And were a Magistrate to pur'sh on Moral Conviction alone, his Judgment would in all Probability be reversed by the Judge in Appeal, who, in having to form his Judgment by the written Evidence, must be guided by judicial Proof alone."—Revelations of an Orderly, by Panchkouree Khan.

“ of Jurisprudence, ought to be not only adapted to the peculiar Interests of a  
 “ People, but engrafted on their previous Usages, and brought into Harmony  
 “ with those national Dispositions on which the Execution of Laws depends.”—  
 Sir James Mackintosh’s “ Miscellaneous Works,” Vol. I., p. 191.

69. And these Principles have often been enforced by the practical and experienced Statesmen who are occasionally selected to govern India. The late Sir John Malcolm, in a very able Minute; dated the 30th November 1830, remarks, “ The Establishment of a good System of Police is most difficult,\* and  
 “ it has been rendered more so by the Extension of our Laws in their minutest  
 “ Forms and Processes to Districts and Communities, to whose Condition,  
 “ Character, and Habits they are not adapted, and whom they often furnish  
 “ with increased Means of evading the Punishment of their Crimes. The  
 “ Village System should be strictly maintained, and restored where it has  
 “ decayed, and, above all, the Patell ought to be well supported, and rendered  
 “ responsible within his own Circle.” And again, “ The Task of seizing the  
 “ most notorious Criminals is easy compared to that of proving their Guilt,  
 “ according to the Forms and Principle of our Courts of Justice.† There is  
 “ seldom that full Evidence they require, and the Consequence is the annual  
 “ Discharge of well-known Plunderers to recommence their Career of Guilt,  
 “ and to take ample Vengeance on those whom they suspect of having aided in  
 “ their Apprehension. If our Laws are not modified to meet this great Evil, it  
 “ can alone be mitigated by a Change in the Executive Branch of the Police in  
 “ those Provinces that are inhabited, or subject to the Inroads of predatory  
 “ Tribes. The Duties of a Collector are too heavy to admit of his giving the  
 “ Police of such Countries that personal Attention which they require; and  
 “ the Changes on Promotion and other Causes prevent the Assistant being  
 “ sufficient Aid to him in a Branch which particularly demands constant  
 “ Residence in disturbed and often unhealthy Districts, Jungles, &c. Add to  
 “ this what I have stated, that the Regiments which are found a serious Bar to  
 “ the Establishment of a good Police in our well cultivated and tranquil

\* On this Subject, see also Paragraph 20 of Sir G. Clerk’s Minute.

† Of this I may quote a Case of recent Occurrence, wherein the Judge of Dharwar acquitted a Gang of about Twenty Dacoits, on his own Interpretation of the Law of Evidence, which was afterwards declared by the Judges of the Sudder Foujdarees Adawlut to have been erroneous. I am here tempted to annex the Opinion of a very able and zealous, but rather impetuous Magistrate of this Presidency, although I would not wish to be understood as altogether concurring in his Sentiments :—

“ The Subject of the Police is one of the very first and most urgent Importance to the Welfare  
 “ of the Country. It has been greatly neglected everywhere. The Evils arising from our foolish  
 “ Abandonment of the old Village System, our Refinements in Legislation, the Law’s Delay  
 “ and Uncertainty, our Affectation of Precision in wording and form, the Annoyance and Injury  
 “ to the Witnesses detained for Weeks from Home, the notoriously inadequate Pay of the subor-  
 “ dinate Police Agents, the ridiculous Introduction of Baton, Stick, and Pipe-clay into Police  
 “ Corps, Prussian Collars, Cross Belts, heavy Muskets, Red Coats, drill and Native Officers in  
 “ Wellington Boots and Straps to their Trousers, looking very well on the Bombay Esplanade, but  
 “ are not very useful to a Guzerat Thief-catcher. We want Thief-catchers, and we have not got  
 “ them in the Guzerat Provincial Battalion. The Cooly Corps is better and may be still improved,  
 “ but there should be no Drill, and none but the predatory Class admitted. The Evils alluded  
 “ to by Sleeman, Chapter 21, Vol. ii, but particularly Pages 315, 316, 319, 320, 321, and 323,  
 “ have all, under some Modification or other, come under the Eye of every Man who ever sat on  
 “ the Bench with his Eyes open. The Root of the whole Evil is an useless Experiment in  
 “ Legislation, neither homogeneous to the Character of the People, nor suited to the Condition of  
 “ the Country, a Code of Laws the Delight of the Thief, Rogue, and Vakeel, a Stumbling  
 “ Block and Rock of Offence to all, and grievous Hindrance to the efficient Administration of  
 “ Justice, *summa Lex summa Injuria*. The People may have some Confidence in our Honesty and  
 “ Wish to do Justice, but they hold our Courts in Contempt. Look through the Country and  
 “ see who thrive and make Fortunes : they are the Vakeels and People about the Courts. But  
 “ a greater Evil than the Code is the Court of Sudder Adawlut and their incessant fault-  
 “ finding with the Magistrates, and Reversals of Decisions for Defect of Form, and no Reason  
 “ assigned. The Magistrate or Judge is simply informed that ‘ his Decision is reversed, and the  
 “ ‘ Prisoner to be discharged,’ and the Phrase is common, and one that we have all heard, ‘ It  
 “ ‘ is no use ; the Sudder will let him off.’ There is no Magistrate who cannot point to Cases  
 “ in which notorious Offenders have escaped in appeal to the Sudder convicted on strong, sound,  
 “ substantial Grounds ; and so it will be to the End of Time, as long as the Bombay Judge tries  
 “ the Purante Robber, and lets him off because his Mother’s Name is said to be Manje instead of  
 “ Linjee ; it may be very good Law, but it is very bad Justice. I do not agree in thinking it  
 “ expedient to take Magisterial Power from the Collector. We want more Magistrates, but no  
 “ Good can be done if the Magistrates be left subject to the Interference of the Sudder. They  
 “ must communicate direct with the Judicial Secretary ; no Judgment to be reversed for Defect of  
 “ Form ; some Reliance must be placed in the Judgment and Discretion of the Magistrates, and  
 “ then the Police may become a Terror to Evil-doers, and the Praise of those who do well.”

“ Provinces,



ments, and distracts the Attention of the Officers charged with the Preservation of the Peace. A Revision of this Part of our System\* is imperatively demanded by the Interests of Society. A large Number of those Cases which are now open to Appeal ought to be finally disposed of by the subordinate Authorities, and the whole System of Criminal Courts ought to be simplified, and rendered more energetic." And again, the same Writer, who is evidently well and practically informed of the Working of our System, observes, "A Third great Defect in our System of Laws is the Number of Appeals to which a Magistrate's Orders are subject. An Order passed by an Assistant Magistrate can be modified or reversed by a Magistrate. His Decision may be reversed or changed by the Sessions Judge. This again by the Judges of the Sudder Adawlut. In so litigious a Country as India, such a System of Appeal is extremely hurtful. No Felon feels certain of receiving his due Punishment. He has Hopes of Acquittal to the last. If one Court denounces his Crime, another is certain to find out some Loophole for him to escape. Punished by the Magistrate, he appeals to the Sessions Judge, and if dissatisfied with the latter, to the Sudder Adawlut. The worst of it is, the Court of Appeal seldom summons Plaintiff and Defendant, but grounds its Verdict solely upon the Records of the lower Court. No Witnesses are examined; no new Investigation instituted."—Calcutta Review, No. V., Page 186, and No. XI., Page 144.

74. And a Remedy has been suggested, namely, that a Distinction should be made between Appeals on Points of Law and of Fact. "The Court of First Instance, if it be at all qualified for Judicial Investigations, must in the Majority of Cases be more competent to decide the latter Point than the Appellate Functionary, who never sees the Parties or Witnesses, who is precluded from asking a Question, or solving a Doubt. If any Circumstances can be conceived which make it desirable for the Discovery of the Truth to employ the Acts of close personal Observation and Interrogation, those Circumstances exist in their full Force and Extent in India. We think, then, that no Decision as to a Fact should be liable to Reversal, as it is at present, by a single, and so to speak, irresponsible Officer; but that if such Reversal should in any Case appear imperatively demanded by Justice, the Concurrence of at least Two Judges should be required. The Right of Appeal on Questions of Law remaining as it now stands."

75. I think this Subject is well worthy of Consideration. On the Points referred to, we might take Example from the Practice of Her Majesty's Supreme Courts of Judicature, and even that of the Magistrates of Police at the Presidency. The Object of this Check-upon-check System is most excellent, namely, to correct the Errors of Ignorance, Inexperience, and Carelessness, and undue Severity; but such an interminable System of Appeal, however humanely intended, has been shown by Experience to serve chiefly the Purpose of defeating Justice.† Should it be argued that it would be dangerous to abolish or diminish

\* In further Illustration of the Nature of Wullawa and other similar Levies in Guzerat, I annex to my Minute a Copy of a Letter from Captain Fulljames to the Magistrate at Ahmedabad, dated the 8d April 1847.

† "At Calcutta, there are only Two Courts of Justice, and there are no Appeals; a Writ of Certiorari might, indeed, remove a Case from the Police to the Supreme Court, but the Decisions of the latter, in every Criminal Case, are all but final. No Court is competent to reverse them, except the Queen in Council; once passed, they are almost irrevocable. In the supreme Court the Criminal has no Loopholes to escape through; and the barbaous Technicalities of the English Law."—Calcutta Review, No. 1, p. 144.

‡ Another Evil "is the eternal and vexatious Centralization of Power. Excessive Centralization paralyzes individual Exertion. No Man, however able and vigorous a public Servant, can feel free under what exists. It evinces perpetual Suspicion, and, in point of fact, is the Effect of Suspicion. Government does not apparently believe in Judges or its Magistrates just or capable, and therefore have a perpetually sifting Inquisition into their Proceedings. This reduces local Authority to cramps Exertion, and prevents the Exercise of moral Conviction. Appeal may be necessary, but should not be courted, or as it were invited as at present. Inefficient or unjust Judgments would of themselves become manifest, and could be removed, and the painstaking Centralization of the Sudder ought not to be exerted to break down the Existence of what is good, acting also as an Incentive to Litigation and to unlimited Appeal, which it virtually does. To the minutest Details, this centralizing Influence penetrates. Government believes every one of its Servants incompetent, unless satisfied by the most vexatious and harassing Inquisition, that they were not so. Nor is the Inquisition that sits perpetually infallible, though it may consider itself so. Many a Case may be locally decided, on the abstract Convictions of a Judge or Magistrate, that Months after may be refused by the Sudder, upon Perusal of Evidence of which the dry Bones are there, but not the Expression."—Dublin Magazine, No. 202, p. 704.

appellate Authority, or, in other Words, that those entrusted with the Administration of Criminal Justice are not competent for the Duty, except under the Control and Safeguard of Appellate Courts, the Reply is, that Measures ought to be adopted to train up a better and more efficient judicial Service, and thus obtain a better Class of Judges. There can be no Doubt that "Penal Laws loosely enforced are Lotteries in which Offenders speculate, and it is remarkable how accurately they calculate their Chances of Prosecution and Escape."

76. There is One other Remark I have to make, for rendering the Police of the rich and fertile Province of Guzerat more efficient. The ancient Custom of exacting from the Mehwassee Villages of that Province what is termed Sanklee Zamin,—literally Chain Security,—that is, the Extension of the Principle of the communal Responsibility of a single Village to Circles of Villages, has, like many other Usages suited to the Condition of the People, been allowed to become almost obsolete.\* During the Administration of the Honourable Mr. Elphinstone, the Custom was enforced, among others by myself, and tended very much to the Preservation of the Peace and the Prevention of Crime, by making the Village A. not only responsible for its own Acts, but also for the Conduct of the Village B., a similar Responsibility being thrown on B., in relation to A. This wholesome Practice should be revived, and the ancient and the only Mode by which such Securities can be enforced, that Mode, in fact, which is resorted to this Date in our own Non-regulation Districts, namely, imposing Foot or Horse Mohsuls. The Number and Amount of daily Fine,

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\* In a Letter dated the 18th March 1849, Captain Fulljames informs me "there is a Village within Four Miles of Mevassa, the total Revenue of which is under 40 Rupees per Annum, but the Magistrate is obliged to keep a Thanna of the Cooly Police Corps at the Village to keep the Coolies quiet, which costs Government 516 Rupees per Annum. They refuse to furnish Security, and are dreaded by all the surrounding Villages who are not as big Thieves as themselves." One of the First Duties of the Superintendent of Police in Guzerat should be to renew the Sanklee Zamin of the Mehwassee Villages, where it has expired (for in my Time it was exacted decennially), and to extend the System discreetly throughout the Province in such Places as may be necessary.

The following Bail Bond, entered into in March 1826, will more fully explain the Nature of this Arrangement :

"To the Honourable Company.—To Thomas Williamson, Esquire, Collector and Magistrate of the Western Districts. The following Thakoors belonging to Napar, of the Government Share of the Pellad Purgunna, write as follows :—Mottajee Jeebawa, Bownjee Moorbbhye, Abbee Sing Noorbhye Raybhall Goolab Sing, Ameer Sing Puttoo, Jeeteebhye Wuctabhye, Jessabhye Kesunbhye, Marwobhye Zenslabhye, Babhae Lakohbhye, and all other Relations included, do, of our free Will and good Pleasure, enter into and write this Agreement and Security Bond, and that we and all our Relations, Households, Servants, Koolees, and Ryots, and other People, Wanta, or otherwise, and give this Zanklee Bund Putwor Bund, Neckbund, Zail Zamin, Hazir Zamin, which is 'Lula' (continuing for ever), and agree to pay our Revenue Ghans Dana and other Taxes, Year by Year, according to the Government Order ; that we will abstain from all Thieving, Gang Robbery, Quarrels, and Misdeeds of all Descriptions, and that we will not do any of these Things nor allow any one else to do them ; that we will not feed, or give Water, or smoke with such Offenders ; and that if any such Offenders come either to the Villages or Lands of our Villages we will apprehend and deliver them up to the Government, and we will, if any Offenders pass through our Lands, apprehend them and give them up to Government, and if we hear of any other Person having committed Offences, we will report them to Government ; that we will only keep as many Horses as Government will permit,—any above this Number the Government may seize and sell if they like ; that we will not offer any Impediment to Trade along the Roads, nor allow any other Person or Persons to do so ; that if the Footsteps of any Offenders of any Description are brought into the Lands of our Villages we will take them on, or be answerable to the Government, and we will obey all Orders of the Thannadars or Thannas ; that we will produce any Persons of our Village whom Government may desire, whether they have been a short or a long Time there, or we will be answerable for any other Offenders, and produce any who may come to our Village, and have stayed there for a long or short Period ; we will be answerable for his Offence. For the due Performance of this Agreement we bind ourselves in a Penalty of 1,000 Rupees, in Security for which we give the following Villages, Bhetassee Wanta Purgunna Pettad, the Government Share Punnar Punut Sing, Motajee Zulput Sing Kengajee, and all other Relations. The same of Three other Villages.

"We, of our free Will and Pleasure become Security (Zamin), Counter Security (Arr Zamin) which is 'Lula' (Green, fresh, i. e. permanent) to continue in force Year by Year, as long as the Company's Government. If the Dhunnee (the Person who furnishes the Security) fail to act as written above in any respect, we are answerable one and all with our Houses and Families, Brothers, Relations, and Clan at large in any Way the Government may choose. On the Strength of which we have written this Deed. Sumwut 1882. Zalgoon Sood Purvee, 9th March 1826."

Signed by Rana Mootajee Seebuwa and Nineteen others as Security and Counter Security.

I also annex to this Minute a Translation of a Mochulka Bond, entered into in 1826, by the turbulent Inhabitants of the Village of Shinglao, of the Petlad Purgunna, of the Napar Talooka, belonging to the Honourable Company.

varying

varying and increasing according to the Nature of the Offence committed, and the Conduct of the Party to be coerced, should be recognized. It will be in the Board's Recollection, that the Legality of this Practice has recently been questioned by the Judges of the Sudder Adawlut. It will be an evil Day for Guzerat should this Opinion ever be acted upon until the Habits and Manners of the Cooly Population have undergone such a Change as will take more than a Century to effect. It is the Mainstay of the Police; and the only Means we possess in the wildest Parts of Guzerat of seizing notorious Offenders is by coercing their Securities. From my own personal Experience in Guzerat and Kattywar, I can testify to the Efficacy of the Practice. Abolish it, and our political Officers would become completely powerless,\* and the destructive and demoralizing Custom of Bharwuttya would again prevail; and I am the more surprised that an Objection should now be raised on the Subject, when I find that in 1832 the Sudder Court, under the Orders of Government, issued a Proclamation to the following Effect, in which it is expressly stated that the Practice is recognized, and will be enforced:—

*“ Proclamation.*

“ Public Notice is hereby given, that it is the Intention of Government to revert to the ancient Usages and Customs of the Country in all respects, and most strictly to uphold the same, for the Preservation of the public Peace and Tranquillity.

“ It is therefore hereby declared, and all whom it may concern are warned accordingly, that the Zail and Hagir Zamins formerly taken are in full Force, and that all the Provisions and Penalties incurred thereby will be most rigorously exacted, and, when necessary, by the Employment of Mohsuls and levying Roytulbunah; that Villages will be answerable for all Robberies and illegal Acts of every Description which may be committed within their Bounds, or traced thereto, unless, according to Custom, the Inhabitants can exonerate themselves; and all Patells and others concerned in preserving the Peace of the several Villages are hereby called upon to exert their utmost Endeavours to effect this Object, and to apprehend and bring to Justice all Disturbers of the public Tranquillity.”

77. The above Proclamation was issued in 1832, in consequence of the then very disturbed State of Guzerat, and probably the Judges of the Sudder Court, when they are reminded of the Practice having thus been authoritatively recognized, will withdraw their Objections to its Enforcement. The following Extract from a periodical Paper proves that it is even recognized in civilized England:—“ We understand that a strong Force of Police have been sent down and placed over the Town Lands near Thurles, where a Man named Brown was murdered lately. They are to be paid by the Occupants, and remain there till the Assassins are given up to Justice. The Lands of the Deceased's Relatives are not to be touched.”—Home News, dated the 24th February 1848, Page 100.

78. I have observed, that under the Bengal Presidency, in order to stimulate the Police to Exertion, they are by Law entitled to a Commission of Ten per Cent. upon all Property recovered by them. I perceive no sufficient Reason why the same Law should not be extended to this Presidency. Making due Allowance for exaggerating the Value of stolen Property,† there can be no Doubt that the Amount recovered is very disproportionate to the Amount stolen, and there is but too much Reason to fear that the Police, ill paid as they often are, are frequently in collusion with Thieves and Plunderers, and, for a Bribe, allow the latter to retain their ill-gotten Wealth. The Bengal Rule, whilst it would

\* In a Letter dated the 13th June 1848, Captain Fulljames, writing from Cutch, observes, “ What can be a greater Contrast than the Security of Life and Property in Cutch, compared with our Veerungaum Districts, only separated by the Runn? These Puggées, Wullawas, and all unknown Women travel about with Ornaments on, valuable Merchandise passes without Escorts of any kind, and such an Event as a Gang Robbery is almost unheard of. Yet they have no organized Police or Regulations, but they have the Village System in full Force, and the whole Community to assist in carrying out that System in which all are more or less concerned. The Meeanas, Coolies, and Kolas, all Inhabitants of Cutch, were formerly the most notorious and daring Freebooters, but are now among the most peaceable and industrious Ryots. Would that this were the Case in our own Districts, but it is not and never can be, unless we obtain the Assistance of the Community at large.”

† From 1844 to 1846 the estimated Value of stolen Property was 20,10,006 Rupees, of which only 2,73,112 Rupees was recovered. Rewards to Informers during the same Period amounted to 16,816 Rupees.—Sir G. Clerk's Minute, Paragraph 11.

act as a Stimulus to the Police to exert themselves, would also operate as a Check against their Connivance with Crime.

79. To conclude : the Reform in the Police which I would advocate may be briefly summed up as follows:—The Government to be the controlling and supervising Authority, instead of the Judges of the Sudder Foujdaree Adawlut. All Correspondence on Police Matters to be addressed to the Judicial Secretary, and be disposed of by him, with such additional Aid to his present Establishment as may be necessary. That it be then submitted in the first instance to the Member of Government who is also Chief Judge of the Sudder Court, and afterwards passed on by him to the Board, with his own Opinion endorsed thereon. That the Magistrates of Zillas shall continue as at present supreme and responsible for the Police, abstaining, however, from minute Interference in the Details of Executive Police. That these, as is now the Case in Bombay, be entrusted to the Provincial Superintendents of Police and their Assistants, who are to be appointed when required, and who are to be regarded as the Magistrate's executive Police Agents, and as such to have the Control of the Stipendiary Police Corps, and the Superintendence of the District and Village Police Establishments. That Mamlutdars be, as regards the Police of Districts, what the Magistrates are in the Zillas. That a Police Carcoon, or Native Head of the Police, be appointed to each Mamlut or Muhal, as executive Officer in each District, with a separate Establishment of Peons, &c., and with no other Duties to perform than those connected with the Police, a few mounted Scouts being assigned to each. That a System of direct Reports on all emergent and important Matters be permitted on the Part of those who first become cognizant of the Event to be reported, but that ordinarily the subordinate Police Officers will report to the Provincial Superintendents, who will report to the Magistrate, who will forward the Reports to Government, with his Opinions endorsed thereon. That the present Stipendiary Police Corps be reduced in Numbers, reformed, and demilitarized, and the Village Police be reorganized, revived, and extended, the Patells or Heads thereof being restored to something like their original Independence and Responsibility, Honour, and Emoluments, being liable, except in trivial Cases, to be punished by the Magistrate alone, and then subject to an Appeal to Government. That, with this Object, their Powers of summary Punishment for petty Offences by Imprisonment, Fine, and the Stocks, be moderately increased, and that a suitable subordinate Agency, especially Watchmen, be assigned to them.\* Above all, we should insist on the

\* In the Note of Paragraph 41 I have cited numerous Opinions in favour of this System, and I will here add a few more.

In his Minute on Guzerat, dated the 6th April 1821, the Honourable Mr. Elphinstone observes, "The Koolees can only be restrained by rendering the Communities to which they belong responsible for their Conduct, and if we could quietly succeed in bringing each Individual under the direct Operation of our Police, the Effect, I doubt not, would be a great Increase of Robberies. I would, therefore, propose, that in the Mohwassee Villages we should hold the Thakoors responsible for the Tribute, and for the Maintenance of the public Tranquillity. He might be required to give Security, if necessary, and should be obliged to restore stolen Property and to give up Offenders; but he should not be under the Regulations applicable to Mookhee Patells, and it should rest with the Magistrate what Offences to notice in his Village. All serious Crimes ought of course to be noticed, and the Criminal should be demanded of the Thakoor. The Demand should be enforced by a Mohsul and daily Fine. Obstinate Neglect might be punished by apprehending the Thakoor, and Resistance by attacking him as a public Enemy."

Major Lang, the Political Agent in Kuttuywar, states, (Letter dated the 28th April 1849,) "The Responsibility of tracing all serious Offences in this Province is strictly exacted from the Chiefs in whose Talookas the Offences are committed, or into which the Offenders have been traced."

Major Ogilvy, the Political Agent in Cutch, states, (Letter dated the 22d February 1849,) "the System of Police pursued in the political Provinces of Guzerat does not supersede local Usages, and is unencumbered with Forms and Technicalities. The real Evils of our Police System in the Regulation Provinces of Guzerat appears, as observed by Government, to arise from a Departure from local Customs sanctioned by Usage, and suited to the Character and Condition of the People,—from the Multiplication of 'Forms, Checks, and Responsibilities,' and from the Absence of recognized international Police Rules framed for the Guidance of Magistrates in Cases of Crimes committed in the Neighbourhood of British Political and Guicowar Districts."

Captain Wallace, the Political Agent in the Mahecaunta, states, (Letter dated the 22d February 1849;) "Neither the Guicowar nor the People have at present any Inducement to exert themselves in aid of the Law. The Guicowar cannot be expected to co-operate with Cordiality when fugitive Criminals from his State receive an Asylum in the Company's Territory,—when he has to make good all Losses of stolen Property, the Traces of which are carried into his Districts, without ever receiving the smallest Compensation in similar Cases from us; and it would be unreasonable to expect so much public Virtue in the People as to lead them to make great Exertions, and Sacrifices without the smallest Prospect of Compensation. These Results are, I fear, too justly attributed by the Public to the Operation of foreign Law administered on foreign Principles, and the Sufferers by Violence and Fraud too generally consider the First Loss as the least, and resign themselves with constitutional Apathy thereto."

discreet

discreet Enforcement of the ancient and salutary Custom of Village communal Responsibility for Offences committed or traced to a particular Locality, and should endeavour to create a Feeling among all Classes employed in the Police that some Discretion is left to them in the Performance of their Duties, and that while Oppression, and still more Corruption, will be severely punished, Irregularity of Procedure, when good Intention is manifest, will be indulgently treated. Experience may point out that Modifications in the above System may be expedient; but, worked out by able and experienced Assistants, I should anticipate that a very great Improvement in the present Police will soon be the Result.

80. I would, finally, on this Occasion refer to my Minute, dated the 11th May 1850\*, suggesting that a Reference should be made to our most experienced Officers, for their Opinion whether it would be practicable and expedient to disarm the Population of this Presidency. I am not aware what has been the Result of this Reference. There can, however, be no Doubt that the Practice of carrying Arms adds greatly to the Number of serious Offences, and but for it, Quarrels and Affrays which now end fatally would only lead to common Assaults. Although, therefore, I would not advocate the Measure if those best able to judge are of opinion that it would be attended with extraordinary Risk and Difficulty, I think its Adoption otherwise would be attended with the same salutary Results as I believe have followed a similar Measure in the newly conquered Territories of Scinde and the Punjab. It is needless, however, to add, that great Care and Caution would be required in carrying out such a Measure, and that the cordial Co-operation of the Guicowar†, and other States with which our Territories are intermixed, would be essential to its Success. We must not, of course, place our own Subjects under Restrictions, whilst the predatory Classes in the adjacent Districts remain free and unlicensed.

81. In consequence of being about to vacate my Seat in Council, I have been much hurried in the Preparation of this Minute, which I hope will be accepted as an Apology for its Imperfections. I would have very gladly, and I think with Profit, have devoted a much longer Time to it; for no Question which has come under Discussion during my Incumbency of Office involves so many Interests, the Character of Government, and the Welfare and Prosperity of the Country. Finally, I beg to quote, as equally applicable to the present as they were to the Time they were uttered, the following Remarks of the Honourable Court of Directors, in a Despatch to the Bengal Government, dated as far back as the 20th October 1813:—

“ We fully coincide with you in Opinion, that all Native Officers of Police, “ whether Village Watchers or others, should be brought as much as possible “ under the direct Control of the Magistrates; and are also convinced that “ without Zeal, Energy, and Intelligence on their Part in the Discharge of “ their important Functions, the best Regulations must prove ineffectual and “ nugatory. On their superintending Vigilance and Activity in controlling “ and directing their subordinate Instruments does primarily and almost wholly “ depend the Success of any System of Police, however well devised.”

(Signed) J. P. WILLOUGHBY.

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\* “ It would be a great Blessing (I observed) to the Country, and immensely tend to the Prevention of Crime, if some general Plan could be introduced with Safety for disarming the Population of this Part of India, as has been done in Scinde and in Sawunt Warrer, or at all events restricting the wearing of Arms to those who may be registered and licensed to do so.”

† If I recollect right, his Highness the Guicowar, some Years ago actually prohibited the wearing of Arms by his Subjects, and applied to the British Government to adopt a similar Measure. This Application, however, was refused, and I believe his Highness's Arrangement, from Want of our Co-operation, proved abortive. But there can be no Doubt that if such were deemed expedient we can easily induce his Highness to revive the Measure and duly enforce it.

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(True Copies.)

T. L. PEACOCK,

Examiner of India Correspondence.

11th April 1851.

EAST INDIES.

R E T U R N

To an Order of the House of Lords, dated 18th April 1853,

FOR

REPORT of the COMMITTEE formed by Lord AUCKLAND  
in 1838 to investigate the State of the BENGAL  
POLICE:

ALSO,

MINUTES of Sir GEORGE CLERK, 28th April 1848:

ALSO,

MINUTES of Lord FALKLAND, 28th February 1850:

AND ALSO,

MINUTES of Mr. WILLOUGHBY, 11th April 1851,  
relative to the BOMBAY POLICE.

Ordered to be printed 28th April 1853.