

THE INDIAN POLICE COMMISSION 1902-03

[CHAPTERS](#)
[APPENDICES](#)
[SEARCH](#)
[MAIN PAGE](#)

[Full Text Search](#)

[Search on Subheadings](#)

[TOP](#)

TABLE OF CONTENTS

Introduction

Terms of reference Local committees
Method of inquiry
Tour of the Commission
Witnesses examined
Conference of Inspector-Generals of Police

Chapter I

HISTORY OF POLICE ORGANISATIONS IN INDIA

TOP

The indigenous police system of India
Akbar's police organisation
Changes introduced by the British
Failure of British methods
Further remedies tried
Appointment of an Inspector-General in Bengal
Report of Select Committee of 1832
Action taken in Bengal
Reforms in Bombay
Reforms in Madras
Police Commission of 1860
The present position
Thagi and Dakaiti Department
Conclusion

Chapter II

POPULAR OPINION REGARDING THE POLICE AND THEIR WORK

TOP

Views of the late Sir John Woodburn
The corruption and inefficiency of the police
Corruption of investigating officers
Their oppressive conduct
The causes of these abuses
Inspectors
Superintendents
General impression

Chapter III

VILLAGE POLICE

TOP

Advantage of securing village co-operation
Attitude of the people
Comparison with England in 1839
Madras
Bombay
Sind
United Provinces
Central Provinces
Berar
Punjab
Burma
Assam
Bengal
Village police should not be under the regular police
Revenue and police duties
Grouping of villages
Control of headmen
Village watchmen
Remuneration etc., of village watchmen

Improvements recommended
Enlargement of headman's powers

Chapter IV

Regular police : organization, training, pay AND DISCIPLINE

TOP

Selection of officers
Constables: their duties
Enlistment and qualifications of constables
Training of constables
Pay of constables
Head constables
Sub-Inspectors: their recruitment
Training of Sub-Inspectors
Pay of Sub-Inspectors
Inspectors: their duties
Pay of Inspectors
Superior officers
Recruitment and training of European officers
Pay of European officers
Recruitment and training of Native officers
Native Superintendents
Pay of Native officers
Dissent of the Maharaja of Darbhanga
Deputy Inspectors-General
Inspector-General
Armed police
The Bengal system
Recommendations regarding armed police
Division of force into armed and unarmed branches undesirable
Mobilisation of armed police
Military police
Mounted police
Ordinary reserves
European subordinates
Discipline
Punishment: powers of officers
Appeals
Removal of officers of bad reputation
Removal of inefficient officers
Promotion
Period of service for pension
Buildings
Uniform
Uniformity of nomenclature
A single Police Act for the whole of India
Other reforms

CHAPTER V

SPECIAL POLICE FORCES

TOP

Law relating to police in presidency-towns
Subordination of the Commissioner to the Inspector-General
Organization: Superintendents
Inspectors and Sub-Inspectors
European sergeants and constables

Head constables and constables
Mounted police
Criminal Investigation Department
Prosecuting agency
Reserve
Buildings
Delay in courts
Railway police
Connection between railway police and railway administrations
Watch and ward duty
Co-operation between railway and district police
Organization, pay and training
Power of search
Shortages or missing goods
River police
Municipal and cantonment police

CHAPTER VI

THE POLICE IN THEIR RELATIONS TO MAGISTRATES AND TO THE COMMISSIONERS

[TOP](#)

The relations of Commissioners and District Magistrates to the Police Act V of 1861
The Madras Act
The Bombay Act
The Commissioner in Bombay
The Commissioner in Sind
The Commissioner in other provinces
The District Magistrate
Undue interference
The subordination of the police to the District Magistrate
The police and Magistrates generally
Attitude of the Courts
Strictures on the police
Criticism of judicial work
Dissent of the 'Maharaja of Darbhanga
The Maharaja's alternative schemes

CHAPTER VII

THE PREVENTION OF CRIME

[TOP](#)

Importance of preventive work
The law relating to habitual criminals
Proof of previous convictions at any time before release
Tribunals for trial of old offenders
The Finger Impression system
Security for good behaviour
Police supervision
Criminal tribes and gangs
Criminal gangs from Native States
Police surveillance
Beat duties
Communication of information
Road patrols
Beats in towns
Lighting of towns
Receivers

Cattle thieves
Special constables and additional police
Reform of criminals

CHAPTER VIII

REPORTING AND AND INVESTIGATION OF OFFENCES

[TOP](#)

Duty of reporting offences
Record of information
Investigation on the spot
Optional investigation
Cognizable offences
Nuisance cases
Arrest without warrant
Bail by the police
Conduct of investigations
Arrest of accused
Close of investigation
Case Diary
Abuses
Nazar kaid, or informal arrest
Confessions
Section 161, Criminal Procedure Code
Supervision of investigations
Provincial Criminal Investigation Department
Imperial Criminal Investigation Department
Its functions in respect of information
Its functions in respect of investigation
Responsibility of local officers
Frank and cordial co-operation
Difference of opinion
Relations with Native States
Interchange of views

Chapter IX.

PROSECUTION OF OFFENDERS

[TOP](#)

Defects in the prosecuting staff
Necessity for an efficient staff
Remedies proposed
Prosecuting staff proposed
Attendance of investigating officers
Tender of pardon to accomplice
Remands

CHAPTER X

POLICE Statistics AND Records

Statistical tests of police work
Statistical inspection of police stations
Statistics required for the annual reports
Police records
Superintendents to be relieved of account work
Police manuals
Clerical establishment

CHAPTER XI

STRENGTH AND cost OF THE police

TOP

Estimates of strength only approximate
Administrative officers
Superintendents and Assistant and Deputy Superintendents
The block of promotion in Burma
Inspectors
Sub-Inspectors
Head constables
Constables
Method of grading
Estimate of increased expenditure
Increase of expenditure will be gradual

TOP

CHAPTER XII

Summary OF Recommendations
Conclusion

NOTE OF DISSENT BY THE MAHARAJA OF DARBHANGA

TOP

APPENDICES

Resolution appointing the Commission
Training schools for constables
Provincial training schools
The Madras Black Marks Ruka
Draft rules for regulating the relations between the district and railway police
Rules regarding the registration and surveillance of bad Characters
Scheme of beat duty in towns
Police records in respect of which uniformity is desirable
Tables for the Police Administration Reports
Police records and returns
Estimate of the number of police required in Madras
Estimate of the number of police required in Bombay, including Sind
Estimate of the number of police required in Bengal
Estimate of the number of police required in the United Provinces
Estimate of the number of police required in the Punjab
Estimate of the number of police required in Burma
Estimate of the number of police required in the Central Provinces
Estimate of the number of police required in Assam
Estimate of the number of police required in the North-West Frontier Province
Estimate of the number of police required in the Hyderabad Assigned Districts
Estimate of the number of police required in Ajmer-Merwara
Estimate of the number of police required in Coorg
Estimate of the number of police required in the Civil and Military Station of Bangalore

CHAPTERS

THE INDIAN POLICE COMMISSION

INTRODUCTION.

1. In conformity with the instructions contained in the Resolution of the Government of India of the 9th July 1902 the Commission have instituted careful inquiries into the matters referred to them, and they now beg to submit their report.

Terms of reference,

2. The terms of the reference were as follow:-

(i) Whether the organization, Training, strength, pay of the different ranks of the district police, both superior and subordinate, foot and mounted, whether on ordinary duty or in the reserve, are adequate to secure the preservation of the public peace and the proper investigation and detection of crime, and, if not, what changes are required in them, respectively, in each province with regard to its local conditions, in order to attain these objects;

(ii) Whether existing arrangements secure that crime is fully reported or require to be supplemented in any way: and, in particular, whether the village officers and the rural police in each province are efficient aids to the district police in the matter of reporting crime, and, if not, how the relations between the former and the latter can (subject to the condition that the rural police in each province must not be enrolled under the Police Act) be improved;

(iii) Whether the system of investigating offences now in force in each province, the object being to provide for the full investigation of all serious crime, while avoiding interference by the police in trivial matters is capable of improvement, and, if so, in what manner; and whether the institution of fully organized Criminal Investigation Departments, either Imperial or Provincial, is recommended;

(iii) Whether the form of statistical returns now adopted is satisfactory or capable of improvement, and whether the use to which such returns are now put as tests of police working is appropriate

(iv) Whether the form of statistical returns now adopted is satisfactory or capable of improvement, and whether the use to which such returns are now put as tests of police working is appropriate or not;

(v) Whether the general supervision exercised by the Magistracy over the police, and the control of the superior officers (including Inspectors) over the investigation of crime are adequate to prevent oppression on the part of the subordinate police; and, if not, how they can be made so;

(vi) Whether the existing organization of the railway police, its operation as between provinces and states, and its connection with the district police are in a satisfactory condition, and, if not, what improvements can be effected; and

(vii) Whether the career at present offered to natives in the police in each province is sufficiently attractive to induce the proper stamp of men to enter it; and, if not, what steps can be taken to remedy this evil consistently with the recognized measure of necessity for European controlling the district charge.

Local committees

As a preliminary to the inquiries of the Commission each Local Government and Administration except Bengal was directed to appoint a committee consisting of a Sessions Judge, a District Magistrate and a Superintendent of Police in the larger provinces, and elsewhere of a District Magistrate and a Superintendent of Police, to proceed to such districts as are most important from the point of view of police administration and make a local inquiry into the matters set out in the order of reference. These committees made no formal record of evidence, but each drew up a statement of the existing organization of the police, the defects which had been brought to notice and the remedies that had been suggested

Method of inquiry

The President and all the members, with the exception of the Honourable the Maharaja of Darbhanga, who arrived a few days later, and Diwan Bahadur Srinivasa Raghavaivangar, who joined the Commission at Calcutta, had assembled at Simla by the 15th October 1902. A decision was at once arrived at regarding the general lines of inquiry and the method of procedure, which were briefly as follows. For each province a set of questions was framed after consideration of the report of the local committee and the views of the Local Government, and including a request for any suggestions not covered by the questions as framed. Copies of these questions were issued to witnesses designated by the Local Government and to a few persons whose names were suggested by members of the Commission. At the same time a notice was published in the English and vernacular newspapers of the province, giving particulars of the dates and places at which the Commission would hold public sittings and inviting any person who wished to furnish evidence to apply either to the Secretary to the Commission or to the Local Government for a copy of the questions framed for the province and forward his answers to the Commission by a certain date. The object of this invitation was to enable persons not selected as witnesses by the Government to come forward and state their views. Many such

persons are valid themselves of this opportunity, and this was especially the case in Bengal. All replies were examined by the Commission, who then selected for oral examination those witnesses whom it was desirable to examine in elucidation of the evidence given in their written replies.

Tour of the Commission

Before the close of the year 1902 the Commission visited Assam, Bengal and the United Provinces, in the order named. In January 1903 they went to the Central Provinces, and then in turn to Burma, Madras, Hyderabad, Bombay (including Sind), the Punjab and the North-West Frontier Province. The Commission did not visit Beluchistan, as they were informed by the Agent to the Governor General that it was unnecessary for them to do so; nor did he send them any 'case' for the police force of that province. The Maharaja of Darbhanga was unable to visit Burma or Sind, and he was unavoidably prevented from attending some of the sittings held in other provinces. The Commission visited the four police training-schools at a Bhagalpur, Moradabad, Vellore and Phillour, where they saw the students at work and heard lectures given. They also visited a number of police stations and offices.

Witnesses examined

The total number of public sitting for the examination of witnesses was 50. Replies to questions were received from 683 persons, and 244 of these were examined orally. Oral evidence was also taken from 35 gentlemen who had not submitted replies to the questions. The total number of witnesses examined orally was thus 279.*

Conference of Inspectors-General of Police

On the conclusion of their tour the Commission proceeded to Simla for the preparation of their report. With the permission of the Government of India, a Conference of Inspectors-General of Police was then assembled there to consider certain questions relating to procedure, discipline and statistics which were referred to them by the Commissions, and to work out estimates of the financial effect of the changes which the Commission had decided to recommend. The Commission desire to acknowledge the valuable assistance afforded to them by these officers.

TABLE

CHAPTER I

HISTORY OF POLICE ORGANIGATION IN INDIA.

The indigenous police system of India

The indigenous system of police in India was very similar to that of Saxon England : both were organized on the basis of land tenure, and just as the Thane in the time of King Alfred was required to produce the offender or to satisfy the claim, so in India the zamindar was bound to apprehend all disturbers of the public peace and to restore the stolen property or make good its value. Under: the large zamindars were a number of subordinate tenure-holders, all of whom were required in their degree to perform police duties and to bear for the areas of their charges the responsibilities which rested upon the zamindar for the whole estate; and, finally, there was, as a rule, the joint responsibility of the villagers, which could only be transferred if they succeeded in tracking the offender to the limits of another village. This village responsibility was enforced through the headman, who was always assisted by one or more village watchmen. These latter were the real executive police of the country. Although there was, as a rule, only one watchman for the village, he was, when necessity arose, assisted by all the male members of his family, by the other village servants, and in some cases by the whole village

community. His duties were to keep watch at night, find out all arrivals and departures, observe all strangers, and report all suspicious persons to the headman. He was required to note the character of each man in the village, and if a theft were committed within the village bounds, it was his business to detect the thieves, If he failed to recover the stolen property, he was obliged to make up the amount of the value of it so far as his means permitted, and the remainder was levied on the whole village. " The exaction of this indemnity," wrote Mountstuart Elphinstone, "is evidently unjust, since the village might neither be able to prevent the theft, nor to make up the loss, and it was only in particular cases that it was insisted on to its full. Extent; but some fine was generally levied, and neglect or connivance was punished by transferring the inam of the patel or watchman to his nearest relation, by fine, by imprisonment in irons, or by severe corporal punishment. This responsibility was necessary, as besides the usual temptation to neglect, the watchman is often himself a thief, and the patel disposed to harbour thieves, with a view to share their profits. "* To ensure greater protection than the village police were able to afford, payments were often made to the leaders of plundering tribes to induce them to prevent de predications by their followers, a system which obtains to this day in many parts of the peninsula. In large towns the administrations of the police was entrusted to an officer called the " kotwal," who was usually paid a large salary, from which he was required to defray the expenses of a considerable establishment of police. In Poona, for example, the kotwal received Rs. 9,000 a month, but he had to maintain a very large establishment of peons, some horse patrols, and a considerable number of Ramosis, while he was also answerable for the value of property stolen. His appointment, however, was considered a lucrative one, as the pay of his establishment was very low, and both he and his subordinates supplemented their salaries by unauthorised exactions from the inhabitants.

Akbar's police organization

The following extract from the edict framed by Abul Fazul, Minister of the Emperor Akbar, shows that the Mogul system of police followed closely on the lines of that indigenous to the country. The system of mutual security is almost identical with that which existed in England in Anglo-Saxon times and was continued by the Normans:- " The kotwals of cities, husbahs, towns and villages, in conjunction with the royal clerks, shall prepare a register of the houses and buildings of the same, which registers shall include a particular description of the inhabitants of each habitation. One house shall become scrutiny for another; so so that they shall all be reciprocally pledged and bound each for the other. They shall be divided into districts, each having a chief or spics shall be appointed to each district, who shall keep a journal of local occurrences, arrivals and departures, happening either by day or night. When any theft, fire or other misfortune may happen, the neighbours shall render immediate assistance; especially the prefect and public informers, who failing to attend on such occasions, unless unavoidably prevented, shall be held responsible for the omission. No person shall be permitted to travel beyond, or to arrive within, the limits of the district, without the knowledge of the prefect, the neighbours or public informers. Those who cannot provide security shall reside in a separate place off abode, to be allotted to them by the prefect of the district and the public informers. * A certain number of persons in each district shall be appointed to patrol by night the several streets and environs of the several cities, towns, villages, etc., taking

care that no strangers infest them, and especially exerting themselves to discover, pursue and apprehend robbers, thieves, cut-purses, etc. If any articles be stolen or plundered, the police must restore the articles, produce the criminal, or failing to do so, become responsible for the equivalent."

Failure of the indigenous system

The system described above was no doubt well suited to the needs of a simple, homogeneous, agricultural community; but however effectual it may have once been, it could not support the strain of political disorder and the relaxation of control from above. Extortion and oppression flourished unchecked through all gradations of the officials responsible for the maintenance of peace and order. Both village watchmen and the heads of villages, and even the higher officials connived at crime and harboured offenders in return for a share of the booty. Their liability to restore the stolen property or make good its value was disregarded; or if this obligation was enforced, neither the property nor its value was restored to the owner. Fines were imposed when a more severe punishment was called for; and offenders who were possessed of any property could always purchase their liberty. "A very large proportion of the tailors," Wrote Sir LThomas Munro, "are themselves thieves: all the Kavalgars are either themselves robbers or employ them, and many of them are murderess; and though they are now afraid to act openly, there is no doubt that many of them still secretly follow their former practices. Many potails and kurnams also harbour thieves. * * * Many offenders are taken, but great numbers also escape, for connivance must be expected among the kavalgars and tailors, who are themselves thieves; and the inhabitants are often backward in giving information from the fear of assassination, which was formerly very common, and sometimes happens on such occasions. * * * Where crimes have long been encouraged by the weakness of Government, by the sale of pardons, and by connivance wherever persons of rank were concerned, no reformation can be looked for but from the operation of time and the certainty of punishment."

Changes Introduced by the British

This was the state of things, which the British found in existence on their assumption of the older provinces of the empire. The remedies adopted by them differed somewhat in different provinces, but the general lines of reform in all were to retain the village system and to improve the machinery for supervision. The first stem in this direction was to relieve the zamindars of their liability for police service, which was commuted for a payment of enhanced revenue. It was found that instead of protecting the inhabitants of their estates, these landowners had grossly abused the authority entrusted to them for that purpose. "They extorted and damaged wealth, which was dissipated in a jealous rivalry of magnificent pageantry. The weapons, which were intended for the enemies only of the State itself, and against each other, and were used for plans of personal aggrandisement, mutual revenge or public, plunder. It was sometimes with difficulty that the regular or standing army of the State could restrain the insolence, or subdue the insubordination, of these intestine rebels and robbers."* Their place was accordingly taken by the Magistrates of districts, who had under them for police purposes a staff of darogas, with subordinate officers and a body of peons. The charge of a daroga was on an average

about 20 miles square; he had immediately under him from 20 to 50 armed burkundazes, and all the watchmen of the village establishments were subject to his orders. He received a reward of Rs. 10 for every dacoit apprehended and convicted, and he was granted 10 per cent. of the value of all stolen property recovered, provided the thief was convicted. In cities the office of kotwal was continued, and a daroga was appointed for each ward off the city. At later period special regulations were made for the police of cities, the cost being levied from the inhabitants by an assessment on each house and shop.

Considerable reforms were also effected in the administration of criminal justice and a more mild and rational system of trial and punishment was substituted for the cruel and partial methods of the Native Governments.

Failure of British methods

The results of these reforms, however, were far from satisfactory. There was a marked increase of crime everywhere: robberies and murders, accompanied by the most atrocious and deliberate cruelties, were of frequent occurrence; gangs of dacoits roamed unchecked about the country; and, in the expressive native phrase, "the people did not sleep in tranquillity." The causes were not difficult of discovery. The police establishments were inadequate for the prevention of crime now that the gratuities assistance which was formerly required from numerous classes and castes was no longer insisted upon; a much higher degree of proof was required by our Courts, and the criminal soon learnt how difficult it was to secure his conviction; a limited term of imprisonment was substituted, in the case of offences other than murder, for the punishments of death, often in a cruel form, mutilation or indefinite or perpetual confinement which were formerly in force, and were often, in the case of serious crime such as dacoity, inflicted on the spot without any form of trial; finally, if he were convicted and sent to jail, the criminal knew that he would be comparatively well treated and no longer be compelled by torture to restore the stolen property.

"Though the natives put up with petty disorders," said Mountstuart, "they checked great ones with a rough hand and gave themselves no concern about the attendant evils; if robberies were committed, they seized all the suspicious characters in the neighbourhood, and if they succeeded in restoring quiet they did not care though a hundred Ramoosees suffered imprisonment or torture without a fault. Such a course would not be thought of under our Government; but we must consider how much our abstaining from such tyranny must weaken us and must provide a remedy in some more suitable shape."

Further remedial tried

Lord Wellesley began to institute inquiries into the causes of the failure to preserve peace and order in Bengal so early as 1801; in Madras a committee of police was appointed with the same object by Lord William Bentinck in 1806; and in 1813 the Court of Directors appointed a special Committee of their own body to institute an inquiry into the administration of justice and police in the Company's territories in India. In 1814 the Court issued orders on the subject. They condemned the establishments of darogas and their subordinates, and they insisted strongly upon the maintenance of the village police as forming in every village the best security of internal peace. They pointed out that the

village police secures the aid and co-operation of the people at large in the support and furtherance of its operation, because it is organised in a mode which adapts itself to their customs; that any system for the general management of the police of the country which is not built on that foundation must be radically defective and inadequate; and that the preservation of social order and tranquillity never can be effected by the feeble operations of a few darogas and connection with the people, insufficiently remunerated to induce respectable men to accept the office, placed beyond the sight and control of the Magistrate and surrounded with various temptations to betray their trust. The Court, therefore, directed that measures should be taken to re-establish the village police, agreeably to the usage of the country, and that where it was in a neglected condition it should be restored to its former efficiency. The Court anticipated from this measure a reduction of the greater part of the daroga establishment and also of the police corps then maintained. They were opposed to investing zamindars generally with police power, as that measure had been tried and had failed in Bengal, but they agreed to such authority being given in particular cases of approved respectability and willingness to co-operate in promoting the views of Government. The Court finally directed that the duties of Magistrate and the control of the police should be transferred from the Zilla Judge to the Collector. Sir Thomas Munro and Mr. Stratton were appointed Commissioners to carry out these instructions in Madras, and on their recommendation Madras Regulation XI of 1816 was passed for the purpose of establishing a general police system throughout the presidency. The system which was then introduced was thus described by Sir Thomas Munro: "We have now in most places reverted to the old police of the country, executed by village watchmen, mostly hereditary, under the direction of the heads of the villages, tahsildars of districts and the Collector and Magistrate of the province. The establishments of the tahsildars are employed without distinction either in police or revenue duties, as the occasion requires."

In Bombay effect was given to the views of the Court of Directors by Regulation XII of 1827, which established a system of police "founded chiefly on the ancient usage's of the country," and similar in all essential particulars to that adopted in Madras. At the head of the police was the Collector and Magistrate, aided by his Assistants; next came the mamlatdar or tahsildar, whose establishment of peons was used indifferently for revenue and police purposes; and below the mamlatdar was the patel or village officer, who was authorised to employ on police duties all the revenue servants of the village. The head-quarters station and a certain area around it were at first placed, for police purposes, under the Criminal Judge, but this arrangement was soon abandoned as unworkable. The general superintendence of both criminal justice and police was vested in the Court of Sudder Faujdari Adawlut.

In Bengal, owing mainly to the permanent settlement and the consequent absence of the subordinate revenue establishments found in Madras and Bombay, it was impossible to abolish the daroga and his men, but some attempt had been made in 1811 to curtail his powers for evil by removing from his cognizance all complaints of petty offences, as well as of bailable offences, such as forgery, adultery and the like.

Appointment of an Inspector-General in Bengal

That this measure produced little improvement will be shown later, but meanwhile it is necessary to notice an important step taken in 1808, as it marks the first attempt to introduce special and expert control. This was the appointment of a Superintendent-or, as he would now be called an Inspector-General-of Police for the Divisions of Calcutta, Dacca and Murshidabad. This office was constituted for the purpose of concentrating information obtainable from different parts of the country, with view to more extensive and concerted operations for securing the peace, and especially for the discovery and seizure of gangs of dacoits. The Superintendent, who himself held the office of Magistrate of the 24-Pergunnahs, was given what may be described as a superior concurrent criminal Jurisdiction with the several District and City Magistrates, and was directly subject to the authority of the Nizamut Adawlut. He had the power to grant pardons and he worked largely with the aid of informers and spies (goyendas), thus foreshadowing the methods used so successfully at a later period by Colonel Sleeman in his campaign against the crime of thagi. The results obtained by the Superintendent of Police, especially in the suppression of dacoity, were so satisfactory that in 1810 the system was extended to the Divisions of Patna, Behars and Bareilly, the first being placed under the existing Superintendent and an additional Superintendent being appointed for the other two. The system of working with informers was, however, warmly attacked, and as warmly defended. A number of goyendas were found guilty of having themselves committed dacoities with the connivance of the police, but it was maintained that the risk of such incidents was far outweighed by the benefits conferred by the system, under which dacoity had been completely stamped out in some districts and greatly reduced in all.

In 1829 Divisional Commissioners, or Commissioners of Revenue and Circuit, as they were called, were first appointed, and the office of Superintendent of Police was then abolished, partly because its retention would have involved a dual control over the Magistrate, but mainly on the ground of expense. The office of Magistrate was at the same time transferred from the Judge to the Collector, and the Collector-Magistrate became the head of the police, while the Commissioner performed the functions of Superintendent for each Division. These changes were followed by deterioration in the state of the police and an increase of crime, especially dacoity.

Report of Select Committee of 1832

The Select Committee appointed in 1832 to report on the affairs of the East India Company collected much valuable information on the subject of the police administration. The subordinates were shown to be corrupt, inefficient and oppressive, while the superior officers, owing to the multiplicity of their duties, were unable to exercise an adequate supervision. Four years later, after the renewal of their Charter, the Court of Directors drew attention to the improvements called for in the police, and expressed a desire that "no financial considerations should be allowed to stand in the way of a change so urgently required."

Action taken in Bengal

No immediate action was, however, taken anywhere except in Bengal, where a committee was appointed for the purpose of drawing up a plan for the more efficient

organization of the mofussil police. In their report, submitted in 1838, the committee expressed a general concurrence in the view that the transfer of the superintendence of the police to the Commissioners had resulted in a want of Uniformity in its direction and management, since each Commissioner treated general questions according to his individual views; and that without uniformity or control no real improvement could be effected—a conclusion which is of interest in connection with developments in police administration that took place at a later date in Bombay and continue to the present time. No definite recommendation was made on this subject; but Mr. (afterwards Sir Frederick) Holiday, in a Minute of Dissent, proposed, among other sweeping reforms, that the whole force should be placed under the control of a Superintendent General, with four covenanted officers as Deputies, and a Superintendent and an Assistant Superintendent for each district—a scheme of organization which was introduced almost in its entirety some 25 years later. Nothing however, was done at the time, and it was in Bombay ten years later, that the first steps were taken along the path of reform.

Reforms in Bombay

After the annexation of Sind in 1843, one of the first measures undertaken by Sir Charles Napier was the organization of a regular police force. Napier took as his model the Irish Constabulary, as the circumstances of the newly conquered province required a semi-military rather than a purely civil force. The most important feature, however, in which the new force differed from the police of the rest of the country was in its being separate and self-contained organization, its officers having no other functions to perform. This characteristic of the system attracted the attention of Sir George Clerk, the Governor of Bombay, who visited Sind in 1847. He attributed the unsatisfactory condition of the Bombay police to inefficiency in its superintendence, and he was quick to see that the Sind method of organization provides a remedy for this defect. In 1853, therefore, the Bombay police was remodelled, the leading features of the reform being the appointment to every district of a Superintendent, who, while generally subordinate to the Magistrate, had exclusive control over the police; the appointment to every tahsil of a native police officer, holding to the mamlatdar (tahsildar) the same relations as those between the Superintendent and the Magistrate; and the transfer of the supreme control over the police from the Court of Faujdari Adawlut to the Government. This last was the weak point in what was otherwise an excellent scheme, for the Government control devolved upon the Judicial Secretary, an arrangement which proved unsatisfactory and was abandoned in 1855, when the administration of the police was transferred to a Commissioner of Police, who was also Inspector of Prisons.

Reforms in Madras

Madras was the next province to adopt the new police. The Torture Commission of 1855 had brought to light great abuses in the working of the police in that presidency. One of the witnesses before the Commission stated that the police was a terror to well-disposed and peaceable people, none whatever to thieves and rogues; and that if it was abolished in toto the saving of expense to Government would be great and property would be not a whit less secure than it then was. Another witness deposed the police establishment had become the bane and pest of society, the terror of the community and the origin of half

the misery and discontent that existed among the community and the origin of half the misery and discontents that existed among the subjects of Government. The Commission recommended the separation of revenue and police functions and the placing of the police establishments under independent European officers, who would be able to give their undivided time and energies exclusively to the control of the force. The Madras Government accepted these views and recommended the appointment of a Superintendent of Police for each district, adding that it would probably be found necessary eventually to have two Superintendents in some of the larger districts, an anticipation that has undoubtedly been verified by subsequent experience. They also strongly advocated the appointment of a Commissioner of Police for the whole presidency, as the success of the scheme would largely depend upon the whole force being efficiently supervised by some central controlling authority. These proposals were accepted by the Court of Directors, and a Bill was drafted by Mr. J. D. Mayne to give effect to them. It had been the original intention of the Government of Lord Harris to deprive the Magistrate of all executive control over the police, but before the Bill was passed Sir Charles Trevelyan had become Governor of Madras, and it was decided that the Superintendent should be placed under the orders of the District Magistrate. The Bill was modified accordingly and was passed into law as Act XXIV of 1859.

Police Commission of 1860

On the annexation of the Punjab in 1849 a police force was organized somewhat on the lines of the Sind police. It consisted of two branches—a military preventive police and a civil detective police. During the time of the Mutiny this force contributed greatly to the restoration and preservation of order and comparatively large bodies of military police were raised in the other provinces of Bengal, while the Punjab force was largely increased. The heavy expenditure involved proved a serious financial burden, and in 1860 the Government of India urged on the Government of the Punjab the necessity for a general reorganization of the police and a reduction of the cost. The question was accordingly taken up by Sir Robert Montgomery, who had in the previous year carried out the reform of the police of Oudh. The necessity for reform, however, was not confined to the Punjab, and in August 1860 the Government of India appointed a Commission to inquire into the whole question of police administration in British India and to submit proposals for increasing the efficiency and reducing the excessive expenditure. This Commission recommended the abolition of the military police as a separate organization, and the constitution of a single homogeneous force of civil constabulary for the performance of all duties, which could not properly be assigned to the military arm. To secure unity of action and identity of system the general management of the force in each province was to be entrusted to an Inspector-General. The police in each district were to be under a District Superintendent, who, in the large districts, would have an Assistant District Superintendent, both these officers being Europeans. The subordinate force recommended consisted of Inspectors, head constables, sergeants and constables, the head constable being in charge of a police station and the Inspector of a group of stations. No mention is made of any police officer of the rank of Deputy Inspector-General, but the Commission recommended that Commissioners of Divisions should cease to be Superintendents of Police, though it was explained that it was not intended to limit in any way their general control over the

criminal administration, or their authority over District Magistrates. On the subject of the relations between the Magistracy and the police their conclusions were that no magistrate of lower grade than the District Magistrate should exercise any police functions, but that in the case of the District Magistrate it was inexpedient to deprive the police and the public of his valuable aid and supervision in the general management of police matters. The Commission submitted a Bill, based on the Madras Police Act, to give effect to these recommendations, and this was passed into law as Act V of 1860.

The present position

The police forces of the various provinces, with the exception of Bombay, are still organized on the general lines laid down by the Police Commission of 1860, though there has been some divergence therefrom in matters of greater or less importance. Thus, in all the large provinces, the Inspector-General is assisted by one or more Deputies. In some instances the Commissioners of Divisions have been given definite authority in the matter of appointment, discipline and general control, and for this purpose have been appointed ex-officio Deputy Inspectors-General. A considerable body of military police has again come into existence, but the bulk of them are in Burma and Assam, where circumstances of a special character render their employment necessary. In most provinces, too, the subordination of the Superintendent to the District Magistrate has been carried much further than the Commission and the Legislature contemplated. This has been most noticeable in Bombay, where, by section 13 of the District Police Act, the District Superintendent and his staff are placed "subject to the lawful orders of the Commissioner." The office of Inspector-General, or Police Commissioner, as he was called in that presidency had been abolished in 1860, on the ground that its existence had produced friction in the administration, and the duties attached to the post were transferred to the Revenue Commissioners. This arrangement continued in force until 1881, when Sir James Ferguson, the then Governor of Bombay, pointed to the laxity of police administration and its irregular and uncertain action, and urged the necessity for the appointment of some definite official head of the department. His views, however, were not accepted by the other members of the Government until 1884, and an Inspector General was appointed in the following year. But large powers of direction and control were still left with the Revenue Commissioners, and the expressed intentions of the Government of India, that these officers should hold the same position in regard to police administration as in Bengal, have never been completely carried out. Change in the method of recruitment of officers. When the new police was first constituted its officers were largely drawn from the commissioned ranks of the Native Army, but for various reasons this source of recruitment pure and simple. This method of selection was condemned by the Public Service Commission, and since 1893 recruitment in most provinces has been by competition in England, by competition in India, and by the promotion of officers already in the public service.

Thagi and Dakaiti Department

No account of the Indian Police would be complete without some reference to the Thagi and Dakaiti Department of Lord William Bentinck to suppress the terrible crime of thagi. Systematic operations for this purpose were commenced in 1830, and Captain

Solemn was placed in charge of them five years later. His own description of his method of working is well known, and a very brief notice of it will suffice here. Gulled probably by Mr. Blaquiere's success in suppressing dacoity by means of spies and informers (goyendas), which has already been referred to, he developed that system still further by enlisting the services of convicts who were willing to give information in return for a pardon. The rapid success of the operations was remarkable, and in a comparatively short time thagi had ceased to exist as a systematically organized and widely spread crime. In 1839 the task of dealing with dacoity was added to the duties of the department. On the recommendation of the Police Commission of 1860 the department was abolished as a special agency in British territory as soon as the organization of the police in the several provinces was sufficiently advanced to admit of it. Since that time operations have been confined to the Native States in Rajputana and Central India, and to Hyderabad, though an agency existed in Baroda from 1871 to 1883. The department deals only with organized dacoity, which has ramifications over India. With purely local crime it is not concerned. At one time it undertook the control of operations for the settlement and reclamation of criminal tribes, but it now no longer exercises any control over these. Its staff consists of a General Superintendent, who has Assistants and subordinate establishments in Rajputana, Central India and Hyderabad. It acts also to some extent as a central office of criminal intelligence for the whole of India.

Conclusion

In the foregoing paragraphs the history of police organization has been traced from its foundations in a system of village and local police and joint responsibility, through the changes introduced with somewhat disastrous results by the early British administrators, down to the reforms that were carried out about the year 1860. It will nowfar the expectations of the authors of those reforms have failed of fulfilment; the popular estimation of the police will be discussed; and the modifications required by changed conditions will be examined. The system introduced in 1860 was, on the whole, a wise and efficient system. It has failed for these among other reasons: that the extent to which the village police must co-operate with the regular police has been lost sight of, and an attempt has almost everywhere been made to do all the police work through the officers of the department; that the importance of police work has been under-estimated, and responsible duties have ordinarily been entrusted to untrained and ill-educated officers recruited in the lowest ranks from the lower Stratton society; that supervision has been defective owing to the failure to appoint even the staff contemplated by the law and to increase that staff with the growing necessities of administration; that the superior officers of the department have been insufficiently trained and have been allowed from various causes to get out of acquaintance and sympathy with the people and out of touch even with their own subordinates; and that their sense of responsibility has been weakened by a degree of interference never contemplated by the authors of the system.

TABLE

CHAPTER II.

POPULAR OPINION REGARDING THE POLICE AND

THEIR WORK.

Views of the late Sir John Woodburn

In a letter (No, 5453-J., dated 12th December 1901) from the Government of Bengal to the India, it was stated that "In no branch of the Administration in Bengal is improvement so imperatively required as in the police. There is no part of our system of government of which such universal and bitter complaint is made, and none in which, for the relief of the people and the reputation of Government, is reform in anything like the same degree so urgently called for. The evil is essentially in the investigating staff. It is dishonest and it is tyrannical * * * It is essential for a real reform that there should be a bold increase in the wages of a staff which wields so great a power, and in the more careful supervision of their work. This entails an expenditure, which it was impossible to propose in the condition of Imperial and Provincial Announces of recent years. The Lieutenant-Governor has now welcomed the inquiries of the Government of India, because in his judgement, without any hesitation whatever, the improvement of the police must, in the interests of the people and of good government, take precedence of every other project in Bengal." The Commission desire, as the result of their inquiries, emphatically to record their full concurrence in the views of the late Sir John Woodburn as above expressed. There is no province in India to which these remarks may not be applied; though there is no other province in which the necessity for real reform is more urgent than in Bengal. In the provinces in which superior officers of the Revenue and Police departments are most in touch with the people, the popular complaint is no doubt less strong; for the evils referred to have been more held in check by their supervision. But it is in these provinces, on the other hand, that the official evidence is sometimes of the strongest; for these evils have there been more fully recognized.

The corruption and inefficiency of the police

Everywhere they went the Commission heard the bitterest complaints of the corruption of the police. These complaints were made not by non-officials only, but also by officials of all classes including Magistrates and police officials only, but also by officials of all classes including Magistrates and police officers, both European and Native. It was generally admitted that constables possessed very much the characteristics of the classes from which they are recruited; and that corruption was no more an essential characteristic of the constable than of the revenue peon, the process-server or the forest chaprasi. But the corruption of the constable is more intolerable because of the greater opportunities of oppression and extortion which his police powers afford, because of the intimate connection he has with the general life of town and country, and because of the possibility of his being brought at any time into special relations with the individual. The police system seems to the Commission to have aggravated the evil both by under-paying the constable and by assigning to him duties which he is not qualified to perform. To pay a constable Rs. 6 or even Rs. 7 per menses, especially when certain deductions are made for uniform, etc., is to offer strong inducement to dishonesty. An increase of pay will not turn a dishonest into an honest official; but when pay is so low as this, its increase will at least remove one very strong temptation to corruption. It is urgently necessary to remove any excuse for dishonesty which Government should never allow to exist, by giving to the constable a living wage and reasonable means of supporting himself and family

without resort to dishonest practices. To this under-paid official duties are often assigned for which he is not qualified. The strongest complaints are made in the country regarding the beat system and regarding the permission too frequently given to constables to investigate cases, and in the towns regarding the powers of constables in reference to nuisance cases. It is not difficult to see how the performance of of duties such as these by an inadequately paid agency must lead to corruption and extortion. The evil is still further intensified by the utterly inadequate training given to constables, and by the general absence of any attention to the necessity for keeping the temper, being civil and respectful to the public, avoiding brutality or unnecessary harshness, and seeking by all legitimate means to make their performance of duty as little distasteful to the people as possible. When it is considered how much all this is insisted on in England,* it is not difficult to understand how frequent are the complaints of the high-handed indifference of police here to the feelings of the people, nor does one wonder at the coarse and brutal way in which the police often treat crowds or individuals with whom they have to deal. This is alleged everywhere as a cause of police unpopularity, as a reason for the people dreading the police and making every effort to avoid having anything to do with them. These men, too often rough, ill-trained and under-paid, are clothed with authority to report on the work of village headmen, to investigate cases in remote villages, or to arrest respectable citizens for alleged nuisances in towns. The annoyance and vexation which their practices of extortion and oppression often inflict on the people have been strongly urged before the Commission.

Corruption of investigation officers

One of the complaints most pressed in regard to police constables is the impropriety and unwisdom of giving to men of their class the powers and opportunities of corruption connected with the conduct of investigation. Wherever it is at all common for constables (either owing to contentment with this agency or to paucity of superior officers) to be entrusted with investigation, the condemnation of this course has been most emphatic. The Commission cannot too strongly express their concurrence in this condemnation. They regret, however, to have to report that they have the strongest evidence of the corruption and inefficiency of the great mass of investigating officers of higher grades. The officer in charge of a police station may be regarded as the highest class of investigating officer. The officers superior to him do more or less occasionally conduct or assist in investigation; but in almost every province their work consists mainly of supervision and inspection. The officer in charge of a police station is, therefore, a most important official, because he is practically responsible for the police work of the area of his charge: he is held responsible that reports and complaints are properly.

* The following extract from a County Police Manual may be quoted as an example:-

* The chief constable is most desirous of impressing upon the police how essentially incumbent it is on them, at all times, to exercise the greatest forbearance, mildness, courtesy, and perfect civility towards all classes of His Majesty's subjects, and that under no circumstances, nor upon any occasion, should they allow their feelings to usurp their discretion, or in the performance of their duties conduct themselves harshly or rudely to any individual; for as nothing will tend more to nourish a proper feeling, and elevate the Force in the public estimation than a conciliatory, yet firm and decorous demeanour, with a general readiness to render aid or assistance to every member of the community, so on

the other hand an opposite course and manner can only engender feeling of hostility, and bring opprobrium and disrepute on the establishment."

Treated, and he is supposed to conduct the most important investigations himself, and to see that the rest are properly conducted. Everywhere the Commission find the same open on prevailing, that the station-house officer is in many respects the man who has most power for good or evil, and that it is of the utmost importance to secure for this office efficient and trustworthy men. The complaints laid before the Commission of the existing state of things has been loud and bitter. They are much stronger in some provinces or districts than in others. The differences seem to be mainly due to these causes, that in some provinces or districts men of a rather better class are attracted to the police, as hardship does not repel them as it repels men of miler class elsewhere; in some, supervision is better, and good supervision produces marvellous results, as a good strong Superintendent sometimes gives a to the whole force undressing; and the circumstances of some afford greater temptation to, and opportunity for, corruption the part of the police. But, while admitting that there are different degrees of corruption in different provinces or districts, and while admitting that there are exceptionally honest and upright offices of this class, the Commission cannot resist the strong testimony as to the prevalence of corruption among station-house officers throughout the country. The forms of this corruption are very numerous. It manifests itself in every stage of the work of the police station. The police officer may levy a fee or receive a present for every duty he performs. The complainant has often to pay a fee for having his complaint recorded. He has to give the investigating officer a present to secure his prompt and carnet attention to the case. More money is extorted as the investigation proceeds. When the officer goes down to the spot to make his investigation, he is a burden not only to the complainant, but also to his witnesses, and often to the whole village. People are learned sometimes by being compelled to hang about the police officer for days, sometimes by having to accompany him from place to place, sometimes by attendance at the police station, sometimes by having him and his satellites quartered on them for days, sometimes by threats of evil consequences to themselves or their friends (especially to the woman of the family) if they do not fall in with his view of the case, sometimes by immersion of their houses by low-caste people on the plan of searching for property, sometimes by unnecessarily severe and degrading measures of rests in cash. The station-house officer will sometimes bush up a case on payment of his terms; he will receive presents from parties and their witnesses; he will levy licit fees from shopkeepers and others for services rendered, or to obviate vexatious espionage. He has an especially rich vein in cases concerning disputes about land, water or crops, and sometimes in the management of cattle pounds. Both parties are often willing to pay him well for maintaining neutrality; or one party will pay well for intervention on his behalf. The illicit gains in some police stations in Bengal in connection with chur (or alluvial) lands are almost incredible. It may be incidentally remarked that the Government of Bengal should endeavour to devise some means for the summary and prompt settlement of such cases by Revenue Officers, subject (if necessary) to revision by the Civil Courts, so as to prevent the police from having anything to do with them.

Their oppressive conduct

These are instances of the manner in which officers in charge of police stations extort

money from the people Another very serious ground of complaint against them is the unnecessary severity with which they often discharge their duties and the unnecessary annoyances which they inflict on the people. The Commission has received endless narration of the worries involved in a police investigation. A body of police comes down to the village and is quartered on it for several days. The principal residents have to dance attendance on the police all day long and for days together. Sometimes all the villagers are compelled to be in attendance, and inquiries degrading in their character are conducted corium populous. Suspects and innocent persons are bullied and threatened into giving information they are supposed to possess. The police officer, owing to want of detective ability or to indolence, directs his efforts to procure confessions by improper inducement, by threats and by moral pressure. Actual physical torture is now rarely resorted to; but it is easy, under the conditions of Indian society and having regard to the character of the people, to exercise strong pressure and great cruelty without having recourse to such physical violence as leaves its traces on the body of the victim. Sometimes suspects, whom the police officer does not desire to report as under arrest, are kept for days together under so-called "surveillance," which is nothing else than unauthorised confinement or restraint, a system which affords serious opportunity for malphractices. All this is done to secure evidence in support of the view, which the police officer from time to time holds regarding the causal. If in his opinion enough of evidence is not thus obtained to secure a conviction, he will not hesitate to bolster up his case with false evidence. Sometimes this leads to an innocent person being prosecuted through police mistakes. More often perhaps it leads to guilty persons escaping through the suspicion thrown on the police evidence. Many a good case has been ruined in this way; but the police officer is unduly impelled by the statistical test to try to make his investigation end in conviction. When an investigation fails, the complainant is sometimes finally bullied or threatened into acknowledging that a mistake has been made, and that the case is " false." When it is successful, the accused is often subjected to unnecessary annoyance: the law about bail is overlooked: the rules limiting the use of handcuffs are forgotten: and no serious effort is made to treat the accused with that consideration as to his food and comfort to which (with due regard to the interests of justice) he is entitled until he is convicted. What wonder is it that the people are said to dread the police, and to do all they can to avoid any connection with a police investigation? Deliberate association with criminals in their gains, deliberately false charges against innocent persons on the ground of private spite or village faction, deliberate torture of suspected persons and other most flagrant abuses occur occasionally; but they are now rare, and do not affect the opinion of the public so much as the too common practices which have been referred to above. These form the burden of the complaints against the police.

The causes of these abuses

Some of the causes of these abuses have become very clear in the course of this inquiry. One is that the investigation of cases has been to far too great an extent entrusted to low paid and unqualified officers. As already stated, even constables have in some provinces been employed in this work. More generally head constables have been so employed. Some of the latter have been placed in charge of police stations: others have been too often employed in investigation when the officer in charged of the police station has been

otherwise engaged. This was arisen in many cases from the inadequacy of the staff. It has also been due in great measure to the failure to appreciate the importance of the work of investigation and the gravity of the evils, which may result from entrusting it to an utterly unsuitable agency. Of late years Government has become more alive to these serious evils, and efforts have been made in some provinces to confine investigation work ordinarily to the class of officers generally known as Sub-Inspectors. Financial considerations, however, have prevailed to prevent this improvement being carried out to any considerable extent. The police department is still starved; and it will entail enormous expenditure to carry out real reform. Even where attempts have been made, however, to confine investigation to better paid officers, the root of the evil has not been reached, inasmuch as (with very little exception) the rule prevails that the Sub-Inspectors shall be promoted constables. There is still a large body of opinion among Superintendents of Police that this rule is a sound one. They sometimes allege that the few investigating officers who have been recruited direct are not so good as the men who have risen from the ranks; but they forget that these men have been thrust into their work without any systematic and suitable training. The system of direct recruitment has not had a fair trial; and after the full inquiry they have made and the careful consideration they have given to this subject, the Commission have no hesitation in pronouncing the rule of promotion from the ranks to be utterly unsound. They would not absolutely close the door of promotion to the higher ranks to men enlisting as constables or head constables; but they would strongly recommend that such promotions should be very exceptional, and that their number should be carefully and rigorously limited. One result of the present system is that the men of the Sub-Inspector class have brought with them to their higher office the evil habits and modes of thought which they had acquired in the constable grade. Another result is that they ordinarily belong to the lower strata of society and to the uneducated classes. It is true, as alleged by some witnesses, that constables only reflect in their work the characteristics to be expected from men in their position in society who have entrusted to them special powers and opportunities for gain; but this is not true in the same way of Sub-Inspectors. Their official position gives them a status in society, which is higher than they are generally fit to occupy. In the higher ranks the police compare very unfavourably with most other departments. . In other departments of the public service strenuous efforts have been made to secure better-educated and more respectable persons for the higher offices; and these efforts are being crowned with success. In the police department, where the work is perhaps the most difficult and important in India, Government has been content to have the higher and more responsible offices filled by men deficient in education, intelligence and social status. Add to this the fact that provisions for training has been most inadequate; and it seems scarcely necessary to look for further explanation of the undoubtedly deplorable state of the police. Everywhere the demand of enlightened opinion is for the reform of the station-house officer. He must be more intelligent, more respectable, better trained and better supervised. This is the most urgent need of the police.

Inspectors

These leads to the discussion of another cause of the unsatisfactory work of the police, that is, the inadequate supervision exercised over them. This supervision has been doubly defective. It has been inefficient as regards the class of officers known as

Inspectors, and it has been weak and inadequate as regards the Superintendents. As to the Inspectors, the Commission find that the public does not regard them as honest. It is generally admitted that they are less dishonest than the grades below them. They are selected officers; and although there is incontrovertible evidence to show that success rather than honesty has been the qualification for promotion, yet a man with an absolutely bad reputation would not often be selected. Besides this, they are better paid and therefore less tempted. As they investigate less, their opportunities are fewer. They are also nearer the end of their service and have the more regard to their pension. These are some of the causes that are mentioned as tending to make Inspectors more honest than the officers subordinate to them. But the fact remains that the rule has been that these officers also have been promoted from the ranks. They have too often brought with them to their person position the habits and ideas of the lower ranks; and they have also often brought with them that memory of mean and improper action on their own part which makes it exceedingly difficult to restrain subordinates acting in the same way under the same circumstances. They have not generally the respect of their men, nor the necessary influence over them, even if they were animated by an earnest desire to permit only, that which is right. One of the strongest proofs that the Commission have received of the corruption of the police is the testimony of respectable parents, teachers and other gentlemen as to the difficulty experienced by a young man in accepting one of the direct appointments of Sub-Inspector or Inspector which are now sometimes offered. He finds himself a member of a corrupt service, he is surrounded by influences that forbid his acting uprightly. In more than one province the Commission have had before them teachers who said that they could not encourage good lads to go into the police service, and parents who confessed that they had to remove their sons from appointments in it so as to keep them straight. The evidence in most provinces is that the canker of corruption affects the force in greater or less degree from constable to Inspector.

Superintendents

The prevailing opinion throughout the country is that the Superintendents of Police are, with the rarest exceptions, upright men beyond the influence of corruption. There is no suspicion that they receive bribes or are influenced by any kind of gift. The charges made against them are rather such as these, that they are often not well educated or intelligent men, that their training is defective, that their knowledge of the vernacular is not such as to enable them to have free intercourse with the people and to become acquainted with their feelings and circumstances, that they are too much in the hands of their subordinates, that they are not accessible or even courteous to natives, that their views are too narrow and their sense of responsibility too weak to allow them to pay due regard to complaints against their subordinates or strictures on their work or to take due notice of misconduct, that they are too burdened with clerical work and too little helped by qualified assistants to be able to exercise effective supervision and control over the police. These are some of the strictures made on the superior officers of police. The Commission is of opinion that there is a great deal of truth in these complaints. The class of Superintendents found in all provinces is not what it should be: there are some excellent officers; but sufficient care has certainly not always been taken in appointing men to this service. The training of officers for the superior service has been unsystematic and inadequate. The knowledge of vernacular has not been rigorously

enough insisted on: there are some officers who have a perfect knowledge of the vernacular of their districts; but this is everywhere far from being the rule. Office work has too often been allowed to prevent Superintendent from going round their districts so as to supervise and control police work and come acquainted with the people and their views and feelings; and feeling; and they have rarely indeed had adequate assistance provided for them in regard to this part of their duty. This ignorance of the vernacular and want of touch with the people generally, are the most serious defects among Superintendents. These officers also are too often inclined to support their subordinates in an unreasonable manner and to receive complaints or strictures on police work in a hostile spirit. This arises in some measure at least from the fact that the relations between the District Magistrate and the Superintendent have in some provinces been such as to weaken the sense of responsibility in the latter. It is no doubt also due in part to the confidential relations which police officers must generally maintain with one another, and to too little acquaintance with the respectable sections of native society. This tendency to disregard public opinion is on the other hand frequently accompanied by a harsh and overbearing manner to subordinates, which contributes materially to the unpopularity of the service. All this must be admitted to be indicative of a certain want of intelligence in many officers, which has tended to form unsatisfactory traditions and opinion in the department on the matter of discipline. There is a certain carelessness in regard to departmental inquiries, a lack of discretion in regard to punishments, and a want of sense of proportion in regard to details of work, which indicate failure on the part of many Superintendents intelligently to grasp the nature of their duties or seriously to appreciate their importance. The Commission, in view of all the evidence before the, attribute this to the defective systems under which men have been appointed are among the most difficult to perform, and intimately concern the life of the people, yet due attention has not been paid to the selection and training of officers. It would appear in many cases that the duties to be performed were so little understood by the authority making the appointment, that almost any person was believed to be qualified for their performances. The system of recruitment, which has been introduced of late years, is an improvement on the old system of nomination, but even now the Commission consider that a most important element in the reform of the police must be an improved system of selecting and training Superintendents. Improvement in the tone of the attitude of its officers towards the respectable sections of the community is essential.

General Impression

There are many defects of police administration which it does not seem to be necessary to discuss here, as they will be more conveniently discussed in connection with that part of police work to which they belong. These are such as the unsuitability of statistical tests, the want of co-operation between provinces and even between districts, the defective system of surveillance of bad characters, the inadequate arrangements for the prosecution of cases and other matters which will be treated in due course. What is lamed at here is rather to give an account of the reputation of the police force and the feelings of the people towards them. The Commission has the strongest evidence that the police force is, as a whole, regarded as far from efficient and is stigmatized as corrupt and oppressive. There is no doubt exaggeration in the picture presented by some of the witnesses. The evil that men do is more marked than the quiet discharge of duty; and

there is more inclination to speak of the evil than of the good. It is generally admitted that the majority of the accused sent up by the police are guilty, and that under most circumstances the desire of the police is to find the guilty person though they are too prone, sometimes without due regard to the character of the evidence, to make out a case of guilt against suspects. It is significant that a proposal to remove a police-station from any neighbourhood is generally opposed by the people: they know that, on the whole, the police are for their protection. It is also generally admitted that the improvement in communications and enlightenment has led to improvement in the police in most parts of India, though this has not by any means kept pace with the improvement in other departments. It is also clear that the lamentable picture of police inefficiency and corruption drawn by witness after witness is not a picture of universal experience. There are honest and efficient police officers of all grades, though they are represented as being very exceptional police officers of all grades, though they are represented as being very exceptional in the lower grades. There are also some Superintendents who have, by their energy and capacity, so far overcome the defects of system and of the material at their disposal as in great measure to mitigate and restrain the evils which naturally result from these defects. Similarly, the fact that the District Magistrate and his subordinates in their revenue and other work are in some provinces brought into the closest contact with the people, accessible to them and well-acquainted with them, has tended greatly to prevent abuse in the police as well as in other departments. Neither do the Commission forget that much may be said in excuse for the misconduct of the police in the generally indifferent attitude of the people in respect of crime, in the encouragement of corruption by the readiness with which the people offer illegal gratification's, and in the low pay and poor prospects of the police service. But honourable exceptions and mitigating circumstances cannot efface the general impression created by the evidence recorded. There can be no doubt that the police force throughout the country is in a most unsatisfactory condition, that abuses are common everywhere, that this involves great injury to the people and discredit to the Government, and that radical reforms are urgently necessary. These reforms will cost much; because the department has hitherto been starved; but they must be effected.

TABLE

CHAPTER III.

VILLAGE POLICE.

Advantage of securing village co-operation

The Commission is strongly convinced of the impossibility of carrying on an efficient police administration by means of official policemen only. It is absolutely essential to secure the aid of the village community. This is necessary from the purely Government point of view: it is impossible to support the expanse of a force which would be adequate to obtain information regarding crime over the extensive area and among the vast population of India, without securing the co-operation and enforcing the responsibility of the village authorities. It is necessary also from the people's point of view: even if the expensive establishment required could be maintained, it would be vexatious and intolerable to the people. Constant interference by the police, constant espionage on village life, constant visits of officials of the lowest grades, constitutes an intolerable burden and vexation to the people. It is immeasurably better to utilise and develop the

village agency for reporting crime, to leave the people, as far as possible, to dispose of petty matters for themselves, and to limit interference to villages where there has been failure in the discharge of responsibility in respect of reporting, or to cases in which the matter is serious enough to demand interference.

Attitude of the people

As a matter of fact, the assistance rendered by the people in police administration is generally said to be valuable. There is undoubtedly evidence that the reporting of crime is not wholly satisfactory. But in respect of reporting of crime, the evidence is general, that it is ordinarily petty offences that are not reported. Sometimes it happens that the persons responsible for reporting are interested in suppressing the report and are consequently willing to run the risk of punishment for not reporting; but ordinarily serious offences are duly reported. As to the attitude of the people in regard to investigation of offences and the detection of offenders, there can be no doubt that it differs widely from the attitude of the people of England. The people of India are not generally actively on the side of law and order; unless they are sufferers from the offence, their attitude is generally at the very best one of silent neutrality; they are not inclined actively to assist the officers of the law. But, on the one hand, it must be remembered that the conception of public interest and public duty has not been nearly so fully developed in India as in England. On the other hand, it must be remembered that a police investigation always must entail some measure of worry and annoyance, that the prosecution of cases involves interruption of village work and of easy village life and often also very considerable trouble and expense, and that these inducements to silence and neutrality have been greatly strengthened by the defective character of police and magisterial work.

Comparison with England in 1839

If a reference be made to the "Report of the English Constabulary Force Commissioners," presented to Parliament in 1839, it will be seen how necessary for "throwing away good money after bad" in prosecuting, "the trouble and expense which are sustained in pursuing and apprehending felons," and the fact that "the expense, trouble and loss of time, in cases of misdemeanours, are frequently more mischievous than some felonies," are assigned as "the motives to withhold information or abstain from prosecution" and the causes of the failure to secure "the general support of the community" in police work. ... The perusal of that report inspires the Commission with hope that, if police reform in England, initiated by Sir Robert Peel, has converted the state of things described therein as existing sixty years ago into the state of things now existing in that country, earnest efforts to reform the police of India may in due time produce incalculable benefit. Meanwhile, however, it is sufficient to remark that, despite the evidence regarding the occasional non-reporting of offences of a serious character and the more general failure to report petty offences, and of the want of the cordial co-operation of the people in police work, which is largely due to such causes as have been indicated, yet there is a mass of evidence that, where the responsibility of the village authorities is enforced and their services are utilised, their co-operation is of immense value. The best magisterial and police witnesses testify to the valuable aid the village authorities give in reporting crime, in investigating offences and not infrequently in arresting offenders. The

Commission desire strongly to recommend development and more full utilisation of this valuable agency. It is an agency the duties and responsibilities of which are in accordance with Indian traditions and usage's and are well understood by the people. It forms generally a sound basis for efficient police administration. Its employment will save the people from much unnecessary and vexatious interference, while securing an important link between the police and the people only.

Madras

It will be convenient at this stage to notice briefly the extent to which the village agency is utilised in the different provinces of India. In the Madras presidency, throughout the ryotwari area, the headman is the revenue head of the village; but in Malabar and South Canara, and in a measure in Tanjore also, the office was the artificial creation of Government to meet administrative necessities. Regulations IV and V of 1816 (of Madras Act I of 1889) empowered the village headman, assisted sometimes by a panchayat, to dispose of simple civil suits of small value. Regulation XI of 1816 placed the village police under heads of villages whose police duties (in regard both to reporting and investigating offences) were defined, and also invested them with criminal powers in certain cases. Several changes in the direction of more formal definition have been introduced in regard to emoluments, hereditary succession, etc., but the provisions of these regulations are still in force. Though the popular character of the system has been perhaps less prominent of late, the village headmen in this presidency are in a more efficient state and, in force. Though the popular character of the system has been perhaps less prominent of late, the village headmen in this presidency are in a more efficient state and, in districts where the matter receives due attention, relieve the general administrative machinery of the work of deciding petty disputes-both civil and criminal-to a far greater extent than in any other part of India. The civil work they do is of great importance; but it is with their criminal work that the Commission are concerned. In 1901, village headmen disposed of 10,735 cases, involving 17,047 persons, in their capacity as village magistrates, and though their work as police officers (with the assistance of tailors or village watchmen) is admittedly capable of improvement, it is very considerable. Most of the reports of crime at police stations are received from village magistrates through tailorries and not from beat constables; and without the help of the village authorities the regular police could effect comparatively little. Attention had been drawn to the unsatisfactory position of village officers in zamindaris or permanently settled estates. This matter became the subject of legislation in 1894. The provisions of Act II of 1894, which seem well considered and generally sound, have not yet been fully applied and practically tested: the results to be anticipated are of great interest. and importance.

Bombay

In Bombay the village police were placed under the District Magistrate in 1852 by orders which fully repay careful perusal. The results of the reforms then ordered were pronounced in 1861 to be "most satisfactory" ; and in 1867 the Village Police Act (Bom. VIII of 1867) was passed, which explains in detail the duties of the village police. There is for each village (very rarely for a group of villages) a police pates and subordinate to him are the village watchmen. All these appointments are more or less hereditary. The pates are remunerated by grants of rent-free land or (rarely) by cash. the village

watchmen. are remunerated, in Gujarat by grants of land or cash allowances, and in the Deccan by grants of land and cash allowances, but mostly by perquisites paid by the villagers. The evidence shows that the village police do not a little good work, and that this system is admirably adapted to the conditions of the country and should be retained at all costs. the first and most important reform required is a thorough revision of the village police establishments and their emoluments. Generally speaking, revision will be necessary only in the case of village watchmen. Proposals were made in this direction by a Committee appointed in 1873; but these were too expensive. The lines adopted by the Collector of Ahmedabad for the gradual re-adjustment of emoluments and the revision of the establishments of that district (vide Government Resolution No, 9, dated 3rd January 1900) are more reasonable, and might well be followed mutates mutants in other districts. Another reform is to improve the pates by insisting on the appointment of suitable men, by a more liberal use of the provisions of the Village Police Act, by which they can be empowered to dispose of petty cases, and by rewarding good work. What is required is to take up the work of reform systematically. It is not desirable that one system should be applied to every district; but it is desirable that reform should not be attempted by fits and starts, but persisted in systemically.

Sind

In regard to Sind the evidence is strong that it has been in accordance with the customs and traditions of the province for zamindars and landowners to assist the police, but that consistent efforts have not been made to maintain and foster these relations. Landowners are beginning to lose sight entirely of the responsibilities of their position in respect of respect of reporting offences and assisting in their detection. Several officers of experience have spoken strongly of the impracticability of now introducing any scheme for enforcing that responsibility. On the other hand, the Commission have had very strong evidence that it is not too late to introduce or maintain a system whereby the zamindars and village or tribal headmen should be responsible for reporting offences and assisting the police in the manner indicated in the Criminal Procedure Code. The Commission are of opinion that such a system is necessary in Sind, and that there is nothing in the circumstances of the province to justify its being regarded as impracticable. They are also of opinion that the evidence reveals the existence in Sind of a body of influential landowners who might be largely utilised in the investigation and disposal of petty cases. One point that must be insisted on in regard to these landowners (great or small) is that they must not be placed under the police, burdened with a number of miscellaneous duties, or treated with harshness or indignity in respect of their work. The tendency to this has too frequently made the office of headman an offence elsewhere. The District Magistrate and his subordinates must recognize them as honourable co-adjusters.

United Provinces

In the United Provinces, the revenue unit is the mahal, an area of land either compact or consisting of a number of plots for which one engagement is taken for the payment of revenue. If the mahal is the property of more than one person, the management may either be in the hands of one of them, or groups of sharers may be in separate possession of their own shares. In the Eastern districts separate possession is the rule; in the Western

districts joint management still holds its own. For administrative reasons the engagement for the revenue was taken from the representative of the body of proprietors; and but for the fact that partition has produced a large number of small mahals, the lambardar would ordinarily have been an influential person. His appointment is generally regarded as hereditary, and, as a rule, he receives as remuneration 5 per cent. of the revenue collections. He has had no responsibility for criminal administration as lambardar, though under the Regulations in force until 1862 he shared the responsibility of other proprietors. These responsibilities are now defined by section 45 of the Criminal Procedure Code. In many cases there are several proprietors in each village; but that section gives the power of appointing a headman to each village, and so fixing the responsibility for information on one man. Rules for the appointment of headmen were issued under that section in January 1895, the object of which was clearly that the lambardar should ordinarily be the headman, and that in case of his non-residence, an influential resident, approved by him and the other proprietors, should be appointed. The police were to have "no authority whatever over village headmen. A village headman must not be required to investigate crime or to dance attendance on the police while they are investigating it. His duty is to report." This scheme has not been successful; because the appointments were called, included menials, criminals and men of no position or standing even in their own villages. Besides this, the system was at fault in making the responsibility of the headman and village police officer to coincide instead of making the former superior to the latter. In 1900, orders issued for the careful revision of the lists of mukhiyas; but the evidence clearly shows that revision has not gone far enough, and the average mukhiya is still a man of little or no influence. It seems to the Commission that the remedy is to carry out the original intention that it should be the exception for a mukhiya to be other than a lambardar. In villages where there are tenants of large holdings who are also mukaddams or padhans (selected by a proprietor to assist in collecting rents, etc.), these might be appointed mukhiyas as agents of the non-resident lambardars. In other cases of non-residence, the lambardar, non-resident though he is, should be held responsible that the chaukidars or village police officers do their duty. the possession of land implies certain responsibilities; and if the owner does not live on the land, he should make such arrangements as will insure the discharge of these responsibilities. The orders of 1900 also contained a provision directing the investigating police officer to take the mukhiya into his confidence and not only secure his aid but also his signature in token of agreement and of the non-existence of any cause of complaint. The evidence before the Commission shows that this method of formal association of the headman with the police cannot succeed. The headman should undoubtedly assist the police, but it is hopeless to attempt to use him in this way as a formal check on their proceeding. The chaukidars' duties are watch and ward, reporting to the police, and certain limited powers of arrest. It is unnecessary here to discuss these in detail. Suffice it to say that, on the [whole, the] evidence shows the chaukidars to be a very useful body of men.

Central Provinces

In the Central Provinces, the malguzari system of tenure generally prevails, but there are also ryotwari tracts. The whose duties are defined in section 141 of the Central Provinces Land Revenue Act, which makes him responsible for the administration of the village and

places the village servants under him. In malguzari villages, the lambardar is appointed mukaddama, except when the lambardar. If the lambardar is non-resident, he is still appointed mukaddama, but has to appoint a resident mukaddam gomashta (who is either a paid agent or a ryot), whom he must remunerate properly, generally by remitting part of his rent. The remuneration of this mukaddama gomashta requires further attention. In ryotwari villages the patel is mukaddama. Thus for every village there is a mukaddam. No remuneration is required, as the lambardar and patel are both remunerated for their revenue duties. The police duties of the mukaddama are confined to reporting crime and assisting the police. In these he is assisted (as in his other duties) by the kotwal or village watchman. These duties are well performed; and generally the position of the mukaddams and kotwals is satisfactory. The appointment (subject to the consideration of hereditary claims and of the wishes of those who are interested), punishment and dismissal of these officers rest with the Deputy Commissioner or Collector. The police have no direct control. . Advantage has been taken of the revisions of settlements to reduce the number of kotwals and improve their position; and the recent period of famine and distress has afforded them opportunities of come crimping the impression that they are a valuable body of officers.

Berar

In Berar the system is very much like that prevailing in the ryotwari tracts of Bombay and the Central Provinces. The village officers are, as a whole, efficient aids to the district police in the matter of reporting crime; but the jaglias or village watchmen are reported to be unsatisfactory in their police work. This seems to be mainly due to the failure of revenue officers to attach sufficient importance to this part of the village servant's duties. It would not be an appropriate remedy to bring them more under the police. Neither does the Commission approve of the proposal to appoint village panchayats to check reporting by village officers or to supply information which they suppress. To associate panchayats with village headmen in the discharge of some of their duties may often be expedient and popular, but to appoint them as spies or informers would be a fatal mistake. The Commission strongly approves of the proposal for a liberal system of rewards to headmen and watchmen whom do-good work.

Punjab

In the Punjab, responsibility for the peace of the village and for reporting crime rests primarily on the lambardar. In some parts of the province, when there are more lambardars than one, there is selected from among them an ala-lambardar (or chief beadman). But under arrangements made at more recent settlements, the number of ala-lambardars is being gradually reduced. The lambardars are, therefore, regarded as jointly responsible for the performance of their duties. Besides these there is a superior officer, called zaildar or inamdar, who supervises the headmen of the villages of his circle, which includes, as far as possible, people of one tribe, or villages which have some connection or affinity. He also reports certain offences, assists in the investigation and prevention of offences and in the arrest of criminals, and sees that headmen do their duty. All these officers receive regular remuneration. The system does not seem to require great modification; but it would be much improved if reduction in pursuance of a settled scheme were made in the number of lambardars in most districts of the province. The

Commission would also like to see the employment of sailors and headmen in the disposal of petty cases. they think that this should be experimentally introduced in selected areas and gradually extended. As to village watchmen, the chaukidars system seems to be working well, and should be interfered with as little as possible: the orders of 1898 seem adequate. All that is required is careful regard to the proper working of the village system. In the frontier districts, most of which have been separated off to form the North-West Frontier Province, the institution of the jirga (or tribal council) is used to settle disputes and punish offences. It is regarded as a valuable institution by the Chief Commissioner of the new province; and the Lieutenant-Governor of the Punjab is include at least to have it maintained in those few parts of his province which are really parts of frontier districts, and perhaps also extended to some of the northern districts.

Burma

In Burma, owing to various causes, mainly connected with the disturbed state of the country and the misapprehensions of officers regarding the essential features of the indigenous village system, that system was being subverted. To remedy this the Upper Burma Village Regulation was passed in 1887. Its success led the Chief Commissioner to propose a similar measure for Lower Burma, which was passed into law as Act III of 1889. This Regulation and this Act are based on the two cardinal principles that (1) every village must have a headman, appointed under the Regulation or Act, residing in the village or so close to it he can efficiently perform in his own person the duties imposed on the headman by the law; and (2) every village headman should be responsible for the collection of the revenue in his jurisdiction, and should get the whole of the commission. The new law has worked successfully in both Upper and Lower Burma. It only remains to complete the settlement of the remuneration of the headmen in some districts of Lower Burma in accordance with a scheme, which is gradually being introduced and is now well advanced. The gain in administrative efficiency is universally admitted to be great, and to be more than commensurate with the increase in work. The new law defines the duties of village headmen, which include the reporting of certain offences, arrest of certain offenders or suspicious characters, and the disposal of complaints in petty cases. The provision regarding the grant of enhanced powers to certain selected headmen operates also as an encouragement of good work. The headmen are controlled by the Deputy Commissioner (or Collector) and his subordinates. Year after year they are commended for their ready co-operation with the police and the work they do is of great value. The principal reform required is to aim at educating them; and the Local Government is doing something towards assisting in the education of the rising generation of headmen. The headmen in Lower Burma are assisted by se-ein-gauns (or ten-house men) who are a kind of rural police; and the headmen in Upper Burma are assisted by wagons or agents in outlying etc. These are not remunerated. The Commission have no proposals to make in this matter. The system of village police is suitable and only requires careful working. Some witnesses objected to the enforcement of village responsibility by the fining of village; but the Commission ascertained that these witnesses were generally ignorant of the careful limitations prescribed by the Local Government in Circulars 17 and 18 of 1896(as to Lower Burma) and in Circulars 40 and 41 of 1896 (as to Upper Burma). The provisions of the law, if worked on the lines laid down by the Local Government, seem to the Commission to be consistent with Burma

traditions and sentiment, and not to be inexpedient.

Assam

In Assam there are three systems at work. In the Hill Tracts there are hereditary or elective headmen who are responsible to report the occurrence of heinous offences and are empowered to deal with petty cases. The system seems to be suited to these localities and to be working fairly well. In the Assam Valley, the gaon Burma or headman is undoubtedly the village officer to be made responsible for efficient reporting of crime. The Chief Commissioner has submitted to the Government of India reasonable proposals for remunerating gaonburas by a grant of rent-free land. It is necessary also to define their police duties with more precision, holding them responsible for the reporting of all cognisable offences other than petty. There are no chaukidars in the Assam Valley; crime is very light, and the population orderly; and local opinion is against the appointment of chaukidars. The Commission area of opinion that so long as the members of the village community are prepared to arrange among themselves to assist the gaonbura in the discharge of his responsibility for reporting offences and keeping the peace of the village, the establishment of a separate agency at their expense need not be insisted on. But they should regard this as inevitable, in case they fail to render the necessary assistance. In the Burma Valley districts and Goalpara there is practically the chaukidari system of Bengal. The Chief Commissioner has his attention directed to this system; and the most important point for consideration seems to the Commission to be how far landowners are to be utilised and held responsible for co-operation in police work. There was considerable evidence that, if landowners were associated with the panchayats in reporting, and if the best of them were empowered to dispose of petty cases, great advantage would result. Gaonburas might be similarly utilised.

Bengal

The village police in Bengal is partly derived from the old village system and partly the result of British rule during the last century. In parts of Bengal, including the Patna, Bhagalpur, Burdwan and Orissa Divisions, there were considerable traces of the old village system. In Chotta Nagpur, parts of Orissa and some Bengal districts there were numbers of semi-military officials remunerated for their services by military fiefs. In Northern and Eastern Bengal the village system does not appear to have existed; and the village watch there is mainly the creation of the British Government. When the zamindars lose the control of the police, the village watchmen were (by section 13 of Regulation XXII of 1793) declared subject to the orders of the newly appointed darogas, and became dependent on the regular police, though they remain in some respects the private servants of the zamindars. At the same time the zamindars were held responsible for giving information of crime and for helping to arrest the perpetrators. The system is stated to have failed from the "utter inability of the public authorities to secure the co-operation of the people in the administration of the law." This was largely ascribed to "the power of the landholders and their local agents, whose reign, silently acquiesced in, extends to every house in every village of the country, and whose influence is used in support of, or in antagonism to, the law, just as may appear to be most advantageous to their interests."

The attention which was drawn to the great defects of the system Leeds in 1869 to the appointment of a Committee to reconsider the whole question and to draft a Bill for the reform of the village police, based on the principle of confirming the municipal character of the rural police and providing the simplest possible means of ensuring the regular and prompt payment of their wages. This Bill became law as Act VI (B.C.) of 1870. This Act "was framed in a spirit of entire trust in the village community, and it was hoped that, when the control of the village police was placed in the hands of the villagers themselves, a sense of self-interests would induce them to co-operate honestly and cordially in the detection of crime, and that a sense of justice would induce them to see that the village watchman was regularly paid." Although this Act led to some improvement, the system did not work well; and in 1881, Mr. Munro, C.B. (then Inspector-General of Police), suggested the appointment of a Commission to deal with the whole question. The recommendations of this Commission, submitted in 1883, led to certain amendments of the law, and finally to the passing of Act I of 1892. This Act was introduced by Mr. (now Sir Henry) Cotton, who pointed out that it introduced a modification of the principle underlying Act VI (B.C.) of 1870, that the control of the village police was to rest with the villagers. He remarked "the inhabitants of a village have no claim to a municipal administration in any respect, still less have they any claim to control the police. For the discharge of such duties the highest possible qualifications must be secured, and when the low calibre of the men who constitute a village panchayat is considered, the advantage appears to be wholly on the side of a police administration by the Central Government." It was stated at the same time that it was intended to retain the local knowledge of the chaukidars by necessitating their being residents of the village in which they are employed. The main provisions of the Act were that, though the panchayats might nominate chaukidars, the power of appointing them, determining their number and fixing their salary was vested in the Districts Magistrate. He was also empowered, if he thought collection badly done, to appoint a tahsildar or Government collector of the chaukidar tax. The chaukidars were to be punished by Government officers and paid by officers appointed by the Government, the only control exercised by the panchayat consisting in peppering any failure in the performance of duty. The aim of this legislation, as well as the demand of police reformers for years before, was to bring the village police into closer touch with the regular police. Since then the daftadari system has been introduced, though not yet legalised, whereby a daftadar is appointed to supervise the work of about 10 to 20 chaukidars. The panchayats also now represent larger area than formerly, the object being to secure better men. However necessary this system may be in the peculiar circumstances of Bengal, it is certainly not a system of village police as generally understood. It is more of the nature of a low-paid regular constabulary with the one small redeeming feature that each constable resides in his own village and must be more or less subject to the influence of village opinion. The Commission are not prepared, in view of the history of the case and the general trend of official opinion, wholly and definitely to condemn the system. But they consider that it has proceeded on a misconception of principle. The point is not whether a village can claim to control its own police, but whether the co-operation of the village community in police work is not of the highest value, if not, indeed, absolutely essential; and the Commission have very grave doubts whether the Bengal system has not been too extensively introduced. There is clear and weighty evidence that the means of securing village co-operation exist at all events in all

events in certain parts of this province as in the rest of India; and where they exist, advantage should be taken of them whether by employing landholders or leading ryots separately or as members of panchayats. The attempt made to do this in 1870 was marred by certain unsuitable provisions of the law. A fair trial can hardly be said to have been given to the village system. The Commission have also formed the impression that, with some striking exceptions, there is too little interest in village police displayed by Collectors in this province. The appointment of panchayats is a matter which demands the closest attention of the District Officer and his subordinates. The Commission are disposed to attribute the failure of the panchayat system in some measure at least to this lack of interest. They regard the setting aside of the panchayat from all control over the chaukidars as a most serious defect in the system. If the present system is to be maintained they would like to see the panchayat or its members employed in some measure at least as they desire to see headmen employed in other parts of India. The main object of the village police system is to secure the co-operation of the people. The Commission are far from convinced that it is hopeless to aim at securing this object in Bengal. There is also a large body of evidence that the assessment falls too heavily on the poor; that the maximum payment of one rupee a month should be raised; and that the principle of payment for protection appears to demand a certain assessment on lands in possession of resident and non-resident owners as well as on houses. Some of these are matters on which the Commission do not feel called on to express an opinion; but they are all matters which the Local Government should carefully consider before proceeding to prescribe the definite rules for assessment and revision of assessment which are undoubtedly required.

Village police should not be under the regular police

Returning now to the general consideration of the subject, the Commission desire to record the strong impression that has been made on their minds in the course of this inquiry of the paramount importance of maintaining and fostering the existing village agencies available for police work. With reference to this question, the Commission desires to emphasise their conviction that the village police ought not to be separated from the village organisation and placed under the regular police. The desire to see, not a body of low-paid stipendiaries or subordinate police scattered over the country, but the utilisation of the village agency itself. The village is the unit of administration. Improved administration lies in teaching the village communities to take an active interest in their own affairs. The village community is represented (ordinarily) by its headman; and effective police administration must be based on the recognition and enforcement of the responsibility of the headman. He is the man who can really help the police; his position and influence should be strengthened; and it is to him that the police should look for co-operation in their work. This is the basis of the provisions of section 45 of the Criminal Procedure Code, which make the headman responsible for the communication forthwith to the Magistracy or police of information concerning certain offences and offenders, and empower the District Magistrate (subject to rules made by the Local Government) to appoint village headmen, for the purposes of this section, where there is to be of vital importance to emphasise the responsibility of the village headman, and to hold the village police officer, by whatever name he may be locally known, responsible rather as the subordinate of the village headman and his servant for the performance of police

functions. the village headman for police purposes ought, as far as possible, to be the man recognized as headman in respect of the revenue and general administration of the village: where that is impossible, he ought to be a man of position and influence in the village; and the District Officer ought to maintain and strengthen his position and influence. It is necessary to repose a large discretion in him and firmly to acknowledge his respectability and authority in the village. the village police officer ought to be a village servant, holding his own place in the life of the village, the subordinate of the village headman, who must be regarded as primarily responsible for crime in the village. The intimate connection and association of both these men with the people must be maintained. Both should discharge their duties as representing the village community, and as responsible to the head of the district. To place the village police officer under the thumb of the station-house officer would be to subvert the system in its essential principles, to get out of touch with the people in their customs, usage's and interests, and often to place the dregs of the people over the respectable classes. The village watchman would become the menial servant of the police and probably become unscrupulous in his methods. he would work apart from, and often against, the village head. His intimate knowledge of village affairs would be lost, and he would become a very inferior police officer. Both the village headman and the village police office must be regarded as co-operating with, not subordinate to, the regular police.

Revenues and police duties

In almost every province of India the man who is responsible for the discharge of village police duties is also the revenue head of the village, or the representative of the revenue head. This is a state of things which the Commission regard as most satisfactory. It provides for the remuneration of the headman in connection with his revenue duties, and it indicates automatically the man whose influence and position in the village render him most suitable to be invested with responsibility in regard to police work. The lambardar in malguzari villages or the patel in ryotwari villages is the best man to appoint as headman for police purposes. where there are several lambardars, one of these may be selected, either by election by the lambardars or by the appointment of the head of the district, to be the headman for police purposes. This was the course wisely adopted by Sir Thomas Munro, when he proposed to appoint the nattamkars (or managing mirasidars elected from time to time) to be headmen in the Tanjore district. It is also the course, which has been adopted in some parts of the Punjab. Where the lambardars or proprietors are non-resident, the responsibility for making satisfactory arrangements for a substitute ought to rest on them. The efforts now being made, for example, in the United Provinces to revive this important feature of the village system ought to proceed on some such principle. The great defects in the efforts made here and elsewhere to establish a sound system of village police have been their want of clearly defined principle and their spasmodic nature. If a sound system were fairly re-established, it would exercise a beneficial influence more powerful probably than any reform which this Commission can propose; and the success which has attended the re-introduction of such a system in Burma and the efforts made to restore or strengthen it in other parts of India is most encouraging.

Grouping of villages

In this connection, the Commission would deprecate the grouping of villages. The village is the true unit in revenue administration, and is, therefore, ordinarily the most appropriate unit for police administration. To group villages tends to confuse and even usually destroy the old village arrangements. It may sometimes, however, be impossible to find suitable men or to provide unquote remuneration, without grouping together two or more small villages. If this is so, then the inevitable must be accepted. There are small villages within sight or hail of each other that may be conveniently grouped together. In that case, the interests of all the villages concerned, and the possibility of the work of all being carried only the one village officer, should be carefully considered. Generally, however, the responsibility for reporting and prevention of offences should be attached to the representative of the village, whatever may be found necessary in regard to the disposal of petty cases.

Control of headmen

The supervision and control of the headman in discharge of their duties should be entrusted to the head of the district. In this he will, of course, be assisted by his subordinates. No punishment of a headman ought; however, to be inflicted except under the orders of the District Officer, or of carefully selected Sub-divisional Magistrates to whom certain powers may be delegated. Failure in the performance of duty should be reported by police officers; much good work may be done in this way, provided that they exercise reasonable discretion in making such reports. The District Officer ought to give due attention to all such reports, taking suitable notice of every case of real failure, and vigorously restraining all vexatious or unnecessary interference with the village police. Too much care cannot be taken to prevent the duty of headmen becoming irksome, and their influence impaired, by bringing their conduct too often under the correction of their superiors. The District Officer's assistants and the tahsildars should be required to regard it as an important part of their duty to supervise the work of the village police. The tendency to neglect criminal work in favour of revenue duties, of which there is considerable evidence, should especially, each within the are of his jurisdiction and within the limits of his powers, regard himself as the representative of the District Officer in respect of both revenue and criminal work. The village accountants have also certain responsibility thrown on them in regard to the reporting of crime by section 45 of the Criminal Procedure Code. They are merely, however, auxiliaries in this matter; and it is quite unnecessary to enforce their responsibility unless they are believed to have known of concealment. they may thus serve as a check on the headman. If a few village accountants were called on to explain or bear the penalty of their neglect to report serious crime which they knew to have been concealed, they would really throw in their lot with the headman, and he would be deterred from wilful concealment. The great point to insist on is that the revenue officers should carefully watch the performance of police work by the village headmen and watchmen. The Police Superintendent and his Subordinates and his subordinates should treat them with courtesy and consideration; and with an improved staff of Superintendents much improvement may be confidently expected. The village officers should not be unnecessarily harassed; and good work should be promptly and cordially recognized.

Village watchmen

The village police officer should be regarded as a villager servant and the subordinate of the headman. He must no doubt be held jointly responsible for the discharge of the duties imposed on him by the law; and he cannot be excused for neglect of duty on account of any evil influence exerted by the headman. But the latter must be held primarily responsible, except when the village police officer has (without his knowledge) disobeyed his orders. Where the headman is the revenue as well as the police head of the village, the Commission would not recommend the entire separation of certain village servants for police work. It is better the village servant should be the subordinate of the headman in both respects. Even where it is necessary to devote certain servants mainly to police work, it is better that they should be bound to carry out any orders they may receive from the headman. The headman should be held responsible that police as well as revenue duties are duly performed: the former must not be sacrificed to the latter. As to police work, the village watchman should carry reports for the headman, assist him in tracing offenders, do such watch and ward as the village requires, and make arrests as authorised by law. In general his power of arrest is not large enough. There is strong evidence of the necessity for authorising him to arrest not only the offender committing an offence in his presence, and offenders escaping or against whom there is a hue and cry, but also suspicious persons found under suspicious circumstances at night, and persons in possession of what he has reason to believe to be stolen property. A great mistake has been made in some provinces in seeking to eliminate the menial classes from the ranks of village watchmen. As a rule, these make the best watchmen, when they are truly village servants. In Bengal, where they are really stipendiary rural policemen, it is quite different. There it may undoubtedly be well to secure the services of the more respectable castes and classes. But the menial classes, as village servants, are more amenable to orders and ordinarily maintain better watch and ward than the higher castes. Even members of the criminal classes ought not to be rejected if they are induced to settle down to an honest life and the steady discharge of their duties: there is great advantage in inducing them to do so; and it is in accordance with the custom of the country.

Remuneration, etc., of village watchmen

It is of great advantage that the office of village watchman should be held by hereditary right, as far as is consistent with securing suitable men. As to remuneration, no uniform practice can be laid down for all provinces. Its character must be fixed mainly with regard to local custom. There are many advantages in having the watchman remunerated in part by rent-free land. His remuneration must only be partly in this form, so that the people may not be relieved of their duty to bear the main part of the cost of the village police. This form of remuneration gives the village watchman occupation for his own spare time and for his family, the members of which also often aid him in his work. It is a cheap way of remunerating him; for he gets not only the advantage of the rent which is remitted, but also the profits of the land. This form of remuneration is also very much prized and is a great inducement to good work. If he belongs to the predatory classes, it has the further advantage of inducing him to turn his attention to agricultural pursuits. It is objected in certain places that this is difficult to work, as it is not easy to dispossess a village servant or his Aileen of the village service land. This may be so; and the Commission would not lay down a hard-and-fast rule. At the same time, it ought not to be difficult for a revenue officer to dispose of such a case; and the difficulty is generally

obviated altogether by selecting village watchmen from among the small holders of land and merely remitting the whole or a portion of their rent. The arguments in favour of this form of emolument make it worth while to try to overcome difficulties in arranging for it. Another very useful form of emolument is the levying of contributions from the ryots. This keeps the village watchman in communication with the ryots and makes him realise that he is bound to attend to their interests. It marks his position as the village servant. It is most important to emphasise this, that he is the servant of the village community; and any attempt to make him a full-time or even half time Government servant is ordinarily a great mistake. Where contributions or cesses are levied, they should be levied on the whole village community. In some provinces they are levied on land only: in others on houses only. The principle of paying for protection demands that they should be levied on both. Only menials and poor persons should be exempted, to prevent hardship. In regard to village watchmen, as well as headmen, the Commission strongly deprecates unnecessary harassing of the village officers in repeat of their police duties or otherwise. Bitter complainants, for example, are made of the way in which village watchmen are compelled to attend for days together the came of an officer on tour, and in many ways put to unnecessary trouble and annoyance. District Officers should set their faces against this. The Commission would also urge the discontinuance of the visits of watchmen to the police station when they have nothing to report. These visits are a burden to the watchmen, and a constant source of abuse at the thane; and also tend to undermine the authority of the headman and convert the village officer into a police subordinate. The only valid argument in their favour is that important police information may be readily disseminated through the collected watchmen; but this very occasional advantage would be better secured by a system of passing on information in writing from village to village by means of the village servants, which is quite in accordance with custom and is not burdensome to any individual. Where periodical visits to the thane are regarded as serially necessary, they should be reduced to the smallest possible number in the year. The Commission have no hesitation in saying that the regular "chaukidari parades," as practised in Bengal, are absolutely useless. A large number of chaukidars are assembled on one day at the police station and are seated together in rows before the officer in charge, who addresses to them a number of questions from an official catechism, and may conclude by giving them a little information. The Commission saw several such parades and were satisfied that no valuable information was or could be elicited from the Chaukidars by such a method, and that they failed to understand the information which the officer in charge believed that he was communicating to them. These parades involve a great deal of worry and trouble and have no practical utility. It would be a very different thing if the officer in charge, when he happened to meet a chaukidar, would quietly obtain information from him but to bring him away from his village and his duties every week for a formal examination, whether he has any news to impart or not, is a mischievous and indefensible practice.

Improvements recommended

The Commission would like to see the village system consistently developed and improved. They have seen it working very well in certain parts of the country and worse in others: they would urge that the standard of the worst be gradually raised to the standard of the best. It is not radical change that is generally required, but patient and

persistent efforts at improvement. They strongly approve of the efforts made in certain provinces to improve the standard of education among the agricultural community generally by adopting a suitable curriculum and suitable hours in the day and months in the year for attendance in village schools, and among headmen in particular by affording special facilities for the education of their children. They also strongly approve of the proposal to have a liberal system of rewarding headmen and village watchmen promptly and publicly in ways suitable to the classes to which they belong, such as money, paggaries, dresses of honour, etc. It has been a general defect in the past to reward the regular police and overlook the claims of the village police, who may have contributed even more largely to the success of the work which is being rewarded. Cash rewards, it must also be remembered, are usually more appreciated by a village watchman than even a more costly addition to his pay. The Commission would also draw attention to the system of "tikri-chaukidari," prevailing in the Punjab, by which, when crime is rife in any locality, the villagers are required, especially on dark night, to aid the chaukidars in the protection of the village area. The Commission are inclined to think that this system might often (if legalised, so as to empower the District Magistrate to direct its adoption when desired by the majority of the villagers) be better than the quartering of additional police under section: 5of Act V of 1861. It is popular in the Punjab, and maintains the principle of village co-operation for the preservation of the peace. Its essential feature is that the additional patrols are drawn by lot from among the villagers. The man on whom the lot falls either performs the duty himself or finds a suitable substitute.

Enlargement of headman's powers

A most important mode of developing the village system and utilising it more fully for the benefit of the people is to enlarge the powers of the village headmen. In Madras the Commission have had before them strong evidence that the powers of the headmen in disposing of petty criminal cases may safely be enlarged to some extent. It would not perhaps be expedient to give them power to sentence to longer terms of imprisonment than at present allowed; for that involves the housing, guarding and dieting of prisoners; but enhancement of their power of fine might well be considered. This enhancement of powers might be carried out in this province and elsewhere on the principle contained in section 15 of the Bombay Village Police Act (VIII of 1867), is. that enhanced powers may be conferred on selected headmen. This would serve to encourage others to good work, as the experience of Burma has shown. In provinces where the practice of employing headmen in the disposal of petty cases does not exist, the Commission would strongly urge that it should be cautiously and experimentally introduced. It is quite in accordance with native custom and sentiment. It is safe in petty cases; for village opinion forms a strong check on the resident headman. It would relieve the people from the annoyance of police interference in petty cases, without denying justice to the poor in respect of wrongs which, though intrinsically petty, may mean much to them. There is much evidence in every province that the conferring of such powers on village headmen would be welcome both to them and to the people. There is evidence also that in certain localities the association of panchayats with the village headmen in the disposal of petty cases would be popular and such association of a panchayat with a headman might often make it possible to give him higher powers, where his own influence was not great. In the North-West Frontier Province it is strongly maintained that it would be absolutely

impracticable to set a headman alone to decide petty cases. He ought to sit down in the tribal jirga and settle the case; this is in accordance with local tradition and custom. On the other hand, there is evidence that the character of the headman's influence sometimes makes it best that he should act on his own authority. The Commission would not urge any uniform procedure in this respect. Let local custom settle the question. Where, as in Bengal, panchayats take the place of headmen, such powers might be granted to certain of them experimentally, and the system, if successful, might be gradually extended. All this would tend to develop the village system and extend its usefulness. The Commission regards it as of great importance to maintain and develop among the people a spirit of self-reliance and self-help not only in regard to police matters but also in regard to other matters of local importance. They would favour any reasonable measures to prevent the destruction of the principle of co-operation in village life and the decay of the influence of the village authorities. To this end it is necessary that District Officers should secure the confidence of the people in the interior and their active and intelligent sympathy with their views and proposals. They must go among them, be accessible to them, and let them understand the object of the policy of Government. This will be of immense advantage in every branch of district administration. It is also necessary that DISTRICT OFFICERS and the superior officers of Police should treat the village headmen with respect and the watchmen with consideration; that they should carefully supervise their work, prevent its neglect, and show full appreciation of its loyal and efficient performance; and that they should firmly repress any tendency on the part of their subordinates to harass or oppress the people. It is necessary that revenue and police officers alike should be trained to proficiency in the vernacular and to intelligent sympathy with the people, the want of which qualifications ought to stamp them as incompetent for the discharge of their duties. It is also necessary that there should be patient and persistent continuance in a consistent policy definitely prescribed and maintained.

TABLE

CHAPTER IV.

REGULAR POLICE: ORGANIZATION, TRAINING, PAY AND DISCIPLINE.

Selection of officers

Among the most obvious reforms necessitated by the state of things which the Commission have found to exist is the improvement of the police establishment so as to secure, as far as possible, that competent men shall be obtained to perform police duties. There has been failure in two respects. In the first place, sufficient care has not been taken in the selection and training of officers for the different classes of the police department; and, in the second place, sufficient care has not been taken to assign to each a class the duties which it may reasonably be called on to perform. The most deplorable illustration of the former mistake is to be found in the rule which very generally prevails that Inspectors and Sub-Inspectors should be promoted from the ranks. A common illustration of the mistake of calling on a class of officers to perform duties which they cannot reasonably be expected to perform satisfactorily is the entrusting of investigations to head constables and constables. It is essential to confine the discharge of responsible duty to the higher classes of officers, and to secure efficient men for these classes. With this reform is intimately connected the question of salary; for it is hopeless to expect to

secure suitable men without offering them suitable pay and prospects of promotion. To some extent the rate of pay must vary in different provinces and even in different parts of the same province. But the Commission has found that these variations of pay (with clear exceptions, to be met by special allowances) may well be confined to the lowest classes of officers. It is the cost of the necessaries of life that necessitate these variations. After a reasonable "living wage" is secured to the lowest classes, variations in prices may be neglected. The money value of the services of the higher classes is much the same throughout India and Burma. In the higher ranks the same rates of pay seem to attract much the same kind of men. These views regarding the selection and payment of officers are the broad lines on which the proposals of the Commission regarding organization are based.

Constables: their duties

In regard to constables, the Commission are of opinion that the proposals made by some witnesses to double or treble their pay are due to forgetfulness of the principle that the more important and responsible duties of the police ought not to be entrusted to this class of officers. Escort, guard and patrol work, limited powers of arrest, the suppression of disturbances (under orders), the regulation of traffic and the like, are the duties they should be called on to perform. They should never be themselves entrusted with the investigation of offences or the performance of other duties of a similarly responsible character, though the investigating officer may avail himself of their assistance under his direct supervision and orders. The worst abuses have arisen from permitting constables and head constables to conduct the investigation of offences. No abuse calls more urgently for reform. Constables are not a suitable agency even for the performance of the beat duties ordinarily entrusted to them. The weight of evidence is decisive that the information brought in by beat constables is really of any value, while complaints of abuse of their authority are universal. The Commission are of opinion that the beat system should be restricted as far as possible, and should be confined to the collection of definite information under the special orders of the Sub-Inspector, and to visits to villages where the headman has shown himself to be untrustworthy. It is in their opinion essential that the responsibility of the village authorities for reporting crime and supplying information about the movements of bad characters should be enforced. But it is most undesirable to employ beat constables as the check on the village authorities. To expose the headman of a village to a constable's espionage, or to check his work by a constable's report, is to degrade and annoy him. It is essential to free the village authorities from this vexatious system. The true check on them is the surprise visit of the station-house officer travelling on tour or passing to or from the scene of an offence, or of a subordinate officer sent only occasionally with definite instructions to obtain some simple piece of information, supplemented by the visits of superior inspecting officers of the revenue and police departments, part of whose duty it is to become acquainted with the manner in which the village police work is performed. The Commission are, therefore, of opinion that visits by beat constables are unnecessary in the case of villages where the headman is believed to be doing his duty, and where there are no bad characters requiring surveillance. In other cases these visits should be paid by constables specially deputed by the station-house officer to carry out definite orders given to them: the responsibility for due discretion resting not on them but on their superior officer. . The regular beat system,

which the Commission deprecates, is not to be confounded with the patrolling of dangerous roads for the protection of travellers. This duty must be performed by constables where; is necessary. The great principle to be borne in mind is that duties requiring the exercise of discretion and judgement should not be entrusted to the lowest classes of officers, from whom such qualifications cannot reasonably be expected: the duties of a constable should not be above his class. On the other hand, the Commission desire to point out the unwisdom of employing constables in duties which are degrading, such as killing dogs or which tend to make the police unnecessarily unpopular, such as impressing carts, collecting children for vaccination, reporting on village sanitation, and the like. These are examples of duties, which do not belong to the police, but have unwisely been thrust upon them in some provinces. It is sometimes no doubt expedient and economical to employ the police in work outside their own department; but care should be taken that the duties imposed on them are suitable, as it is easy to carry this too far; and this mistake has been made in most provinces.

Enlistment and qualifications of constables

The question of enlistment of constables is one on which there is considerable difference of opinion. Some officers consider it undesirable that more than a small percentage of the constables enlisted should belong to the district in which they are to serve: other officers hold there opposite view and would enlist almost exclusively men belonging to the district. The Commission are inclined to think that the latter view is ordinarily correct. There are some cases in which it is essential to enlist "foreigners" more freely than in others, as, for example, when the people of the district do not possess some of the physical qualifications required for the performance of some police duties, or when it is otherwise difficult to obtain suitable with some local knowledge and more or less under the influence of local opinion. It is objected that constables working within reach of their own villages are tempted to leave their work and visit their homes; but this is surely indicative of very lax discipline. On the other hand, it has been found to be a great incentive to good work to post men near their homes, when they have earned this privilege by good work, and on the understanding that they will be transferred to duty at a distance when they cease to deserve it. The Commission considers that local recruitment should as far as possible be encouraged. That the police should understand the people and the people, the police, is most desirable. The qualifications to be required of constables must be fixed in reference to the duties they have to perform. They should be men of classes, which are usually regarded as respectable; and care should be taken to ascertain that they are of good character and antecedents. On no account should members of the criminal classes be enlisted, for their presence degrades the whole force. They should possess sufficient intelligence and physique to enable them to discharge, after training and under the orders of their superiors, the ordinary duties of a constable as indicated above. It is a mistake to fix too high a standard in either respect. The physical standard should be reasonably fixed in reference to the physical strain entailed in the performance of ordinary police duty, and in reference to the physical characteristics of the people with whom they have to deal. The intellectual standard should similarly be fixed in reference to the duties to be performed, and the state of education in the district. It is desirable that every constable should be able to read and write; but while it might be possible to enforce such a condition in Madras or Burma, it would be at present quite impossible to do so in

the Punjab or the United Provinces. A due proportion should also be maintained between the importance attached to each of these qualifications. In some provinces the physical seem to have been greatly exalted over the educational; and, while nearly all the men are of fine physique, three fourths of them are illiterate.

Training of constables

It seems almost a truism to say that constables should receive adequate training in their duties before being set to perform them; yet the training of constables has been very defective in most parts of India for several reasons. One of the most important causes of inadequate training has been the general failure to provide the necessary reserve, which has resulted in calling on recruits to perform police duty before their training has been completed. This will be dealt with in discussing the reserves. Another cause of imperfect training is the defective character of the staff employed. This is mainly due to the fact that the training has been given in district schools. There are some officers who support these institutions on the ground that the Superintendent of the district in which the constables are to be employed is chiefly interested in their efficient training. This argument loses weight when it is found that the Superintendent's absence from headquarters during the greater part of the year necessarily prevents his exercising any real supervision over the recruits; that he puts a head constable, or at best a Sub-Inspector, in charge of the school, and ordinarily selects him because he is not very fit for station duty; and the temptation to utilise the recruits for emergent duty leads to constant interruption of their training. The great mass of expert opinion is in favour of central schools, each placed at a town accessible to several districts, which would be grouped round it either as belonging to the same division, as speaking the same language, or for some other reason of administrative convenience. This is the plan, which the Commission would recommend. The school should be large enough to make it worth while to employ an efficient establishment and yet not too large to allow of careful instruction and effective discipline. The course of training of constables also calls for revision. The Commission have taken this matter up, and certain proposals are contained in Appendix III. The course should extend over six months and should include instruction in drill, in elementary law and procedure, in discipline and in the manner in which constables should conduct themselves towards the public. For use in these schools, and by constables and head constables afterwards, a catechism should be prepared, consisting mainly of the rules and principles applicable to all India, with any additions or modifications required by local laws or circumstances.

Pay of constables

The Commission have carefully inquired into the system of payment and of promotion among constables. They have formed the opinion that the minimum pay is everywhere too low; and that the system of grade promotion is unsuitable to this class of police officers. As already stated, they do not accept the view that high pay should be offered in the hope of securing thoroughly trustworthy constables. They do not believe that the necessary qualifications of a constable are such as to demand a high rate of pay. They think, however, that the minimum rate of pay should be so fixed as to give a man of the class required a reasonable "living wage." He ought to be placed above the necessity for eking out his pay by mean or dishonest practices: having secured this, the Government

must trust to effective supervision to prevent abuse. The same minimum may not be suitable for all provinces, or even for all parts of the same province. Each Local Government should be left to fix the minimum for the province, and occasionally for certain parts of the province, in full consideration of the ordinary wages of unskilled labour therein, and of the special circumstances of police service. Among the conditions of police service to be considered are on the one hand, the qualifications required, which, though not of a very high order, must to a certain extent limit the field of selection, and, on the other hand, such advantages enjoyed by constables as free quarters, regular pay all the year round, leave with allowances, and pension. There should be no deductions or "cuttings" of any kind from constables' pay, and a constable should receive "batta or daily allowance of about two Ann's a day when sent on duty to any considerable distance beyond the area of the station-house to which he is attached. In consideration of these factors, the Commission would recommend that the minimum pay of a constable be not less than Rs. 8 a month. There is no province in India where less than this minimum is reasonable. At present, there seems to be no province, except Burma, in some parts of which this minimum is not adequate; but there are special tracts in some provinces in which more may be required. This is for the Local Government to decide. In Burma, the minimum pay of a constable must, in view of the price of labour, be fixed at about Rs. 12. Having fixed the minimum rate for each province or part of a province, the next question is the raising of pay after a certain period of service. The great object is to induce men to remain in the police by giving them definite hope of some increase in emoluments, if their service is approved. The grade system of promotion does not secure this: it is uncertain its operation; and this uncertainty are fatal in the case of men on such low pay. The first increase of pay also comes too late, and resignations in the first years of service are very numerous. The Commission would, therefore, recommend that to the minimum fixed as above there should be added one rupee per menses after three years of approved service from date of recruitment, and another rupee after five years more of approved service from date of the first increase. This would and to keep men in the service for at least eight years; and after that their claim to person and their hopes promotion to the head constable class would probably be strong enough inducements to remain; but it would undoubtedly make police service more popular to offer another increase of one rupee at the end of seven years more (i.e., a total of fifteen years) of approved service, and the Commission recommend this. Thus the pay of constables would run (except in Burma) from Rs.8 is deemed too low. In Burma it might run from Rs. 12 to Rs. 16, or Rs. 18 with increments of two rupees. The Commission do not recommend any other form of good-conduct pay than the increments thus to be granted for approved service. The system of good-conduct pay as worked at present is everywhere found to be unsatisfactory and productive of heart burning and discontent. Mere good conduct is best rewarded by increments of pay after certain terms of hear, as proposed above. But especially good service demands special rewards. These should take the form of

- (a) good service entries in the character book or long roll, which would form a permanent record and might lead to promotion;
- (b) good service stripes, which a man would always feel proud to display and explain; and
- (c) money rewards, which, if given promptly and with reasonable liberality, are the most acceptable form of reward for any special act of good service. The character book or

long roll would, of course, contain a record of the last two forms of reward.

Head constables

Head constables ought not to be employed ordinarily as investigating officers. They ought not, therefore, to be put in charge of police stations. A head constable may have to take up investigations or to hold charge of the police station in the absence of the Sub-Inspector [Criminal Procedure Code, section 4 (p)] or he may be deputed to conduct simple investigations (section 157). But he ought not to be placed in charge of a police station; and, where the investigation work of the station is more than one officer can be expected ordinarily to deal with, a second Sub Inspector should be appointed, so as to prevent the head constable being much employed in this way. Head constables are everywhere described as " ignorant and inefficient" they cannot be otherwise, in respect of such work as investigation, on any reasonable scale of pay. Yet they are found in charge of police stationing every province. Sometimes an allowance is made to a head constable for the charge of a station, as if that would turn a low paid servant, generally recruited from the lower strata of society, into an honest and efficient officer. The system has failed and is condemned. Opinion is all but unanimous in favour of relegating the head constable to the inferior service, and putting Sub-Inspectors everywhere in charge of police stations. The Commission regards this as the measure of reform most urgently required. The duties of a head constable should ordinarily be the commend of a party of police detailed for guard, escort or similar duty, the charge of an outpost established for the protection of the public, but not as an investigating Centre, the clerical work of the station-house, and assisting the Sub-Inspector in any police matter. As he is not ordinarily to have the responsible work of investigation, it is no necessary to pay him the salary required to secure a trustworthy and efficient investigating officer. He is rather to be a non-commissioned officer of police, employed either in subordinate authority over a certain number of constables or in clerical work. Suitable remuneration for such duties would be from Rs. 15 to Rs. 25 per menses; and the Commission would recommend that seal of play in three grades. In Burma, it may be necessary to fix the pay Rs. 5 higher than in the rest of India. The senior station writer should never be below the rank of head constable, he should never receive less than Rs. 15 per menses, but he should receive no special allowances. His duties are very important; and the complaints of the inefficiency and corruption of the constable-writers are universal. The commission does not recommend direct recruitment for the rank of head constable; they think that, except in the rare cases where it may be impossible to find among the constables a qualified station-writer, every vacancy among head constables should be filled up by promotion from the ranks. This will offer a fair prospect of promotion to intelligent constables, and will serve as an inducement to men of that class to qualify by good work and improvement in education for the higher office.

Sub-Inspectors: their recruitment

The Commission are strongly of opinion that a clear line should be drawn above the head constable class: above that line the service should be regarded as requiring a superior class of man to that found below it. They think, as already stated, Th Government ought to aim at investigation being entrusted to the Sub-Inspector class, and at inferior officers being ordinarily excluded from this work, except under the direct supervision and orders

of the Sub-Inspector; and if the work of investigation in any station area is more than one officer can carry out, then a junior Sub-Inspector should be added to the staff to assist the officer in charge. Investigations by constables and head constables are admitted everywhere to have been the most effective cause of abuse; and everywhere the demand is for improvement in the class of investigating officers. Some Governments have already realised the necessity for this as big one of the most obvious remedies for corruption and inefficiency in investigation. They have ordered that police stations shall not be placed in charge of any officer lower than a Sub-Inspector on Rs. 50 But they have not succeeded in achieving the reform they expected, because they have not improved the class of Sub-Inspector, but have maintained the general rule which promotes head constables to that class. The great majority of the best official and non-official witnesses are strongly of opinion that this rule ought to be abolished, and that Sub-Inspectors should ordinarily be recruited direct. Almost everywhere throughout India the Sub-Inspectors are generally credited with all the corruption that characterises the lower ranks of the police; and the faults of these lower ranks are attributed in some part to them. They are neither honest nor intelligent themselves, nor are they capable of enforcing honesty and maintaining discipline among their subordinates. In other departments of the public service the best results have followed from abandoning the system of promotion to responsible office of men who have acquired their principles and habits of work in ministerial or subordinate employment, and by recruiting direct for the higher posts men of some social status and education. In the police department this is specially necessary; and yet, strange to say, it has not been carried out. The indifference hitherto exhibited regarding the character and qualifications of officers in charge of police stations is inexplicable. The grievous results of this blunder seem to be almost universally recognised; yet the system has been permitted to continue with only spasmodic effort here and there at reform. The Commission strongly urges the introduction everywhere of the system of direct recruitment and special training of Sub-Inspectors to be employed as investigating officers. They would leave the rules for recruitment to be drawn up by Local Governments. Certain physical qualifications are necessary, and these need not be precisely the same in every province; but the Commission is of opinion that the age should not be lower than 21 nor over 25 years. Educational qualifications are essential; and these must depend on the state of education in each province: in no case, however, ought the standard to be to owe than the University Matriculation or School Final Examination. Good moral character and social position are perhaps the most important of all the qualifications, and at the same time the most difficult to gauge. Where any real endeavour has been made to secure that candidates of the District Magistrate; and, provided that this certificate is based upon personal knowledge and not on the unchecked reports of subordinates, the method is a good one. The Commission would, however, modify it somewhat by requiring lists of candidates to be prepared by Commissioners, with the assistance of District Magistrates and Superintendents, who should be at liberty to forward to the Commissioner the names of any lads whom they consider suitable. Much useful information about the character and capacity of youths can be furnished by heads of colleges and schools; and their help and interest should be freely sought. Commissioners should forward their lists to the Inspector-General to be embodied in his general list of candidates for nomination. How far the system of nomination should be modified by competition is a matter, which depends largely on the circumstances of each

province, and ought to be left to the Local Government to decide. Provided that the Government insist on the importance of securing duly qualified men, and on the exercise of care in nominations and speedy recruitment, if combined with the inducements of improved pay and prospects, ought immeasurably to raise the tone of this class of officers. The Commission would strongly recommend that appointments to it be made by direct recruitment, and that promotions from the class of head constable be distinctly exemption; The Commission have had clear evidence that suitable candidates cannot be obtained, nor can men directly recruited be expected to retain a high tone, so long as the great bulk of officers are promoted from the ranks and the service remains generally corrupt. They would not absolutely close the door of promotion against a specially deserving and efficient head constable; but such exceptional promotions ought to be strictly limited, and should in no case exceed 15 per cent. Of vacancies.

Training of Sub-Inspectors

The training of Sub-Inspectors demands careful attention. It has failed generally in that it has been unsystematic and inadequate, and has been entrusted to inferior agency. A probationer has been at best attached to a police station to learn his work; the pupil is not above his teacher; and the best that can be expected is that, when his course of tuition is complete, he shall be as his teachers. The school to which the probationer was sent was not of the best. Many a bad lesson was learned. The course of instruction was not carefully enough considered. And the teacher, such as he was, was not able to give adequate attention to his pupil. The Commission consider that in every province there should be a well-equipped provincial training school for the training of officers of the rank of Sub-Inspector and upwards. It should provide, in police procedure and practice, and in the habits and customs of the criminal classes. Arrangements for practical training in station-house work should be made by placing some of the neighbouring police stations under the Principal of the school. Care should also be taken that the discipline and tone of the school are of the best, and that special instruction is given in regard to the manner in which police officers should conduct themselves towards the people. To secure this a thoroughly competent Principal is essential: ordinarily he should be a carefully selected Superintendent of Police, though selection should not be confined to the police department if a thoroughly competent officer is not available. The Principal should be given the pay of his rank plus a local allowance of Rs. 100 a month. It is also desirable to provide for careful supervision by the superior officers of the Police Department, and for inspection by the Commissioner, the District Magistrate and an officer of the Education Department. Every candidate appointed direct to undergo training as a probationer. This training should consist of a full course at the provincial training school, to be followed, in the case of a Sub-Inspector, by a probationary year of practical training as the junior Sub-Inspector under a good officer in charge of a police-station, where he would be able to do investigation work and other station-house duty under efficient supervision. The outlines of a curriculum for this provincial training school are given in Appendix IV.

Pay of Sub-Inspectors

In determining what proposals to make regarding the pay of Sub-Inspectors the Commission have been influenced by the experience gained in other departments as to

the pay necessary to secure the services of the kind of men required for police officers of this rank. Thus, for example, the Sub-Inspector ought to be an officer of status and intelligence not inferior to that of the naib tahsildar. His pay should, therefore, begin at Rs. 50, and run by grade promotion up to Rs. 80. Where this matter has attracted due attention, Local Governments had already fixed the pay on this basis; and the Commission believe that with direct recruitment, adequate training and improved prospects, this pay is enough to secure the class of officers required. They would also propose to give a horse allowance of Rs. 15 per menses, as an investigating officer ought to keep a pony. They do not recommend any other allowances: allowances for the charge of a police station are undesirable and unnecessary, provided that the pay is adequate. They would, however, recommend that, if the probationer desires it, a reasonable advance should be sanctioned on approved security to enable him to purchase uniform, horse and accoutrements, such advance to be repayable by monthly instalments of 20 per cent. Of his salary, commencing six months after he passes out of the provincial training school. Finally, they would recommend the pay of a probationer while at the school should be Rs. 25 a month. Sub-Inspectors should be borne on district lists, and be promoted within their districts; for they should look to their Superintendent for advancement. But the Deputy Inspector-General should have the right to redress any great inequalities of promotion among the districts included within his range. Promotions should be made by the Superintendent, subject to the right of veto of the District Magistrate, who should be consulted before the appointment is announced.

Inspectors: their duties

It has been already stated that the Commission have found the arrangements for supervision of police work very defective. This is a grievous defect; for no class of officers employed on police work can be expected to perform it satisfactorily, unless they are supervised by officers whose experience and character fit them to detect and check mistakes and abuses. One of the means by which it is proposed to remedy this defect is by an improved system of supervision by Inspectors. The present system fails in several respects. In the first place, the Inspectors, being ordinarily printed from the ranks, are not men of the qualifications, character and influence required. Secondly, they are too few in numbers, and too much occupied with investigation, to be able much effective inspection. Thirdly, they have not usually a definite charge; their inspections are, therefore, spasmodic and ineffective; and they have no clear sense of responsibility for police work. In all these respects the Commission would propose to improve the existing system. As to the class of men required, the Commission thinks that they would usually be best secured by selecting good men from among the Sub-Inspectors. Their necessary qualifications would be established by their appointment to the rank of Sub-Inspector, by their training for that office, and by the good work done since. The promotion of Sub-Inspectors would allow give that class such reasonable prospects as would attract good men. The Commission would, therefore propose that Inspectors should ordinarily be carefully selected from among the Sub-Inspector, but that Government should reserve to self the power to appoint a certain number (not exceed 20 per cent. of vacancies) direct. Me an appointed direct would have to be trained at the provincial training school. To remedy the other two defects in the present system, the Commission would propose that the number of Inspectors should be so fixed as to allow of one Inspector being placed in

charge of a circle, the area of which should be determined by the consideration that while he should be fully occupied, he should at the same time be in close touch with all the investigating officers of his circle the boundaries of which should be coincident with those of a taluk or some similar revenue sub-division of the district, i.e., to include one or more of these. He should reside in that circle and should be responsible to the Superintendent for all police work within its area. He should not ordinarily conduct investigations, but supervise. The responsibility for investigation should ordinarily rest with the officer in charge of the police station, but the Inspector should keep him in informed of what is going on within his charge, should take special note of the progress of important cases, and should be ready to assist in any investigation where his assistance seems to be required. The necessity for some such system has been generally felt. In some parts of the country it has led to such schemes as the whereby a chief constable in Bombay, or a Sub-Inspector in one or two other provinces, is placed not only (direct charge of his own police station but also in general charge of several other police stations (generally called outposts), the officers in charge of which are head constables. This system is unsound, both in placing an inferior officer in charge of each of these outposts, which are really, though not theoretically, subordinate investigating centres, and also in weakening the responsibility of each officer for his own charge. It was adopted merely on grounds of economy, and admittedly tends to inefficiency. The system which the Commission regard as essential is to make the officer in charge of a police station whole responsible for all the work of his charge, and to have an Inspector in charge of a circle including several police stations, and responsible for the supervision, control and general efficiency of all police work therein.

Pay of Inspectors

The Inspector ought to occupy a position similar to that of the tahsildar (or mamlatdar). His police duties and responsibilities are similar to those of the tahsildar in the revenue department; and it is essential to place the two departments on practically the same footing, or it will be impossible to secure good men for the police. The same kind of men should be attracted to both services. The Commission therefore proposes that the pay of Inspectors should run from Rs. 150 to Rs. 200, with a few special appointments on Rs. 250 reserved for thoroughly deserving Inspectors who are nevertheless unfit for further promotion. This is the pay given in most provinces to tahsildars, with the reservation of a few appointments on Rs.250 for officers who, though specially good tahsildars, are unfit for promotion to the Provincial Service. In addition to their pay, Inspectors should receive travelling allowance at the rate of one rupee per diem when absent from headquarters. It is better in their case to give a daily travelling allowance than a fixed horse allowance, for it serves as an inducement to them to go on tour. There are some tracts where it may be necessary to have special rates of travelling allowance, owing to special expense of carriage; but the rate above specified is generally appropriate. For Inspectors in charge of towns and for Prosecuting and Reserve Inspectors a fixed horse or conveyance allowance would be more suitable.

Superior officers

In proceeding to discuss the superior officers of the department, it will be in some respects convenient to deal first with the Superintendent. It has been proposed by some

witnesses that Superintendents should be recruited from the ranks of the Civil Service, and that they should be of the status of Assistant Collector, and eligible for police work until they reach that seniority which would entitle them to the office of Collector. The expense of this proposal, if it were to be carried out so not to injure the flow of promotion in the Civil Service, the act that it would eliminate all chance of having officers of great experience among the Superintendents, and the inexpediency of completely fusing the police with the revenue and magisterial departments, are among the obvious reasons which have led to the almost universal rejection of this proposal by thoughtful and well-informed witnesses. The Commission regard it as quite impracticable and undesirable. They would support the present system of a separate department for which officers are recruited as Assistants must be limited to the number of officers required for superintendentships and offices; i.e., it must be regulated by the number of vacancies occurring among these higher appointments, and by the number of years during which an officer must serve as an Assistant before he is fit for the office of Superintendent. As to the method of recruitment, the old system of nomination utterly failed. It is universally condemned. A few good Superintendents have undoubtedly been obtained under that system; but, as a whole, the service suffered incalculable injury from the mistakes in which appointments were made. The new system of appointment by competitive examination in England has been more successful; and the majority of the young men who have joined the service in this way during the last few years give promise of being fairly good officers. Co-existent with this is another system whereby appointments are made by competition among nominated candidates in this country. This method of recruitment is condemned by the great majority of witnesses who have considered the question. In some cases, most unsuitable young men, and sometimes without any sound education, have been nominated and have gained appointments. In other cases, young men who have failed at the examination in England have come out to this country and secured appointment under this system. While there have been undoubtedly one or two promising men who have thus entered the service by nomination and competition in this country, they are wholly exceptional; and there is, as a rule, no apparent reason why these should not have entered it by competition in England. One other way of entering the superior ranks of the service is by promotion from Inspectorship. As regards Europeans, this is now universally admitted to be inexpedient and objectionable. As regards Natives, this system of promotion has been discredited by the blight, which the prevailing rule of promotion from the ranks has cast over the whole native police service.

Recruitment and training of European officers

In regard to the recruitment of European Superintendents, it has been already stated that the new system of competitive examination in England has been more successful than system, which preceded it. At the same time, the Commission believes that it is capable of very considerable improvement. There is still too often a want of application to work, of personal dignity and sense of responsibility, and of consideration for the feelings of subordinates and of the people, which indicates defective education and training. There has been a good deal of evidence on this point, and several suggestions for improvement have been made. One of these is that the police service should be recruited from among the highest on the list of candidates who fail to pass the Indian Civil Service Examination. A somewhat similar suggestion is that the police service should, like the

Home and Colonial Services, be amalgamated with the Indian Civil service for the purposes of this examination. The Commission have rejected both these suggestions, partly because they are not prepared to say that precisely the same age or class of men is required for the police as for the Civil Service; and mainly because they think that men would not work contentedly in the police in the same district or province, alongside of their contemporaries in the Civil Service, unless the Government were prepared to make the former as attractive a service as the latter. Unless this is done, men cannot well be appointed to the two Services by the same examination.] The Commission are inclined to maintain the two essential principles of the present system, viz., that selection should be by competition on the same conditions as at present, and that the competition should be among lads with a good school education. But they would propose modifications to secure a special training of successful candidates in England, and a further development of their character before coming to this country. At present the age for examination is from 19, to 21. As most boys leave school at 18, the candidate has either to mark time, or to go to a grammar school for a year. On passing he is sent out, often at the age of 19, to face the world for the first time in a new country, where his youth exposes him to many more and physical dangers. When he reaches India, he is placed, to acquire some knowledge of the vernacular and of law and procedure and to learn his duties, under a Superintendent who has little or no leisure to attend to his training. He has an inducement to work in the necessity to pass certain examination; but these are not a sufficient test; and it is very difficult to get rid of an unsatisfactory probationer after he has come out to India. The results of this system are not-and cannot be-satisfactory. The Commission would propose that the age limits for admission to the competitive examination should be 18 to 20, so as to catch lads when they leave school. To this should be added a probationary course of training at an English residential university, where there is a Board of Indian Studies, with efficient arrangements for instruction in Criminal Law and Practice (including notes of cases in Court), Indian vernaculars and Indian history, geography and ethnology. This probationary course should extend to two years. The Commission have received strong evidence of the great value to members of the Civil Service of the experience gained in reporting cases in the English Courts, and of the great importance of the second year of training. It is beyond the scope of their inquiry to refer to the reasons, which seem to have led to the change of system in regard to that service. The main point is that it has been decided to aim at securing university men for the Civil Service. The age for competition is therefore fixed three years higher than that now proposed for the police, and it would not be expedient to add two years' training. But the Commission would strongly urge the adoption of the proposals they make for the police. They have received the strongest evidence that a thorough grounding in vernacular and law can be given far more efficiently in England than in India, the reporting of cases in Court under competent supervision is one of the best means of instruction, and that the second year of work in England is much more valuable than the first. Meanwhile the probationer should be encouraged, or perhaps even required, to take one of the university courses up to the end of his two years' residence. Instruction should also be given to police probationers in riding; and they should be required to join a volunteer corps and become efficient. There should be periodical examinations in the special subjects above mentioned; and every probationer should furnish certificates of his carrying on the university course, if it is considered necessary to require this. All this would tend, not only to develop his

character, but also to test his fitness for the career before him; and it is much more easy, because more reasonable, to enforce the penalty of failure against a probationer in England than in India. The probationer should receive an allowance L100 a year during his two years' probation, giving security for the refund of these monies if for any cause he fails to proceed to India. any candidate who wishes to complete his university course should be allowed to remain for another year in England for that purpose, without loss of seniority, but without any allowance for that year. This would encourage selected candidates to secure the great advantage of a full university education. The seniority of candidates should be determined by the combined results of the periodical examinations. In addition to this probationary training in England, a session at the provincial training school in India is essential. Special attention would there be given to the colloquial use of the vernacular and to practical police work. After such a course, the successful candidate would be ready to enter on the discharge of his duties as an Assistant Superintendent, though he may still have departmental examinations to pass. Seven years of work as an Assistant following on this training (with short terms of duty as Officiating Superintendent) ought to be enough to fit him for the efficient performance of the duties of Superintendent. The Commission believes that this system is certain to secure a class of officers very superior to those now recreated, and thoroughly fit to make excellent Superintendents.

Pay of European officers

The Commission considers that the pay and prospects of the superior police officers should be very considerably improved. At present their pay generally runs from Rs. 250 to 400 for Assistants, and from Rs. 500 to Rs. 1,000 for Superintendents. The Commission considers that these rates of pay are not adequate as compared with those of officers in other departments in which no higher qualifications are required nor greater responsibility involved than in the police. They are too low to attract suitable men to the police service, when the facts are fully known; and it is perhaps significant that the candidates who joined the police in the first year of the competitive system are among the most promising officers that system has produced. The initial pay of an Assistant is too little for a young man to live on respectably in India, when he has to keep a horse and cannot make cheap arrangements for his board and lodging. And if he is to be eight years an Assistant (as he ought to be) before reaching a Superintendentship the pay of the highest class is altogether inadequate. Similarly, Rs. 500 is all together too little pay for an officer of eight years' service, to whom is entrusted the charge of the police of a district; and the present scale of pay of Superintendents holds out too poor a prospect and leads to much discontent among the senior officers. The Commission therefore proposes that the pay of Assistants should run from Rs. 300 to 500 in three classes, and that of Superintendents from Rs. 700 to Rs. 1,200 in five classes. They would advocate promotion by seniority through all these classes, except that no promotion should be given to any Assistant until he has completed his school course and also passed the prescribed tests; that it should be clearly understood that no Assistant should have a claim to promotion to be Superintendent, if the Government holds him to be unfit for that office; and that no Superintendent should receive promotion beyond the Rs. 900 class if he is considered unfit to hold charge of the police of any of the more important districts. The Commission do not think that local allowances should be attached to any particular

district: these were reasonable when the pay of officers was too low, or when the reward of good work in promotionally selection to offices higher than that of Superintendent was inadequate; but they will not be required if the proposals of the Commission are accepted. There is a proposal urged by many witnesses which meets with the approval of the Commission, that Assistants on coming to India should receive, on due security, a reasonable advance to be repaid in monthly instalments of 20 per cent. of salary. Police officers receive travelling allowance under the Civil Service Regulations; but the rules regarding provision of tents and their carriage are sometimes (e.g., Bombay) illiberal and involve hardship.

Recruitment and training of Native Officers

The main Object of appointing European Assistants is to secure fully qualified officers for the post of Districts Superintendent and the higher offices in the police department. And the number of Assistants should be limited to what is necessary (about 77.3 for every 100 superior appointments) to supply fully trained men to fill these higher offices. This number of Assistants, however, is not sufficient for the requirements of police work. The Superintendent requires one or more Assistants to help him in the discharge of his duties of control and supervision and to relieve him of the routine of office work, so that he may be free to tour about his district, and become personally acquainted with his officers and their work, and with the people and their interests. The Commission recommends that the additional number of Assistants required should be supplied by a class of Deputy Superintendents in a provincial service, who should have the same departmental status as Assistants. The number of these should be fixed on the principle of one qualified Assistant or more extras in any district where the work demands this additional strength. One-half of the vacancies among Deputy Superintendents should be filled up by careful selection from among qualified Inspectors. This would offer a good career to, and would be a great encouragement to good work among, Inspectors and Sub-Inspectors. The vacancies not to be filled up from the Inspector class should be filled up from natives of India, who have qualified for the provincial service in the revenue, judicial or police department, and are judged by Government to be fit physically, morally and otherwise, for employment in the superior police service, the Government also reserving to itself the right to appoint to this class any Native officer already employed in the provincial service in any of these departments. If any officer who has had no police experience is appointed to the Deputy Superintendent class he must pass through a course in the provincial training school.

Native Superintendents

The Commission have also carefully considered the question whether natives may be employed as Superintendent; and they have heard the views of many witnesses on this point. They are of opinion that, in provinces where the ordinary circumstances prevail, it is both safe and expedient to throw open some Superintendentships to natives. They are bound to record that experience in the police department has not been wholly favourable to this view. But it must be borne in mind that the Native officers who have been tried as Superintendents, and of whom the reports are not usually favourable, have generally been promoted Inspectors who have risen from the lower ranks of the force and been too deeply imbued with their characteristics to make good Superintendents, and also too old

for very efficient service. The experiment has thus been made under very unfavourable circumstances. On the other hand, experience in other departments is decidedly encouraging. The provincial services have produced some excellent judicial and executive officers. Many Magistrates and Collectors have spoken in strong terms of the enormous advantage that must accrue to a Superintendent from having the assistance of such an officer as some of their native subordinates, and of the probability that selected officers from among that class might prove fully qualified for the charge of the police of a district. At present, such officers do not exist to any extent in the police; but they do exist in other departments; and, if the proposals of the Commission are adopted, they will before long be available in the police department also. They should be employed as far as possible. It is more than desirable-it is incumbent on the Government-to use native agency to the utmost extent possible without seriously impairing the efficiency of the service. The employment of natives as Superintendents, however, is more or less an experiment; and, therefore, it must be carefully and gradually introduced. To proceed too rapidly is to court failure. But it is an experiment of a hopeful character, and, therefore, it ought to be tried within reasonable limits wherever circumstances permit. There may be districts and even provinces where the turbulence or religious and caste animosities of the people render this experiment inexpedient, but there are places where it may safely be tried. It should be limited to these to ensure a fair trial. To this end also, no native should be appointed a Superintendent unless he has shown himself likely to succeed by good work either as a Deputy Superintendent or in some other department of the public service. To secure that the experiment shall be fairly tried, a certain number of Superintendentships should be reserved for Native officers. For the present this number cannot be definitely fixed; for, as already stated, suitable police officers are not everywhere available. It must be left for decision after experience has been gained of the working of the system. A beginning should, however, be made at once wherever the circumstances of the province allow: a few men at least are available in every province. There are only two provinces in which the Commission anticipates any real difficulty owing to the character of the people. The Lieutenant-Governor of the Punjab foresees serious difficulties in giving effect to this scheme; and the Chief Commissioner of the North-West Frontier Province considers that it would be absolutely impracticable there. Elsewhere there seems to be no reason why a beginning should not at once be made.

Pay of Native officers

In view of the pay given to the provincial services in other departments, and with the object of attracting to the police service men of similar character and qualifications, the Commission would propose that the pay of Deputy Superintendents should run from Rs. 250 to Rs. 500 in four classes, and that the pay of Native Superintendents should run from Rs. 600 to Rs. 900. It might be urged that, with the object of attracting the best men, the same pay might be given to Native Superintendents as to Europeans of that rank, especially as the number of such appointments must for some time to come be few. But, on the whole, the Commission are inclined to follow the analogy of the provincial services in other departments; both because it is just that, when Europeans have to be brought to India to fill certain appointments, their pay should be fixed at the higher rate necessary to enable them to meet their expenses both in India and in England; and also because natives of the best class will be attracted by the lower scale of pay, and the

economy resulting from its adoption will serve as an inducement to Government to employ them wherever that is possible without injury to the public service.

Dissent of the Maharaja of Darbhanga

Their colleague, the Maharaja of Darbhanga, does not wholly concur in the views of the Commission which have been set forth in the last few preceding paragraphs. He urges that the superior officers of the police—both European and Native—should be recruited by one examination. He would have open competition both in England and in India, without distinction of race. The Commission are unable to accept his view for several reasons. In the first place every province is not ripe for open competition; the Commission are not prepared to affirm of any province that it is so; that is a matter for Government to decide. The qualifications required and enumerated by the Maharaja are not directly tested by competition and cannot infallibly be secured thereby. The best means to secure them depends on circumstances which must be carefully considered. In the second place, the Commission are strongly of opinion that it is absolutely essential to have a certain proportion of Superintendents enlisted from among Europeans trained in Europe. It is almost universally admitted, and the Maharaja himself admits, that it is at present absolutely necessary for the efficiency of the service to have a large proportion of European Superintendents, and their recruitment must be secured. To enlist them that method should be adopted which will secure the best type of European. This is what the Commission have aimed at. They do not believe that a good type of European is generally obtained by any system of recruitment in India. They regard English education and home associations as of supreme importance in the formation of the character of an Englishman. The method they propose, therefore, for the recruitment of Europeans is recruitment by examination in England. But in the third place the Commission are by no means confident that examination in England is a suitable method of securing the best natives of India for the Police. The best native is not necessarily the man who has, as a boy, been sent away from all his home associations to England for education; and as several witnesses have pointed out, a Native police officer is not the better for having lost touch with his people. In any case, the native belongs to India and, wherever it may be expedient to educate him, the examination by which his fitness for the Indian service is tested ought to be in India. In the fourth place it is essential to have different methods of recruitment for Europeans and natives because it is essential for the Government carefully to control the relative proportion of these two classes in the superior police service. This is the principle on which the proposals of the Commission are based, a principle which their colleague has apparently failed to grasp. A certain proportion of Europeans is regarded as absolutely necessary, and the Government having fixed that proportion must be in a position to secure their enlistment. As regards the appointments which may be open to natives, what is required is to adopt the most effective means of securing the best class of officers, and this is the object of the Commission's recommendations. As regards the question of 'designation or class,' to which the Maharaja seems to attach much importance, the Commission have already recommended that the Deputy Superintendents should have precisely the same departmental status as Assistants. They proposed the designation of 'Deputy Superintendent' on the analogy of the Provincial Civil Services, and because the object of the appointment of Deputy Superintendent is different from the appointment of Assistant, the latter, as already stated,

being intended mainly for the training of the necessary European Superintendents. At the same time the Commission do not attach much importance to a name. As to the salary to be paid to these officers, the proposals of the Commission are more liberal than those of the Maharaja, whose "two-thirds" fraction of European pay would mean small pay to Native officers doing the work of Assistant.

Deputy Inspectors-General

Passing now to the higher classes of inspecting officers, the Commission find that adequate advantage has not been taken of the provision of the law which permits the appointment of "such Deputy Inspectors-General as to the Local Government shall seem fit." In all provinces these officers are too few in number. Some of their most important duties are entrusted to Commissioners and District Magistrates and many of them are entirely neglected. They are practically confined to work of a comparatively unimportant character; and their usefulness is consequently impaired. The Commission would, therefore, propose to increase their number and to place a Deputy Inspector-General in full administrative charge of a range comprising as many districts as he can reasonably be expected to control. This arrangement will not only lead to the maintenance of a higher standard of work among Superintendents, but also to their more cordial and intelligent co-operation with one another. One Deputy Inspector-General in each province should be placed in administrative charge of the railway police; and it will be both convenient and expedient to place him also in charge of the Provincial Criminal investigation Department, the constitution and objects of which will be discussed later. Deputy Inspectors-General should be carefully selected from among the Superintendents. Their pay should run from Rs. 1,500 to Rs. 2,000 in three classes. these appointments should be regarded as the highest prizes absolutely reserved for the police department; and officers holding them should be eligible (like Superintending Engineers) for the special pension of an additional Rs. 1,000 a year provided for in the Civil Service Regulations. The hope of securing an adequate pension on retirement constitutes a strong inducement to enter a service; and there is no reason why this inducement should not be offered in respect of the police service. It would also give much satisfaction to the great majority of officers in the police and render the service more attractive if a system of providing small pensions for widows and children by compulsory contributions during service could be arranged. The Commission can in this matter do no more than give expression to the general desire for such a system, and to their opinion that, if practicable, it should be adopted.

Inspector-General

The Commission thoroughly approve of the provision of Act V of 1861, that the administration of the police throughout a province shall be vested in an Inspector-General, who should be the departmental head of the police force. After consideration of all the evidence that the Commission have heard on the subject, and their experience of the duties and work of the Inspectors-General, they are of opinion that this office should for the present ordinarily be held by a selected District Magistrate. They do not think that the door should be absolutely closed against the officers of the training of a member of the Civil Service fits him better than a police officer to take broad views of administrative matters and to deal with intricate, difficult and important questions. He has also

ordinarily more weight with other departments, especially in cases of difference between Superintendents and District Magistrates. The Commission does not approve of the proposal made by some witnesses to make the Inspector-General a Secretary to Government. They regard this as inexpedient, in that it necessitates his being too much at headquarters, and also deprives the head of the Local Government of the advantage of independent criticism of his action and proposals. At the same time they are strongly of opinion that he should have periodical access to the head of the Local Government, and that unofficial references between him and the Secretariat should be freely used in the discussion of any police matters under consideration. They would propose that his pay should be Rs. 2,500 rising by annual increments of Rs. 100 a month to Rs. 3,000, so as to secure his tenure of office for a considerable period of years; and that his status should be that of a Commissioner. These proposals apply to the larger provinces. In the Central Provinces and Assam it would be sufficient to give the Inspector-General a local allowance of Rs. 250 a month in addition to his salary as a member of the Commission; and in the North-West Frontier Province to give him a salary of Rs. 2,000 a month, which is the pay of a Deputy Inspector-General of the first class. In the Central Provinces, the Inspector-General should be relieved of the charge of the Jails, and in Assam of all the departments now under him except Police and Jails. Both these Inspectors-General are overburdened at present.

Armed police

The Commission now proceeds to discuss the question of reserves. These are of two classes: police reserved for special emergent duty, and the ordinary reserves for filling up leave and other vacancies. The first class, or armed reserves, are necessitated by the principle that it is the function of an efficient police, not only to prevent and detect crime, but also to secure the peace and tranquillity of the country. The numbers, organization and equipment of the force must, therefore, be such as will enable it to deal both promptly and effectually with tumults and local disturbances without the aid of the military arm. On the other hand, it is the function of the army and not of the police to suppress rebellion and tourists invasion. These were the principles laid down and accepted in 1860, and reaffirmed by the Government of India in 1887. The inquiries instituted in the latter year showed that the general principles of 1860 had not been lost sight of in Madras, Bombay, the Punjab and Bearer; that in Bengal they had been allowed to fall into desuetude; that in the North-West Provinces they had been to some extent deliberately set aside and to some extent forgotten; while in the Central Provinces and Assam they had not been kept in view. But even in those provinces, which had reserves for dealing with local outbreaks and disturbances, the reserves were for the most part inadequate in numbers, imperfectly drilled and disciplined, and armed with an inferior weapon.

The Bengal system

In Bengal there is at every district headquarters a force of armed police called "the District Police Reserve," consisting as a rule of 25 men armed with smooth-loading sniders. These men are not allowed to be used for any ordinary police duty without the sanction of the District Magistrate, the object of this rule being to ensure that there shall always be available at headquarters a small force of well-drilled armed men, ready to go at

a moment's notice to any point of danger. Bengal also has four companies of military police, enlisted under a special Act and stationed at Dacca, Hooghly, Bhagalpur and Dumka, but the Commission see no adequate reason for maintaining this force apart from the armed reserve. The military police are very seldom employed, and their existence leads to attention being given too exclusively to the discipline and efficiency of a very small part of the force, and to an undesirable emphasis being laid upon the military side of a police officer's duties, to the neglect of the large body of other duties which are much more important. The armed reserve can be trained to do efficiently all that is required, and the two forces should, therefore, be amalgamated.

Recommendations regarding armed police

Mention has been made of the Bengal system of District Police Reserves because, in the opinion of the commission, it may with advantage be adopted, subject to certain development, as a model for all provinces. Under the Bengal system the District Police Reserve consists of men who are kept either permanently or for a long time in that force. This, the Commission think, is not altogether desirable. They would prefer to have at the headquarters of each district, or perhaps, where the districts, a body of armed police, called "The Headquarters Force," available for performance of all the guard, escort and orderly duties at headquarters, including the supply of escorts to bring in treasure and sometimes prisoners from sub divisional stations. A certain proportion of this force should be kept in reserve, always ready, like the Bengal District Police Reserve, for despatch at a moment's notice to any place where it may be needed. The strength of this minimum force will probably vary with local circumstances, but ordinarily it might be fixed at 25 constables and two head constables. The whole of the Headquarters Force should be in charge of a European Inspector, preferable one who has served as a non-commissioned officer in the British Army. It is believed that the military authorities would be prepared to second officers for this purpose. Where the Headquarters Force is a large one, the inspector might be assisted by one or more European sergeants. It is not, however, necessary to attach any Sub-Inspector to this force; their special training and attainments will be somewhat wasted in such a situation, and the necessary native supervision can be furnished by a good head constable of the first grade. It has been suggested that every recruit on passing out of the training school should be required to serve for a certain time with his Headquarters Force; but the Commission consider that it is desirable that the recruit should first have at least one or two years' work at a police station, in order that he may put into practice and thus crystallize in his memory the lessons regarding his duty which he has learnt at the school. But when this is accomplished, he might with advantage be drafted into the Headquarters Force in order to refresh the knowledge of drill and musketry which he acquired in the school. In some localities it may be necessary to recruit direct for the Headquarters Force on account of the difficulty of obtaining otherwise men with suitable qualifications.

Division of force into armed and unarmed branches undesirable

In addition to the armed reserves there is in every province a considerable body of unarmed police. In most cases the use of the expression "armed police" is misleading, for the

figures represent, not a separate force, sharply divided from the rest of the police, but the number of carbines at police-stations available for use by the station police. In some provinces, however, the police are divided into armed and unarmed branches, and though the members of the latter are instructed in the use of firearms on enlistment, they are not required to utilise this knowledge subsequently. The Commission condemns this separation of the force into two branches, as it imposes a heavy strain on the armed branch or demands an unnecessarily extravagant scale of establishment. This may be illustrated by the case of a police station which requires, say, 20 men to perform what are called civil duties, such as beats, service of warrants and the collection of information, and a number of armed police to furnish two sentries and a number of armed police to furnish two sentries and to escort prisoners or treasure. Each sentry post requires four men, but these men cannot be kept on duty with the guard night after night, and there must, therefore, be a reserve of armed police to furnish relief. If there is a rigid division into armed and unarmed police this reserve is unemployed when not on guard, but where no such division exist the whole of the station staff can take their turn of guard duty, and there ceases to be any ground for the complaints of excessive night duty, regarding which there has been a considerable amount of evidence. The police force, therefore, therefore, should be homogeneous; all the members of it should be taught the use of arms and instructed in drill; and this knowledge must be kept up by kept up by a periodical training at headquarters, or by regular drill and target practice at their police stations, or by both methods.

Mobilisation of armed police

The scheme which has been sketched above will provide an armed force sufficient for dealing with all disturbances which are not of a very serious character, while if, as proposed, every constable is trained to the use of arms and his knowledge in this branch of his duties is kept up in the manner suggested, it would be possible to mobilise in each district a comparatively large force of armed police, capable of dispersing effectually even large masses of non-military men. The Commission find that such a scheme exists in Madras, and they recommend its adoption everywhere. Mobilization would of course necessitate the withdrawal of men from station duties, but this would be temporary and would be required only when justified by a serious emergency. If it was found necessary to keep any force mobilized for a considerable time, more men could be obtained in place of those serving with the mobilized force by stopping leave and by employing chauthidars and pensioners for the lighter and less difficult police duties. In order to avoid the withdrawal of arms from out-stations it would be desirable to keep a small reserve of weapons in the headquarters armoury.

Military police

The foregoing remarks are not applicable to the military police of Burma, Assam and the North-West Frontier part organized under military officers, and the circumstances of the country in much the same way as armed reserves, should not at once be abolished, their place being taken by the usual reserve or Headquarters Force described above; but they think that this is a matter which may be left for decision by the Local Government.

Mounted police

In Assam, Bengal and Madras there are no mounted police (except in the two presidency towns), and the evidence shows that they are not required in those provinces. In Burma they appear to be used only as messengers, and their utility for police duties is doubtful. Elsewhere the Commission is of opinion that some force of mounted men is required. They are useful in large cities, in places where dacoity is rife, especially if the dacoits themselves are mounted, and on the borders of Native States; but they are a very expensive branch of the police organization and they should not be employed unless the necessity for them is clearly established. Except perhaps in the North-West Frontier Province, they are not required, for example, as orderlies, for which duty men mounted on bicycles are more efficient and less costly. It was urged strongly by officers who gave evidence before the Commission in Sind that, owing to the almost universal of travelling on horseback, the long distances to be traversed and the character of the work on the borders, the employment of mounted police is there a matter of first importance. The Commission admits that there is force in this argument, but there is evidence that the necessity for mounted men has been somewhat overstated. In this, as in other matters, the isolation of Sind has prevented a comparison with methods employed elsewhere and that may have conserved this expensive force in under measure. The Commission found some bodies of mounted police armed with lances. They consider that a lance is not a suitable weapon for mounted policemen, who should be armed with sword and carbine and used rather as mounted infantry than as cavalry.

Ordinary reserves

Turning now to the ordinary reserves, it must be noted that one of the most marked defects in the present police organization throughout India is the absence of any adequate reserve to supply men for filling the vacancies caused by casualties. In the case of the European staff this has been provided for by the scheme of recruitment which has recently been promulgated by the Government of India. For the proposed Provincial Police Service there is, in the opinion of the Commission, no necessity for a separate reserve; for that service will in part be recruited by the promotion of Inspectors, and it will, therefore, be sufficient for the present if it be included in the establishment of Inspectors and Sub-Inspectors for the purpose of fixing the reserve required. The Commission have no data which will enable them to determine with any approach to accuracy what ratio that reserve should bear to the total strength. For the Provincial Civil Service, however, the proportion has been fixed at 14 per cent and the Commission recommend that this should be adopted tentatively for the combined Provincial Police Service, and Upper Subordinate Service, which ends with the rank of Sub-Inspector. For European Inspectors and Sergeants a lower figure may be adopted, for these men do not take much leave and their period of training is a very short one: the Commission would suggest a reserve of 10 per cent, and this must be fixed so as to cover the requirements for European Inspectors. The head constables and constables may be taken together, the necessary reserve being provided by an addition to the strength of constables. The requirements for this branch of the force will probably be taken together, the necessary reserve being provided by an addition to the strength of constables. The requirements for this branch of the force will probably vary from province to province, and even from districts to district. Taking the average for the five

years 1897 to 1901, the annual number of enlistment is in Madras and Bombay 8 per cent. Of the sanctioned strength, in Bengal 8.50 per cent, in the United Provinces and the Central Provinces 9 per cent, in the Punjab 10 per cent, in Assam 14 per cent. and in Burma 16 per cent. With improved pay and prospects resignations will be less numerous and the rate of recruitment will accordingly diminish, especially in Assam and Burma. The Commission are of opinion, therefore, that 8 per cent. may be adopted as the normal proportion of recruits. As the period of training is six months, the reserve required to furnish men to take the place of those under training will be 4 per cent of the strength. The Commission has no information as to the average proportion of constables and head constables absent on leave. It is seldom that this class of police officer takes other than privilege leave, and if such leave were distributed evenly over the year the maximum proportion of absentees would be 8.50 per cent. The statistics showing the daily average sick give a figure, which in most provinces is below 1 per cent. It has been objected that this greatly understates the proportion of men who are absent on account of ill-health, but it must be remembered that it would be impossible to supply men from the reserve to take the place of a constable who is absent from duty, owing to illness, for a day or two only; such absences may, therefore, be neglected in fixing the strength of the reserve. Moreover, if the proportion of absence for any length of time on sick leave is high, the proportion on ordinary leave will be correspondingly diminished. Upon all these considerations the Commission have arrived at the conclusion that it will be reasonable to take 10 per cent the average proportion of the lower ranks of the force absent on leave of all kinds. The total reserve required to supply vacancies caused by absence leave and by men being under training will thus be 15 per cent. It must be readmitted, however, that this calculation is based upon imperfect data, and it is therefore, desirable that it should be corrected from time to time by actual experience. NO provision is here made for supplying from the reserve any additional force that may be needed to meet temporary demands, and this fact must be borne in mind in fixing the strength of the Headquarters Force, which must be sufficiently strong to meet all ordinary requirements for escorts. With a little forethought and arrangement those requirements can often be reduced or distributed more evenly, so as to avoid an excessive strain upon the police at any one time. When an extra police force is required for special duty such as guarding prisoners in cholera camps, guarding famine camps, plague camps and the like, the necessary additions must be made by the temporary enlistment of pensioned sepoys and policemen, or by the employment of trust worthy men of the chaukidari class.

European subordinates

The scheme of armed reserves recommended by the Commission provides for a European Inspector for the charge of the Headquarters Force of each district, and some European Inspectors will also be required for large cities and for the railways. It has been proposed that these officers should be borne on a separate list and receive a higher scale of pay, but the Commission think that this is unnecessary, and would prefer to meet special cases by the grant of a local allowance where this is required to cover the higher cost of living. A small staff of European Sergeants already exists, and this must be continued and even augmented, as men of this class are required in cantonments and seaports, on the railways, and in other places where the police may have to deal with Europeans, while in

some cases a few are needed to stiffen the armed Headquarters Force. The Commission are strongly opposed to the employment of European subordinates in places where there are no other people of their own class, as the loneliness and the absence of social restraints often exercise an injurious effect on their character, which renders them a source them a source of danger rather than of strength to the administration.

Discipline

On the subject of the discipline of the police, the Commission would lay down as the guiding principle that the maintenance of discipline must be entrusted entirely to the officers of the force. This is in accordance with the law as expressed in the Madras Police Act (XXIV of 1859) and the general Police Act (Of 1861), in neither of which enactment is there any mention of the District Magistrate or the Commissioner in connection with the discipline of the force. In the Bombay Act (IV of 1890) such interference seems to be contemplated, and in every province except Madras interference in a greater or less degree is allowed under the rules contained in the police manuals. The Commission thinks that this departure from the intention of the framers of Act V of 1861 is at once unnecessary and undesirable. They consider that the District Magistrate should occupy a position outside the Police Department, and they hope that his connection with it will gradually grow less and less close as the honesty and capacity of the force improve. For the present, his guidance and advice cannot be dispensed with in connection with the prevention and detection of crime, but his control will be of a general character and need not be extended to details of discipline and internal economy. It will be a sufficient safeguard of the interests, which are committed to his charge if he is empowered to direct the Superintendent to make an inquiry into the conduct of any subordinate police officer, and this power should certainly be given to him. If he is dissatisfied with the results of any inquiry into the conduct of any subordinate police officer, and this power should certainly be given to him. If he is dissatisfied with the results of any inquiry into a case of misconduct, he will, of course, be at liberty to bring the matter to the notice of the Deputy Inspector General, and if necessary of the Inspector-General. To go further than this would be to weaken the authority of the Superintendent and to lessen his sense of responsibility. The requisite control over the Superintendents's exercise of his disciplinary powers is afforded by the right of appeal to the higher officers of the department and by their supervision. There is no necessity for the dual control, and the undue interference of the District Magistrate, besides being unsound in principle, has led to the practical elimination of the Deputy Inspector-General, and the reduction of his position to that of an inspection and reporting officer, which has greatly impaired his usefulness.

Punishment: powers of officers

The punishment specified in section 7 of the Police Act (V of 1861), in addition to dismissal, suspension and reduction, are (a) fine not exceeding one month's pay; (b) confinement to quarters for a term not exceeding 15 days, with or without punishment drill, extra guard, fatigue or offer duty; (c) deprivation of good-conduct pay; and (d) removal from any office of distinction or special emoluments. In addition to these punishments the Commission would recommend the introduction of a system of black marks, similar to that now in force in the Madras Police,* but modified so as to increase the period of good conduct required to cancel a black mark. It is the general opinion that

the infliction of fines on officers of low pay is undesirable; and the Commission think that a black mark would be a more suitable punishment for offences which do not call for reduction or dismissal. Another punishment that may be adopted as an alternative to fine is the forfeiture of leave, and this should be added to the list. The Police Act does not contemplate any of the punishments mentioned above being inflicted by an officer of lower rank than that of Superintendent, and the Commission think that this is, on the whole, a sound principle. Some Inspectors-General have recommended that Inspectors should be given power to suspend constables and head constables pending enquiry into their misconduct. Such suspension is hardly of the nature of punishment, but rather of the nature of an interlocutory order. The Commission do not think that the matter is one of much importance, but they are willing to accept a departure to this extent from the present law. Inspectors should not be granted any disciplinary powers beyond this. Assistant Superintendents in some provinces are empowered to award extra drill and confinement to quarters, and these powers need not be interfered with. If an Assistant Superintendent (including Deputy Superintendent) holding a specific

***The Madras rules relating to the black mark system are give is Appendix V.**

Charge thinks that in any case a more severe punishment is necessary, he should hold an enquiry and record a draft punishment order for submission to the Superintendent. The latter may accept it, with or without modifications, and it will then be his order. An Assistant Superintendent should be authorised to suspend a constable or head constable pending enquiry into his conduct. The Superintendent should have power to inflict upon constables or head constables any of the punishments mentioned in the Act, and he should also be empowered to dismiss or reduce any Sub-Inspector or Sergeant and, when necessary, to suspend him pending an enquiry into his conduct. In the case of Inspectors he should be permitted to suspend them pending enquiry, but not to award any punishment. Suspension should never be inflicted as a specific punishment, for it deprives the delinquent of all salary and frequently renders it impossible for him to avoid running into debt. It is really a heavy fine, with the additional disadvantage of depriving Government of the services of the officer punished. The punishments mentioned in clauses (a) and (b) of section should never be inflicted upon Inspectors or Sub-Inspectors. The Commission found that in one province an Officiating Superintendent is not given the full powers of punishment unless he is of a certain length of service. They condition that if an officer is fit to be in charge of a district he should exercise all the disciplinary powers of a Superintendent, and that it is most inexpedient to put an officer in charge of the force who has not the power of enforcing discipline. Deputy Inspector General should have all the powers of a Superintendent, and they should also be empowered to reduce, but not to dismiss, Inspectors; the powers to dismiss these officers should be reserved for the Inspector-General alone. No officer of higher rank than Inspector should be punished except by the Local Government.

Appeals

As regards appeals, the Commission recommend that there should be no appeal from an order awarding fine extra guard, fatigue or other duty, a black mark or forfeiture of leave. In all other cases they would allow one appeal. More than one appeal is unnecessary and undesirable but even where no right of appeal exists, it is the duty of the Deputy Inspector-General, or the Inspector-General, as the case may be, to intervene if it should

appear that the orders of the subordinate authority are harsh or unjust. If this obligation be borne in mind, there is no reason to fear that the limitation of the right of appeal will cause hardship, while it will on the other hand tend to promote discipline.

Removal of officers of bad reputation

A matter which was brought prominently to the notice of the Commission at the beginning of their labour is the difficulty of removing officers who are notoriously corrupt, though their corruption cannot be proved by evidence of specific acts. It was suggested that it would be both justifiable and wise to accept in such cases evidence of general repute. Opinion was accordingly invited upon this proposal and the majority of witnesses in every province were in favour of its adoption. Under section 117 (3) of the Criminal Procedure Code the fact that a person is an habitual offender may be proved by evidence of general repute, and if such evidence is admissible to establish a conclusion which may lead to the infliction of imprisonment for a term of three years, the Commission see no reason to exclude it in an enquiry into the character of an officer, when the result of that enquiry will, at the most, result in removal from the public service. Such evidence must, of course, be given in the presence of the officer whose character is under enquiry, and he must be allowed the fullest right of cross-examination. He should also be given the usual right of appeal if the decision is adverse to him. With these safeguards, the Commission consider that such a measure would prove extremely beneficial by ridding the public service of officers who have forfeited the confidence of the public and of the Government and bring grave discredit upon the service. The Commission are not unmindful of the advantages afforded by the established confidence in the permanency of a public appointment, but, on the other hand, they attach great weight to the evil produced by the continued retention in the service of the State of an officer whose character for corruption and oppression is a by-word. The difficulty of proving acts of corruption in this country is well known, and almost every officer of experience can point to one or more cases in which he has unhesitatingly shared the unhesitating belief as to the dishonesty of a subordinate whose offences could not be brought home to him owing to the almost insuperable difficulty of proving the acceptance of bribes. The Commission are, however, opposed to the application of such a rule to the Police Department alone, for that might adversely affect recruitment and would attach a most undesirable stigma to police service. They, therefore, recommend the adoption of this suggestion only if the Government are willing to extend it to other departments of the public service.

Removal of inefficient officers

Another proposal upon which opinion was obtained was the desirability of removing inefficient officers upon reduced pensions or gratuities. No private employer would for a moment submit to the injury to his business caused by the retention of lazy or incapable servants, yet the business of administering the individual is permitted completely from this cause. The interests of the individual are permitted completely to override the public interests. Up to a certain point the same emoluments and the same pension are secured by laziness and incompetence as by energy and capacity. This is wholly indefensible and has been condemned without hesitation by the majority of the witnesses who have given opinion upon the subject. The Commission, therefore, strongly recommend that it

should be clearly laid down in all departments of the State that inefficiency will lead to the loss of appointment; and they make this recommendation with the less misgiving, because they are convinced that the more existence of such a rule and its enforcement in two or three notorious cases would go far towards terminating the evil against which it is directed.

Promotion

Superintendents should be empowered to promote to promote all police officers of and below the rank of Sub-Inspector, but, as already stated in paragraph 60, promotions of Sub-Inspectors should be subject to the right of veto by the District Magistrate, and the Deputy Inspector-General must have power to redress make inequalities in the rate of promotion among the different districts of his range. The promotion Inspectors will be made by the Inspector General; and as the staff of sergeants will necessarily be a small one, they should be borne on a provincial list and their promotion regulated by the Inspector-General. It is important that promotion should bear a close relation to the nature of the service rendered, and the Commission, therefore, recommend the introduction of a system of good marks or good service entries, which should always be taken into account when claims to promotion are being considered. Praise is as powerful a factor in the maintenance of discipline as blame; and while it is essential that fault should be followed by punishment, it is of equal importance that good work should be recognised by reward. This principle has been too much neglected in the Police Department, not by departmental officers but also, and perhaps even to a greater extent, by other public servants under whose notice the conduct and work of the police are bought from time to time.

Period of service for pension

It has been strongly recommended that the compulsory period of service for pension should be reduced. The Commission consider that the period of thirty years is too long. Government should have power to compel retirement of any officer, after twenty-five years' service, on the pension now admissible after 30years' service; and an officer should be entitled to retire after twenty five years' service on full pension, if he desires to do so. This is especially necessary in the higher ranks of the service, owing to the desirability of making the service reasonably attractive, and the necessity for having active men and getting rid of men who may not be fit for efficient service. But, in consideration of the very trying nature of police work, the Commission would be glad to see this rule applied to the whole force.

Building

The Commission have taken every opportunity in the course of their tour of inspecting police building, the state of which in many provinces is most unsatisfactory. This was particularly noticeable in Bengal, and nowhere more so than in Calcutta, but the subject in one which requires attention everywhere. The propositions which the Commission would lay down for guidance are (1) that suitable quarters should be provided for every police officer of and below the rank of Sub-Inspector; (a) that a reasonable proportion of such quarters should contain accommodation for the police officer's family as well as for

himself; (3) that all police stations and other police buildings should be in accordance with approved standard plans. The Commission attach great importance to the provision of more married quarters. In the provinces in the north of India it is an exception for constables to live with their families, and this must, only too frequently, have a baneful influence upon their conduct, while at the same time it renders service in the police less attractive to men of the respectable classes. The Commission also strongly recommends that at each police station, other than those at headquarters or at places where there is a traveller' or inspection bungalow available, accommodation should be provided for inspecting officers. It is essential that this accommodation should be suitable for the superior officers of the Police Department to ensure their being able to visit the station house, when any special circumstances require it, at any season of the year.

Uniform

The Commission are unable to accept the proposals that have been made to them to prescribe the same uniform for police constables throughout India. For difference of climate, temperature and habits of dress render this impossible. The only suggestion, which the Commission would put forward, is that the constables number should invariably be worn on the left breast. In some provinces it is now stamped on the buckle of the belt, where it is not easily seen, while the objection to wearing it on the turban is likely to be knocked off in the course of a dispute in connection with which it may be desirable to take a constable's number. There is no objection to the adoption of the same pattern of uniform in the case of European officers, but the only recommendations that the Commission have to make on the subject are that whatever general uniform is adopted, it should be as inexpensive as possible, and that the distinguishing letters I. P. (Indian Police) be worn on the shoulder strap.

Uniformity of nomenclature

Much confusion is caused in dealing with subjects connected with the personnel of the Police Department by the difference of nomenclature that is found from province to province. The Commission have consulted the Inspectors-General on this subject, and they recommend that the various ranks in the force, commencing from the lowest, should be styled as follows: (1) Constable, (2) Head Constable, (3) Sergeants (European officers only), (4) Sub-Inspector (investigating officer), (5) Inspector, (6) Assistant Superintendent and Deputy Superintendent, (7) Superintendent, (8) Deputy Inspector-General, (9) Inspector-General. Similarly the charge of the Sub-Inspector should be called a police station, that of the Inspector a circle, that of the Assistant or Deputy Superintendent a sub-division, that of the Superintendent a district, and that of the Deputy Inspector-General a range. The Personal Assistant of the Inspector-General should be styled "Assistant to the Inspector-General." The head of the police in the four cities of Madras, Bombay, Calcutta and Rangoon may continue to be styled Commissioner, but in respect of the other ranks the nomenclature should, as far as possible, be the same as that of the district police.

A single Police Act for the whole of India

Another matter which the Commission wish to notice in this connection is the

advisability of having a single Police Act for the whole of India Act V of 1861 is now in force in every province except Madras and Bombay. With a few amendments, which are indicated in this report, it seems to be suitable for the whole of India outside the presidency towns and Rangoon. It differs but little from the Madras Act, and there would be no objection to the extension of it to that province. If the recommendations which the Commission have made in respect of the administration of the police in the Bombay presidency be accepted, the local Act will no longer be suitable, and the simplest course will be to repeal it and apply Act V of 1861 in its stead.

Other reforms

These are the principal reforms in respect of the organization and personnel of the police force, which the Commission have to propose. The objects are mainly to secure a good class of Sub-Inspectors or station-house officers, and an efficient and adequate staff of inspecting, controlling and supervising officers. There are other matter which might have been treated in this chapter, such a the improvement of the city police and of the European subordinates, the railway police, the prosecuting staff, the Criminal Investigation Department, and the like. But there will be best discussed under separate heads. It has been enough here to indicate the character of the changes in the constitution of the force which seem necessary to secure suitable officers in each class. The strength and cost of the force will be discussed in a separate chapter.

TABLE

CHAPTER V.

SPECIAL POLICE FORCES

93. There are certain special bodies of police which, either in their organisation, or the character of their work, or both, differ from the ordinary police and, therefore, demand separate treatment. These are the police of the three presidency towns and Rangoon, the railway police, the police required for work on the large navigable rivers and municipal and cantonment police.

1.-Police of the Presidency Towns and Rangoon.

Law relating to police in presidency towns

The police in the towns of Madras, Bombay and Calcutta are governed by special Acts of their own and not subject to the authority of the provincial Inspector General, the force being administered by an officer styled the Commissioner of Police. Formerly the police administration in each of the three presidency towns was regulated by Act XIII of 1856, which was amended by Act XLVIII of 1860, but in 1867 the Madras city police was incorporated with the general police force of the province and the Commissioner placed in subordination to the Inspector-General by Madras Act VIII of 1867. This arrangement continued until 1838 when, on the recommendation of Mr. Giles, who was deputed by the Government of India to into the working of the police in the three presidency towns, Madras Act III of 1888 was passed for the purpose of removing the city from the general police district and making the Commissioner once more independent of the Inspector-General. In Calcutta and Bombay the city police continued to be regulated by Act XIII of 1856 and Act XLVIII of 1860 until those Acts were superseded, in the former case by

Bengal Act IV of 1866, and in the latter by Bombay Act IV of 1902. In both cases the independence of the Commissioner in respect of the Inspector-General was maintained. The Rangoon town police was first made a separate force by Burma Act IV of 1899, which provided for the creation of the officer of Commissioner, and following the precedent of the presidency towns, that officer was made independent of the Inspector-General. It will thus be seen that in Madras the Commissioner was first independent of the Inspector-General, then subordinate to him, and finally again independent; in Bombay he has always been independent; and this has also been the relation in Calcutta; but there the executive head of the police was up to the date of Mr. Giles' report the Deputy Commissioner, the Commissioner being a senior member of the Indian Civil Service, who held the office of Chairman of the Justices in addition to his police appointment.

Subordination of the Commissioner to the Inspector-General

In Madras the Commission received much evidence in favour of the amalgamation of the city force with the district police, and this was also urged, though not so strongly, in Calcutta, where one witness described the present position of separation as "a mischievous anachronism and anomaly." In Bombay and Rangoon, on the other hand, there was little criticism of the present system, but it must be borne in mind that in Bombay the Inspector-General of Police has never held the position which he holds elsewhere, and that the office of Commissioner in Rangoon is of very recent creation. Those who advocate amalgamation have pointed out that it is opposed to good policy and almost universal (Madras Act III of 1866, Bombay Act IV of 1902, Bengal Act IV of 1866 and Burma Act IV of 1899) practice for an executive officer to be directly subordinate to the Local Government, without the intervention of any administrative authority. In illustration of this argument the condition of the Madras City Police in 1889 was brought to the notice of the Commission. The force was divided into two factions, one under the Commissioner and the other under his Deputy, and the Government was left in ignorance of what was taking place until the state of things was brought to light by proceedings in the courts. Such a scandal could never have occurred if the administrative control of the force had been vested in the Inspector-General, and the incident convinced the Governor in Council that it was impossible for him to exercise effectively any direct control over the city police. The Inspector-General was accordingly empowered by an executive order to make inspections and call for information on any matter concerning the administration of the force, in order that he might advise the Government. The situation so created is obviously unsatisfactory, and the Madras Government are of opinion that still further steps might now be taken for the purpose of placing the Commissioner in subordination to the Inspector-General. The next argument put forward in favour of amalgamation is that derived from the admitted importance of unity of action in all police work, and it is urged that the best way of securing this is through unity of control. There was much evidence, both in Madras and Calcutta, regarding the want of co-operation between the city and the district police force, and the Commission observe that the evil was felt so long ago as 1838, where Mr. Halliday wrote as follows:- "It is my opinion that the Calcutta Police, like that of the rest of the country, should be placed under the Superintendent-General and form part of the general system. *

* * Separated, the two systems of police (that of Calcutta and the mofussil) will, whenever they come in contact, injure each other, and in practice they now do.

United, they would in a very high degree assist each other's efficiency. In the districts which immediately surround Calcutta, the greater crimes all emanate from the capital, and the Magistrates of the most part powerless Highly, Midnapore, Burdwan, Nuddea, Jesore, Barasat and the 24-Pergunnahs, unless he be at the same time Superintendent-General of the Calcutta Police. To be subject to his authority would in no degree weaken the latter, and the alteration would give an incalculable addition of power to the machinery of the former." The evidence laid before the Commission shows that "the Magistrates of neighbouring zillas" still complain, after a lapse of over sixty years, that Calcutta affords a secure retreat to dacoits, and that their police are in consequence greatly hampered in dealing with serious crime. It is urged in reply that the control of the Inspector-General does not secure complete co-operation between neighbouring districts is often far from satisfactory, it is undoubtedly closer and more general than that between the district and city police, and it is obvious that a single controlling authority will be in a better position than two independent officers to devise and carry into effect the necessary measures reform.

Closely connected with the aspect of the question just referred to is the relation of the proposed Criminal Investigation Departments to the Police and crime of the presidency towns. Large cities must always be important foci of crime and a favourite retreat for dangerous criminals, and this a priori conclusion is confirmed by the evidence before the Commission. To exclude these four cities, therefore, from the field of operation of the Criminal Investigation Departments must greatly impair the efficiency and usefulness of these special agencies; to include them without at the same time giving supreme authority to the Inspector-General will inevitably produce all those evils of jealousy, mutual recrimination, and even direct opposition which are fatal to good police work

Another argument for amalgamation relates to the personnel of the force. The gazetted officers of the police of the four towns are all members of the district police establishment of the respective provinces and if the proposal set forth below are accepted, the demand for such officers will be still larger in the future. City police work is of great importance and requires picked men, but if the Inspector-General is to have no responsibility for the administration, it cannot be expected that he will be willing to part with his best officers and thus diminish the efficiency of the service for which he is responsible. This is true also, though in a less degree, of the subordinate staff, the members of which are often obtained from the district police. Moreover, if the whole force is placed under a single head, not only will the field of selection be very much larger, but it will also be possible to transfer from the city to a district men who have failed in the former, either from the want of the necessary aptitudes, or from faults of character and conduct. Which, though not sufficiently grave to require or justify dismissal, yet make a removal from the city desirable. This argument was strongly pressed by a number of witnesses in Madras, where with one exception, all the non-official witnesses examined by the Provincial Committee were in favour of placing the Commissioner under the Inspector-General. The chief arguments advanced by the opponents of a amalgamation are (1) that police work in these large towns is essentially different from police work in the district; (2) that a more severe and certain exercise of discipline is necessary, and this would be impossible if the Commissioner's orders were subject to the right of appeal to the Inspector-General; (3) that in the case of sudden emergencies the Commissioner has to take prompt and decisive action, and that

he must be left unfettered by the necessity of referring to anybody or the fear of interference; and (4) that he exercises some of the functions of a magistrate and in respect of these he cannot be made subordinate to the Inspector-General. In reply it may be urged, (1) the police work in the presidency towns and Rangoon does not in essentials differ from district work, and certainly not from work in such large cities as Lucknow, Delhi and Karachi, while, as a matter of fact, all the superior officers are men who have received their training in districts; (a) that it is open to question whether a more severe discipline is either necessary or desirable, and that as regards the certainty of punishment, it is proposed to give the Commissioner's orders a greater measure of finality than is allowed to those of a District superintendent; (3) that there is no reason to fear that there would be any improper interference by the Inspector-General, while his support and approval would greatly strengthen the position of the Commissioner; and (4) that the Inspector-General will usually be an experienced District Magistrate, whose general control and guidance in respect of the unimportant magisterial functions of the Commissioner would probably be for the public advantage, while, if interference in those matters is considered undesirable, it would be easy to exclude it.

The Commission have fully considered the arguments on both sides, and the conclusions at which they have arrived may be stated as follows:- (1) that in view of the absolute necessity for systematic co-operation between the different parts of the police force of a province and especially in view of the inter-dependence of police work within a city and its environs, the absolute separation of the city police from the police of the rest of the province does not seem expedient;

(2) that it is also inexpedient that the official adviser of the Government on police matters should be kept in ignorance of the police work of one of the most important charges in the province;

(3) that, on the other hand, it is clearly manifest that the powers of the Commissioner, in respect particularly of discipline and control, ought to be much larger than those of a District Superintendent; and

(4) that it is specially desirable that the officers of the city police should not be transferred lightly, but that they should, as far as is reasonable, be kept permanently in their appointments.

The Commission would commend these principles for consideration in deciding the relations between the Commissioner of City Police and the Inspector-General. Whatever decision may be arrived at on this question, the Commissioner should be graded with the Deputy Inspectors-General of the province and receive grade promotion in that rank, as this will allow greater freedom in selection for the appointment and secure permanency of the tenure thereof.

Organization, Superintendents

Most of the criticisms and recommendations already made in respect of the district police are equally applicable, so far as they relate to general principles, to the police of the presidency towns and Rangoon. Corruption and inefficiency are as rampant in the city as in the district police, and are in the main due to the same causes. The remedies, therefore, must be the same, but there are certain special features of organization, recruitment and training of the city police which demand separate notice in order to prevent misconception. The first of these is the recruitment of the class of officers who are styled

Superintendents, though they differ considerably from the Superintendents of the district police. There are five of these officers in Madras, nine in Bombay, eight in Calcutta and three in Rangoon, but in the last case one of them is a member of the superior staff of the Provincial Police Force and really corresponds to the Deputy Commissioner in the presidency towns. The Superintendents are for the most part promoted from the lower ranks of the European staff; and as a class they do not possess the character, intelligence and education requisite for the supervision of police work in large cities; nor can they afford the Commissioner the assistance and relief which he requires, and which he could obtain from officers in whose integrity and capacity he had full confidence. The Commission recommend, therefore, that the post of Superintendent should be filled by officers of the rank of District Superintendent in the regular police force of the province (including what is technically called the Provincial Service); and they are of opinion that the improvement in the quality of the incumbents would make it possible to reduce the number of appointments. They also propose that the office of Deputy Commissioner, as now constituted, should be abolished, though the new class of Superintendents might be styled Deputy commissioner if that would render an amendment of the law unnecessary. These officers should be graded with District Superintendents, and should receive their grade promotion in due course, so as to avoid the necessity for transfer, unless transfer was considered advisable on other grounds. They should get free quarters and a presidency or local allowance of about Rs. 100a month as compensation fore the greater expense of living in the capital cities. In addition to these Superintendents or Deputy Commissioners there should be an officer of the rank of District Superintendent to act as Personal Assistant to the Commissioner in the discharge of his duties and to be the head of the city detective or intelligence staff.

Inspectors and Sub-Inspectors

In Calcutta, Bombay and Rangoon the officer in charge of a police station is, as a rule, of the rank of Inspector; in Madras each Inspector is in charge of three stations. The Commission see no reason for a departure from the organization which they have recommended for the District Police, as much of the work of a police station can be done equally well by an officer of lower rank and pay than an Inspector, and they would accordingly Sub-Inspectors in charge of each station, giving one or more additional Sub-Inspector required. Each Inspector would then have charge of a circle consisting of two, three or more police stations, and would be responsible for all police work in his circles. As his charge would be much more compact than in the mofusil it would be possible for him to take a larger share of the investigation, and it is desirable that he should do so.

Inspectors should, as a rule, be recruited by promotion from the ranks of the Sub-Inspectors, and the latter should be recruited direct, in the same manner as the Sub-Inspectors of the district police, with such modifications as may be necessary to secure a reasonable proportion of Europeans. In Bombay practically all the Inspectors and Sub-Inspectors are European, the highest position to which a native officer can rise being that of jamadar, on a maximum pay of Rs.70 a month. These jamadars are men who have risen from the lowest ranks; they have naturally little education, and with this origin and theses attainments it is impossible that they can command respect and influence among the native population. In the opinion of the Commission it is essential that the Commissioner of Police should have at hand a body of intelligent, trustworthy and

influential native officers, to whom he can turn with confidence for information and advice regarding popular movements and sentiments, while for the detection of offences, committed as a rule by natives of the country, a native officer will ordinarily be more successful than the class of Europeans from whom Inspectors and Sub-Inspectors are drawn. The Commission, therefore, strongly recommend that in all four towns the police force should be so organized as to offer an attractive career to native young men of a good stamp. For the preservation of order and for dealing with cases in which Europeans are concerned a considerable infusion of the European element will always be required, but this necessity must not be allowed to operate as a complete bar to the employment of natives in the higher subordinate posts, as is the case in Bombay. If these proposals are accepted, the rank of jamadar in Bombay and of daroga in Calcutta should be abolished. As to the pay of Inspectors and Sub-Inspectors, the Commission are of opinion that it should be fixed at a higher scale than in the districts, in consideration of the much greater cost of living. They propose therefore that Inspectors should be divided into three grades on Rs. 200, Rs. 250 and Rs. 300, respectively, and Sub-Inspectors into three grades on Rs. 75, Rs. 100 and Rs. 125, Free quarters should be given in every case and a horse or conveyance allowance of Rs. 25 or Rs. 30 per mensem. Probationers should be sent to the provincial training school for training: at present they receive none.

European sergeants and constables

As stated above, a proportion of the force must consist of Europeans for maintaining order, regulating traffic and checking beats and patrols. The strength must differ considerably in the different towns, but the class of man required is everywhere the same, and the Commission are confident that a satisfactory stamp of man cannot be obtained for the pay Rs. 40 and Rs. 50 a month which is offered in Madras. The cost of living there is lower than in the other towns and a salary of Rs. 80 rising to Rs. 110 by biennial increments of Rs. 5 will probably be sufficient. For the other three towns the Commission accept the maximum and minimum salaries of Rs. 130 and Rs. 90 proposed by the Commissioner of Police, Calcutta, and suggest that the maximum be reached by biennial increments of Rs. 5.

Head constables and constables

The Commission approve of the proposal to abolish the ranks of Native sergeant and corporal in Calcutta and to substitute that of head constable, and this change should also be made in respect of the havildars in Bombay and the sergeants in Rangoon. It seems to be the general opinion that Rs. 25 per mensem is a suitable maximum salary for head constables, but the Commission recommend that the minimum should be raised to Rs. 15 in those cases in which it is below that sum. The pay of the constables will possibly require different treatment in each town. In Madras the scale recommended for the districts, raised by a local allowance of one rupee in each group, will be adequate. In Rangoon the present scale is sufficient for Indian constables, but the progressive system should be introduced. For Burmese constables, who are mainly employed on investigation duties, an addition of Rs. 2 might be made to each rate, as the present pay does not attract good men. For Calcutta the rates should be Rs. 10, Rs. 11 and Rs. 12, as recommended by the Commissioner, and endeavours must be made to enlist more Bengalis. It is believed that more of them would enter the force if they could serve as

plain clothes men, in which capacity they would be specially useful. For Bombay a scale of Rs. 12, Rs. 13 and Rs. 14 would be suitable. In no case should any deductions be made for clothing, superannuation fund, or the like. The training of constables should be similar to that recommended for men of the district force, and it should, if possible, be given in one of the schools for district police.

Mounted police

When the horses of the mounted police are supplied and maintained by the Government, the Commission consider that the rates of pay recommended for the foot police are sufficient for mounted men also in the case of Europeans. For Native mounted police some additional inducement is necessary to attract suitable men and the present scales may be allowed to continue. A small force of mounted police is required in Rangoon, where there are no mounted men at present.

Criminal Investigation Department

The Commission are of opinion that the principle that investigation should, save in very exceptional case, be left to the ordinary police establishment, is as applicable to the city forces as to others. There is even a strong case for adopting this course in these large towns, for they have a relatively high proportion of superior officers, who are in direct and more constant touch with their investigating officers and can exercise a closer supervision over their work. There is however, a clean necessity for a special staff of officers to obtain and transmit information about the movements of suspicious strangers. As such persons are of all races and nationalities, this Intelligence Branch must contain men from all parts of India, and it is desirable that it should also contain some men with a good knowledge of the principal languages of the continent of Europe. The Intelligence Branch must work in intimate communication with the Criminal Investigation Department of the province. Service in it will require special aptitudes and high character, and its members should, therefore, receive a substantial local allowance in addition to the pay of their rank. It is wholly unnecessary that the city should have a separate finger print bureau.

Prosecuting agency

The prosecuting agency is nowhere considered to be entirely satisfactory, but the Commission are of opinion that no change is required in respect of serious offences, for the prosecution of which adequate professional assistance can always be obtained. For the prosecution of less important offences a staff of Court or Prosecuting Inspectors is required, as it is inexpedient to employ the regular Inspectors and Sub-Inspectors on this duty to the detriment of their ordinary work. There is now one Inspector for the courts of the Presidency Magistrates of Calcutta, but it is said that he is not allowed by the Magistrates to do anything beyond ministerial duties connected with the presentation of cases. He should be permitted to conduct the whole prosecution. For the courts of the suburbs of Calcutta there are two Court Inspectors and their position is said to be satisfactory. For each of the towns of Madras, Bombay and Rangoon a staff of two Inspectors and two Sub-Inspectors is necessary, and for Calcutta two Inspectors and in addition to the three now employed in the town and suburbs. All these Inspectors and

Sub-Inspectors should be appointed Public Prosecutors under section 492 of the Criminal Procedure Code.

Reserve

The Armed Reserve and the Reserve for casualties should be fixed for all ranks in accordance with the principles already laid down for the general police force.

Building

Except in Rangoon, the provision of suitable quarters for the members of the force demands immediate attention. In Madras and Bombay no quarters are provided for the bulk of the Native police, while many of those for the European police which exist in Calcutta and Bombay are unfit for human habitation. The grant of house-rent is not a satisfactory solution of the question, for it is of importance to have the men readily accessible and they should, therefore, be provided with suitable residences close to the police station. There should in every case be a reasonable proportion of quarters for married men. Many of the station houses are inconvenient and ill adapted for the purpose, and steps should be taken to substitute for them buildings of an approved standard type.

Delay in Courts

In conclusion the Commission desire to invite attention to the great hindrance to good police work which is caused by the delay in the disposal of cases in the Calcutta Courts owing to the grant of numerous adjournments. This point was strongly insisted on, not only by the police officers, but also by the representatives of the mercantile community who gave evidence before the Commission. The remedies proposed were the appointment of a third Presidency Magistrate and the restriction of the work of the Honorary Magistrates to petty cases which could be disposed of at a single hearing. It is outside the province of the Commission to offer any opinion on the appropriateness of these suggestions: they content themselves with an expression of their view that some remedy is undoubtedly necessary.

Railway Police.

106. There are no less than three different systems of railway police administration in operation at the present time. There are

- (1) The district system, under which the railway police form part of the force of each district through which the railway runs. This is in operation only in a part of the Central Provinces, and it is found necessary to allow some departure from it and to have a few officers with jurisdiction over the whole line.
- (2) The provincial system, under which there is a separate railway police for the province, the jurisdiction being bounded by the limits of the province, irrespective of the limits of the railway administration.
- (3) The railway administration, without regard to provincial boundaries.

It has been proposed that, as a development of this last-mentioned system, the railway police force should be made an Imperial establishment for the whole of India. The Commission are unable to accept this suggestion. The unit of police administration is the

province, and a departure from this principle in the case of the railway police would greatly weaken the co-operation between that force and the district police, a co-operation which is admitted by all to be essential for efficiency in police work. It would also render impossible the connection between the railway police and the proposed provincial Criminal Investigation Departments, and would thus deprive the latter of a most valuable auxiliary staff. For the same reasons, the Commission are opposed to the Railway Administration system, for it involves a police force under one Local Government working within the jurisdiction of another, an arrangement which has been condemned by nearly all witnesses who have had experience of it, especially in Sind, though it is, not unnaturally, favoured by many railway officials, as they prefer to deal with a single set of police officers. The Commission readily admit that this is a great convenience, but they have no hesitation in saying that this advantage is far outweighed by the benefits obtained from adherence to the principle of provincial unity. That principle is maintained under the district system, but railway police work cannot be confined within district limits, and such a restriction will become more and more impossible with the growth of the use of railways by the criminal classes. In Madras and Burma a change has been made within recent years from the district to the provincial system and in both provinces there was very definite evidence of the beneficial results that have followed. The Commission, therefore, recommend the general adoption of the provincial system, subject to the proviso that a separate force is unnecessary in the case of provinces, such as the North-West Frontier Province which contain only short lengths of line running in from outside; and subject also to the necessity of allowing a departure from the principle in respect of lines running through Native States, which must continue under arrangements similar to those now subsisting.

Connection between railway police and railway administrations

But while advocating the constitution of a railway police for each province the Commission recommend that, as far as possible, there should be a separate railway police district for each railway administration, so that the officials of the latter will have only one superior police officer to deal with while the work of each Superintendent will be confined to a single railway. Many railway managers would like to see the Superintendent of Police a member of the railway staff. This is out of the question, for the railway police are the servants of the general public and the interests they serve are often opposed to those of the railway company. But although any subordination to the railway authorities is impossible, every endeavour should be made to maintain the most cordial relations and the fullest co-operation with them. There is at present a good deal of friction due to faults on both sides. The railway officials frequently expect and demand too much, while the police officers are too impatient of misunderstanding and criticism and not sufficiently obliging. With an improvement in the subordinate police staff, a closer supervision by the superior officers, and a clearer conception on the railway authorities of the limits of the duties and responsibilities of the police, this attitude of opposition will, it is hoped, be replaced by mutual forbearance and good will.

Watch and ward duty

The primary duty of a railway police is the preservation of law and order, but in a few cases they also under take the watch and ward of railway property. The latter practice is condemned by the majority of police officers and railway officials, and the Commission are unable to urge anything in favour of it. The custody of private property is the duty of the owner, and there are no grounds for making any distinction between a railway company and any other private owner. There are obvious objections to entrusting the guardianship of private property to persons over whom the owner has no authority, and these objections have additional force in the case under consideration, as the relations between the company's servants and the police are certain to be still further strained by such a position of dual responsibility for railway property.

Co-operation between railway and district police

The Commission attach great importance to the maintenance of the fullest co-operation between the railway and the district police forces and they have framed a set of rules with the object of securing this. These are given in Appendix VI. The railway police are in a position to afford valuable assistance to the district force, and instead of regarding such assistance with jealousy and depreciation, a wise District Superintendent would hasten to acknowledge it in the most cordial terms, and thus gain the confidence and good will of his railway colleagues.

Organization, pay and training

In respect of organization, recruitment, pay and training the railway police does not call for special treatment by the Commission. The principles already laid down in regard to these points for the district police are generally applicable to the railway police, subject to any unimportant modifications as may seem necessary. A section of line, varying in length with local circumstances, but never greatly exceeding 100 miles, will form the charge corresponding to the police station in the districts, and the station staff must be sufficiently strong to allow of either a constable or head constable being sent to travel in every passenger train. An Inspector's circle will in the same way consist of a number of station charges, while over the Inspector will be the Superintendent. A Superintendent's "district" will be fixed in the main with reference to railway administration, but 1,500 miles is about the maximum length which one officer can supervise properly, and where there is any appreciable excess over this a second district should be formed, or part of the line may be made a subdivisional charge under a passed Assistant Superintendent, an arrangement which will allow of training in railway police work being given to young officers. Superintendents and Assistant Superintendents should receive the pay of their rank, plus a local allowance of Rs. 150 a month for the former and Rs. 100 a month for the latter. They should be given the same daily allowance when travelling as if they were serving in the district police, notwithstanding the provision of a free pass or carriage. The whole of the railway police of each province will be under a Deputy Inspector-General, who will exercise the same control and perform the same functions as the ordinary Deputy Inspector-General of a range. For reasons given elsewhere, this officer should also be the head of the Criminal Investigation Department of the province. The relations of a Superintendent of Railway Police with the Magistrates of the districts through which his charge runs must necessarily be less intimate than those of an ordinary District Superintendent, and it may be desirable to amend section 4 of the Police Act (V

of 1861), which contemplates the appointment of only one District superintendent for "the administration of the police throughout the local jurisdiction of the Magistrate of the district," and places that officer "under the general control and direction of such Magistrate."

Power of search

It has been brought to the notice of the Commission that the work of the railway police is often hampered by their being unable in the course of an investigation to search premises, such as gatemens' houses, porters' lines and the like, which are close to the railway but outside their jurisdiction. The delay caused by awaiting the arrival of the officer in charge of the local police station is often fatal to success, and the Commission therefore recommend that the officer in charge of a railway police station should be given the power of search in all district police station limits through which his section of the railway runs.

" Shortages" or missing goods

The practice in regard to the investigation by the police of cases of 'shortage' or missing goods varies on different lines. It is urged that many of these cases are really thefts and that the sooner the police begin to make inquiries the greater is the chance of detection. On the other side it is pointed out that the majority of such cases are not offences and that it is not the duty of the police to make inquiries after lost property or missing goods unless there is a reasonable suspicion that a cognizable offence has been committed, no rare they empowered by the law to make an investigation unless that preliminary condition has been fulfilled. This latter view commends itself to the Commission, and they recommend that the police should not interfere in such cases unless they have reason to suspect the commission of a cognizable offence. In this connection may be mentioned the practice of requiring the police to examine the seals on goods wagons. That is clearly the duty of the watch and ward staffs and should not be imposed on the police.

River Police.

113. It has recently been brought to light that great masses of dacoity and other serious crime is committed upon the large navigable rivers of Bengal and Assam. Very little of this crime is reported to the police, partly owing to fear of the criminals, partly owing to an unwillingness to break a journey, and partly because the sufferers have no confidence in the ability of the police to help them and are unwilling to devote time and trouble to assisting in inquiries which they feel will prove fruitless. This serious blot upon police administration must be remove and the rivers must be made as safe as the public highways. No complete scheme has yet been worked out and the Commission content themselves with an expression of their opinion that a special force, under a Superintendent of River Police, will be necessary. This force must operate both in Bengal and Assam, as there is not enough work in the latter to justify the formation of a separate staff for the rivers of that province. at least one launch, and a number of other boats, will be needed for the patrol of the rivers, and the whole force must be armed. The evidence furnished to the Commission shows that the criminals for the most part come from Mirzapore and other districts in the United Provinces, a fact which emphasises the

necessity for some machinery to secure closer co-operation and union between the police forces of different provinces, a want which will, it is hoped, be provided by the constitution of a Central Criminal investigation Department for the whole of India.

Municipal and Cantonment Police.

114. In some provinces the police employed in the municipal towns, other than the three presidency towns and Rangoon, which have been dealt with already, are paid wholly as in part from municipal funds. It is objected to this system that much-needed improvements are prevented by the inability or unwillingness of the municipal bodies to meet the necessary increased expenditure. The police in such towns are generally under-manned, there are no reserves, and an offer agency is employed because it is cheaper. There is difficulty also in employing municipal police beyond municipal limits, and there is thus loss of efficiency through the town and the suburbs being under separate police forces. The Commission fully recognize that the cost of the police is a fair charge upon municipal venues, but for the reasons just stated the system does not work well any but the largest cities. they consider, therefore, that in general the charge should be transferred to provincial revenues, which should, in turn, be relieved of expenditure on other departments which municipalities can better control. The most of the police in a presidency town, however, may call for special treatment. An important consideration is that the municipal police must form an integral part of the provincial police force and be under the undivided control of the provincial authorities. The same principle is applicable to the cantonment police.

TABLE

CHAPTER VI.

THE POLICE IN THEIR RELATIONS TO MAGISTRATES AND TO COMMISSIONERS.

115. The relations of Commissioners and district Magistrates to the police. Act V of 1861. The Commission have found great diversity of practice in different provinces in respect of relations of Commissioners and District Magistrates to the police. The law on this subject which governs the whole of British India, except the Presidencies of Madras and Bombay, is contained in section 4 of Act V of 1861, which runs thus: "The administration of the police throughout a general police district shall be vested in an officer to be styled the Inspector-General of Police, and in such Deputy Inspectors-General, and Assistant Inspectors-general, as the Local Government shall deem fit. The administration of the police throughout the local jurisdiction of the Magistrate of the district shall, under the general control and direction of such Magistrate, be vested in a District Superintendent and such Assistant District Superintendents as the Local Government shall consider necessary." The principal points to notice in this section are that there is no mention at all of the Commissioner of Division, and that the administration of the district police vests in the Superintendent, "under the general control and direction" of the Magistrate of the district. The precise meaning of the words just shown in italics may be perhaps best determined by reference to section, 7, which places all appointments in the hands of the Inspector-General, the Deputy Inspectors-General, the Assistant Inspectors-General and the District Superintendents of Police "under such rules as the Local Government shall from time to time sanction;" and by

reference to section 12, which gives wide powers of making rules for the organisation, classification and distribution of the force and its equipment and work, and all orders and rules for preventing abuse and neglect of duty and for rendering the force efficient in the discharge of its duties, to the Inspector-General, "subject to the approval of the Local Government."

The Madras Act

In Madras there are no Commissioners of Division; and, as to the relations between the District Magistrate and the police in their executive capacity, there is no reference to them at all in the local Act (XXIV of 1859), except in the preamble, which declares that "it is expedient to make the police force through-out the Madras presidency a more efficient instrument at the disposal of the Magistrate for the prevention and detection of crime." The principle thus set forth in the preamble of the Madras Act is the same principle as is contained in section 4 of Act V of 1861.

The Bombay Act

In the Bombay Act (IV of 1890) section 12 lays down that " the District Superintendent shall, subject to the orders of the Inspector-General and of the Magistrate of the district, within their several spheres of authority, direct and regulate all matters of arms, drill, exercise, observation of persons and events, mutual relations, distribution of duties, study of laws, orders and modes of proceeding and all matters of executive detail in the fulfilment of their duties by the police force of his district." The " spheres of authority" are defined partly in the Act and partly by "rules and orders": the definition is by no means clear and simple. Section 13 adds that "the District Superintendent and the police force of a district shall be under the command and control of the Magistrate of the district; " but that" in the exercise of this authority the Magistrate of the district shall be governed by such rules and orders as Government may from time to time make in this behalf, and shall be subject to the lawful orders of the Commissioner." The nature of the District Magistrate's authority over the police is elucidated by the provisions of sections 15 and 16 of the Act. Section 15 authorizes him to require from the Superintendent particular or general reports" on any matter connected with crime, the condition of the criminal classes, the prevention of disorder, the regulation of assemblies and amusements, the distribution of the police force, the utilisation of auxiliary mean, and all other matters in furtherance of his control of the police force and the maintenance of order." Section 16 empowers the District Magistrate, when he "observes marked incompetence or unfitness for the locality or for his particular duties in any officer subordinate to the District Superintendent" to call on the Superintendent to substitute another in his place: in the case of an Inspector or officer of higher grade the Magistrate may communicate with the Inspector-General. As to the Commissioner, section 17 provides that he may make any order" which the Magistrate of the district might make." Section 19 provides that he may call on the district might make." Section 19 provides that he may call on the District Magistrate for any necessary reports; and section 18 provides that he " may call the Inspector-General's attention to defects of system or of personal competence in the police" in matters within the sphere of the Inspector-General's authority; and the Inspector General shall remedy these defects.

The Commissioner in Bombay

This is the law in regard to the relations between the Commissioners and District Magistrate on the one hand and the police on the other. The Madras Act and that which regulates the police administration of all the other provinces of India except Bombay make no reference to the Commissioner. The Bombay Act, on the other hand, gives the Commissioner a prominent place. The work of the police is divided into two spheres of authority. In one of these, the Superintendent is subordinate to the District Magistrate; in the other to the Inspector-General. In the former the Commissioner is the superior of the District Magistrate. The result of this system has been to introduce a dual control, which has been condemned by all the witnesses who have given evidence on the point. The Inspector General has no concern with the most important parts of police work. There is want of concert in police action throughout the presidency: every Commissioner is practically the head of a separate police force for his division. The Commissioner is generally prevented by his other duties from even exercising effective control over the portion of the police subordinate to him. And there is no central control, no real head of the department, no responsible adviser of Government in regard to police matters. The system is universally open demned. One or two Commissioners have recommended the abolition of the office of Inspector General and the vesting of all control over the police in the commissioners. But the mass of evidence on the point is in favour of having one departmental head of the police, occupying the same position and discharging the same functions as in other provinces. To abolish the office of Inspector-General and to make every Commissioner the head of the police for his own Division should be to disintegrate the force, and to substitute secretariat for executive control of the presidency police. The true remedy for the dual system at present existing is to give the Inspector-General of Police in Bombay the same powers as are exercised by the Inspector-General of every other province in India; and this is what the Commission strongly recommend.

The Commissioner in Sind

The Commissioner in Sind occupies a somewhat peculiar position. He has some of the powers of a Local Government. And in respect of the police he is the Inspector-General. But the pressure of other duty makes it impossible for him to discharge efficiently those duties of an Inspector-General which are concerned with the inspection of work on the spot (e.g., visiting the offices of Superintendents, Chief Constables, etc., taking up cases with them, and discussing the history of local crime and the methods of dealing with it), with comparison by knowledge thus gained of officers and the administration of their charges, with improvement of methods and increase of efficiency by information as to police work elsewhere, with consistent watching of the work of the officers of the department, and with securing co-operation throughout the force. It would, therefore be of great advantage in respect of all these matters to have the police of Sind placed under the Inspector-General of the presidency, with a separate Deputy Inspector-General for Sind. It is essential for sound administration and for unity of system that the police of Sind should form part of the presidency force. At the same time, the Commission realises that, in view of the general powers of administration in Sind vested in the Commissioner-and so long as these special powers remain-his connection with the police must be more direct than that of Commissioners generally. He exercises in effect some of the powers of a Local

Government.

The Commissioner in other provinces

In all provinces except Bombay (including Sind), the Inspector-General is the head of the department. This is the principle embodied in the law applicable to every other province. Notwithstanding this, some Local Governments have endeavoured to give a separate and formal place in police administration to the Commissioner of Division. In the United Provinces and the Punjab the commissioner has been made a Deputy Inspector-General. In the former his control is limited to police matters other than purely departmental. The distinction is, however, by no means an easy one to define; and the subordination of the Commissioner to the Inspector-General is not a suitable arrangement. In the Punjab the Commissioner is the real Deputy Inspector-General and the nominal Deputy Inspector-General is only his professional adviser. But the Commission are of opinion that most of the duties entrusted to Commissioners under the Punjab Government's Resolution, Home, Police department, No. 232, dated 7th December 1898, are such as it is impossible for the Commissioner to discharge efficiently, while they should on principle belong to the head of the department, as, for example (1) responsibility for the efficiency of the officers directly concerned in the executive portion of the work of the suppression and prevention of crime and the proper discharge by these officers of their duties; (2) the maintenance of cordial and intelligent co-operation between the police of different districts; (3) the surveillance of bad characters; and (4) the examination of case diaries. In the opinion of the Commission, the effect of these orders is to throw on Commissioners of Division work which they cannot, in due regard to their other duties, efficiently perform, and to weaken the Inspector-General's sense of responsibility. In Bengal also, and in Assam which has adopted the Bengal Rules, there is an undue degree of direct interference in police work by the Commissioner of Division. In all provinces the best evidence supports the view that direct interference is to be deprecated. The Commissioner is no doubt responsible for the efficient administration of his division; but he cannot effectively interfere in police details. His responsibility should be limited to supervising and advising the District Magistrates of his division in the discharge of their duties, and seeing that they are performed. For this purpose he should receive information on all important matters, should discuss police administration when visiting districts, and should bring to the notice of the District Magistrate or Inspector-General defects which he observes in police administration. His advice and suggestions would doubtless be valuable; but his formal and detailed interference is usually unnecessary and ineffective.

The District Magistrates

Turning now to the District Magistrate, it seems to the Commission that the object of Act V of 1861, of the Madras Act of 1859, and even of the Bombay Act of 1890, was to make the Superintendent primarily responsible for the administration of the district police. But the police force was to be an " efficient instrument at the disposal of the District Magistrate for the prevention and detection of crime." Therefore the work of the Superintendent must be done "under the general control and direction of the Magistrate" and "subject to his orders." It was essential to preserve the responsibility of the District Magistrate for the general success of the criminal administration of the district, and to

afford him prompt means of ensuring the obedience of the organised constabulary to his lawful orders. This is a sound principle. It would be intolerably dangerous to allow the District Magistrate to throw the responsibility of failure on the Superintendent or his subordinates. He must have the power therefore, to issue to the police any orders necessary to secure the efficient discharge of their duties in the preservation of the peace or in the prevention or detection of offences. But his intervention is not intended to be constant or detailed. It is intended to be of the nature of general control and direction, and to assume a detailed or particular character only occasionally and when necessity arises. It is intended to be confined to what is necessary to maintain the Magistrate's control over the criminal administration of the district and his responsibility for the maintenance of the peace; but it is not intended to extend to the administration of the police department except when interference in that is necessary for maintaining the above control and responsibility. This intention of the law has been overlooked in most provinces: in some much more than in others.

Undue Interference

The result has been in some provinces and specially by some District Magistrates a degree of interference which the law did not contemplate, and which has often been most prejudicial to the interests of the department. For example, the law leaves appointments in the department to be made by the officers of the department; but this power has to be exercised under rules to be made by the Local Government. The result of these rules as framed in some provinces is that the appointment of constables is subject to the District Magistrate's veto, and that of any officer above the rank of constable cannot be made without the approval of the Magistrate being previously obtained. The law leaves punishment to be regulated by rules to be made by the Inspector-General subject to the approval of the Local Government. The rules of most provinces prescribe appeals not to departmental superiors but to the District Magistrate and Commissioner: even a constable cannot be reduced by the Superintendent without an appeal to the District Magistrate. All this weakens the influence of the Superintendent, is prejudicial to discipline, and tends to destroy the Superintendent's sense of responsibility and his interest in his work. It is asserted by some good Magistrates that the power to exercise such interference is necessary owing to the very inferior quality of some Superintendents, and the reckless and irresponsible manner in which they exercise their functions as head of the police. Instances are not wanting to bear out this view. But the Commission are of opinion that, with certain exceptions, District Magistrates interfere too much in some provinces (especially in Bengal); and that constant interference in details is one of the causes of the incapacity and recklessness of some Superintendents.) Superintendents should be under the general supervision and control of District Magistrates. They should be advised, and reported if recalcitrant. Unwise and unjust punishments must be checked, and improper appointments must be prevented. But official interference in detail should ordinarily be by departmental superiors. Superintendents should not be in a manner which deprives them of influence over their men and of interest in their work. The language of the police manuals of almost all provinces has the same tendency to undue interference. They speak of the Magistrate as "entirely responsible for the peace and criminal administration of his district," and of the Superintendent as "his assistant for police duties, and, as such,

bound to carry out his orders." "The District Superintendent's office is virtually a branch of the District Magistrate's headquarters office." This is going too far. It is true that the absolute necessity for maintaining the responsibility of the District Magistrate demands that he should receive the fullest assistance from the Superintendent, and that the latter should promptly carry out his orders. But the administration of the police is vested in the Superintendent. He is the head of the police in the district. Though he must carry out all lawful orders of the District Magistrate, he is not his as instant in the sense in which an Assistant Collector is; and it destroys police work to put him in that position. No unnecessary interference with the Superintendent should be allowed. The police force, though bound to obey the Magistrate's orders in regard to criminal administration, should be kept as far as possible departmentally distinct and subordinate to its own officers. And the District Magistrate should avoid acting so as to weaken the influence and authority of the superintendent; for discipline is one of the most essential features of police work.

The subordination of the police to the District Magistrate

At the same time, as already stated, the Commission are strongly of opinion that it is necessary to insist on the subordination of the police force to the District Magistrate, who is responsible for the criminal administration of the district and for the preservation of the public peace. The District Magistrate must be kept informed of the progress of criminal administration. The important diaries which are sent to him, and the fact that all arrests have to be reported to him, go far to secure his being kept informed. His own tours and his accessibility to the people of all parts of the district are also the most valuable means of keeping him informed of all that goes on. In addition to this, it is the duty of the Superintendent to bring to the notice of the Magistrate every thing of importance in connection with crime and criminals, to discuss with him the work of the police, and to take his advice on all important matters. He must recognise that the District Magistrate is the head of the district and, as such, responsible for the whole district administration including the work of the police of which the Superintendent is the head. The District Magistrate should rarely, and only of necessity, interfere in ordinary police work or in investigations; but the discretion must be left to him as to when interference is necessary to issue orders, these orders, subject to any reference which the Superintendent may see fit to make, must be carried out. For the manner in which the District Magistrate exercises this discretion, he will be responsible to his own superiors; and this ought to form one of the principal elements in any decision as to his fitness for his office. His paramount authority and responsibility to regard to criminal administration in the district must, however, be maintained. In the discharge of this responsibility he must carefully supervise the work of the police. Under this system these Magistrates try their cases; and the District Magistrate supervises them: the Superintendent and his staff do police work; and the District Magistrate generally supervises it. It is objected to this that the same man practically pursues the thief and tries him. This is not true. The District Magistrate, as a rule, does neither. He supervises in greater or less degree both the magistracy and the police. He is above both; and his duty is to see that both do their work properly. He rarely tries cases, though he certainly must have to interfere in police work, though he certainly must have the power to interfere when necessary. The interests of district administration demand that he should keep himself in touch with the magisterial work of the district, and have the power to try himself certain cases; and also that he should keep

himself in touch with police work, and interfere when necessary. But where his official interests are involved in any case, or where he has in any case been compelled to assume practically the part of the police officer, he ought not to try the case. The standing orders and his own sense of right ought to require this. He can easily send the case to another Magistrate for trial or for committal to the Sessions Court. As such cases, besides being comparatively rare, must also for the most part be important, they should ordinarily be sent to a Magistrate of the first class. Such Magistrates have more experience and more reputation for the first class. Such Magistrates have more experience and more reputation for independence than those exercising lower powers. There has been evidence that some of the subordinate Magistrates, especially in certain provinces, are believed to be unduly influenced by a desire to meet what they fancy to be the wishes of the District Magistrate. But the evidence is strong that such want of a sense of duty, even where it exists, is passing away with the improvement of the judicial service. The true remedy for this lies in the improvement of the subordinate magistracy, not in a radical and dangerous change of system. Cases of abuse amounting to scandal have also been brought to the notice of the Commission, especially in Bengal; but true cases of abuse are comparatively few; and they are due not to the system but to a failure to recognise its essential principles, and to that want of the want of the sense of justice which must lead to abuse under any system, and ought not to be tolerated in responsible officers. The Commission considers that in the interests of the people the police must remain under the general control and direction of the district Magistrate. He is the officer in every way marked out for the discharge of the duties of supervising both the magistracy and the police. No other officer could discharge these duties so well. No other can exercise so well the beneficial influence of personal supervision, advice and encouragement in respect both of the Magistrates and the police; and no other officer can have the same knowledge of the people as he ought to have, or be as well known to them as he ought to be. He is the connecting link between the executive and judicial functions of the administration.

The Police and Magistrates generally

Turning now to the relations between the police and Magistrates generally. These are set forth in the Criminal Procedure Code. Section 154 prescribes the manner of recording information given in cognizable cases to an officer in charge of a police station. Section 157 provides that if from such information or otherwise, he has reason to suspect the commission of a cognizable offence he shall forthwith send a report of the same to a Magistrate empowered to take cognizance of such offence upon a police report, and shall go on to investigate it. This Magistrate may, on receiving the report, await the police officer's action, or direct an investigation, or proceed (himself or through a subordinate) to hold a preliminary inquiry, or otherwise to dispose of the case (section 159). The police officer making the investigation must (section 172) keep a diary, entering his proceedings day by day, and showing when the information reached him, when he began and closed his investigation, the places he visited and the circumstances ascertained. If he cannot finish the investigation within twenty-four hours after making an arrest (of. section 61), and sees ground to believe that the accusation is well-founded, he shall (section 167) forward the accused with copy of the entries in the diary to the nearest Magistrate, who may pass certain orders about the accused, but cannot order his release without reference to a magistrate having jurisdiction to try the case. If on investigation it appears that there

is sufficient evidence to justify the forwarding of the accused to a Magistrate, he is either to be released on bail or to be sent in custody to a Magistrate empowered to take cognizance of the offence (section 170) ; and section 173 directs that, on the close of the investigation, a completion report of the investigation in prescribed form be sent to such Magistrate, setting forth the names of the parties, the nature of the information, the names of persons acquainted with the facts, and whether the accused is forwarded in custody or released on bail. In trying the case, the Magistrate may at any time during the inquiry or trial send for the police diary and use it not as evidence in the case but to aid him in the inquiry or trial (section 172). Furthermore, he has power, at any stage of the inquiry or trial, to summon any person as a witness or examine any person in attendance (section 540) ; and he is bound to do so if he deems it essential to the just decision of the case. This is the connection which the law intends to exist between the Magistrate empowered to take cognizance of police cases and the police. It involves the first information being sent to this Magistrate, his being able to watch the case from the first, to order investigation where the police are not investigating, or to proceed to take up the case himself, and his being kept in touch with the police investigation up to the very last. His connection with the case is intended to begin with the first information and to continue to the end: throughout he is intended to exercise an intelligent interest in it. These provisions are very generally lost sight of. The intention of the law is defeated when the first information is sent, not as required by section 157 to the Magistrate having jurisdiction, but nominally to the District Magistrate, really to a Court Inspector or other official at headquarters, who files it until the case is sent up finally for trial. It is also defeated when the Magistrate assumes what he imagines to be a judicial attitude, and never looks at a paper or takes any interest in the case until it comes before him in court, and proceeds to dispose of it with regard only to what is put before him by the parties without any effort to do what more he can to arrive at the truth. A valuable check on police work and valuable powers in criminal administration are thus lost.

Attitude of the Courts

The intention of the law is that the police and the magistracy should work together, the former investigating the case for the latter conducting the magisterial inquiry or trial, weighing the evidence collected by the police, sifting further any points that have been missed or inadequately treated, hearing all that the accused has to say or adduce on his own behalf and deciding the case in the interest of truth and justice. That the Magistrate should be unduly ready to accept the police view of a case without giving the accused a fair hearing and endeavouring to sift the case to the bottom is unjust and contrary to this intention of the law. It is equally unjust and contrary to the intention of the law for a Magistrate to assume a hostile attitude it wards to police, to deny them a fair hearing, or to be diverted from the endeavour to ascertain the truth by a prejudice against them. The Commission have received strong evidence of the criminal administration of a district being occasionally rendered deplorably ineffective by this want of judicial temper on the part of certain Magistrates and Judges. These cases are fortunately not very frequent; but they indicate how important it is to carry out the spirit and intention of the law. The Commission desires no amendment of the law in respect of the relations between the Magistrates and the police: they desire only to see the provisions of the Criminal Procedure Code carried loyally into effect.

Strictures on the police

There is some excuse for the attitude of some courts in the very improper proceedings of some police officers; but it is unjust as well as unwise to take up a hostile attitude to the whole force on account of the misconduct of some of its members. The Commission would emphasize this, because they feel that such an attitude on the part of the courts, if at all general, would form one of the most effective obstacles to any real reform of the police. The courts should recognize that the police so far as they are trying to do their duty, are operating with them in the protection of society against law breakers and the criminal classes. At the same time, the Commission consider that the courts should be encouraged to take notice of any misconduct on the part of a police officer or of any reasonable suspicion that he has been guilty of such misconduct. Unless such misconduct is established after hearing any explanation the police officer concerned may have to offer, or unless reference to it is necessary for the elucidation of the case, it is only just to him that no notice of it should be taken in the judgement; but a separate note should be recorded. A copy of the judgement or of this separate note should be at once forwarded to the District Magistrate, who should pay due attention to it, conducting by competent and impartial agency any inquiry that may be necessary, and absolving from blame any police officer who may after all be found innocent of fault, but taking adequate notice of any misconduct that may be established. The Commission have had considerable evidence before them of the disastrous consequences that follow from disregarding the strictures of the courts, and from laxity in inquiring into and suitably dealing with cases of alleged misconduct.

Criticism of judicial work

On the other hand, the police should be taught to treat all courts with due respect. They should not be permitted to write intemperate notes on reports on cases. They must bring to the notice of the District Magistrate any case in which they think there has been or is likely to be a failure of justice; but they should be compelled to do so in a temperate and respectful manner. If in regard to any case the Magistrate thinks it necessary to interfere, he should proceed in open court in the formal manner prescribed by the Criminal Procedure Code. If he thinks it enough merely to point out any comparatively unimportant mistakes to the subordinate Magistrate, he should do so in a courteous memorandum or in a personal interview, after perusal of the record. He should also show himself as ready to give praise for good work as to notice mistakes or failure. Nothing is more important than to preserve the independence of the magistracy while aiming at their improvement, and to prevent their having any ground for believing that their work will be condemned on any ground for believing that their work will be condemned on any ex-parte statement by the police. In this connection, it may be repeated that the Commission have received strong evidence in every province that the higher and more educated classes. The Commissions would still, however, draw attention to the low pay of subordinate Magistrates in some provinces and of the *awal karkuns* of Bombay (who are also subordinate magistrates), and to the recruitment of Magistrates to a considerable extent still from among ministerial officers, as being matters deserving the serious consideration of Government. The improvement of the magistracy is described by many witnesses as at least as necessary as the improvement of the police; and the reform of the

latter will be much less effective unless the magistracy is made efficient. The magistracy and the police are jointly responsible for the repression of crime and the protection of society. Their relations are of an intimate and reciprocal character. They stand or fall together.

Dissent the Maharaja of Darbhanga

The Commission regret that their view in regard to the relations of the District Magistrate and the police have and the full concurrence of their colleague the Maharaja of Darbhanga, who has written a Note of Dissent, which is appended to this report. The Maharaja recognises the superiority of the scheme sketched by the Commission to that at present existing in Bengal, and "cannot conceive a more effective scheme if the District Magistrate and police are to remain connected." But he cannot accept the principle of this connection. It seems to him essential that it should be severed. He is led to this conclusion by his experience in Bengal; and he supports it by reference to "a memorial recently submitted to the Secretary of State for India." The Commission have not thought it their duty to refer particularly to this memorial; for the question of the "separation of judicial and executive functions" discussed therein goes beyond the scope of their inquiry; and the memorial has not been referred to them, but is being separately dealt with (they understand) by the Government of India. The Commission adhere to the opinion they have already expressed that true cases of abuse are comparatively few, and that they are due, not to the system itself as set forth in the existing law, but sometimes to a failure to recognise its essential principles, to which the Commission have now drawn special attention, and sometimes to a violation of the law in its letter and its spirit which called for severest notice.

The Maharaja's alternative schemes

The Maharaja bases his view mainly on his experience in Bengal. The Commission consider that he has somewhat exaggerated the state of things existent there, and that, though he has referred in strong terms of approval to the change which the system indicated by them will introduce, he has argued his case through out as if that system were unaltered. He still speaks of the District Magistrates control on the perversion of that system which the Commission have condemned. The Commission are unable to concur in his argument or to accept either of the schemes he proposes. They regard the proposal to make the "District Officer" the Chief Police Officer as well as the Chief Revenue Officer, while depriving him of all supervision over the subordinate Magistrates, as most unwise. In the first place it would be most objectionable to have the Chief Police Officer also the Chief Revenue Officer. The "District Officer" ought not to be a police officer at all. In the second place every officer of experience know perfectly well how disastrous it is to allow supervision and control to become a mere matter of stations and records. The District Magistrate is marked out as the officer who can, in the course of his tours, meet the subordinate Magistrates, inspect their work, and give them personal advice and encouragement. Under the District Judge they would be less directly supervised and less efficiently trained. The Commission are equally unable to accept the other scheme proposed by the Maharaja, whereby the District Magistrate would be relieved of all control over the police. The Commission have recommended "a separate police department," but they are unable to propose that it should be made "quite

independent of the control of the Magistrate." The District Magistrate does not exercise his control as a member, or as head, of the police, but in a few particular cases as a Magistrate under the Criminal Procedure Code, and generally as responsible for the criminal administration of the district. The Maharaja's statement of the case indicates considerable confusion as to the functions and powers of Magistrates. On the one hand, the Subdivisional Magistrate has undoubtedly certain powers in police cases under the Criminal Procedure Code; but there is no delegation to him of the district Magistrate's general control over the police. The Maharaja still seems to think that they have all to go to the District Magistrate. It is a misconception of the system laid down by law to say that the District Magistrate has "to read police reports and papers as they come in and finally to decide whether a case should or should not be sent up for trial," or to speak of him as "directing the preliminary inquiries on behalf of the prosecution." This is not the system which the Commission advocate, but a perversion of it which they condemn. The Commission have, however, already stated their views clearly and fully enough on this point. They have emphasized the necessity for maintaining the responsibility of the District Magistrate for the criminal administration of the district. They have stated the limitations under which justice and expediency demand that his general control over the police should be exercised. But they have deprecated strongly the proposal to deprive him wholly of that control. The more efficiency and sound judgement are displayed by the Superintendent, the less will the interference of the District Magistrate be required; and the less it will be exercised. The Commission of the Peace from which all Magistrates in England, with the exception of those who are appointed by special warrants under the Sign Manual, derive their jurisdiction enjoins on them "to keep and cause to be kept all ordinances and statutes for the good of the peace and for preservation of the same and for the quiet rule and government" of the people as well as to punish those who as to punish those who offend against the same. The interference of the Magistrates in police work has, however, tended in England to become less common from several causes, the principal of which is the increased efficiency of the police. The theory of the Magistrate's duty remains unaltered; but in practice he is almost exclusively confined to judicial functions; because the police are efficient. But it is absolutely necessary to maintain the principle of his control over the police; and it would be a blunder of the most serious character to make the police in India wholly independent of magisterial control in unintelligent imitation of what is believed to be English practice. The Commission would also remark, in a word, that there is no province in India where the police are less fit to be independent than in Bengal. They would add that throughout the country they find the clearest evidence that the simple people in the interior naturally look to the District Magistrate, whose duty it is to be constantly among them and to know their concerns, for the remedy of oppressions and grievances of all kinds; and they see no adequate reason for depriving him in respect of police administration of the power to help them.

TABLE

CHAPTER VII.

THE PREVENTION OF CRIME.

Importance of preventive work

Of all the duties which the police have to perform there is none more important than the prevention of crime; and it is the more necessary to insist upon this because credit is too

frequently given to the police officer who shows himself successful in detection rather than to him who, by his vigilance, keeps his charge free from crime. There are some offences; such as murder, which the police have very little power to prevent, especially in rural tracts; but the great mass of crime, in this as in other countries, consists of offences against property, and in respect of these a good police should be able to afford a large measure of protection, other directly by regular and efficient patrolling, or indirectly by exercising an adequate survey lance over bad characters. If all persons addicted to crime were known to the police, and if proper supervision were exercised over them, the number of serious offences against property would be greatly diminished. To obtain this knowledge, therefore, and to secure this supervision should be the aim of every police system. These objects have not been lost sight of by the Indian police authorities, but the efforts to attain them have not met with the measure of success which may reasonable is demanded. is causes of failure are to be found in defects in the law, defects in the police system, and defects in applying both the law and the system.

The law relating to habitual criminals

The most important provisions of the law relating to the punishment and surveillance of habitual criminals are contained in section 75 of the Indian Penal Code and in the Whipping Act, which provide for enhanced punishment on a second or subsequent conviction; sections 100 and 110 of the Criminal Procedure Code, which empower Magistrates to demand security for good behaviour from habitual offenders, vagrants and suspected persons; section 565 of the same Code, which empowers Courts to order that persons convicted a second time of serious offences relating to coin and against property shall, after release, be subjected to police supervision for a period not exceeding five years; sections 400 and 401 of the Indian Penal Code, which provide severe punishment for belonging to a gang of persons associated for the purpose of habitually committing dacoity, robbery or theft; and the Criminal Tribes Act, 1871, which provides for the registration, surveillance and control of any tribe, gang or persons addicted to the systematise commission of non-bilabial offences.

Proof of previous convictions at any time before release

The Commission have no recommendation to make regarding the substance of the law contained in section 75 of the Indian Penal Code, but they advocate an amendment in respect of the application of it, so as to allow of the infliction of enhanced punishment on a person convicted of an offence punishable under Chapter XII or Chapter XSVII of the Code with imprisonment for a term of three years or upwards, if at any time before his release from imprisonment it is proved that he had previously been convicted of such an offence. It has been brought to notice that old offenders frequently escape enhanced punishment because their previous convictions are not discovered until after trial, owing sometimes, to the unwillingness of the Courts to give sufficient time for inquiries into their antecedents. The existing law directs that when an accused person who is liable to increased punishment under section 75 of the Penal code is tried by a jury or with the aid of assessors, he is to be charged first with the subsequent offence, and if he pleads guilty to, or is convicted of that, he is then put on his trial with respect to that portion of the charge which relates to the previous conviction (section 310 of the Criminal Procedure Code). The procedure which the Commission recommend is merely an extension of this

provision, so as to allow the Court which passed the sentence, or a superior Court, to revise the punishment inflicted on the convict when it is discovered that he had been previously convicted, provided that no revision should be allowed after the expiry of the original sentence.

It has been brought to the notice of the Commission by officers serving in British districts bordering on Native States that habitual criminals from these States committing offences in British territory cannot be adequately dealt with, as their previous convictions by the courts of Native States cannot be considered under section 75 of the Penal Code. It has been strongly urged that the law should be amended so as to allow the British courts to take cognisance of these convictions. The Commission are unable to make any recommendation on this matter, saw they have no evidence before them regarding the efficiency of the courts of these States. The decision of this question must depend mainly on their efficiency.

Tribunals for trial of old offenders

The Commission desire to invite attention to the proviso to section 348 of the Criminal Procedure Code, permitting cases in which the accused has been previously convicted to be transferred to the file of the District Magistrate, if he has been invested with powers under section 30. The Commission are of opinion that it would forward the ends of justice if this proviso were amended so as to allow of these cases being tried, not only by the District Magistrate, but by any Magistrate of the first class specially empowered in that behalf; and they would extend this provision in respect of these cases to all provinces, instead of limiting it to the territories mentioned in section 30. The present law requires that in the majority of such cases there should be first a preliminary inquiry by a Magistrate, and then a trial by the Court of Session. The new offence is frequently of a comparatively petty character; and the amount of time, trouble and expense which they have to give to its prosecution seem to complainant and witnesses to be out of all proportion to the value of the property lost, with the result that they are most reluctant to come forward with a complaint or evidence.

The Finger Impressions system

This will be the most appropriate place in which to notice the system of identifying old offenders by means of their finger impressions. That system has given excellent results and it is capable of still further development. For example, it allows of the finger print description of an absconder being sent by telegraph; but in order to permit full advantage being taken of this feature it is essential that there should be uniformity of classification and notation, and the Commission, therefore, recommend that the government of India should insist on such uniformity. It is also desirable to invite attention to the difficulties and expense that will be caused by the accumulation of cards, either from the record of the impressions of persons whose identification by this means is unnecessary, or from neglect to destroy the cards of persons who have died. The Commission would also deprecate the multiplication of bureaux. They can, for example, see no reason why a single bureau should not be sufficient for Bengal and the City of Calcutta. Lastly, the Commission recommend the establishment, in connection with the Central Criminal Investigation Department, of a central bureau for the record of the finger impressions of criminals who are likely to commit offences in more than one province. At present in the

case of such criminals references have to be made to a number of different office, and the involves much time and labour which would be saved if the information required could be obtained from a single central bureau.

Security for good behaviour

The provisions of sections 109 and 110 of the Criminal Procedure code are satisfactory and adequate. The Commission have, however, received very strong evidence from some Magistrates and police officers that their responsibility for the peace and security of the district is greatly impaired, and that their efforts for the prevention of crime are greatly hampered, by the rulings of the High Courts on the provisions of Chapter VIII of the Criminal Procedure Code, and especially on section 110 (regarding security for good behaviour from habitual offenders) and the sections connected therewith. The complaint is made that the High Courts have gone beyond their proper sphere of interpreting and enforcing the law, and have practically in some respects, made law on this subject. It has been urged that these provisions are of an executive character, that accordingly no appeal to the High Courts is provided, and that it would be only logical for the Legislature to include the orders under Chapter VIII with those under Chapter XII in section 435 (3) of the Code, which excludes revision by the High Court. The Commission cannot accept this proposal. Redress in the Civil Courts is open to any one who deems himself wronged by an order regarding immovable property passed under Chapter XII; and that is the appropriate remedy. No such remedy ought to be provided for orders under Chapter VIII; and it would be altogether out of the question to deprive any man sentenced to imprisonment, in default of finding security of the right to have the legality and propriety of the order considered by the High Court. The Commission have also considered carefully all the rulings brought to their notice; they have read not the digest of these rulings only but the judgements themselves; and they are bound to say that the action of the High Courts in these cases seems to have been sound, though the wording of the rulings, especially as published in the Digests, is sometimes loosely expressed and liable to misinterpretation. Thus, for example, it is complained that the ruling in the matter of Haider Ali (I. L. R. Cal., XII, 520) seems to require proof of the accused having "done some act or resumed avocations indicating on his part an intention to return to his former course of life." This is prima facie opposed to section 117 (3), which provides that "the fact that a person is an habitual offender may be proved by evidence of general repute." But in this case" the person from whom the security was required had only recently been released from jail." The ruling means no more than that "the greatest thief is entitled to a locus penitentia when he has served out his punishment," as laid down in I.L.R., CAL., XII,520. This is thoroughly correct; the Magistrate had erred and the High Court did will in point it out. This is precisely on all-fours with the objection taken to the ruling in the matter of Raja valad Hussein Saheb (I.L. R., Bom., X,174). Here it is laid down that "the mere record of previous conviction does not satisfy the requirements of section 110." This has been interpreted by Bombay Magistrates and police officers as excluding the evidence of previous convictions. They have overlooked the word "more." In this case the accused was actually in jail under going his sentence for a definite offence when the order under section 110 was passed. this was an abuse of that section.

So again the distinction drawn between "rumours in a particular place and among a certain class of people" and "general reputation" drawn in *Rae Iari Pershad vs. Queen-*

Empress (L.L.R., Cal., XIII, 621) is well worthy of attention. This case, moreover, was a striking illustration of the danger of suddenly proceeding against a man without any reference to his antecedents or any attempt to watch any reference to his antecedents or any attempt to watch him in an unobtrusive way—a danger against which the Commission seek to provide by recommending the maintenance of confidential history sheets.

Another ruling to which very serious objection is taken is that in Jhojha Singh vs. Empress (I.L.R., Cal., XXIV, 155), which is thus entered in the Digest: "No conditions and limitations can be imposed upon persons ordered to give security under section 118 of the code." It would, of course, be disastrous to say that a Magistrate should be bound to accept any surety that offered, even, for example, a member of the same criminal tribe or gang. But presumably the Court merely meant that the conditions laid down in the order passed under section 112 could not be modified (see the first proviso to section 118). Section 112 distinctly provides that the number, character and class of securities may be laid down in the order passed under that section. It is to be noted also that the High Court in this case paid due attention to the responsibility of the District Magistrate in this case; for they merely ordered a new trial. And their ruling need not be accepted as contrary to that in Empress vs. Rahim Buksh (I.L.R., All., XX, 206), which laid down that "it is reasonable to expect and require that the sureties to be tendered should not be sureties from such a distance as would make it unlikely that they could exercise any control over the man for whom they are willing to stand surety * * * Of course, Magistrates must not act arbitrarily in] these cases: they must be guided in each case by the facts of the case."

The high Courts have also interfered in the matter of the amount of security in such cases as 4 Madras High Court Reports, Appendix 47, I.L.R., Cal., II, 384, and I.L.R., Bom., XVI, 372; but they were apparently right in all these cases. "The individual should undoubtedly be afforded a fair chance at least of complying with the required condition of security." The Commission presume that the "fair probability" should only be of his finding security on the assumption the he will behave as an honest man: if he is really a bad character, and cannot be trusted under any circumstances, he will not probably find even such security as would be reasonable from the point of view of his position in life alone.

The only other ruling to which objection is taken is that of the Punjab Chief Court in Masti Khan vs. Empress (Punjab Record of 1897, Criminal Judgement No.2). There it was laid down that "when security is taken from a man under section 110, Criminal Procedure Code, on evidence of general repute only that repute should be provided to be universal, and there should be no doubt about it." This sentence, which is published as a ruling, occurs in a judgement which shows that (1) a number of respectable witnesses state that accused is by reputation a receiver of stolen property, (2) equally respectable witnesses, including soldiers, lambardars, bankers and zeminndars, give evidence that he bears a good character, (3) that there is no previous conviction against him, and (4) therefore, it is not "satisfactorily proved that the accused is even by repute a receiver of stolen property." Then follows the sentence above shown as the ruling. This is certainly a sound judgement on the merits of the case, but the wording of it, as contained in the extract detached from the context, is misleading and may be held to constitute the making rather than the interpretation of the law. This has been made the basis of a later decision by the same Court, in which the learned Judge states the facts as follows:- "The evidence

against Sher Singh, lambardar, and a few others. No evidence was produced for the defence, and the Magistrate has remarked that the production of further evidence for the prosecution was unnecessary, he was so confident in his opinion after hearing that adduced. The Magistrate evidently did not consult the ruling of P.R.2 of 1897, Criminal, in which it is laid down that there should be evidence that the bad repute is universal and there should be no doubt as to this." This interpretation of the imported word 'universal,' in a case where there was no evidence for the defence amounts to a modification of the law.

There are, finally, two judgements of the Allahabad High Court to which the commission's attention has been drawn, as indicating the Courts' recognition of the responsibility of the district Magistrate in regard to the criminal administration of his district, vis., I.L.R., All, II, 835, and All., VI, 132. In these the Court was unable to support the order of the District Magistrate, but referred the cases to him for his consideration, in order that he might, should it appear to him proper to do so, call upon the applicants to find sureties in such amount as to him might appear adequate in strict compliance with the provisions of the Criminal Procedure Code. These judgements indicate a careful respect on the part of the High Court for the serious responsibility of the District Magistrate in this matter, which is also clearly shown in one of the Calcutta cases above quoted.

The Commission have thought it well to discuss these cases at some length, as they indicate certain points to which the attention of District Magistrates may well be directed and the unobjectionable character of the rulings, with the exception of the last ruling of the Punjab Chief Court, as interpreting the law. They think that it has been shown rather that Magistrates and police officers are not always careful to observe the reasonable restrictions imposed by the law on the exercise of the grave responsibility which it has entrusted to them; that they do not always realise the urgent necessity for care and judgement in these cases; that they are sometimes too ready to attribute a generally hostile attitude from their context as expositions of the law. The Commission have seen with surprise how some executive officers have confusedly abstained from the discharge of a most important public duty, without consulting the authority to which they are directly responsible.

The provisions of these preventive sections are most useful and important. Their importance in regard to the criminal administration of the district cannot be over-estimated. But they require to be worked with great caution to prevent their being made an engine of oppression; and the most effectual manner of securing this is to have all enquiries into complaints of bad livelihood held in the village of the accused. Mr. James Monro, C.B., in his evidence before the Commission, strongly insisted upon this view. He gave the following description of the procedure adopted by him when Magistrate of Jessore:-

I rode out to the spot, told the villagers what I had come out for, and that I wanted to hear what they had got to say either for or against the accused. They all sat down and I commenced to record their depositions on oath. Respectable villagers of all classes have the greatest objection to appear in cutcherry and take an oath; in the village, amongst their neighbours, they have no such objection, and I had no difficulty in getting respectable Brahmins, Purohits, traders, etc., to state what they knew either for or against

the accused; If the case was a false one, got up through local faction feeling, this fact was sure to appear at a very early stage of the proceedings, and the man was let go at once. Generally, however, if the case was true, the man was condemned as a suspicious character by the villagers. He was allowed to bring up any witnesses that he pleased and the case was concluded then and there. Two or three hours generally sufficed to finish the case and the man was undoubtedly tried by a jury of his countrymen, the Magistrate's order being merely the channel through which the verdict of the jury was given effect to. Justice was undoubtedly done. There was no harassment or manipulation of witnesses possible. the accused could point out his field if he said he lived by cultivation; he could produce his employer if he said he was a daily labourer; he had every chance given to him; and only when his fellow-villagers condemned him as a suspicious character, did the Magistrate take any action against him.

The Commission strongly recommends that this practice of local enquiry should invariably be adopted in these cases. If this be done, there will be little danger of oppression or injustice, and though the procedure may cause some inconvenience and delay, the advantages that it gives are so great that they far outweigh these drawbacks. If the Magistrate on receiving information from the police or otherwise is unable to proceed to the spot at once, he is in a position to hold a local enquiry. Subject to these safeguards the law relating to security for good behaviour may be enforced from the depredations of persons who live by crime, and it is the duty of the magistracy to make full use of all the powers does not justify the Courts in refusing to give effect to them, though it does require them to take steps which will prevent abuse and ensure justice being done.

When any person has been ordered to find security to be of good behaviour, the police should be empowered to take his finger impressions. They have this power in the case of all convicts and it is desirable for the purpose of adequate surveillance that their finger impressions may be placed on record.

Police supervision

The provisions of section 565 of the Criminal Procedure Code, subjecting certain classes of offenders to the liability to police supervision after release from jail, were first enacted in 1898 and no rules were made under sub-section (3) until some time later. there has, therefore, as yet been but little practical experience of the working of the law, but some obvious defects have been brought to the notice of the Commission. In the first place, under sub-section (4), refusal or neglect to comply with the rules is punishable with only one month's simple imprisonment. The corresponding provision in the English law is contained in section 8 of the Prevention of Crimes Act, 1871 (34 and 35 Vict., chapter 112), which provides a maximum penalty of one year's imprisonment, with or without hard labour, for failure to give notice of the place of residence or change of residence, and the Commission recommend the Indian law be amended so as to provide a punishment not exceeding one year's imprisonment of either description. Another defect in the law is that it does not apply to temporary absences for a night or two, and a person under police supervision is thus able to go to a distance, commit a dacoity or burglary, and return home without any breach of the law or any obligation to give information of his movements. This is a common practice with habitual criminals in India, and if the law is to be effective it is necessary that it should deal with the facts as they exist. It might cause some hardship to require a person under supervision to report to a police officer his

intention to absent himself for such short periods, but there would be no hardship in requiring him to make such a report to the village headman or village watchman, and the Commission recommend that this be provided for. In towns where there are no village headmen or village watchmen the report would be made at the police station. It is observed that convicts released on license under section 21b of the Prisoners Act, 1900, are required to obtain a pass before absencing themselves from their place of residence even for a night, and as the object in view is the same in both cases the Commission see no reason to discriminate between this class and persons under police supervision.

The provisions of section 565 apply only to persons convicted a second time of offences punishable under Chapters XII or XVII of the Indian Penal Code with imprisonment for a term of three years or upwards. To these the Commission would add the offences punishable under section 215, which relates to the levying of blackmail or hush-money, and sections 489-A to 489-D, which relate to the forging of currency notes.

Criminal tribes and gangs

Of the provisions of the law relating to tribes, gangs or associations of criminals the most important is the Criminal Tribes Act, which gives powers in respect of the registration and settlement of any section of the population which is added to the syntactic sometime of nor official. As it is luminary to the application of the act to any wandering tribe or gang it is necessary that arrangements should be made to the satisfaction of the Government of India for setting it in some specified place and for enabling it to earn its living there; and this condition, involving, as it does, a considerable expenditure, has undoubtedly prevented the free application of the Act to a particularly dangerous class of the criminal population. The matter, however, is one which cannot continue to be neglected. Every province is overrun with gangs of varying degrees of criminality, and much of the dacoity, highway robbery, burglary and theft is committed by them. The powers given by sections 109 and 110 of the Criminal Procedure Code are of little use in the case of such people, as they have a nominal means of livelihood, while they move so quickly from place to place, and individuals change so frequently from one gang to another, that it is difficult or impossible for the ordinary station police to collect the evidence required for an order to give security. That is essentially a task for a central and special staff; and one of the duties assigned to the Criminal Investigation Departments which have been recommended elsewhere is the collection of collection of information regarding these predatory gangs, and the preparation of criminal history sheets for each gang as a whole and for each adult male member of it. But to enable this to be done the police must have more powers of control than they possess at present, and they must, in particular, have authority to take the finger impressions of all criminal members of such gangs, as this will provide a ready means of identification when they are caught far afield on a predatory expedition, and will put an end to the present practice of one man passing himself off for another. The Commission accordingly recommend that a special provision be inserted in the Criminal Tribes act to authorise the simple registration of notified criminal gangs, and the taking of the finger impressions of the adult male members, where necessary. The other provisions of the Act need not be applied, and it would, therefore, be unnecessary to insist upon the condition regarding the provision of a means of livelihood. the Commission fully recognise the justice of that condition when the movements of a going are restricted, and they think it is also not unreasonable to

require it before applying those provisions of the Act which impose a liability to enhanced punishment for certain offences (section 19-A) and award a somewhat heavy punishment to members of such gangs who are found under suspicious circumstances (section 19-B). Something more than the taking of finger impressions will undoubtedly be necessary, but in the opinion of the Commission the first thing to be done is to collect complete and accurate information about these gangs. When that is obtained the authorities will be on sure ground and can determine without difficulty regarding each gang whether it is desirable to attempt to settle it in the manner contemplated by the Act; or to restrict its movements to some area which is large enough to allow of its members earning an honest livelihood by the genuine pursuit of their nominal avocations, and small enough to ensure its being well known to the police and the villagers of the tract; or to treat it in such other manner as the information collected may suggest to be desirable and adequate. But in all these cases the guiding principle should continue to be that when movements are restricted the State must make arrangements to enable the gang to earn its living unless it is satisfactorily proved that its existing means of livelihood are suitable and sufficient.

Regarding the success of the settlement of criminal tribes and gangs the evidence is somewhat conflicting. In the United Provinces such settlements have been declared by many witness and by the Local Government to have proved a failure; elsewhere the results have been more encouraging, but the evidence suggests that too much has been left to the fortuitous enthusiasm of individual officers and that what is wanted is a deliberate and consistent policy steadily and energetically pursued. It is undoubted that many tribes formerly criminal have settled down to peaceful avocations and comparatively honest lives, and it is not unreasonable to believe that if arrangements are made with judicious regard to the special peculiarities and aptitudes of each class a much larger measure of success may be obtained in the direction of reform. Action must, however, be based on accurate knowledge, which is at present largely wanting, and the first step must be to obtain this knowledge. Schemes suited to the special circumstances of each case can then be devised with some confidence of their success.

The present practice of deputing a single constable to watch wandering gangs is ludicrously inadequate. The unfortunate man is powerless in such circumstances: he has sometimes even been made to drive the donkeys of the gang; sometimes he is left tied to a tree; while only too often he accepts a bribe to wink at the doings of the men he is supposed to be watching. If it is necessary to watch such a gang, it should be done intelligently and effectually; if for want of man or other reasons an effective surveillance is impossible, it is better to attempt nothing at all.

Another practice which the Commission unhesitatingly condemns is the grant to members of such gangs of licenses to possess and carry arms. Criminals of this character should on no account be permitted to possess firearms, and the provisions of the Arms Act should be Arms act should be rigorously enforced against them.

Criminal gangs from Native States

It is essential to the success of any measures for the control of criminal tribes and gangs that they should be extended to Native States, for if they are restricted to British India they may result in forcing these classes to migrate to Native States, where they will with more impunity carry on their criminal operations, and from whence they will make

periodical forays into our territory. Such incursions are only too common at present, and the Commission have received many complaints of the depredations committed by Minas, Baurias, Mogiyas, kanjars and others from the States of Rajputana and Central India. The watching of borders for the purpose of preventing raids by these tribes throws an intolerable burden upon the British police, a burden which would be unnecessary if there were an efficient police administration in the Native States. The Thagi and Dakaiti Department seems, of late years at least, to have given but little help in connection with this class of criminal. The Commission are of opinion that the proper remedy for the evils complained of is, on the one hand, an improvement of the police of the Native States, not the attempted suppression of them by a force too small to be effective and too scattered for efficient control; and, on the other, their inclusion in the system of organised effort against organised crime. So long as Alsatis exist wherever our borders march with Native territory, the task of suppressing dacoity and other organized crime will be beset with difficulties. Moreover the attitude of Native State police reacts upon our own officers, who are only too ready to drive a gang across the borders, careless of what becomes of it there and of what crimes it may commit. In place of this mutual indifference and almost hostility, successful police work requires cordial co-operation and mutual assistance. Police Officers of neighbouring States and Provinces should be in close personal communication. Each should have confidence that the other will give him loyal assistance in dealing with crime and criminals, and that he will not permit his subordinates to shirk their duties and responsibilities to one another. The Commission have not felt themselves authorised to make inquiries regarding the police arrangements in Native States. They are not, therefore, in possession of information which would enable them to advise regarding the precise lines which the needed reform should take. But they have had abundant evidence of the necessity for it, and regard it as a matter of urgent importance that a beginning should be made without delay. In this connection may be mentioned a proposal that when a member of a registered criminal tribe escapes into a Native State, his extradition should be made lawful, and a further proposal that the law should also provide for reciprocity on the part of the authorities of British India. The Commission recommend the consideration of these proposals.

Police surveillance

Reference has already been made to the police supervision over habitual offenders which is rendered lawful by section 565 of the Criminal Procedure Code. There are, however, a large number of dangerous criminals against whom no order has been made under that section but over whom the police must exercise surveillance in order to prevent their committing crime with impunity. Every police manual contains elaborate rules on this subject, and the Commission has received much evidence in criticism of existing practice and many suggestions for reform. The main fault in most of the rules is that they impose a somewhat unintelligent rigidity of system and fail to discriminate between the casual and habitual criminal; in the endeavour to watch all, the really dangerous frequently escape observation. The opinion of the best officers is that surveillance should be restricted to persons whose conduct has shown a determination to lead a life of crime. To ascertain these it is proposed to institute a system of history sheets, somewhat similar to, but much less elaborate than, the dossier of the French Police. In order to deal effectively with crime it is necessary to have a continuous record of the criminal history of

individuals and localities. It is proposed, therefore, to have for each village a crime note book, which will contain a permanent record of the important crime and criminals of the village. Whenever an inhabitant of the village is convicted of any offence mentioned in section 75 of the Indian Penal Code, or sections 3 and 4 of the Whipping Act (VI of 1884) or of such offences as thagi, forgery of currency notes, kidnapping, gambling or opium-smuggling, the conviction will be entered in this note book. Similarly an entry will be made in every case of an order to furnish security for good behaviour. These note books will be kept in the police station and the entries will be made by the officer in charge. When he makes an entry it will be his duty to consider whether it is desirable to open a history sheet for the person to whom the entry applies; and if he thinks that this should be done he should seek the sanction of the Circle Inspector. The general rule should be that history sheets should be opened only for persons who are likely to become habitual criminals or the aiders and abettors of such criminals. It may occasionally be necessary to begin a history sheet for a man even though he has not been convicted; and this is specially the case with receivers of stolen property and persons concerned in levying black-mail for the recovery of stolen cattle. There would be no regular watching over the movements of persons for whom history sheets are opened; but the officer in charge of the police station would make confidential inquiries regarding the mode of life of such persons when he visits each village, and note in the history sheets information, both favourable and unfavourable, which he may obtain in this or any other way. If the entries in the history sheet give rise to a reasonable presumption that the individual is living a life of crime, a statement of the facts will be submitted to the Superintendent or Assistant Superintendent, as the case may be, and he will decide whether there are sufficient grounds for requiring the police to exercise a closer supervision. It is desirable that, wherever possible, this decision should be based on inquiry at the station and not merely on a written report. Should his decision be in the affirmative, he will direct the entry of the name in the surveillance register of the police station; the history sheet will then be maintained in much greater detail, and if the surveillance is effective a comparatively short period of close supervision will either show that the suspicion of criminal livelihood was unfounded, or will furnish evidence sufficient for the conviction of a specific offence or to justify the taking of security for good behaviour. If a Superintendent decides to order the name of any person to be placed on the surveillance register, it may sometimes be expedient for him to take an opportunity privately to inform the individual that his conduct has been suspicious and that his movements will be closely watched by the police. Entries in the history sheets and surveillance register must be scrutinized by the Superintendent whenever he visits the station; and no name should be retained in the register for more than three years without a special explanation of the reasons for doing so. Specimens of a village crime note book and of a surveillance register, together with draft rules for their maintenance, are contained in Appendix VII.

The next question for consideration is the manner in which surveillance is to be exercised. In towns it must be done by the police, but in villages much of it may, and must, be entrusted to the village headman and the village watchman. In the Punjab these officials are now bound by law to report the movements of all bad characters in the village or beat, but elsewhere the legal liability extends only to the reporting of the arrival in the village limits of suspicious persons and not to the movements of such persons residing in the village. The Commission recommend that the law in other provinces

should be assimilated to that of the Punjab, for it is both expedient in itself and in accordance with the customs of the country that the responsibility for watching its bad characters should be placed on the village rather than on the regular police. It will, however, be useless to impose this liability unless the list of bad characters, which must be communicated to the village headman, is rigorously confined to the narrowest possible limits.

Beat duties

It will be necessary to exercise some check over village officers to ensure the due performance of their duties in respect of bad characters; and the officer in charge of the police station will do this mainly by personal visits, though he will also be at liberty to send out constables and head constables from time to time to ascertain whether bad characters are present in their villages. He may also send constables to camping grounds, serais, ferries and all places of public resort to pick up information, but, as explained in a previous chapter, the existing beat system of regular visits to all villages is both unnecessary and objectionable, and should be abolished. It will no doubt happen that some, perhaps many, of the village officers will prove unworthy of the trust placed in them, but the true remedy for this is to discriminate between the reliable and the untrustworthy officers and not to place all alike under a system of supervision which kills all sense of responsibility and self-respect. To ensure success the cordial co-operation of the officers of the Revenue Department, to whom the village headmen are subordinate, is essential, but there is no reason to fear that this will not be secured, as the necessary unity of control is afforded by the position of the District Officer in relation to both the regular police and their village co-adjusters. The present system is admittedly a failure, and the Commission are convinced that improvement will be found, not in brushing to one side the indigenous village agency which has existed for centuries, but in quickening and fostering the sense of village responsibility, which has everywhere been permitted to languish under the mistaken impression that reliance must be placed mainly on the regular police.

Paragraph 18 of the Rules made order section 39-A of the Punjab Laws Act, 1878.

Communication of information

Having thus indicated the measures which commend themselves to the Commission for the registration of bad characters and the reporting of their movements, it is necessary to pass on to the steps to be taken for the prompt communication from one police centre to another of information regarding those movements. One of the worst features of Police work, as performed at present in India, is the indifference of officers of the department in respect of everything that occurs outside the limits of their own jurisdiction. The officer in charge of a police station only too often shuts his eyes and ears to the doings of his own bad characters provided they confine their operations to places beyond his station borders; and to such an extent has mutual distrust developed that it is not uncommon to find two neighbouring Superintendents jealously watching their respective frontiers as if the adjoining district were a foreign territory. Some amelioration of this deplorable state of affairs will no doubt follow from an improvement of the class of officers in charge of the stations, from the provision of a better and closer supervision, and from the linking up

of districts within the same province be the Provincial Criminal Investigation Departments, and of provinces by the Central Department for the whole of India. This is, however, one of the branches of police work in which uniformity of action is necessary throughout the country, so that every police officer may feel a reasonable confidence that he will receive prompt and full notice of the departure for any place within his jurisdiction of any dangerous criminal, whether of another district or of another province. The criminal classes now largely use the railway and the telegraph and these facilities must also be open to the police, who should be allowed to pay both for railway tickets and telegrams by requisition notes, a practice which already exists in respect of the former in the Madras presidency, where it has been found to work well. Whether the first intimation is sent by telegram or not, a detailed account of the person and character of the individual under surveillance must be sent by post. A form for this purpose is given in Appendix VII, and this is recommended for general adoption for watching criminals en route, and the recommendation on this branch of the force include proposals which, if accepted, will secure prompt co-operation and communication between them and the district police.

In this connection attention may be drawn to the importance of communicating promptly to neighbouring police stations, and in particular to the nearest railway police station, full information regarding serious offences, with a detailed description of the articles stolen in the case of offences against property. This information will, of course, also be furnished to district headquarters, and the Superintendent will then decide in what cases publication in the Police Gazette is necessary. A similar procedure should be followed in respect of absconding offenders. To facilitate the preparation of such lists and notices every police station might be provided with a cyclostyle. As in the case of the movements of persons who are entered in the Surveillance Register, free use of the telegraph and the railways should be permitted, and all police stations in towns should be connected by telephone. Advantage must always be taken of the postal service, and where this is defective, the indigenous method of passing on information from village to village by means of the village watchmen should be fully utilized. The communication of information as described above should not be confined to British India, but should be extended to police stations and offices in neighbouring Native States; and police officers in those should be encouraged to furnish similar information to the British authorities. To enable this to be done effectually it is essential that police officers should be kept informed of changes in the personnel of the neighbouring force, in order that they may know with whom to communicate. The Commission have received evidence that co-operation between British districts and Native States is particularly defective.

Road patrols

The patrol of country roads in the daytime is probably nowhere necessary, while the need for such patrols to night travelling and with the character of the country. In the south of India travelling by night is common and road dacoities are frequent. Brigandage of this kind is serious blot upon any administration which claims to be civilised, and at whatever cost it must be put down. If a regular system of patrolling is enforced the roads can be made quite secure, and the police establishment must be fixed at a strength which will allow of the requisite force being provided. It is quite unnecessary, however, for the police to patrol other than dangerous roads; and the Commission are disposed to think

that for patrol duty armed foot constables are more efficient than mounted men, except where the dacoits themselves are mounted, or where the circumstances of the tract to be patrolled manifestly demand the prompt communication of information by mounted police.

Beats in towns

Beat duty in towns differs considerably from rural beat work and might more appropriately be called patrol duty. There is considerable evidence that owing to want of men and to inadequate supervision the protection afforded by the police leaves much to be desired, and the prevalence of burglary shows that this belief is well-founded. The remedies fortunately are simple: the police force must, where necessary, be strengthened so as to secure that every part of a town is patrolled throughout the night at intervals which will render the commission of crime difficult, if not impossible; there must be a sufficient number of supervising officers to provide an adequate check over the beat constables and there must be an intelligent watch over the movements of the most dangerous criminals. With respect to the first of these proposals the Commission recommend the adoption of the scheme of duty given in Appendix VIII, which provides for a double patrol at night and at the same time gives each man one night in bed after two nights on duty. This scheme, however, will be of little use unless the beats are so fixed that each can be traversed within a reasonable time. The second of the proposals requires a relatively high proportion of head constables and possibly a judicious admixture of European sergeants, who, when carefully selected, are particularly valuable for checking night duty. The third remedy is mentioned because it has been brought to the notice of the Commission that the Present method of surveillance consists for the most part in paying a visit to the suspect's house and ascertaining by a personal interview that he is present. He knows that he will not be looked up again that night, and as soon as the police have gone he is free to sally forth and commit his depredations with but little risk. There is no attempt at secret watching, no plain-clothes patrols, no intelligent endeavour of any kind to ascertain the real movements of a suspect. The criminal is found at his house, the prescribed entry is made in the prescribed record, and routine having been complied with, the police are completely indifferent to the fact that essentials have been wholly neglected. The fault lies more with the officers than the men, and more with the system than with either, for the system provides no real training and insists mainly on the supreme importance of records and their regular and correct preparation.

Lighting of towns

There is one other direction in which improvement would greatly assist the police in preventing nocturnal crime in towns, and that is the better lighting of the streets. There are few towns in which the street lamps are left alight after midnight and many in which they are extinguished earlier. The advantages of well-lit streets in providing for security of person and property are so obvious that it ought to be necessary only to point out any defect in this respect to ensure its being remedied at once.

Receivers

One well-recognized method of preventing offences against property is to take vigorous

action against receivers. In most provinces a considerable number of persons are convicted every year of receiving stolen property, but the evidence goes to show that the real receivers are not known to the property, but the evidence goes to show that there is but little success in dealing with habitual receivers. It is not that the real receivers are not known to the police: they are well known, but they purchase immunity from arrest and prosecution by giving occasional assistance in the detection of cases, while the police are sometimes actually in their pay. There is, therefore, a marked reluctance to proceed against them, their premises are seldom watched, and it is extremely rare for a police officer to ask for a search warrant under section 98 of the Criminal Procedure Code. The Commission fully recognize the difficulties in a country where every village of any size has one or more goldsmiths and where nearly every goldsmith will buy stolen jewellery. Any legislation on the lines of the English Pawnbrokers' Act would be useless, but energetic, intelligent and honest action within the limits of the existing law would secure much better results than are obtained at present. In England it is now not uncommon for the Courts to postpone passing sentence on a person found guilty of an offence against property in order to allow him an opportunity to restore the stolen goods and give information as to the receiver, on the understanding that his conduct in this respect will be taken into consideration in awarding punishment. Something of the same kind might be tried with advantage in India. Convicts might also be questioned and given a remission of sentence or a conditional pardon if the information furnished by them stands the test of examination and secures the conviction of receivers. This was the method adopted by Colonel Sleeman with such excellent results in his campaign against thagi, and the valuable lesson should not be thrown away.

Cattle-thieves

The only other class of criminals that require special notice in connection with the prevention of crime are cattle-thieves. Cattle-theft is extremely common in India; and it is a remarkable fact that everywhere, from Peshawar to cape Comorin, the crime is combined with the practice could be suppressed, cattle-stealing would be much less remunerative, for it is not easy to dispose of stolen cows and bullocks, and the attempt to do so would often lead to the discovery of the offender. But so long as the custom of paying blackmail continues unchecked, the gains of the criminal will be comparatively large and the risk of detection very small, for thief and owner are jointly interested in concealing all information from the police, The prevalence of the custom is no doubt largely due to the inefficiency of the police, who rarely succeed in recovering stolen cattle. The people, therefore, not unnaturally, prefer to pay blackmail and get their animals back at once rather than trust to the machinery of the law, which experience teaches them will always be slow and usually barren of result. In these cases of blackmailing an influential part is played by an intermediary, who levies a toll upon the amount of blackmail which he succeeds in extorting. By so doing he renders himself liable to punishment under section 215 of the Indian Penal Code, but that offence is non-cognizable and the police are powerless to interfere without the order of a Magistrate. This is seldom asked for, because it is especially offender are in collusion, without a careful and prolonged investigation, and this the police have no authority to make as the offence is non-cognizable. The Commission accordingly recommend that the offence described in section 15 of the Penal Code be made cognizable, so as to allow the police

to take prompt action as soon as they have reason to suspect that such an offence has been committed. These intermediaries are in very much the same position as receivers, and if their power can be broken there will soon be a marked diminution in the crime of cattle-theft, a crime which causes very serious loss, both direct and indirect, to a community mainly dependent upon agriculture. The Commission would also recommend the employment of trackers by the police in provinces where good trackers are to be found. In places where cattle-theft is unusually rife the permanent enlistment of such men on good wages would possibly be the best course; elsewhere it would probably be sufficient to encourage them by the prompt grant of substantial rewards. It should also be considered whether the Punjab Track Law (sections 41 and 42 of the Punjab Laws Act, 1872) might not with advantage be extended to other parts of the country where the conditions resemble those of the Punjab.

Other useful preventive measures are the registration, usually by a market each of the purchase of cattle, and the grant of passes or certificates of ownership by the village headman to any villager who proposes to take his cattle for sale. Both practices prevail in parts of the country, and their usefulness is established by experience. They have not the sanction of the law, and the Commission do not recommend that they should be made compulsory. It will be sufficient if they are given every legitimate encouragement and facility, and if the police take full advantage of them wherever they exist.

Special constables and additional police

The employment of special constables under section 17 of Act V of 1861 and the quartering of additional police in disturbed districts under section 15, are both useful preventive measures, but the Commission have no special recommendation to make, beyond urging that bad characters should not be enrolled as special constables, and that, as already stated in Chapter III, the system of tikri chawkidari may sometimes be adopted in place of additional police.

Reform of criminals

No treatment of the subject of the prevention of crime would be complete without some reference to that important branch of it which relates to the reform of criminals. Something has already been done in this direction by the State. Reformatory schools have been established in all the larger provinces, and much trouble is now taken to assist youths on leaving these schools to find suitable employment and lead honest lives. The law (section 562, Criminal Procedure code) empowers the courts to release certain classes of first offenders on security to be of good conduct, instead of sentencing them to punishment. The segregation of old offenders is now carried out, to some extent at least, in most jails. Nearly all prisoners are taught some craft or industry, but as they are seldom to private benevolence has so far done but little. There are two or three societies for aiding released prisoners, and a few industrial schools for the poor, which do something towards the reclamation of children who might lapse into crime. In England private effort has been much more active and there is now a considerable number of societies for the aid of discharged prisoners. It is fully recognized that the circumstances of England differ widely from those of India, for the large majority of Indian prisoners have land or employment to which they can return without difficulty on release from jail. There is, however, a not inconsiderable residuum who have little hope or chance of earning an honest livelihood, and in the relief and assistance of these there is room for the charity

and labour of the benevolent. The State can and may legitimately give help, advice and encouragement to societies formed for this purpose. It may properly, for example, make grants in aid of the funds collected; it may give reasonable facilities of access to the jails; it may furnish information as to likely fields of employment, and generally give method and direction to these private efforts so as to make them most effective. It can, however, do directly little more than at present; but the answers to the question which the Commission issued on this subject show that there is room for further exposures on existing lines; that, for example, more reformatory schools are required, that fuller use should be made of the discretion regarding the punishment of first offenders, and that the segregation of old offenders should be made more complete. The Commission, however, did not make detailed inquiries on these points and beyond the general suggestions made above they have no recommendations to make.

TABLE

CHAPTER VIII.

REPORTING AND INVESTIGATION OF OFFENCES.

149. Duty of reporting offences. The Criminal Procedure Code provides that certain persons shall give information regarding offences; and sections 176, 176 and 202 of the Indian Penal Code provide penalties for failure to discharge this duty. Section 44 of the former Code makes it incumbent on "every person aware of the commission of, or of the intention of any other person to commit," certain serious offences therein specified, to give information forthwith to the nearest Magistrate or police officer. And section 45 directs that every village headman and village police officer, and certain other persons concerned in the administration of a village, "shall forthwith communicate to the nearest Magistrate or to the officer in charge of the nearest police station, whichever is the nearer, any information which they may obtain respecting" certain classes of offenders; the commission of, or intention to commit, certain offences; the occurrence of any sudden, unnatural or suspicious death; and any matter likely to affect the maintenance of order, prevention of person or property respecting which the District Magistrate, with the previous sanction of the Local Government, has directed them to communicate information. Information of offences will ordinarily reach the police through persons bound under these two sections to give information, or through complainants interested in the punishment of the offences. On the whole, serious offences are generally very fairly reported, though the corruption, oppression and vexations too often involved in the prosecution of cases, have led to the suppression of crime to a greater or less degree everywhere. With improved police (and also improved magistracy) it will be reasonable to insist more rigorously on compliance with the provisions of the law, and to expect complainants to come forward more freely than heretofore. The Commission would not insist on the reporting of trivial cases, but on the prompt reporting of any case included in sections 44 and 45 of the Criminal Procedure Code. They do not consider it necessary that village headmen or village police officers should report every cognizable offence however petty, but would insist on their reporting every offence which the police should ordinarily investigate (see paragraph 152 below).

Record of information

It is very desirable to encourage complainants and others to give information in writing; but in the present state of education throughout India, it would be impossible to insist on

this. Village headmen in particular should be encouraged to report offences to the police in writing; and, where that is possible, a copy of the report should at the same time be sent to the nearest Magistrate having jurisdiction. This would be a very effective check on the police: it would not indeed be any check on a police officer if the village headman were in collusion with him; but it would be a great help to any honest village officer to be able to tell the police that a copy of the first information had already gone to the Magistrate. It would be well, when headmen can send their reports in writing, to supply them with bound books, paged and in counterfoil. The state of education, however, prevents the possibility of insisting on this; and it is sometimes necessary to secure great promptitude by despatching a messenger with an oral report. The sooner the report the police station, the less chance there of interested persons putting a wrong complexion on the case, and the greater likelihood there is of the offender being apprehended and convicted. Pending the arrival of the police, the headman should take all necessary steps (so far as he can) to prevent the disappearance of, or tampering with, evidence. Above all things, prompt reporting is to be insisted on in respect of all cases calling for investigation. The law, therefore, does not insist on reports being made in writing. Section 154 of the Criminal Procedure Code directs that "every information relating to the commission of a cognizable offence" given to an officer in charge of a police-station (i.e., the first information of the offence by whomsoever given) shall (a) if given orally be reduced to writing and read over to the informant, and (b) be signed by the informant, and (c) that the substance thereof shall be entered in a book to be kept by such officer in a form prescribed by the Local Government. The Commission would recommend that this book be called the "First Information Book," and should be in the form given in Appendix IX. The necessary copies should be made by the carbon process. a copy should be forthwith sent (section 157) in every case direct to the Magistrate having jurisdiction; and another copy should be sent to the Inspector, who will forward it to the Superintendent (or Assistant or Deputy Superintendent as the case may be) with any necessary remarks. Section 158 allows this report to be sent to the Magistrate through any superior officer of police if ordered by the Local Government. The evidence before the Commission shows that this often leads to great delay in the report reaching the Magistrate, and to no compensating advantage. It would be better to send one copy to the Magistrate and another to the Superintendent through the Inspector. In important or specified cases, a report might also go to the Superintendent direct. It is unnecessary to give the complainant a copy of the first information; but the necessity for full and immediate compliance with the provisions of section 154 should be strongly insisted on. At present a police officer sometimes delays making the record of information, either on the plea that he is awaiting the real complainant, or until he goes to the spot and forms his own impression of the case. In some places it has quite become the established practice to send the first day's diary with the report. This is quite contrary to the intention of the law; and to prevent this serious abuse, it would be well to insert the word "then" before the word "proceed" in section 157 (1), so that the officer in charge of a police station would realise that he was breaking the law if he did not "forthwith" send the copy of the entry to a Magistrate empowered to take cognizance of the offence, and "then" proceed to investigation. In cases of great urgency the officer should at once proceed to the spot; but he should instruct the officer left in charge to despatch the report immediately. The necessity for Magistrate scrutinising these reports, and not merely filing them must also

be strongly enforced. Information as non-cognizable cases (section 155) should be entered in the General Diary (section 44 of Act V of 1861) and not in the First Information Book.

Investigation on the spot

Having thus recorded the information and forwarded the report to the Magistrate empowered to take cognizance of the offence, the officer in charge of a police station shall proceed in person, or person, or send a subordinate, to the spot to investigate the facts and discover and arrest the offender (section 157). There are two provisos to this section. The first is that investigation on the spot may be dispensed with in case of information against any person by name regarding an offence which is not serious. In that case the officer must in his report state the reasons which induced him to think local investigation unnecessary. This proviso has been misinterpreted in some parts of the country as giving the police officer authority to conduct any investigation at the police station, to the great inconvenience of the people who are dragged there for the purpose. In other parts it has been misinterpreted as requiring him to abstain from investigation in the cases to which it applies. It seems to the Commission that what is intended is merely that when a cases of the nature referred to be brought to the police station complete, the accused being known, no investigation is necessary. Such a case should be at once sent on to the Magistrate having jurisdiction, the accused being sent up in custody or on bail as the case may be. But if any investigation has really to be made, it should be made on the spot: to allow this salutary rule to be broken is to the people. Investigation should be made "on the spot," i.e., at the place most suitable for its success and for the convenience of the people. The practice, which prevails in some places, of following a local investigation by a formal inquiry at the police station, at which all the witnesses are required to be present must also be strongly condemned. On the other hand, the only cases in which there should be no investigation are those covered by the second proviso to this section.

Optional investigation

This second proviso directs that "if it appear to the officer in charge of a police-station that there is no sufficient ground for entering on an investigation, he shall not investigate the case." The law leaves the matter to the discretion of the police officer. With a good class of station-house officers this might have been safe; but the discretion has not been wisely exercised. The pettiest cases have been taken up, because they were simplest and offered an easily-won success to add to the average of convictions; complainants have been compelled to prosecute against their will to improve the police returns; and the result has been other the suppression of reports or the worrying of the people. Some Local Governments, realising the aggravated annoyances involved in the invasion of a village by an unpopular police, have tried "to mitigate these evils by reducing the number of obligatory investigation." The police have been forbidden without the express desire of the complainant to investigate petty cases, which have been defined so as to exclude thefts of property under Rs. 10 in value, burglary without theft, and the like. It is a striking illustration of the popular view of the police that the general effect of these rules has been enormously to raise the number of reports of cases in which property of less value than Rs. 10 was stolen and of burglaries where no theft was effected. In Bengal,

even when stolen property they had been recovered, the owners often refused to acknowledge it, because they had reported that no property had been lost. The fixing of a money limit in this way to deprive the police officer of his discretion is not by any means a sound definition of petty offences, and does not seem to have been a satisfactory expedient. With a better staff of station-house officers, and more effective control by their superiors. it will be much better to leave discretion to be exercised, as the law requires. There are only certain principles which the Commission would enforce as being in accordance with the spirit of the law and as having been shown to have been overlooked with very unfortunate results. These are:-

(1) No investigation should be made in any case which, after consideration of the complaint and of anything which the complainant may have to say, appears to fall under section 95 of the Indian Penal Code. This would recall to the station-house officer the provisions of the law regarding trifling and unreasonable complaints, and might also lead him, in the exercise of his discretion, to bring about an amicable settlement in some cases.

(2) No investigation should be made in any case where the complaint shows the case to be one of a purely civil dispute, that is, where the complainant is apparently seeking to take advantage of a petty or technical offence to bring into the criminal courts a matter which ought properly to be decided by the civil courts. These form a class of cases in which police powers are most abused, in which there is the most improper application of the criminal law, and which lead to more corruption than any others. If by clear instructions and careful supervision the police can be restrained from interfering in what are really civil cases affecting moveable or immovable property, corruption will be immensely reduced, and a great cause of scandal will be removed.

(3) No investigation should be made in any case which the village magistrate or headman or other village tribunal is empowered under any local law to deal with and dispose of. It is most inexpedient to have the police interfering in petty cases; but it is hard, especially on the poor, to deny justice in some cases which are petty ; and the more a village agency can be utilised in dealing with these, the better. In some provinces, notably in Madras and Burma, this agency is already doing valuable work; and the Commission earnestly hope that it will be utilised, as far as possible, everywhere.

In other cases that those of the three classes above referred to, the police officer should ordinarily make the investigation, if the complainant so desires, unless there are special reasons against this course. The section (157) provides that these reasons must be recorded. On the other hand, an officer should not ordinarily enter on an investigation, if the injured person does not wish for one, unless the offence appears to him to be really serious, or may reasonably be suspected to be the work of a professional or habitual offender or of a member of a criminal tribe known to be addicted to crime, or unless it is otherwise desirable in the interests of the public that the case should be investigated. The investigating officer may often satisfy himself as to the nature of the case and the probable character of the offender by inspecting the scene and asking a few questions on the spot; and, if he then deems it unnecessary to proceed further, he should decline to go on with the investigation and make the report required by the law. It is by instructions such as these that the Commission would propose to guide police officers in the exercise of their discretion.

Cognisable offences

With the view of reducing the number of cases in which the police will ordinarily interfere, many witnesses have made suggestions for increasing the list of non-cognizable cases, under the second appended to the Criminal Procedure Code, or under any other law. These suggestions have been very carefully considered by the Commission; but they have not any very great modification of the law to propose. There are, for example, many witness who propose to make the following offences under the Indian Penal Code non-cognizable: voluntarily causing hurt by dangerous weapons or means (section 324), or by an act which endangers human life (section 337); and voluntarily causing grievous hurt (section 325), on grave and sudden provocation (section 335), or by an act which endangers human life (section 333). The Commission consider that it would be very dangerous to prevent the aid of the police being called in some cases under any of these five sections. It is true that some offences falling under these sections may not be of a very serious character; but it must be observed that they are all bailable, a fact which enables the police to deal reasonably with the more unimportant cases. The Commission, therefore, think it unnecessary, as well as inexpedient, in the public interest, to make these offences as a class non-cognizable. On the same grounds they have not adopted the suggestions of many witnesses that offences under section 143 (being members of an unlawful assembly) should be made non-cognizable. It is important that the police, the fact that the offence is bailable is sufficient to prevent undue to recommend, though it has received strong support, is that concealment of birth by secret disposal of a dead body (section 318) should be made non-cognizable. They sympathise with the desire to prevent the police, as far as possible, from interfering in cases involving the character of women. But it would be dangerous to make non-cognizable an offence so nearly associated with infanticide; false cases are rare, owing to the necessity for there being a dead body; and the offence is bailable. They would not, therefore, alter the law. On the other hand, the Commission accept the recommendations made by many witnesses that wrongful restraint (section 341), wrongful confinement (section 342), unlawful compulsory labour (section 374), criminal breach of trust (section 406), and criminal trespass (section 447) should be made non-cognizable. none of these are very serious cases; none of them demand immediate interference on the part of the police; and all of them partake in a greater or less degree of the nature of civil wrongs. It is well that the Magistrate should decide when the criminal law is required to be put in motion in such cases. The Commission would not extend this recommendation to the case of criminal house trespass (section 448); because they think that any man ought to be protected at once by the police against intrusion in his house with criminal intent.

Nuisance cases

"Offences against other laws" are cognizable if punishable with imprisonment for three years or upwards (see the end of Schedule II); and there are certain acts, e.g., the Railway Act IX of 1890, in which certain offences are expressly made cognizable. The Commission do not suggest any amendment in these special or local laws except as regards what may be generically termed "nuisance cases." The principal enactment dealing with these cases is section 34 of the Police Act (V of 1861), which empowers any police officer to take into custody, without a warrant, any person who, within his view, commits certain offences to the obstruction, inconvenience, annoyance, risk, danger or

damage of the residents or passengers. Similar provisions are to be found in section 8 of the Madras Towns Nuisances act (III of 1889) and in the Municipal Acts of all provinces. The old Bombay District Police Act (VII of 1867) gave the police similar powers of arrest; but this was repealed by the present Bombay District Police Act (IV of 1890), which contains no such provision. The Bombay police officer must, therefore, in regard to nuisance cases, be guided by the provisions at the end of Schedule II of the Criminal Procedure Code, noted above, and also by section 57 of that code, which provides that when any person, who in the presence of a police officer has committed, or has been accused of committing, a non-cognizable offence, refuses, on demand of such officer, to give his name or residence may be ascertained, and, when these are ascertained, he shall be released on executing a bond. No complaint was put forward in the Bombay presidency of this procedure being inconvenient or ineffective; and the Commission recommend that it be made universal. The strongest representations have been made of the annoyance caused to respectable persons, and of the illegal gratifications exacted, by the police in regard to nuisance cases; and the Commission are of opinion that, in all these petty cases, the provisions of section 57 of the Criminal Procedure Code are sufficient and that to act on them would give great relief and satisfaction to the people. No provisions other than these should be made for dealing with these cases. To prevent the adoption of this suggestion from resulting in the issue of an undue number of processes by the Magistrates, it would be quite practicable to amend the law so as to give police officer in towns power in practicable to amend the law so as to give police officers in towns power in bind over any offender against these sanitary laws to appear before a Magistrate, and for this purpose they could be supplied with small books of bail bonds in counterfoil which they could promptly use when occasion required. In this connection the Commission would also recommend that prosecutions for nuisance cases should only be instituted in towns in which Magistrates competent to deal with them reside or which such Magistrates periodically visit. Such cases, though they cannot be neglected, should not be made vexatious to the people.

Arrest without warrant

A cognizable offence is defined in the Criminal Procedure Code [section 4 (1) (f)] to be an offence for which a police officer may, in accordance with the second schedule, or under any law for the time being in force, arrest without warrant. The Commission find that, almost throughout India, this is interpreted as requiring the police to arrest suo moto in every cognizable case. It may be that this interpretation is not formally stated, but all the police manuals, except that for Madras, seem to proceed on that assumption. In England, although Magistrate' warrants are not necessary for an apprehension to be made in cases of felony, police officers are advised and encouraged to apply for them in certain cases. To a native of this country the mere fact of arrest and detention is much more grievous than to a European. To the latter it is a temporary annoyance and inconvenience: when proved innocent, his reputation does not suffer. To the former it may mean a life-long disgrace, however innocent he may be. Considering the social and caste consequences involved in arrest and detention, it seems specially desirable that executive orders should provide for the exercise of that discretion which the law gives to the police in regard to arrest. To apply to a Magistrate ensures the advantage of his advice in the matter, and enables him to issue a summons instead of a warrant in cases where this may

be done. Whenever escape from justice or inconvenient delay might result from the police failing to arrest, they are bound to do so; but there are cases the circumstances of which render it desirable that they should obtain the sanction of magisterial authority before interfering with personal liberty and subjecting the accused to the indignity of arrest. For example, a person of position and influence may be accused of having employed persons to take part in an unlawful assembly. The police officer may see reasonable ground to suspect that the charge is true, but may have no reason to believe that the accused will abscond or that any harm will result from brief delay. In such a case it might be well before proceeding to investigation to apply to the Magistrate, who may issue either a warrant or a summons as he sees fit. The exercise of such discretion by the police would sometimes have saved scandal in the past, and would certainly tend to render them less an object of aversion and dread. The Commission are strongly convinced of the great importance of this; and if it is not in the law as it stands quite clear that the police officer has this discretion, a proviso to that effect might be added to section 157.

Bail by the police

Another very important matter in respect of which the police all over the country seem to misunderstand the law is the discretion given to the officer in charge of a police-station in certain circumstances to grant bail to persons accused of "non-bailable" offences. In view of what has just been said of the special hardship sometimes involved in India in arrest and detention, it is clear that the practically total neglect by the police to use this discretion must have been (as the evidence before the Commission shows) a source of great hardship and wrong for which the law itself is not responsible. The law of England is that "the test whether a party ought to be bailed is, whether it is probable the party will appear to take his trial." This test "ought to be limited by the three following considerations. When you want to know whether a party is likely to take his trial, you cannot go into the question of his character or of his behaviour at a particular time, but must be governed by answers to three general questions: The first is, what is the nature of the crime? Is it grave or trifling? * * The second question is what is the probability of a conviction? What is the nature of the evidence to be offered for the prosecution? * * * The third question is, is the man liable to a severe punishment? (per Coleridge, in *Robinson*, 23 L.J., Q.B., 286-B.C.) This is precisely the law of bail of India as laid down in the Criminal Procedure Code. The first and third and third questions regarding the gravity of the offence and the severity of the punishment are answered in the second Schedule of the Code. The second question is necessarily left by section 497 to be answered by the Court or by the officer in charge of the police station, according to his discretion. It is the failure on the part of the police to exercise that discretion that has led to much hardship and has induced many witnesses to urge that more offences (some even of the gravest character) should be made bailable. This failure to exercise discretion arises from the fact that the difference between the justification, for arrest (section 54) and the justification for refusing bail in non-bailable cases (section 497) has not been sufficiently or generally realized. "Reasonable suspicion" will justify the arrest of an accused; but the refusal of bail requires "reasonable grounds for believing that the accused has been guilty of the offence of which he is accused." If it appears, "at any stage of the investigation, that there are not reasonable grounds for believing that the accused

has committed such offence, but there are sufficient grounds for further inquiry into his guilt, the accused shall, pending such inquiry, be released on bail" [section 497 (a)]. If there is a reasonable complaint or credible information or reasonable suspicion against a man, the police officer has power to arrest; but unless the evidence against the accused is such as to constitute "reasonable ground by the offer of release on bail. These provisions of the law appear to the Commission to be adequate, and should be maintained. They do not, therefore, propose any alteration in the law in respect of the conditions of release on bail in non-bailable cases. They are, however, of opinion that the power of taking bail given to an officer in charge of a police station under sections 169, 496 and 497 should also be given to an officer making an investigation. The Commission hope that investigations will in future be conducted ordinarily by the officer in charge of a police station or by the junior Sub-Inspector posted there to assist him, and, only exceptionally and in trifling cases, by a head constable. It might be unsafe to entrust head constables with the power of releasing on bail in non-bailable cases; for they belong to a subordinate class on whose honesty and capacity full reliance can never be placed. But Sub-Inspectors conducting investigations should certainly have the power to release on bail; and this would save the accused from being dragged under arrest from the scene of the occurrence to the police station. The Commission have also received considerable evidence that Magistrates are often unready to consider fully the question of bail. The Commission do not consider that this question falls directly within the scope of their inquiry; but they think that it should be impressed on Magistrate, as well as police officers, that every consideration which would justify bail should be taken into account and that evidence to show that the case falls under section 497 (a) should be received at the earliest date. No man should be kept in custody who can properly be released on bail.

Conduct of investigation

Returning now to the consideration of the conduct of an investigation on the spot, the Commission aim at a system by which practically all investigations will be conducted by Sub-Inspectors carefully selected for capacity and respectability and well trained in police work. Superintendents must see that investigations are carried out intelligently in accordance with the law. The Commission consider the provisions of the law to be as nearly as possible what are required for efficient police investigation. Abuses have arisen simply from the law being broken or not being intelligently carried out. The Sub-Inspector must not invade the village where the investigation is to be made with an unnecessary number of subordinate police; nor should he make his inquiry unnecessarily public or keep an unnecessarily large number of people hanging about him. All legal measures must be taken for the discovery and arrest of the offender; and the reasonable assistance of the people, especially their leaders, should be invoked; but as little trouble as possible should be given. Any person acquainted with the case may be called before the investigating officer, who may, if necessary, issue an order in writing requiring his attendance, which order must be obeyed (section 160, Criminal Procedure Code). Any such person may be examined orally, and must answer all questions except such as expose him to punishment (section 161). It is optional with the police officer to take down any statement in writing; but, if taken down, it shall not be signed by the witness, nor used in evidence, though it may be used to discredit the witness for the prosecution at the trial (section 162). NO inducement is to be offered to any one to make a statement,

but neither is he to be prevented by caution or otherwise from making any voluntary statement (section 163). No confession made by any person in custody of a police officer, unless in presence of a Magistrate, shall be proved against him, except as much as relates distinctly to a fact thereby discovered (Indian Evidence Act, sections 24 to 27); but every Magistrate not being a police officer has power to record statements and confessions (section 164). The investigating officer may search for anything necessary to the conduct of the investigation in any place within the limits of the station (section 165), and may invoke the aid of an officer in charge of another police station (whether in the district or not) to make search beyond these limits (section 166).

Arrest of accused

Under section 54 any police officer may without a warrant arrest any person against whom a reasonable complaint has been made, or credible information has been received, or a reasonable suspicion exists of his having been concerned, in any cognizable offence. In this connection the Commission would advocate the amendment of section 56 so as to give an officer conducting an investigation the power conferred by it on an officer in charge of a police station to depute a subordinate armed with an order in writing to make any lawful arrest. It is often a cause of delay and of failure that an investigating officers, as well as constables, might be so deputed by order in writing. Under section 62, the cases of all persons arrested with our warrant must be reported to the District Magistrate, or if he so directs, to the Sub divisional Magistrate. Such reports might be sent by postcard. Under section 61, no police officer must detain an arrested person longer than is reasonable, and such period shall not without a Magistrate's order under section 167 exceed twenty-four hours, exclusive of the time necessary for the journey to the Magistrate's court. Section 167 directs (1) that, when the investigation cannot be completed within twenty-four hours, and there are grounds for believing that the accusation or information is well founded, the officer in charge of the police-station "shall forthwith transmit to the nearest Magistrate" (a) a copy of the entries in the case diary, and shall (b) at the same time forward the accused to such Magistrate. (2) The Magistrate, whether he has jurisdiction or not, may authorise the detention of the accused in such custody as he thinks fit for a term not exceeding fifteen days in the whole; but, if he has not jurisdiction and thinks the accused should be released, he must send him to the magistrate having jurisdiction to try the case. (3) He must record his reasons if he remands to police custody. And (4) if not a District or Sub divisional Magistrate, he must forward copy of that order and the reasons to his superior. Remand to police custody should very rarely be ordered; but in some provinces it is often too lightly ordered: the provisions of section 167 (4) are too often neglected and no real check is exercised in this matter. The failure to provide judicial look-ups frequently operates to frustrate the intention of the law in this law in this respect.

Close of investigation

If, upon an investigation, there does not appear to be sufficient evidence the accused, if in custody, if in custody, shall be released on executing a bond with or without sureties to appear if required before a Magistrate empowered to take cognizance (section 169). If there appears to be sufficient evidence that accused shall be sent in custody or on bail, if a bailable offence) to a magistrate empowered to take cognizance of the offence. (2) Any

weapon or article in evidence shall also be sent; and complainant and witnesses shall be bound over to appear (section 170). Such complainant or witnesses shall not be compelled to accompany the police, but shall go without restraint. But if any one refuses to go or to execute the bond, he shall be forwarded in custody (section 171). Section 173 directs that every investigation must be completed without unnecessary delay; and the officer in charge of the police-station shall forward (direct or through the officer appointed under section 158) to a Magistrate empowered to take cognizance of the offence a report in a form prescribed by the Local Government, setting forth (a) the names of the parties, (b) the nature of the information, (c) the names of persons acquainted with the facts, and (d) whether the accused person has been forwarded in custody or released on his bond. In the latter case, the Magistrate shall make order for the discharge of the bond or otherwise, as he may think fit. This report, when the case is sent up for trial, may be called the "Charge Sheet." No particular form need be prescribed, but it is convenient that it should show in brief what each witness is called to prove. Other reports under this section might be called "Final Reports."

Case Diary

Section 172 prescribes the Case Diary. "Every police officer, making an investigation shall day by day enter his proceedings in the investigation in a diary," setting forth (a) the time at which the information reached him, (b) the time at which he began and closed his investigation, (c) the places he visited and (d) the circumstances ascertained. Any Criminal Court may send for a diary and may use it not as evidence but to assist it in the trial. Neither the accused nor his agents can call for it; nor are they entitled to see it unless the police officer uses it to refresh his memory, or the Court uses it to contradict him. In that case it must be shown to the adverse party, if he requires it, and the witness may be cross-examined thereon. This diary should be kept in a separate paged book, carbon paper being used for making copies, which should be removed from the book and forwarded at once to the officers to whom they have to be sent. On the conclusion of an investigation the original sheets relating to it should be removed from the book and filed together in the police station. These files will take the place of the Case Diary book. Statements recorded under section 162 (1) of the criminal Procedure Code should not be entered in the Case diary, but should be written on separate sheets of paper and attached to the diary, in which a reference should be made to the fact that they have been so recorded. They must be sent to the Magistrate with the copy of the diary that goes to him. It should be the exception to record statements under section 162(1): it is, as a rule, sufficient to enter in the Case Diary the purport of the information given by each witness. Diaries are generally exceedingly prolix; and it is absolutely necessary to have investigating officers carefully trained in the proper method of preparing them. They are designed to be of great assistance to Magistrate in understanding the action of the police and in arriving at the truth; and they ought to be sent for in all important cases. The neglect of this provision of the law is, no doubt, greatly due to the faulty manner in which they are generally prepared.

Abuses

It is unnecessary to enter into any detailed statement of the abuses which have grown up in connection with investigation. There is no point at which (according to the evidence

before the Commission) violence is not done to the spirit or letter of the law; and these abuses are practically universal. They have, however, been sufficiently indicated already; and only one or two points require further elucidation. Before passing on to these, the Commission would strongly urge that the police inquiry should be, as far as possible, impartial. The police should be instructed that it is their duty to do all they can to find out the truth. As investigating officer is to aim at discovering the actual facts and arresting the real offender. He ought not prematurely to commit himself to any view of the facts for or against any person. He ought to be required to consider carefully any evidence tendered to him on behalf of an accused person; it may not be wise to urge him to hunt up the evidence for the defence; but he certainly ought to consider any evidence voluntarily tendered. It is a very serious thing for the police to throw their whole influence into the scale against a man; and they should be very carefully instructed not to make any set on a man, but to keep (as far as possible) an open mind to be influenced by the evidence. It should also be very clearly laid down and determinedly insisted on that, in every case in which it is really necessary to detain the accused in custody, every effort should be made to avoid any hardship which is not actually necessary to prevent his escape (of. section 50, criminal Procedure Code). In some provinces far too little regard is paid in practice (even when the rules are fairly satisfactory) to the intention of the law that the use of handcuffs and other forms of restraint, and restrictions as to quarters, food, clothing and visits of relatives and legal advisers, in the case of a person under arrest but not proved guilty, shall be limited to what is reasonably necessary to prevent escape or the evasion of justice. Unnecessary hardship in such a case is unjust, and tends to make the police administration most unpopular.

Nazar kaid, or informal arrest

One very common abuse requiring special reference is that form of "informal arrest" known often as "Nazar kaid." The untrained investigating officer goes down to the some of the offence and collects the headmen and watchmen of the village concerned and of adjoining villages, the bad characters and the villagers generally, and he keeps all these persons in attendance during his public inquiry. This involves general inconvenience; but it is the bad characters, or, at all events, the suspects among them and indeed any other suspected person, who generally are detained practically as prisoners though not formally arrested. The period of detention is stated to be used rarely, if ever, for physical torture (which has become rare), but for the purpose of examining and cross-examining the suspect, with the assistance of the village elders, and subjecting him to moral pressure to induce him to make such statements as may lead to the arrest of the offender. This moral pressure is often of the most serious character; though leaving no mark of physical violence, it amounts to very effective torture. Witnesses, as a rule, have little sympathy with the suspects among the bad characters, and would leave the police to get the truth out of them as best they may. But they have much to say of the manner in which respectable people are treated under this system, when they happen to be suspects, and of the opportunity for malpractices which the system affords.

A number of witness, however, express a fear that "oriental methods" must be tolerated, and that without detaining the suspects in this way and bringing pressure to bear on them, there is little hope of a successful investigation. Some hold that in

view of the indifferent or hostile attitude of the people, the system must be regarded rather as "an unavoidable irregularity." This view cannot be accepted. The system is altogether improper, and constitute a serious breach of the law. It is such abuses as these that intensify the indifferent and hostile attitude of the people. This excuse alleged for this system is that it is necessary for the obtaining and working of clues to keep the suspect beside the police, and also that there is danger of his absconding; that, if he is formally arrested, the censure of superior officers will be incurred if conviction does not follow arrest in a large number of cases; and that, beside this, the arrested men has to be taken before the Magistrate within twenty-four hours after arrest, and the investigation cannot be completed within that time. The Commission fully recognises that this abuse has arisen in great measure from the 50-called test of police work based on the comparison of the comparison of the number of convictions. It is well to do what is possible to prevent the arrest of innocent persons by discouraging police officers from making arrests on inadequate grounds. But it is exceedingly bad to encourage or necessitate informal and illegal arrest by unduly interfering with the discretion of the investigating officers. The difficulty in this matter is also due to the failure (already referred to) to understand, in respect of non bailable offences, the distinction between what justifies an arrest (under section 54, Criminal Procedure Code) and what justifies the refusal of release on bail (under section 497). If there is reasonable suspicion against a man, he should be arrested; and he may then be released on bail. This obviates the necessity for his being sent to the prison, while it also tends to prevent his absconding. In this connection the Commission would again strongly urge that power to admit to bail should be given to investigating officers as already proposed. A further difficulty arises from the fact that apparently the great majority of police officers, some by no means unintelligent, are under the impression that the provision of section 167, Criminal Procedure Code, directing that an accused person must be sent to a Magistrate within twenty four hours of his arrest, necessitates the closing of the investigation at the end of that time. This is, of course, pure misconception. The law is plain enough; but defective practice has led to its interpretation. As to the rule that the person arrested must be sent to a Magistrate within twenty-four hours, the Commission agrees with many of the best official within in opposing any extension of that period. It is a salutary and even necessary rule. Generally, indeed, the provisions of the law as contained in Chapter XIV of the Criminal Procedure Code, and set forth above, seem to the Commission to prescribe an effective system of investigation. This modification they have suggested are comparatively unimportant. They have no sympathy with the openly expressed desire if some witnesses to permit a suspect to be "persuaded" into telling all he knows, and to secure the aid of leading villagers in this work of "persuasion" by making the investigation a real burden to them also. The quite watching of a suspect is, of course, perfectly justifiable; but his informal detention, by giving him orders not to leave a certain place and setting a man to watch him there, is utterly illegal and is the source of many malpractices. This sort of thing should be put down with a strong hand; with a good inspecting staff in can be put down; and with a good investigating staff this can be done with safety. The abuse belongs to an antiquated and inefficient system of investigation, which abounded in abuses, making the police a terror to the people. Some of these have already passed away; there is hope that, under improved administration, others will follow. Let the police gain by their character and methods the confidence of the community; and their difficulties in gaining

information will largely pass away. I must be realized that their success depends on the general support of the community.

Confessions

The system of investigation which commends itself to the indolent and inefficient police officer is to make life a burden to everyone who is likely to be in any way acquainted with the facts until he tells all he knows; and to extort by all possible means incriminating statements or confessions from suspects. The prevalence of the worst forms of this system has led to the enactment of the provision of section 162 and 163 of the Criminal Procedure Code and of sections 24 to 27 of the Indian Evidence Act, already referred to, which limit very stringently the admissibility in evidence of statements or confessions made to the police. It has been proposed by not a few witnesses that these provisions might well be relaxed; why throw obstacles in the way of a man making a clean breast of his offence? Let Magistrates abstain from offering improper inducements to confess; but do not let them say anything in the way of warning which may lead the suspect to hesitate about making, or even to withhold, his confession; and allow certain superior police officers to record confessions which may be admissible in evidence. The Commission are wholly opposed to any relaxation of the law in this matter. The evidence before them shows that the practice of working for confession is still exceedingly common. It is most objectionable; on the one hand it leads to gross abuse of power; and on the other hand, quite inexplicable instances occur of innocent people making "confession." The best police officers have no sympathy with this practice. They believe that there is no want of defective ability among natives of intelligence, but that this practice commends itself to unintelligent and slothful men, who have prevailed to maintain it in the force as at present constituted. They regard it as a destructive faculty, as dangerous and uncertain in its operation, and as wholly to be condemned. With this view the Commission concur. They would do nothing to encourage the police to work for or rely on confessions, or to hurry accused persons before Magistrates to have confessions recorded; to such an extent is this done that the recording of confessions in the middle of the night was mentioned as a well known abuse in Bombay. It is unnecessary to say that every good policeman will take advantage of any statement that may be made by an accused or a suspect, as well as by any one else, to help him in his investigation; but the police officer should be discouraged in every way from relying on the statements or confessions of accused persons as evidence against them. The Commission do not consider that the provisions of the law should be relaxed in this matter. They would rather propose that in one respect they should be made more stringent or at least more logical. They have already indicated their view of the desirability of maintaining the connection of the "Magistrate empowered to take cognizance of the case" from the first information to the end; and they have evidence that the provision of section 164, authorising "every Magistrate not being a police officer" to record a confession, is inexpedient. Third class Magistrates too often show themselves wanting to judge other as to the circumstances under which a confession should be taken of those which justify its rejection. On the one hand, they do not seem to realise the necessity "upon questioning the person making it" for arriving at a positive belief "that it has been made voluntarily"; and, on the other hand, they are sometimes too much influenced by the fear that it may be subsequently retracted. The Commission are inclined to advocate the amendment of the "Explanation" under

section 164, so that confessions should be recorded only by the Magistrate having jurisdiction in the case. It is true that this may sometimes mean sending to a distance; but the accused has to go to the police officer making full use of the confession in his investigation, while there is no valid objection to giving the accused time to think before making it admissible in evidence to a Magistrate.

Section 161, Criminal Procedure Code

More or less connected with this matter is the complaint which a considerable number of witnesses have made that the omission of the word "truly" from section 161 of the Criminal Procedure Code has the effect of compelling any one examined by a police officer investigating a case to answer all questions relating to such case put to him by such officer, but not to answer them truly. In the Codes of 1861 and 1872 the word "truly" has no place in the corresponding section. It was inserted in the Code (Act X) of 1882; but the papers do not show that this was due to mature consideration. When Act V of 1898 took the place of Act X of 1882 the Legislature reverted to the law as it originally stood. The Commission sympathise with those who deprecate anything that looks like the encouragement of false statements; and they regret that the omission of the word may have that appearance. But to reinsert the word would have the practical effect of making prosecution for perjury possible in respect of statements made to the police under this section; and this (subject to the provisions of sections 202 and 203 of the Indian Penal Code) the Commission would strongly deprecate. They find also experienced police officers opposed to the reinsertion of the word on the ground that the fear of prosecution for incomplete or untruthful statements already made might deter witnesses from eventually giving all the information in their power. As a matter of fact, people are far more likely to speak truly to a tactful officer in a local investigation, when they are free from the influence of fear of any consequences which may result from speech. The Commission is not prepared, therefore, to recommend the reinsertion of the word "truly" in this section. It appears, however, that the omission of the word has been held to render it impossible to enforce the obligation to answer questions imposed by the second clause of the section (I.L.R. Mad. XXIII, 544). This calls for an alteration of the law, which might take the form of any necessary addition to section 179 of the Indian Penal Code.

Supervision of investigations

The views of the Commission in regard to the supervision of investigation by the Magistrates and by superior officers of police have been already made sufficiently clear. It is scarcely necessary to add anything here. But there are one or two simple matters to which the evidence before them induce the Commission to invite special attention. It is necessary to maintain, as far as possible, the responsibility of the officer in charge of a police station for the work of his charge. It is inexpedient to set him aside unnecessarily; and superior officers should rather aim at assisting and advising him, than set him aside. Their supervision also should be exercised not only, or even mainly, by reading a mass of diaries or registers, but by visiting places and personal questioning. Then, but for the evidence before them, the Commission would hardly have considered it necessary to say that, if a police officer of any rank is to be punished for bad work, he ought also to be encouraged by praise or reward for any specially good work. A reasonably liberal system of rewards might be adopted with advantage. Attention should also be drawn to the fact

that police officers are sometimes obliged in the course of an investigation to expend money from their own pockets, and that adequate funds should be provided for meeting all such legitimate expenses. Consideration should also be shown to the police in respect of throwing additional work on them by references in complaint cases under section 203 of the Criminal Procedure Code. Great abuse prevails in this respect. Government should insist on District Magistrates watching subordinate and preventing the indiscriminate reference of non cognizable cases to the police for investigation. The necessity for such reference is very exceptional; all that is ordinarily required is the careful examination of the complainant; and the magistrate ought ordinarily to dispose of the case himself.

Provincial Criminal Investigation Department

The Commission have been much struck with the ignorance of most Superintendents of what is going on outside their own districts and with the want of co-operation between police officers of different districts. Improved communications have changed the character of crime and the method of criminals. Depredators migrate from one district to another, and carry on their operations in a systematic manner over large areas. It is essential that combined action on the part of the police should correspond to the organization of crime. There must be systematic attention to professional offenders and criminal tribes and classes, combined arrangements for dealing with crime on main roads, rivers and railways, and cordial co-operation between officers of different districts. The Deputy Inspectors General, appointed under the system now proposed by the Commission ought to achieve much in this direction; but this is not enough. The altered conditions of the country, specially in respect of the increased facilities for communication afforded by railways and telegraphs, demand more systematic treatment of crime throughout each province. (There must be a proper system for securing regular information of the operations of organized crime, well regulated communication of the intelligence from one district or province to another, combined action between the officers of different localities, and the capacity for systematised action from one centre) The Commission would strongly deprecate interference with the responsibility of local officers for the prevention, investigation, detection and suppression of crime within their own jurisdiction; but it is essential that they should be assisted by a central provincial bureau for the collection and distribution of information regarding certain kinds of crime and certain classes of criminals, and by a small staff of trained detectives to be available to help in investigations when required by local officers. The Commission are also of opinion that the railway police of a province must be separate in organisation from the ordinary district police. It should be administered, as has been already shown, by Superintendents and subordinate officers of its own; and it will require, in every large province at least, to be supervised by a special Deputy Inspector-General. Now, both because this officer has jurisdiction over the whole province, and also because the classes of criminals with whom the central bureau will be mainly concerned operated for the most part on the railways or in railway districts, it appears advisable that this central bureau should be under the Deputy Inspector-General in demonstrative charge of the railway police. The Commission, therefore, recommend that there should be in each province a special officer of the rank of Deputy Inspector-General entrusted with the following duties;-

(1) to be in direct administrative charge of the railway police; and to hold to this force

the same relation of full administrative control as the Deputy Inspector-General of a range will hold to the ordinary police of the districts forming his charge;

(2) in respect of crime outside the jurisdiction of the railway police, to be the head of an establishment receiving, collating and distributing information over all districts of the province, regarding certain classes for crime, and advising and assisting (from his detective staff) in local investigation, as required;

(3) to be head of the provincial finger print bureau; which would carry on its work under his supervision and control; and

(4) to have under his general control the "Special Branch " at present existing in every province for the collection of information.

He would not supersede local officers in regard to their responsibilities; but he would be the head of an agency for providing them with systematic and full information about important and organised crime, and for assisting them in the investigation of special officers when necessary.

Imperial Criminal Investigation Department

In addition to these Provincial Central Criminal Investigations Department, the Commission are of opinion that, for similar reasons, there should be a central department, for the whole of India. Its functions should be, for the whole of India, the same as the functions of the provincial department for each province, It should have at its head an officers of the standing and experience of an Inspector-General and such staff as is necessary for the collection, collation and distribution of information and for the maintenance of a central finger print bureau for criminal working in more than one province. It should also be able to assist in investigations when required; but this would ordinarily be best done by sending from one province to another an officer acquainted with the personal of methods of criminals proceeding from the former to the latter. It should be in direct communication (subject to the orders of the Local Government) with the Deputy Inspector General for Railway and Crime in each province in respect both of information and of assistance required by one province from another.

Its functions In respect of information

In the first place, the principal duty of the central agency should be to collect, collate and communicate information. In regard to the collection of information, it ought to depend mainly on Local Governments, i.e., on the Provincial Criminal Investigation departments. They should communicate to it frankly and promptly complete information regarding such forms of organized crime as are committed by offenders operating along the railway systems, criminal tribes, foreigners, wandering gangs, dacoits, note-forgers, coiners, professional poisoners and the like. The special utility of this central agency would be in respect of organised, unusual or mysterious crime, or where there are indications that influence outside the province concerned are at work. If complete information in regard to such crimes were communicated promptly to the central agency, collated by it, and frankly communicated to all provinces concerned, there would be some chance of dealing on equal terms with the criminals. In this connection, there must be a Central Finger Impression Bureau under the central agency. It would, however, be necessary to limit this carefully to the classes of criminals indicated above. Otherwise the collection of finger impressions would become unmanageably large, and consequently of less use. Besides

this, however, the central agency might do much to assist local officers in the collection of information. This might be done by advice as to lines of inquiry given to local officers by letter or in personal consultation by the head of the central agency or by one of his subordinates. It is unnecessary to dilate on the advantages of personal conference; and the Commission would strongly recommend that the establishment of the central agency be made strong enough to allow its head either to go on tour himself or to depute a competent subordinate to do so.

Its functions in respect of investigation

As to investigation, the assistance which the central agency would give local officers would, no doubt, in the majority of cases, take the form of obtaining, from one Local Government for another, the services of an officer acquainted with the personnel or methods of criminals proceeding from the territories of the former to operate in those of the latter. For example, when criminals from the Punjab are believed to be operating in the south of India, it is most desirable to send down a Punjab officer, acquainted either with them or with their methods, to assist the local officers. Here again it may also be found expedient for a member of the staff of the central agency, whose experience may have qualified him to be specially useful in certain cases, to be sent down to suggest to local officers certain lines of investigation or otherwise to assist them. In the majority of cases, the work of investigation will be best done by officers belonging either to the province from which the crimes in question are believed to have originated or to that in which they are being committed; but it may be useful occasionally, and particularly in such a specially technical matter as note-forgeries, to send a member of the central agency staff to advise or assist; and this contingency is one to be provided for in fixing finally the strength of the establishment.

Responsibility of local officers

At the same time, it is essential, in respect both of the collection of information and of the conduct of investigation, to recognize and preserve the responsibility of local officers. In every case, the officer sent from another province or from the central agency to assist in both branches of the work should co-operate with, and not supersede entirely, the responsible local officers; and, in the vast majority of cases, he should act under their general or special orders. Differences of language, habits and local conditions and the enormous distances to be unravelled in India, seem specially to demand investigation by local officers; and in India there are not, as in England, many different police forces, but one for each province, the personnel of which is so large that competent detective officers should be available locally. It may be necessary to assist local officers by sending down men acquainted with certain persons or with certain facts; but the responsibility for investigation cannot be taken from the local officers without danger, not of friction only, but also of inefficiency and failure. What is required above all things is to strengthen the local staff, to develop the local detective talent, and to secure local efficiency. It is by no means impossible to find good detective officers among the local police; but, as a rule, they cannot devote sufficient time to enquiries. It is necessary to make the Provincial Criminal Investigation Departments strong enough in numbers and capacity to do their own work efficiently. It is necessary also that the department of each province should be able to aid any other province when required, by sending a man to look after its criminals

who may have gone to operate there. The latter will be only a comparatively rare and occasional demand in the case of most provinces; but it will probably necessitate considerable strengthening of the local staff in the north of India.

Frank and cordial co-operation

If the central department and the Provincial Criminal Investigation Department are started on right lines and under intelligent officers, it ought not to take long for these officers to learn that they are working together for one object, and that frankness and cordiality are as reasonable as they are necessary. The ignorance of all that is outside his own province, - the darkness out of which certain criminals seem to come and into which they disappear, the want of system and continuity of action in dealing with organised crime, - the want of co-operation between provinces in regard even to what is known to be inter provincial crime-all this is admitted. There is no sound and zealous officer who does not regard it, and who will not welcome a reasonable scheme for making his work more effective by removing these defects without superseding him. Local officers will find that in the central agency their scraps of information are gathered together and completed so as to be of real value. They will also find that there they are brought into contact with them against their common enemies. To illustrate what is meant, it may be mentioned that one of the first duties of the central agency in regard to information will be the compilation of manuals of information regarding the constitution, habits, vocabularies and operations of the criminals tribes. The prevailing ignorance of these tribes and their consequent immunity are deplorable; and local officers will welcome and aid any systematic attempt to remove that ignorance. So also as regards investigation , information may have been submitted by the Criminals Investigation Department of Madras about a certain outbreak of crime; information from other provinces leads the central agency to judge that there are Punjab Harnis operating in Madras and elsewhere; and they place that information at the disposal of the Madras department, and offer to move the Punjab to send a man down who known this tribe and its habits. Or information at the disposal of the central agency may indicate the inter-relation of certain crimes which are being committed in three adjoining provinces, so that they appear to be the work of one organisation. This head of the central agency would place all available information at the disposal of the heads of the three provincial department concerned, bring them together, and call on them to arrange in consultation a plan of campaign. The central officer might advice the local officers as to this plan; he might offer to send a man, either from his own staff or from some other province to undertake the investigation in co-operation with local officers or to supply to local officers the missing links in the inquiry; or he might give advice or assistance so as to secure co-operation and systematic action against the criminals. This would be of great value, and would ordinarily be cordially welcomed.

Difference of opinion

In any case in which important difference of opinion might arise between the central agency and local officers, acting or in any case in which the want of cordial co-operation seemed likely to disposal the investigation, the case might be referred to the Government of India. Make central agency has formally granted to the power of itself issuing before Local Governments, there will undoubtedly be jealousy, friction and consequent failure.

It is help and advices tactfully given that are required. And if the offer of advise and assistance he backed by the power of reference to the Government of India on case of obstinate or unintelligent rejection did, such reference will rarely it ever require to be made. It is rare that responsible officers will not do all they can to obviate the substitution of a peremptory orders for advice or a request courtsousl7 tempered. The Commission have not the slightest doubt that in a very about time the central agency, provided that a good man is placed in charge of if, will be working in the smoothest way with the local departments. It will supply the want, which is felt by the best officer. It will give as prompt and complete information as possible about systematic crime possessing very wide ramification, wandering gangs and criminal tribes, It will derive its complete information from local officers conducting their inquire on their own ground, aided by all information, and advice which the central officer can give them, and by men sent by him to work under their orders from other provinces or occasionally from his own staff. The scheme is intended to bring into co-operation against crime the whole detective force of India, and to utilise this force in a manner calculated to produce the learn friction and to secure the best work.

Relation with Native States

These are the principal on which the Commission would propose such centralisation in each province, and such centralistion in India, an are in their opinion necessary for effective action against organized and extensive criminal operation. They consider that this scheme will not be successful unless it includes the Native States as well as the British provinces. They are unable to make any definite proposals as to show the scheme should operated in the Native States. They have not such evidence before them as would enable them to judge how far the police of these States are efficient, or to say what officer it is that ought to be responsible, in respect of each States or group of States, for the work of the local Criminal Investigation Department and for co-operation with the Central Department. But they have had much evidence of the strongest kind regarding the necessity for insisting on the efficiency of the Native State police and for co-operation between British provinces and the neighbouring States. The establishment and management of criminal settlements, the more prompt extradition among the matter, most earnestly insisted on. It is intolerable that criminal operating in the one should find practical immunity in the other; co-operation and the fullest possible reciprocity are, under the altered circumstances on Indian life, absolutely essential. For this purpose the Native States sought, in the opinion of the Commission, to be brought into connection with the central agency, the establishment of which they have recommended. This agency would, therefore. Apparently supersede the present. Thagi and Dakati Department, the operations of which are now too spasmodic and too limited to be effective, On this part of the subject, however, the commission are not prepared to offer any definite recommendations.

Interchange of views

This scheme which the Commission propose does not involve the establishment of a new central authority but only a new central agency. The Commission would not have any central police authority other than the Government; of India; nor would they recommend other than very exceptional interference by the Government of India itself. They believe

that for success in police work it is necessary to maintain inviolate the responsibility of Local Governments and their officers. On the other hand, they feel convinced of the necessity for much more intimate knowledge on the part of the Government of India of what is going on in every province, and much more intimate knowledge in each province of what is going on elsewhere, than at present exists. In the course of their inquiries throughout India the Commission have been deeply impressed with two facts. The first is that much of the defective administration of the police is due to the ignorance that exists in one province of what is going on in another. Not only is there often profound and disastrous ignorance of details, which the establishment of the Central Criminal Investigation Department ought to remove. There is also want of knowledge of principles and methods which produce good work elsewhere, so that light is not thrown by one province on another, and wrong principal and defective methods are ignorantly perpetuated. The second fact is that unsound principles and methods are maintained without the Government of India having any knowledge of them. The annual reports do not reveal them. Nothing can bring them to light except personal conference and discussion. The Commission would, therefore, strongly recommend periodical conferences between the Inspectors General of the different provinces for the frank interchange of ideas and comparison of methods; and they would also recommended that the Government of India should supplement their occasional reviews of the annual police of each province by a periodical (say, quinquennial) review of police work in India.

TABLE

CHAPTER IX

PROSECUTION OF OFFENDERS.

Defects In the Prosecuting staff

In the last preceding chapter the defects in the present of investigation, and the improvements required therein and in the investigating staff, have been discussed. But efficient and successful investigation will not necessarily result in improvement in the repression of crime, unless the cases are properly deal with in the course. The urgent necessity for giving due attention to the character and capacity of the magistracy has been already refereed to. This is not however, a matter which really falls within the scope of the enquiry of the Commission; and they can do no more than invite attention to it. They are more directly concerned with the manner in which cases are conducted before the court; The efficient prosecution of the offender is often little less important and essential to a conviction then the local investigation. The present arrangements for the prosecution of offenders are almost university unsatisfactory; and the necessity for improvement is insisted on in every province. To illustrate the present state of thing, it may be well to state in a few words what has been found in most provinces. In all provinces (except the Central Provinces) the Crown is represented before the Sections 492 and 493, Criminal produce Code. He appears in all Sessions trials before the Sessions judge in which it is necessary for the Crown to be represented, and also in requires or trials before Magistrates in which it is necessary, in the opinion of the District Magistrate, that he should appear. In Madras he is appointed for a term of three years. In the Central Provinces the "Public Prosecutor" in the sections Court is a police officer, seconded from the force, and called the Divisional Public Prosecutor.

Turning to the work in magistrates' courts, it is in Madras entrusted to Prosecuting inspectors, of whom there is one for each district, appointed under section 492 Criminal

Procedure Code. The staff is quite inadequate. In a few districts of Bombay a member of the local Bar has recently been brought on the strength of the police as Court Prosecutor for magisterial cases, There officer conduct prosecution mainly before first class Magistrates, and also sometimes assist the Public Prosecutor in important Sessions cases. They have does good work; but their status is too low. They should have the rank of Inspector, and have reasonable prospects of advancement; the best men available are not attracted to the service. Their number also is insufficient, as tow thirds of the districts are without even this class of prosecutors. In all taluka courts, and also at the headquarters of districts where no such Court conducts all prosecutions before the magistrates, in addition sometimes to ordinary police duty. These officers are ignorant of law and prosecution of police cases before the Magistrates is in the hands of officers of the grade of Sub-Inspector, who receive small allowances for their extra work and responsibility. They have sometimes court head constables as assistants. They are ill trained and incapable of conducting a case of any intricacy before the court, or of messing on fair terms skilled professional advocates. In the United Provinces opinion is practically unanimous that the existing prosecuting agency in magistrates' courts is inefficient and inadequate; the prosecution is conducted by a Court Inspector, assisted in certain districts by a Court Sub-Inspector. As these officers cannot do all the work, a head constable or a constable is attached to every court, not to prosecute, but to see that the case is properly put up. The true prosecuting officers rush from one court to another; but sometimes cases of considerable importance are left with only a head constable or constable to look after them; and the Court Inspectors themselves are not sufficiently trained or competent. In the Punjab the prosecuting agency for magisterial cases consists of a Court Deputy Inspector, with sergeants and constables as assistants. In outlying station the court police officer is never above the rank of sergeant and is frequented only a constable. In Burma a head constable or sergeant is appointed to each District magistrate as court police officer; he does not exactly prosecute in cases, but is present in court to assist in getting the case, witnesses, exhibits, etc, properly put before the Magistrate. In all other magisterial courts a sergeant, or in some cases a smart constable, is appointed court police officer. In the Central Provinces all magisterial cases are entrusted to a wholly inadequate staff of Court Inspectors.

In some provinces brief instructions are sent to the prosecuting officer along with cases to be prosecuted. This in the Punjab it has been ordered that the investigating officer shall send with the charge sheet a brief for the prosecutor showing the features of the case, the circumstances under which each piece of evidence was obtained (with references to the case diaries), the probable line of defence, character of witnesses, etc. This is a confidential document and is not attached to the charge sheet, but is available for the information of the Magistrate if he wishes to see it. The Commission think that this document may sometimes be useful, provided that it is intended for the prosecuting officer only. It ought not to be shown to the Magistrate. the Commission would strongly deprecate any confidential document being shown to the Magistrate, except such (e.g.case diaries) as are prescribed by law.

Necessity for an efficient staff

The facts set forth above fully justify the practically universal complaint of the insufficiency and incompetence of the existing staff for the prosecution of cases. The

staff is not only inadequate but often ignorant and ill trained, with inferior pay and prospects, and without either capacity or inducement to make efficient prosecutors. Experience has everywhere shown that, even when these men do their best-and in some cases, considering all the circumstances, they do wonderfully well-yet , as a body, they have neither the ability nor training to deal with cases which present any difficulty, or to contend on anything like equal terms with the experienced advocates who are often engaged for the defence. Year after year more and more of the educated classes pass the necessary examinations and join the local bar; and the work of prosecution becomes more and more difficult. It is true that there are in all provinces at least a few pleaders employed for prosecution; but they great mass of prosecutions before the latter are conducted by police officers of comparatively inferior status and of little education or training. It is not to be wondered at that cases are often placed before the courts in a very imperfect manner. This is not fair to the police, those work in investigation in thus rendered ineffective to secure the conviction of the offender; nor to the magistrate himself, whose efforts to hold the balance between an incompetent prosecutor and the highly-paid counsel for the defence are apt, to be misconstrued into bias against the accused.

Remedies Proposed

The necessity for remedying this state of things in everywhere admitted; and there is a general consensus of opinion as to the form which the remedy should take. Some witnesses have proposed that the present Court Inspector and other police officers employed in prosecutions should be entirely replaced by competent pleaders, however, which nowhere receives general support. The majority of witnesses and especially those most competent to speak with any authority on the matter, deprecate its adoption. they hold, on the one hand, that the departmental experience of a trained policeman much better fits him to conduct the prosecution of such cases as are ordinarily entrusted to this class of officers. On the other hand, they recognize the necessity for hearty co-operation between the station police and the prosecuting officers, and the greater likelihood of friction between pleaders and the police. And they further emphasize the difficulty of exercising control over pleaders, and the special necessity for having the power of dealing promptly with officers representing Government before the courts in remove parts when they grossly neglect their duty or are guilty of malpractices. With theses views the Commission fully concur. They believe that a fair amount of legal knowledge and practice, combined with police experience, will ordinarily give the most useful class of men. The defects found in the prosecuting staff are just the defects found in the police generally. Men have been selected who are without adequate intelligence or education; duties have been assigned to men of a class from which efficient discharge of such duties can not reasonably be expected; and suitable pay and prospects have not been offered to secure the best man available and to induce them to put forward their best efforts in their work. The reforms which the Commission have already proposed will undoubtedly make available a far superior clean of man for employment in the conduct of cases before the courts; and due attention to the relocation of officers for this work will do the rest. This Inspector and Sub- Inspectors requited under the system proposed by the Commission will be of higher states, education and intelligence than those recruited. They will also be subjected to a much more systematic and efficient course of training in the provincial

training schools. And finally, the Commission would recommend that those of them who are employed in court work should have to pass a special qualifying examination in criminal law and procedure and the law of evidence.

Prosecuting staff proposed

In the presidency towns there is no want of professional aid. There are several law officers of the Crown whose advice and assistance can be obtained in important or difficult cases even in the magisterial courts. The only point that requires attention is that, the staff of Prosecuting Inspectors should be such as may be required to prevent the time of executive officers being wasted by attendance at court. In respect of the interior of the country the practice should be brought into accord with the provisions of the law, and the staff appointed under the law should be competent and sufficient. The first part of section 492 of the Criminal Procedure Code is important: it provides that "the Local Government may appoint, generally, or in any case, or for any specified class of cases, in any local area, one or more officers to be called Public Prosecutors." The prosecutor so appointed may under section 492 of section 4 (i) "appear and plead without any written authority before any court in which any case of which he has charge is under inquiry, trial or appeal." In most provinces a Public Prosecutor has now been appointed for each Sessions Division. These are generally Government vakils or pleaders This ought to be the case everywhere. There ought to be in every Sessions Division, and indeed in every district, when the Sessions Division includes more than one district, a qualified member of the local Bar retained by Government as the legal adviser of the District Magistrate and for the conduct of important cases. He will be the Public Prosecutor for the local area of the district. As such he will prosecute in all Sessions cases and represent the Government in all appeals before the Sessions Judge in which the appellant is represented by a pleader. He will also appear in the Magistrates' courts when directed to do so by the District Magistrate in important cases. It is believed that among the members of the local bar suitable persons will now be found in all but very exceptional districts, willing to do this work on reasonable terms; and it is distinctly desirable that sound professional advice and assistance should be available when required, and that police officers should be able to consult the Public Prosecutor when they are in difficulties. Besides these professional prosecutors there should be a competent and adequate staff of prosecuting officers in every district. These officers should usually belong to the police force. There should ordinarily be a good Court Inspector at the headquarters of every district, with such staff of Sub-Inspectors to assist him as the work may require, for the prosecution of cases before the Magistrates within the area of the subdivision, for the prosecution of cases before the Magistrates within the area of the subdivision. Unless these officers are appointed Public Prosecutors under section 492 of the Criminal Procedure code they require the permission of the court to conduct the prosecution (vide section 495 of the Code). As a matter of fact, that permission is never refused by the vast majority of courts; but it would be better to give a duly appointed prosecutor the legal right to appear under section 493 by formal appointment under section 492 than to make a show of leaving it to the discretion of the court concerned. The Commission also strongly deprecate the use of these officers for ministerial work in connection with the courts or for clerical work in connection with the ordinary police. This is a frequent cause of inefficiency in the discharge of their own important duties. To emphasize their position it

would be well to call these officers Prosecuting (instead of Court) Inspectors or Sub-Inspectors, as the case may be. A Public Prosecutor should not, however, be expected to conduct the prosecution in every case. In simple and unimportant cases no prosecutor is necessary: the charge-sheet gives all the information that is required by the Magistrate as to the nature of the case and the sequence of the evidence: and no prosecutor is required to state or conduct the case. It is of the utmost importance that all Magistrates should realize that in every case, whoever is prosecutor, or whether there is any prosecutor or not, it is their duty to do all in their power to ascertain the truth. They must not sit to try cases, in indolent dependence on a prosecutor putting the evidence before them, as if they had no concern with the justice of the matter or with the public interest, as if they had no concern with the justice of the matter or with the public interests. In very serious cases, when the District Magistrate is of opinion that the assistance of special counsel is necessary before the magistrate, or in the Sessions Court, or both, he should be empowered, subject to such conditions as the Local Government may consider necessary to obviate large and indefinite expenditure, to engage such counsel. It is poor economy to starve the prosecution in important cases. The Commission have received evidence that it is expedient to appoint a Public Prosecutor for a term of years and not for life; but he should be eligible for reappointment. It is difficult to get rid of a man who has proved himself somewhat incompetent or negligent; and it is well for Government to retain the power of making a change after a term of years when necessary or desirable. In this connection also the attention of the Commission has been drawn to the necessity for insisting that Public Prosecutors shall really master the details of the cases entrusted to them and conduct them in an intelligent manner. In Sessions cases especially they are too prone to be mere examining machines, to follow the record of the magistrate's inquiry too slavishly, and to be of little assistance to the court.

Attendance of investigating officers

It should be borne in mind that the attendance of police officers in Court means an interruption of their ordinary work, and is, therefore, contrary to the public interest unless really required. The Commission have very strong evidence of the frequent neglect of this obvious fact. In some parts of the country it is a standing order that the investigating officer should bring in the case and see it through the court. Sometimes also his attendance is considered necessary in the Sessions Court, whether he is likely to be required to give evidence or not. The dislocation of the work of the police-station involved in the absence for days together of the officer in charge ought to prevent an investigating officer from being compelled to attend the court unless his evidence is considered necessary for the elucidation of the investigation or for any other reason; for the prosecuting officer can state and conduct the case. When the evidence of the investigating officer is required, it should be taken as early as possible. In this connection the Commission would express their approval of the policy of relieving Superintendents of the prosecutor. It is most undesirable to remove responsible officers from their own duties; and it should not be done except in cases of necessity or serious importance. This is one of the grounds on which the Commission are disinclined to support the proposal made by some witnesses that section 495 of the Criminal Procedure code should be amended by the omission of clause (4), which prevents an officer who "has taken any part in the investigation" from conducting the case. It is better on many grounds to leave

the conduct of the case to the ordinary prosecuting staff. It may sometimes (though only in important cases) be desirable that the investigating officer should be present to instruct the prosecutor: in such a case the Magistrate ought to permit him to remain in court unless there is some clear reason for not doing so. It need hardly be said that the removing of responsible officers from their own work to attend in court when not really required is an altogether different matter from calling on officers under training to attend court for purposes of practical instruction in law and procedure. In this connection, the Commission would also draw attention to the wasteful practice in some provinces of attaching a number of police officers to the courts on the plea of keeping order and assisting in clerical work. This is unnecessary and draws the police away from their proper duties.

Tender of Pardon to accomplice

Another matter more or less directly connected with the prosecution of offenders, of which the attention of the Commission has been drawn by responsible officers, is the tender of pardon to accomplices under section 337 of the Criminal Procedure Code. This is provided for "in the case of any offence triable exclusively by the Court of Session or High Court." The class of cases in which this action can be taken seems (perhaps inadvertently) to have been circumscribed by alterations in schedule II of the same Code, whereby certain offences formerly "exclusively" triable by the Court of Session are now made triable either by that Court or by certain Magistrates. The power to take an approver is sometimes valuable in dealing with organised crime; and the attention of the Commission has been drawn to the desirability of applying it to cases of burglary and similar offences committed by organised gangs of criminals. The Commission are of opinion that the law should be amended so as to make this possible. The amendment that suggests itself to them is to substitute the words "entered in schedule II as triable " for the words "triable exclusively" in the first clause of section 337, and modify the third clause accordingly. The provision would thus become applicable to cases triable by the Court of Session even though they were also triable by a first class Magistrate. This amendment would not affect the provision of the fourth clause of the section, that a Magistrate³ who has made such a tender of pardon, and examined the person to whom it for trial. It would, therefore, in the opinion of the Commission, be perfectly safe to amend the law in this way; and they have evidence before them of the desirability of this amendment. On the other hand, the Commission, while fully realising the general important and value of this provision in respect of organized crime. consider that it is essential very carefully to guard against its abuse its abuse in particular cases. They would, therefore, recommend that even a Magistrate of the first class should not have authority to make such a tender of pardon without the sanction of the District Magistrate. At present the law runs thus section 337 (1)], " The District Magistrate, a presidency Magistrate, any magistrate of the first class inquiring into the offence, or with the sanction of the District Magistrate any other Magistrate, may" make the tender of pardon. The Commission would propose, if their recommendation to enlarge the class of cases to which this provision applies is approved, that for the words printed in italics should be substituted the words " or with the sanction of the District Magistrate, any other Magistrate" Thus only the District Magistrate would be empowered to make the tender of pardon under this section, or to sanction its being made. This would compel any other

Magistrate wishing to tender a pardon to consider the matter carefully and to state his reasons fully for the orders of the District Magistrate.

Remands

In connection with the prosecution of cases before the courts, there is one other matter to which the Commission would desire to invite very special attention, though they have referred to it elsewhere, viz, the complete disregard of the convenience of parties and witnesses shown by many Magistrate in all parts of the country. This is chiefly shown in the abuse of the provisions of section 344 of the Code of Criminal Procedure regarding the power to postpone or adjourn proceedings. That section provides that, "if from the absence of a witness, or any other reasonable cause, it becomes necessary or advisable to postpone the commencement of, or adjourn, any inquiry or trials, the court may, if it thinks fit, by order in writing, stating there reasons therefor, from time to time, postpone or adjourn the same on such terms as it thinks fit, for such time as it considers reasonable, and may by a warrant remand the accused in custody." A proviso limits the period of remand to fifteen days at a time. And an explanation states that " of sufficient evidence has been obtained to raise a suspicion that the accused may have committed an offence, and it appears likely that further evidence may be obtained by a remand, this is a reasonable cause for a remand." It is manifest that, while the law allows postponement or adjournment of the case and the remand of the accused when necessary evidence not before the court has to be obtained, it does not contemplate this when the necessary witnesses and evidence are before the court. It is a great hardship to the accused to be remanded in custody under these circumstances. It is also a great hardship to the witness, who are detained from their postponed or adjourned when they are in court ready to give their ordinary avocation, and often paid quite inadequate allowances, to have the case postponed or adjourned when they are in court ready to give their evidence. The disregard of the convenience of witnesses by the courts in this respect is mentioned by a large number of persons examined by the Commission as one of the principal causes for the reluctance of the people to have anything to do with the prosecution of cases. Another respect in which their convenience is disregarded is the manner in which peripatetic courts sometimes drag them about the country for days in connection with cases take up on tour. The higher authorities are often to blame for this in their faulty distribution of work. They sometimes throw too much they also frequently fail to make arrangements for each officer at headquarters having such a day's work as he may reasonably be expected to perform. These are matters that urgently demand attention. Officers themselves are often very much to blame. Sometimes they fail to arrange their business methodically; sometimes, when work has unavoidably become too much for one day, they postpone cases where the public are interested in promptitude, and take up work which might be postponed without annoyance anybody. It will be impossible to avoid occasional postponements for "want of time", but the duty incumbent on superior officers, to insist that avoidable postponements are not made by their subordinates, is one the importance of which cannot be over estimated; it is nevertheless only too much neglected. Adjournments requiring the detention of witnesses are certainly not expressly contemplated by the law and should be systematically avoided; and cases should be properly began, and, as far as possible, continued *die in diem*.

TABLE

CHAPTER X.

POLICE STATISTICS AND RECORDS.

182. Statistical tests of police work. It is a frequent criticism of Indian police administration that the work of police officers is judged almost entirely by statistics. There is no doubt exaggeration in this view, but there is also much justification for it. The annual reports, for example, contain a table showing for each district the ratio of crime to population, the percentage of reported cases investigated by the police, the percentage of cases detected, and the percentage of convictions in respect of persons arrested and persons prosecuted; while in some provinces it even still concludes with a column containing what is called the "figure or merit," based on a combination of all these percentages. It is little wonder, therefore, that a very general belief is strengthened by the prominence given to percentages in the reports on the inspections of police station. The station house officer naturally concludes that it is of the first importance for his promotion and prospects that he should obtain a high ratio of conviction both to cases and to persons arrested, and a low ratio of crime; he believes that attention is given much less to the methods of his work than to the result of it, and that but little inquiry will be made regarding the means provided the ends are satisfactory. It is not necessary to expatiate upon the evils which flow from the wide prevalence of these mischievous opinions among subordinate police officers, nor need the Commission dwell upon the imperative urgency of doing everything that is possible to remove all justification for a belief so damaging to real efficiency. No civilised Government can dispense with statistics of crime and of the success of its officers in dealing with it, but such statistics must be used with judgement and discrimination. Their chief purpose should be to direct attention to particular points or working or particulars localities, and to indicate where further inquiry is necessary. Police work should be judged, not by statistical results, but upon the facts elicited by these inquiries. A relatively high rate of criminality or a low rate of detection does indicate that something is wrong, but it does not itself justify the conclusion that there is undoubted only by a careful on the part of the police. The cause of failure can be determined only by a careful and detailed examination of the actual facts, and if the necessity for an examination of that character is steadily kept in view by the superior officers, the misconception that now prevails among subordinates will soon disappear.

Statistical Inspection of police stations

The Commission unhesitatingly condemn the application of the statistical test pure and simple to any area, but they consider that its use is particularly objectionable in the case of a police station, where a few cases more or less will affect the percentage materially. Inspector of police stations should, as regards crime, be confined to criticisms of the actual work; and to emphasise the importance which they attach to this, as well as to remove completely the impression that work is judged by percentage, the Commission recommend that no statistics of crime should be given in the reports of inspectors of police.

Statistics required for the annual reports

The returns prescribed by the Government of India for submission with the annual administration reports can be reduced in volume appreciably without impairing their

usefulness in any way, and the revised forms given in Appendix X are recommended for adoption. The Commission recommend the abolition of Statement D, which purports to give statistics of professional crime, for owing to the impossibility of laying down any general rules for determining what is professional crime, the statistics are worthless. It may be noted here that it is impossible to secure correspondence between the statistics of crime compiled by the police and the statistics of criminal trials and inquiries prepared by the magistracy, as the two sets of figures value to different facts and are intended to serve distinct purpose.

As regards the provincial tables appended to the annual reports, the Commission are of opinion that several of those prescribed by the Governments of Bengal and the United Provinces may be abolished and their recommendations on this head are given in Appendix X. The Bombay, Punjab and Burma reports contain no provincial tables, and in the case of Madras and Central Provinces the question has already been dealt with adequately by the Local Governments

Police records

There are certain police records in respect of which it is both possible and desirable to prescribe a common form and a common name for the whole of India. In this as in many other details of administrations there are unnecessary divergences of practices which cause confusion and put obstacles in the way of mutual understanding by police officers of different provinces. The recommendations of the Commission on the subject of these records are given in Appendix IX, while Appendix XI, contains proposals for the abolition of certain records and returns which are now prescribed. These proposals were, in each instance, formed in consultation with the local member of the Commission.

Superintendent to be relieved of account work

There is one matter, however, in connection with this subject of records, which calls for notice in the body of the report. This is the great burden, which is thrown on Superintendents, and in consequence upon inspecting officers also, by their responsibility for the accounts relating to the police force of the district. Superintendents are not trained accountants, and while it is necessary to maintain intact their administrative responsibility for police expenditure, the Commission would be glad to see them relieved of their existing obligations in respect of audit and the accuracy of accounts. This has been done in Bombay, where all account work proper is done by the district treasury officer, and the Commission recommend that this system be extended to all provinces.

Police manuals

Reference has already been made to the expediency of having a single Police Act for the whole of India, and the Commission are of opinion that, although a single police manual is not possible, greater uniformity is attainable as regards both matter and arrangement, and that this would be of great advantage, not only to police officers themselves, but also to all persons who have to deal with police work in more than one province. The present manuals are hung and cumbersome volumes and contain as mass of matter which is not required for executive work. What the Commission would like to see is a handy volume of convenient shape containing only the rules and instructions which relate to police

work and duty. There would be much in such a manual which would be of general application, and this should be prepared under the instructions of the Government of India. Chapters dealing with matters which require different treatment in different provinces could be added under the authority of each Local Government, and the whole would form the police manual of the province. Instructions relating purely to office work should be issued separately and should not find any place in the manual.

Central establishment

In the Punjab, Lower Burma, the Central Provinces and the North-West Frontier Province the clerical establishments of police officers consist of men enrolled under the Police Act. The Commission are of opinion that this system does not secure the class of men best fitted for the performance of clerical duties while it frequently leads to an undue share of promotion being obtained by the men in the office. It is has been urged that enrolment is necessary for the maintenance of discipline, but if discipline can be maintained in other offices without the assistance of special powers, it should be possible to maintain it in police office also. The general principle, which the Commission would lay down, is that only those members of the police establishments who have to deal with crime should be enrolled in the force. The result will be that all the clerks of officers of and above the rank of Assistant or Deputy Superintendent will cases to be enrolled under the Act, where that practice now prevails; and that station writers and the readers of Superintendents, Assistant Superintendents and Deputy Superintendents will be enrolled in the force. The result will be that all the clerk of officers of and above the rank of Assistant or Deputy Superintendent will cases to be enrolled under the Act, where that practice now prevails; and that station writers and the readers of Superintendents, Assistant superintendents and Deputy Superintendents well be enrolled in the force. The reader should be of the rank of Sub-Inspector, and it is desirable that he should not be retained in this appointment longer than twelve months. The Commission do not think that an Inspector requires a writer, as he will have scriptory work, He should, however, be given an orderly.

TABLE

CHAPTER XI.

STRENGTH AND COST OF THE POLICE.

189. Estimates of strength only approximate. The principles on which the strength should be fixed have already been indicated for many of the ranks, but this has not been done for all ,and it will in any case be convenient if all the recommendations are brought together in one chapter. Appendices XUI to XXV contain estimates of the strength in each rank required for each province. These must not be regarded, however, as more than rough approximations; the actual strength required could be determined only by a careful and detailed application of the general principles, which the Government of India accepts.

Administrative officers

Under the law (section 4 of Act V 1861) there must be for every "general police district" an Inspector General of police, and no further remarks on the subject of these officers are called for. The personal staff of Deputy Inspectors-General is in most provinces insufficient, and it is recommended that the number of these officers for the supervision of ordinary district work should be raised, in Bengal and the United Provinces from two

to for, in the Punjab from two to three and in Burma from one to two. This will give one Deputy Inspector-General for about every eleven districts in the first three provinces. In Burma the proportion will be one to seventeen, but the population is much less dense there, and one Deputy Inspector-General for Upper and one for Lower Burma will be enough for the present. There are now Deputy Inspector-General in Bombay and it has already been explained why they are will be needed for Sind. With some hesitation the Commission refrain from recommending any addition in Madras. The number of districts of each Deputy Inspector-General is, it is true, only seven, but the districts are very large and the Southern Range is a heavy one. In the remaining provinces no officers of this range are required for district work. For the administration of the railway police and the proposed Criminal Investigation Departments an additional Deputy Inspector-General will be required in each of the larger province including the Central Provinces, but not in Assam, the North West Frontier province, or the smaller Administrations. The Commissions of Police in Madras, Bombay, Calcutta and Rangoon have learn included in the strength of the Deputy Inspectors-General, in accordance with the recommendation made in paragraph 95. In Burma there is Deputy Inspector-General for Supply and Clothing, and so long as the military police in that province is maintained at anything like its present strength an officer of this rank will probably be required, but no such officer is needed for the civil police, as the personal Assistant to the Inspector-General can, with the assistance of a good storekeeper, manage the business of supply, as he does in Madras. The office of Deputy Inspector-General of Military Police in Burma must be retained; but as it is, and must be, always filled by a military officer, it has not been included in the cadre of police appointments.

The only other administrative appointment is that of Assistant to the Inspector-General. This should be held by an officer of the rank of Superintendent, who should receive his grade pay and a local allowance varying from Rs. 100 to Rs. 200 a month according to local circumstances. The practice which obtains in some provinces of limiting his total emoluments to some maximum sum often causes inconvenience, and the object aimed at can be better attained by limit the tenure of the appointment to a period of three years. If they had not found the contrary practice in existence in one province, the Commission would not has thought it necessary to state that the Assistant to the Inspector-General should always remain at headquarters and should not accompany the Inspector-General on his tours. In Burma the Deputy Inspector-General for district work has personal Assistant; this appointment should be abolished when the second PC of Deputy Inspector-General is created.

Superintendents and Assistant and Deputy Superintendents

A superintendents is required for every district, and two are necessary for some of the larger district of Madras and for the district of Khandesh Bombay, which are unmanageably large. The Commission consider that the practice of putting an Assistant is character of a district, which they found in existence in Sind and Assam, is unw and probably an evasion, at least of the sprit, if not of the letter, of the Police Act. Provision has been made in the cadre of Superintendents for the posts. Personal Assistant to the Deputy Inspector-General in charge of the Criminal Investigation Department and Principal of the provincial training school, certain appointments in the three presidency towns and Rangoon, and temporary deputations. For the purpose of calculating the cost

of Superintendents it has been assumed, in the absence of information on the subject, all these officers will be required in Europe. The number of Assistant Superintendents has been fixed in accordance with the scale laid down in the curricular letter the Government of India, dated 30th October 1900, Nov. 719-722. The calculation there given show that only 43'93 per cent, of the total number of Assista will be available for employment in posts to be held by Assistant. The Commission are of opinion that there should be at least one qualified Assistant or Deputy Superintendent in every district; and where it is necessary, as in Madras and occasionally in other provinces, top constitute police subdivisions owing the district being too large for the whole of it to be directly in charge of Superintendent, there should also be one for the charge of every such subdivision. The number of qualified Assistant Superintendents will be determined the difference between the number of posts to be filled by Assistant or Department Superintendents and the number of qualified Assistant available. The dated calculati9on of the strength thus arrived at for each province are given in Appendices. In drawing up the final estimates the Local Government modify their requirements in accordance with the number of appointments Superintendents which they propose to transfer to the provincial services. I will also necessitate modification of the numbers of Assistant and Department Superintendents.

The Block of Promotion in Burma

Before leaving the subject of the superior officer mention must be made of the present position in Burma, upper ranks, owing to the abnormal recruitment at the tine of the annexation Upper Burma. Nearly two-thirds of the superior officer, in which class included the A list Inspector, entered the service in the three years 1881 1888, and these officers are all of about the same ago. Recruitment has casesed for come years and it is imperative that immediate steps should be a to restore the establishment, so far as is possible, to a normal condition in of age and services, so that recruitment may be recommenced at once and a regular flow of promotion be secured. The measures which the Commission recommend are (1) that special pension on a liberal scale should be given to men of any grade who are desirous of leaving the services, and (2) that all Inspectors on the A list_ who are not absorbed into the ranks of Assistants owing to the vacancies thus created should be allotted to other provinces and enrolled in the superior ranks, with due regard on the one hand to their age and services, and on the other to the claims of the officers already serving in those provinces. The increase of appointments will make it possible to observe both these conditions. Any officer who refuses to accept an appointment in another province a (and the Commission understand that some have rejected this means of relief), or fails to qualify for confirmation therein, should be posted to the Burma Provincial Police Service.

Inspectors

The principle on which the size of an Inspector's circle should be fixed has already explained (paragraph 61), but it should be added that every large town with its environs sh0ould form a separate circle. For each circle there will be one Inspector. These will in addition be in each Inspector for the prosecution of cases, and another, usually a European, for the charge of the Headquarters Force. Inspectors will also be required for the training schools and for the Criminal Investigation Department.

Sub-Inspectors

Of Sub-Inspectors there will be one in charge of every police station, and if the number of investigation ordinarily exceeds 100 per annum, there will be an additional Sub-Inspector for each hundred in excess. For the prosecution of cases a Sub-Inspector is required at headquarters of each Sub-divisional Magistrate, and where the subdivisional system is not in force it will frequently be necessary to allow a Sub-Inspector for the assistance of the District Prosecuting Inspector. One Sub-Inspector must be provided for the post of Reader for each Superintendent and for each Assistant or Deputy Superintendent in charge of a subdivision. A small number of Sub-Inspector is also needed for the training schools and for the Criminal Investigation Department in each province.

Head Constables

At every police station there will be one head constable as station writer, and one to assist in the general work. For each additional Sub-Inspector on the station staff there should also ordinarily be an additional head constable, as the number of Sub-Inspectors affords a fair gauge of the work of the station, Where police posts are found necessary, there must be a head constable in charge of each. A head constable is also required for each guard that has to be mounted. In the Headquarters Force the proportion of head constables should usually be one to every ten constables.

Constables

To determine the number of constables required at a police station it is necessary to know the details of the fixed duties. These will vary from station to station, and all the Commission can do is to emphasize the importance of including within the category of "fixed duties" every duty, which is of regular occurrence. This has not been sufficiently kept in mind in the past, and the police have not, as a rule, been given enough men for the performance of the work to be done. This has had a bad effect in two ways; it has led to many duties being scamped, and it has necessitated the serious restriction of the grant of leave. A policeman, it must be remembered, gets no holidays not even Sundays. He has, indeed, often to work harder on public holidays than on other days. It is important, therefore, that the strength should be fixed at a figure which will provide enough men for all ordinary duties, so as to avoid the necessity of drawing upon the reserve which is intended to supply leave vacancies, for if that be done leave will be restricted, the present discontent and dissatisfaction with the service will continue, and the difficulty of attracting and keeping good men will be alleviated but little. The other alternative is the neglect of some of the duties which the police ought to perform, and the duties which are so neglected are those connected with the prevention of crime, as their neglect attracts the least attention, since the evil results are not directly apparent. Among "fixed duties" may be mentioned all guards, beats and patrols, but both beats and patrols will be largely reduced if the Commission's recommendations are accepted; the service of process except where there is another establishment to which this duty can conveniently be assigned; attendance at railway stations within the limits of the police station in order to watch for the arrival or departure of bad characters and preserve communication with the railway

police; assisting the investigation officers, for which purpose two constables should be provided for each Sub-Inspector on the station staff; and furnishing escorts for prisoners and treasure. This last-mentioned duty is a fluctuating one and it is extremely difficult to fix the requirements for it. It will often be possible for the constables attached to the Sub-Inspectors to escort prisoners, and by careful arrangement on the part of treasury officers, demands for treasure escorts can be evenly distributed and kept within reasonable limits, while it may in many places be preferable to send men from the Headquarters Force for such escorts. It has been represented that in all provinces except Madras and Bengal a sentry must always be mounted at every police station. The Commission cannot for a moment accept this contention. In the North-West Frontier Province, and perhaps in parts of the Punjab, or in any exceptional tracts where there is danger of the station being attacked, a sentry is undoubtedly necessary; and a sentry should also be mounted when there are prisoners in the lock-up. But more than this is not required. In the day-time there will always be at least one police officer at the station, and at night the unmarried constables can sleep there, one of them being told off to sleep in front of the door, which should be securely fastened. The strength of the police station at the headquarters of a circle should include one constable for duty as an orderly with the Circle Inspector. In the case of railway police stations, platform duty requires a varying number of men according to the importance of the station, and provision must be made to allow of one constable accompanying every passenger train. At large stations one or two men will be wanted to regulate the traffic at the entrance. In the Headquarters Force there must be enough men to furnish all guards and orderlies at the headquarters of the district, and to supply the necessary escorts for treasure and prisoners, including escorts of treasure from subdivisional headquarters. There will in addition be the minimum armed force referred to in paragraph 74, which will ordinarily consist of 25 constables, though a larger number will be necessary in some places. The practice of employing constables to do clerical work in courts should cease, and where a magistrate is given one or more orderlies no special court police is necessary.

Method of grading

The scale of grading which the Commission recommend is shown in Appendix XII. It has in each case been framed with a due regard to the method of recruitment and the field of promotion. Thus in the case of Assistant Superintendents and Sub-Inspectors the lowest rate of pay is meant for probationers only, and the proportion of the strength in the last grade is, therefore, a small one. Deputy Superintendents will be partly recruited direct and partly by promotion, so the proportion in the last grade has in this case been fixed slightly higher. The pay of the constables will depend on the length of their service and the percentage in each period of service has been arrived at for each province by taking the average for a number of typical districts. In the Central Provinces there will be only one Deputy Inspector General, and it has been thought best in that case to give a progressive pay of Rs. 1,500-100-1,750.

Estimate of Increased expenditure

The establishments required for each province have been calculated on these principles and details are given in the Appendices. In framing these estimates the Commission had the assistance of the Inspectors-General who attended the Conference at Simla. There

officers in every instance asked for a larger establishment than that proposed, but the Commission believe that the staff which they have recommended will, with some adjustment in regard to requirements about which the information before them was not complete, be sufficient to meet all reasonable and normal demands. The estimates show a considerable addition to every grade of the force and a total increased expenditure of 147 lakhs of rupees a year. The forecast is not complete as it omits such items as the additional expenditure on contingencies and travelling allowance. But it also omits the savings which will be effected by the substitution of Native for European Superintendents, and by the abolition of good-conduct allowances and the like; and it takes no account of the recoveries to be made from railway companies and municipal and cantonment funds for their share of the increased cost. In the case of the presidency towns and Rangoon the estimate includes only the cost of substituting superior officers for the present class of Superintendents, but additional expenditure on other grades will be inconsiderable. After making every reasonable allowance for all these omissions on both sides of the account, the Commission are of opinion that the total additional burden on Imperial and Provincial finances will not exceed 150 lakhs of rupees a year. They have already given their reasons at length for the reforms they propose. These reforms include the improvement of the position of the Inspector-General in regard to status and permanency; the appointment of an adequate number of Deputy Inspectors-General to secure supervision of the work of Superintendents and systematic co-operation against crime; the improvement in the education, training, pay and prospects of Superintendents, and the employment of such a staff of European and Native Assistants as will enable them to devote themselves less to office routing and more to knowing and understanding the people and supervising the work of their subordinates; the provision of a suitable career for Native gentlemen in this department, the recruitment of men of higher character and attainments for the work of investigation and inspection, and their efficient training; the payment of such wages to the lower ranks as will secure them against the practical necessity for corruption; the establishment of adequate reserves, which, though absolutely necessary for efficiency have in practice never existed; the appointment of a competent staff of prosecuting officers so as to secure the effective presentment of cases; and the provision for the performance of important branches of police work which have hitherto been neglected. They include the improvement of the existing force in all important details, and the provision of essential additions to remove deplorable defects. Details, and the provision of essential additions to remove deplorable defects. The Commission is convinced that these reforms are necessary for the improvement of the police, an improvement demanded alike by popular opinion and administrative experience. And they maintain without hesitation that any real effort to attain greater security of life and property and some reasonable hope of freedom from the oppression and other serious evils complained of by this vast population of three hundred millions fully justify this additional expenditure of less than one million sterling per annum.

Increase of expenditure will be gradual. It will not be necessary, however, to incur the whole of this additional charge immediately, for the Commission which it to be distinctly understood that they do not recommend the complete introduction of the increased rates of pay at once. The object of offering better remuneration and prospects is to attract a higher class to the ranks of the police and to hold out inducements for the rendering of

continued good and honest service. the police fail at present largely because the members of the force are lacking in character and capacity, and to reward dishonesty and incompetence would not only be indefensible in itself, but would also centralise to some extent the effect of the measures that have been proposed for the improvement of the personnel. Moreover where large increases to the strength of any particular rank above the lowest have been suggested, the carrying out of the recommendation must be a work of time, for any recruitment greatly in excess of the normal rate would lead later to a stagnation in promotion which would cause much discontent and might seriously injure the whole scheme.

In the case of constables and head constables, the foregoing considerations have little application, for it is proposed to raise their pay, not for the purpose of obtaining a class different from that now enlisted, but with the object of giving a reasonable wage and of inducing men to remain in the service. These objects are capable of immediate fulfilment, and in the case of these lower ranks, therefore, the lighter scales may be introduced at once, the regard being had to the condition that the periodical increments, proposed are to be given only to men whose service has approved.

As regards the higher ranks, the guiding principle should be that, while no officer whose service is not thoroughly approved should derive and appreciable benefit from the reorganisation, officers of lead merit and ability may with propriety be given the advantages of the new scale of pay and grading, as such encouragement to the deserving will stimulate to further effect and undoubtedly promote the public interests. In the case of Assistant Superintendents, the new scale should be introduced without delay as it is desirable to improve their position at once. The Commission also recommends that no Superintendent should be called on to hold charge of a district on less pay than Rs. 700 a month. The gradation and pay above that figure are fixed to secure a better class of officers, and promotion in accordance therewith ought not to be given except to those officers now in the force who have the capacity and character which it is desired to obtain. This is a matter to be left to Local Governments, who must bear in mind the desirability of getting rid of inefficient men.

TABLE

CHAPTER XII.

SUMMARY OF RECOMMENDATIONS.

200. The Commission thinks that it will be convenient if they conclude their report with a summary of their recommendations. The most important of these are as follows:-

1.-ORGANIZATION.

(a) *District Police.*

(1) Paras. 64 n66,5 61,57 to 54. That the police force should consist of (a) a European Service, to be recruited entirely in England; (b) a Provincial service, to be recruited entirely in India; (c) an Upper Subordinate Service, consisting of Inspectors and Sub-Inspectors; and (d) a Lower Subordinate service, consisting of head constables and constables.

(2) Paras. 71 & 113. That the office of Inspector-General should ordinarily be held by a selected District Magistrate, and that the Inspector-general in Bombay should be given the same powers as are exercised by Inspectors-General in other provinces.

(3) Paras. 70. That all the large provinces should be divided into ranges and that a Deputy Inspector-General should be placed in full administrative charge of each range.

- (4) Para. 191. That no officer of lower grade than that of Superintendent should be placed in charge of the police of a district.
- (5) Para. 67. That a certain number of Superintendentships should be reserved for members of the Provincial Service.
- (6) Pars. 191. That for some of the large districts in large districts in Madras and for Khandesh in Bombay two Superintendents are required.
- (7) Pars. 66. That on the analogy of the Provincial Civil Service a grade of Deputy Superintendents should be created; the status of these officers being the same as that of Assistant superintendents.
- (8) Pars. 191. That there should be one Assistant or Deputy Superintendent in every district, and that in the larger districts one or more additional officers of this class should be appointed to hold charge of a subdivision.
- (9) Para. 193. That each district should be divided into circles consisting, as a rule, have from 5 to 8 police stations, except in the case of large towns, when the town and its environs should form one circle.
- (10) Para. 61. That an Inspector should be placed in charge of each circle to supervise all police work within it.
- (11) That the ordinary area of a police station should be about 150 square miles.
- (12) Para. 53. That the officer in charge of a police station should be of the rank of Sub-Inspector, and that where the work of investigation is heavy, one or more additional officers of this rank should be appointed in order to obviate the necessity of employing any officer of lower rank in investigating offences.
- (13) Para. 195. That one head constable should be attached to every police station to perform the duties of station writer.
- (14) Para. 195. That the establishment of a police station should also contain a second head constable to render general assistance to the Sub-Inspector, but not to undertake the investigation of any offence independently of that officer.
- (15) Para. 54. That the duties of constables should be of a mechanical character, such as escorts, guards, patrols and the like, and that they should be employed on the more responsible duties of the police only under the direct orders of some superior officers.
- (16) Para. 74. That there should be for each district, or in some cases for each group of districts, a force of armed police sufficient to deal with tumults and local disturbances, a fixed portion of this force being kept in reserve always ready to proceed to any place where it may be needed.
- (17) Para. 74. That this Headquarters Force should be in charge of an European Inspector assisted where necessary by a European sergeant.
- (18) Para. 75. That the division of the police into armed and unarmed branches is undesirable.
- (19) Para. 73. That the military police in Bengal should be abolished.
- (20) Para. 76. That mounted police are very expensive and should not be employed unless necessity for them is clearly established.
- (21) Para. 80. That European sergeants are required for cantonments, seaports, large railway station and other places where the police may have to deal with Europeans. They are also needed in some cases to stiffen the armed Headquarters Forces. They are unsuitable for employment in the interior.

(b) Railway Police.

(22) Para. 100. That, with few exceptions, the limits of the jurisdiction of the railway police forces should be coterminous with the limits of the provinces.

(23) Para. 110. That the organization of the railway police should follow the lines recommended for the district police.

(24) Para. 208. That the duty of the railway police should be confined to the maintenance of law and order, and that they should not undertake the duty of watch and ward.

(25) Para. 110. That a constable or head constable should travel in every passenger train.

(26) Para. 112. That the railway police should not be required to investigate cases of shortage or missing goods, unless they have reason to suspect the commission of a cognisable offence; or to examine the seals on goods wagons.

(c) *River Police.*

(27) Para. 113. That for the prevention and detection of serious crime on the navigable rivers in Bengal and Assam a separate river police force under a superintendent is necessary.

(d) *Municipal and Cantonment Police.*

(28) Para. 114. That no separate police forces should be maintained for municipalities and cantonments and that where payment for such police is now made from municipal or cantonment funds the charge should be transferred to provincial revenues, which should be relieved of equal expenditure on some other branch of the municipal or cantonment administration; but these recommendations do not apply to the presidency towns, which may require separate treatment.

(e) *Police of the Presidency Towns and Rangoon.*

(29) Para. 95. That the complete separation which now exists between the city and district police does not conduce to systematic co-operation between the two forces and leaves the Inspector-General in ignorance of the police work in the most important charge in the province.

(30) Para. 95. That if the Commissioner of Police is placed under the Inspector-General, the former must retain much larger powers of discipline and control than are accorded to District Superintendents.

(31) Para. 95. That the Commissioner of Police should be graded as a Deputy Inspector General.

(32) Para. 96. That the office of Deputy Commissioner as now constituted should be abolished.

(33) para. 96. That the present class of Superintendents should be abolished, their place being taken by a small number of officers of the rank of District Superintendent, who should be deputed for duty in the city.

(34) Para. 97. That in respect of the lower ranks, the organization should be similar to that of the district police, but that a larger proportion of Europeans is necessary.

(f) *Criminal Investigation Departments.*

(35) para. 166. That there should be constituted in each province a Criminal Investigation Department for the purpose of collating and distributing information regarding organized crime, and to assist in the investigation of crimes when they are of such a special character as to render this assistance necessary.

(36) Para. 166, & 190. That in all the larger provinces the head of this department should be an officer of the rank of Deputy Inspector-General, who should also have the administrative charge of the railway police of the province.

(37) Para 191. That he should have a Personal Assistant of the rank of District Superintendent.

(38) Para. 166. That the work now done by the Secretariat Police officer should be transferred to the Criminal Investigation department, which would also include the Provincial Finger Print Bureau.

(39) Para. 167. That there should be a similar department for the whole of India, presided over by an officer of the standing and experience of an Inspector-General.

(40) Para. 168. That the functions of this Central Department should be to collect, collate and communicate information obtained from the Provincial Criminal Investigation departments or otherwise.

(41) Para. 168. That its intervention in the investigation of offences should ordinarily be confined to such special technical crimes as note forgeries, but that it should also assist local authorities by obtaining for them the services of officers acquainted with the personnel or methods of criminals who come from outside the province.

(42) Para. 173. That the central agency should be brought into connection with the police of the Native States for the purpose of obtaining full information regarding the commission of organised crimes therein.

II.- RECRUITMENT AND TRAINING.

(43) Para. 64. That the recruitment of the European service should be by competitive examination in England, on the same conditions as at present, except that the age limits for candidates should be 18 to 20.

(44) Para. 64. That successful candidates should be required to undergo a two years' course of training at an English residential university where there is a Board of Indian studies, each candidate receiving an allowance during this period of 6100 a year; and that the course of study should include criminal law and practice, taking of notes of cases in the criminal courts, an Indian vernacular, Indian history, geography and ethnology and riding. Probationers should also be required to join a volunteer corps and become efficient.

(45) para. 64. That in addition to this probationary training in England each Assistant Superintendent should on arrival in India be attached for one session to the provincial training school.

(46) Para. 66. That the provincial service should be recruited in respect of one-half of the vacancies by the promotion of carefully selected Inspectors; and in respect of the other half by the selection of natives of India who have qualified for the provincial service in the Revenue, Judicial or Police departments, or by the appointment of any Native officer already employed in such provincial service.

(47) Para. 66. That any selected candidate who has had no police experience should undergo a course of training at the provincial training school.

(48) Para. 61. That the recruitment of Inspectors should ordinarily be by the promotion of selected Sub-Inspectors, but that in respect of not more than 20 per cent. of the vacancies the Government should reserve to itself the power to make direct appointments, men so appointed being sent to the provincial training school for a course of instruction.

(49) Para. 58. That, save in exceptional cases, the promotion of Sub-Inspectors should be by direct appointment, and that promotions of head constables to this rank should be strictly limited and should in no case exceed 15 per cent. of the vacancies.

(50) P That probationers should be selected from a general list of candidates, compiled by

the Inspector-General of Police from lists prepared by Commissioners of Divisions with the assistance of district Magistrates and superintendents of Police.

(51) P That no person should be eligible for entry in these lists unless he is of good moral character and social position, possesses the necessary educational qualification, which shall in no case be lower than the University Matriculation or School Final Examination, is between the ages of 21 and 25 years, and is physically fit for police service.

(52) Pa That a provincial training school should be established in each of the larger provinces for the training of police officers of and above the rank of Sub-Inspector.

(53) pa That the Principal of this school should ordinarily be a carefully selected Superintendent of Police, assisted by a competent and adequate staff of instructors.

(54) Pa That the course of instruction should include Criminal Law and the Law of evidence, Police Procedure and Practice and the habits and customs of the criminal classes; that arrangements should be made for giving practical training in station-house work; and that special instruction should be given in regard to the manner in which police officers should conduct themselves towards the public.

(55) Pa That the recruitment of head constables should be by promotion from the ranks, except where it is impossible to find among the constables a man qualified for the post of station writer.

(56) pa That constables should be recruited locally so far as is possible; that recruitment should be confined to the classes which are usually regarded as respectable, care being taken to ascertain that the candidates are of good character and antecedents. Members of the criminal classes should not be enlisted.

(57) Par That a due proportion should be maintained between the importance attached respectively to physical and educational standards, with a view to increasing the number of literate men in the force.

(58) Paras. That for the training of constables central schools should be established for groups of districts; that each school should be under a Deputy or assistant Superintendent, assisted by a staff of Inspectors and sub-Inspectors; that the course of training should extend over six months and should include instruction in drill, discipline, elementary law and police procedure and the manner in which police officers should conduct themselves towards the public.

III.-PAY.

(59) para. That the minimum pay of constables should be fixed for each province part of a province at a rate which will give a reasonable living wage for a man of the class required that in no province should this minimum pay be less than Rs. 8 a month, while in Burma it should be about Rs. 12.

(60) Para. 56. That after three years of approved service the pay should be raised by one rupee per mensem, after a further period of five years by another rupee, and after seven years more by a third rupee: in the Burma the increment should be Rs. 3 instead of one rupee.

(61) Para. 56. That good conduct allowances should be abolished, and that specially good service should be rewarded by entries in the character book or long roll, by good service stripes, or by money reward.

(62) Para. 57. That head constables should be divided into three grades carrying pay at Rs. 15, Rs.25 a month, respectively.

(63) Para. 60. That Sub-Inspectors should be divided into four grades on salaries of Rs.

50, Rs. 60 Rs. 70 and Rs. 80; that they should also receive a horse allowance of Rs. 15 a month, but no special allowance for the charge of a police station; that while at the school they should receive Rs. 25 a month and no horse allowance; and that they should be given a reasonable advance for the purchase of a horse, uniform and accoutrements.

(64) Para. 62. That Inspectors should be divided into four grades on Rs. 150, Rs. 175, Rs. 200, and Rs. 250.

(65) Para. 62. That Inspectors in charge of rural circles should receive travelling allowance at the rate of one rupee per diem, and that all other Inspectors should be given a horse or conveyance allowance of Rs. 15 per mensem.

(66) Para. 68. That Deputy Superintendents should be divided into four grades, carrying salaries of Rs. 230, Rs. 300, Rs. 400, and Rs. 500 a month.

(67) Para. 65. That Assistant Superintendents should be divided into three grades on Rs. 300, Rs. 400, and Rs 500 a month, respectively.

(68) Para. 68. That Superintendents in the Provincial Service should be graded on salaries of 600, Rs. 700, Rs. 800, and Rs. 900a month.

(69) Para. 65. That Superintendents of the European Service should be divided into five grades with salaries of Rs. 700, Rs. 800, Rs. 900, Rs. 1,000, and Rs. 1,200 a month; but that no Superintendent should receive promotion to the Rs. 900 grade if he is considered unfit to hold charge of the police of any of the more important districts.

(70) Para. 70. That Deputy Inspector-Generals should be divided into three grades on Rs. 1,500, Rs. 1,750, and Rs. 2,000 a month, respectively, and that these officers should be eligible for the special pension of an additional Rs. 1,000 a year provided for in the Civil Service Regulations.

(71) Para. That the pay of the Inspector-General in the larger provinces should be fixed at Rs. 2,500-100-3,000, so as to secure his retention in the office for a considerable period; that in Assam and the Central Provinces the Inspector-General should receive a local allowance of Rs. 250 a month in addition to his salary as a member of the Commission; and that the Inspector-General of the North-West Frontier Province should be given the pay of a deputy Inspector-General of the first class, namely, Rs. 2,000 a month.

(72) Para. 88 & 104 That free-quarters should be provided for every police officer of or below the rank of Sub-Inspector; the quarters now provided are in many cases unsuitable, and in some instances are unfit for human habitation.

(73) Para. 87. That all officers should be entitled to retire on full pension after 25 years. service, and that the Government should be empowered to dispense with the services of any officer after that period of service.

IV-STRENGTH.

(74) Para. 193. That the police forces are at present inadequate in every province and must be increased.

(75) Para. 79. That a reserve is required to supply men for the vacancies caused by casualties; that in the case of the European superior staff this should be provided in the rank of Assistant Superintendent, while for the provincial and upper subordinate service it should be provided in the rank of Sub-Inspector and should be fixed at 14 percent. of the total strength of those services; that for European Inspectors and Sergeants it should be provided in the lower rank at 10 percent. of the total strength; and that for constables and head constables it should be provided by an addition to the rank of constable of 15 per cent. of the total strength of both constables and head constables.

V.-DISCIPLINE.

(76) Para. 81, 121 That the District Magistrate should not interfere in matters of discipline, which should be left entirely to the officers of the force, but the Magistrate should have power to direct the superintendent to make an enquiry into the conduct of subordinate officers, and if he is not satisfied with the result of that inquiry he should be at liberty to bring the matter to the notice of the Deputy-Inspector-General or Inspector-General.

(77) Para. 82. That no officer of rank below that of Superintendent should be empowered to inflict any punishment except extra drill and confinement to quarters.

(78) Para. 84. That evidence of general repute should be admissible to prove a charge of corruption.

(79) Para. 85. That removal from service upon reduced pensions or gratuities should be permissible in the case of officers who are proved to be inefficient.

VI.-VILLAGE POLICE.

(80) That is of paramount importance to develop and foster the existing village agencies available for police work.

(81) Para. 48. That the responsibility of the village headman for the performance of the village police duties should be recognised and enforced in every province; and that the village watchman must be a village servant subordinate to the village headman and not to the regular police.

(82) Para. 47. That the supervision and control of village headmen should be entrusted to the Collector or Deputy Commissioner and his subordinate officers.

(83) Para. 49. That the regular periodical attendance of village watchmen at the police station is unnecessary and undesirable.

(84) Para. 51. That it is expedient to relegate the trial of petty offence to village headmen or punchayate and that where this system does not exist it should be cautiously and experimentally introduced.

VII.-RELATIONS BETWEEN THE MAGISTRATES AND THE POLICE.

(85) Para. 122. That Divisional Commissioners should not Interfere directly in the details of police administration, but that their responsibility should be limited to the duty of supervising and advising District Magistrates.

(86) Para. 123. That the responsibility of the district Magistrate for the criminal administration of the district must be preserved, and that he must, therefore, be given authority should be of the nature of general control and direction and not a constant and detailed intervention.

(87) Para. 123. That whenever a District Magistrate has been compelled to take as active part in the investigation of any case, he should not try the case himself.

(88) Para. 123. That if a District Magistrate receives a report from the police that in any case there has been or is likely to be a failure of justice and he sees reason to interfere, he should proceed in open court in accordance with the provisions of the law.

(89) Para. 124. That as regards other Magistrates it is desirable to impress on their attention that the law provides that their connection with a case shall begin from the receipt of the police report containing the first information regarding it and continues to the end.

(90) Para. 124. That it is the duty of the Magistrate to examine the reports which from time to time he receives under the provisions of the criminal Procedure Code and that he

must make every officer to discover the truth.

(91) Para. 125. That strictures on a police officers should be recorded in a respect note, unless his misconduct is established after his explanation has been heard, or unless reference to it the judgement is necessary for the elucidation of the case.

VIII.-PREVENTION.

(92) Para. 152. That proof of previous convictions which would render section 73 of the Indian Penal Code applicable should be permitted at any time before the release of the offender, and that the law should be amended to secure this.

(93) Para. 133. That the code of Criminal Procedure should be amended so as it allow of any first class Magistrate being invested with powers under section 30 it respect of the trial of old offenders.

(94) Para. 135. That enquiries into cases of bad livelihood should invariably be held in the village of the person against whom information has been received.

(95) Para. 136. That section 565 of the code of Criminal Procedure should he amended, so as to forbid a parson under police supervision to absent himself from him home without first reporting his intention to do so; and that the maximum penalty for breach of the rules under that section should be raised to imprisonment of either description for one year.

(96) Para. 137. That a provision should be inserted in the Criminal Tribes act authorising the simple registration of notified criminal gangs and the taking of the finger impressions of the adult male members; that full information be collected about all criminal tribes and gangs as a preliminary to dealing with them more effectually than at present; and that it is essential to the success of any such measures that they should be extended to Native States.

(97) Para. 139. That police surveillance over criminals should be confined to those who are really dangerous, and that a uniform system of history sheets, surveillance registers and reports of movements of habitual criminals should be established for the whole of India.

(98) Para. 83. That the present system of beats lowers the position and weakens the authority of the village headmen and should be abolished; and that the visits of police constables to villages should be only for the purpose of obtaining specific information.

(99) Para. 144. That the lighting of streets in municipal towns everywhere calls for improvement.

(100) Para. 146. That for the purpose of suppressing cattle theft, the offence defined in section 215 of the Indian Penal Code should be made cognizable; and that the voluntary registration of sales of cattle and the grant of passes or certificates of ownership by the village headman should be encouraged.

IX.-INVESTIGATION OF OFFENCES.

(101) Para. 151. That the investigation of offences should be made "on the spot"; that is, at the place most suitable for its success and for the convenience of the people.

(102) Para. 152. That the discretion given by clause (b) of the proviso to section 157 of the Code of Criminal Procedure should be exercised subject to the following general principles:- (1) No investigation should be made in any case which, after consideration of the complaint and anything which the complainant may have to say, seems to fall under section 95 of the Indian Penal Code, (2) No investigation should be made in any case where the complaint shows that the complainant is apparently seeking to take advantage

of a petty or technical offence to bring into the Criminal courts a matter which ought properly to be decided by the Civil Courts. (3) No investigation should be made into any case which the village Magistrate or headman or other village tribunal is empowered under any local law to deal with and dispose of. (4) In cases other than those of the three clauses specified above the police officer should ordinarily make investigation if the complainant so desires, but he should not enter on an investigation if the injured person does not wish for one, unless the offence appears to be of a serious character, or the offender is an habitual criminal.

(103) Para. That the offences punishable under sections 341,342,374,406 and 447 should be made non-cognizable.

(104) Para. 154. That the power to arrest without warrant persons who within the view of the police officer commit what may be generically termed "nuisance cases," which is given by section 34 of the Police Act (Act V of 1861) and by the Municipal Acts of most provinces, should be withdrawn, the police being left to deal with such offenders under the provisions of section 57 of the Code of Criminal Procedure.

(105) Para. 155. That it should be clearly laid down, by the enactment, if necessary, of a proviso to section 157 of the Criminal Procedure code, that the police officer receiving information of a cognizable offence is not compelled to make an immediate arrest of the offender; that in which there is no reason to believe that the accused will abscond it may sometimes be wise to apply in the first instance to the Magistrate, who may issue either a warrant or summons as he sees fit.

(106) Para. 156. That the discretion given by the law regarding the taking bail in non-bailable cases is not sufficiently or generally realized. The existence of reasonable suspicion against any person justifies his arrest (section 54 of the Code of Criminal Procedure), but that there must be "reasonable ground for believing that the accused has been guilty of the offence" to justify refusal of bail (section 497).

(107) Para. 156. That the power of taking bail given to an officer in charge of a police station by sections 169, 496 and 497 of the Code of Criminal Procedure should also be given to an officer making an investigation.

(108) Para. 158. That the power to depute a subordinate to make an arrest which is given by section 56 of the Code Criminal Procedure to the officer in charger of a police station should also be given to any officer conducting an investigation.

(109) Para. 161. That the use of handcuffs and other forms of restraint and restrictions as to food, clothing and visits of relatives and legal advisers, in the case of a person under arrest, but not proved guilty, should be limited to what is reasonably necessary to prevent escape or the evasion of justice.

(110) Para. 162. That the detention of suspects without formal arrest is illegal and must be rigorously suppressed.

(111) Para. 164. That the law should be amended so as to render it possible to enforce the obligation to answer questions imposed by sub-section 2 of section 161 of the Code of Criminal Procedure.

(112) Para. 160. That in all important cases the Magistrate should peruse the diary prepared under section 172 of the Code of Criminal Procedure; statements recorded under section 162 (1) should not be entered in this diary, which should contain only the purport of the information given by each witness.

(113) Para. 153. That the practice of working for or relying on confessions should be

discouraged in every possible way; and that confession should be recorded only by a Magistrate having jurisdiction to inquire into or try the case.

X.-PROSECUTION.

(114) Para. 178. That in every Sessions Division, and in every district where the Sessions Division includes more than one district, a qualified member of the local bar should be appointed a Public Prosecutor for the conduct of important cases; and that such appointment should be for a term of years.

(115) Para. 178. That for every district a Police Inspector should be appointed a Public Prosecutor for the conduct of cases in the magisterial courts, that he should be assisted where necessary by one or more Sub-Inspectors; and that at the headquarters of each magisterial subdivision a sub-Inspector should be appointed as Public Prosecutor for the courts in that subdivision.

(116) Para. 178. That these Prosecuting Inspectors and Sub-Inspectors should not be required to perform ministerial duties in connection with the courts, or clerical work in connection with ordinary police.

(117) Para. 180. That section 337 of the Code of Criminal Procedure should be amended so as to allow the tender of pardon in all cases triable by the Court of Session, instead of, as at present, only in those exclusively triable by such a Court.

(118) Para. 181. That the postponement and adjournment of cases causes grievous hardship to parties and witnesses and serious injury to police work.

(119) Para. 184. That the scriptory work of police officers should be reduced as much as possible, and that the statistical returns should be limited as recommended in the appendices.

(120) Para. 182. That police work should not be judged by statistics, but by local inspection and inquiry.

(121) Para. 186. That Superintendents should, as far as possible, be relieved of work in connection with accounts.

(122) Para. 53. That miscellaneous work not connected with proper police duties should not be imposed on Police officers.

XI.-MISCELLANEOUS.

(123) Para. 91. That there should be a single Police Act for the whole of India.

(124) Para. 187. That the police manuals of every province require to be largely reduced in bulk, and that that portion of each manual which is of general application should be prepared under the instructions of the Government of India.

(125) Para. 90. That there should be greater uniformity of nomenclature as regards both the personnel of the Police Department and its records.

(126) Para. 174. That there should be periodical conferences between the Inspectors-General of the different provinces.

(127) Para. 174. That the Government of India should supplement their occasional reviews of the annual Police Reports by a quinquennial review of police work for the whole India.

Conclusion

These are the recommendations which the Commission submit for the consideration of the Government of India. They have endeavoured, in the course of an inquiry conducted in every province of India, to ascertain the state of the police force and the feeling of the

country in regard to it. They have received the evidence not only of witnesses who have been recommended to them either as possessing some considerable knowledge of the subject or as representing some particular class of the community or some phase of public opinion, but also of witnesses who have come forward in response to a general invitation of the fullest and freest character. They believe that, in that evidence, public opinion has been as completely set forth, and the views of all classes as to the need of reform and the principles on which reform should be effected have been as fully represented, as possible. They have carefully discussed with representative witnesses of all classes both the causes which have conduced to the prevailing defects in the police administration and to the present attitude of the people towards the police, and also the various remedial measures which occurred or been suggested to them. They have carefully considered all the evidence before them at special meetings held at Simla on the conclusion of their inquiry. The result of their labours and deliberations is now submitted in this report. They are unanimous in their views and in their proposals, except that the Maharaja of Darbhanga differs from them on two points to which reference has already been made. There can be no doubt whatever that the evidence laid before the Commission has fully established the necessity for the inquiry which has been instituted. The police force is far from efficient; it is generally regarded as corrupt and oppressive; and it has utterly failed to secure the confidence and cordial co-operation of the people. The proposals for reform submitted by the Commission are not, however, of a revolutionary character. They do not involve a complete subversion of the present system, though they aim at its radical amendment. They consist mainly in suggestions for the maintenance and development of indigenous local institutions so as to obviate the vexatious interference of the police in cases of little importance and to promote the co-operation of the people with the police in those of a more serious character; for the restriction of the lowest classes of officers to the discharge, under closer supervision, of those more mechanical duties for which alone they are qualified; for the conduct of investigation by trained officers drawn from the better educated and more respectable classes of the community; for inspection of police work by carefully selected and trained officers of capacity and tried integrity; for supervision and control by the best European and Native officers available; and for organised and systematic Acton against organised and professional crime. They aim also at the removal of abuses which have been brought to light in connection with police work; at the employment of native agency to the utmost extent possible in each province without seriously impairing the efficiency of the service; at the attraction to the service of good Native officers by offering them suitable position and prospects; at the recruiting of superior European officers of a higher class and insisting on their coming more into touch with the people; and at the adoption on the part of the whole force of a more considerate attitude towards all classes of the community so as to secure as far as possible the confidence and co-operation of the people. The Commission is not sanguine enough to believe that their proposals, even if fully adopted, will result in the immediate removal of all cause of complaint. These reforms can in any case be only gradually introduced; and years must pass before their full effects are realised. Inferior men have to be got rid of in all ranks; and evil traditions have to be broken in the force. The attitude of the people towards the police, and public opinion in regard to unrighteousness and corruption, have to be raised. All this must be, before the objects aimed at can be satisfactorily achieved. Of this the Commission are fully aware; and the members can hardly expect themselves

to see the full introduction of all the reforms they propose, still less to see their full results in improved police administration. But even a generation of official life is a short period in the life of a people; and the Commission believe that, before that period expires, very substantial advantages will have resulted from reforms carried out somewhat on the principles they recommend. What is required is the definite adoption of a policy based on such principles, and determined persistence in giving it effects. The Commission is confident that the recommendations they make, if accepted and persistently enforced, will result in inestimable advantage. They are encouraged in their confidence by the result of the application of similar principles in England. The Report of the English Police Commission, presented to Parliament in 1839, contains a melancholy picture of the state of the English police and of the attitude of the people towards them. The principal remedies proposed in that report are very similar in aim to some of those now submitted to the Government of India; and the comparison of the state of the English police and their relations with the people now with those of sixty years ago give great ground for hope. The Commission is encouraged also by their own experience, as well as the evidence they have received, of the great improvement in the Indian Judicial and Revenue Departments, where principles such as some of those, which they advocate, have been applied. The character of the officers has been raised; the whole tone of the services has been improved; the confidence of the people is being more and more secured; and public opinion itself is higher in respect of the matters with which these officers deal. The Commission, therefore, make their recommendations in a hopeful spirit. they realise that they involve large expenditure; but they feel that the police department, which so nearly concerns the life of the people, has hitherto been starved; that the reforms they propose are absolutely essential; and it is well worth while to pay for them the price required.

A. H. L. FRASER, President.

E. T. CANDY,

RAMESHWRA SINGH*

(Maharaja of Darbhanga),

S. SRINIVASA RAGHAVAIYANGAR, Members.

J. A. L. MONTGOMERY,

W. M. COI. VIN.

A. C. HANKIN,

H. A. STUART, Secretary.

SIMLA,

The 30th May 1903.

*Signed subject to Note of Dissent appended.

TABLE

NOTE OF DISSENT BY THE HON'BLE THE MAHARAJA OF DARBHANGA

SEPARATION OF JUDICIAL AND EXECUTIVE FUNCTIONS.

I have not considered myself justified in withholding my signature to the Report which embodies the majority of my colleagues. I entirely concur, with a few exceptions, in the views arrived at by them and I trust that the results of this Commission will be of great

advantage to the people and to the Police Administration. But there are two points on which I consider it my duty to place separately on record the opinion at which I have arrived and which I believe to the manner in which reform should proceed in the matter of first point refers to the manner in which reform should proceed in the matter of the relations of the Police Department as a whole with the District Magistracy. My remarks are generally based on the working of the present system. I gratefully acknowledge the great advance made by my colleagues in the scheme enunciated in paragraph 123 of chapter VI the Report. I recognise that if the District Magistrate is to retain his power of supervision over the police the scheme sketched will be very superior to the present one. Among other things the Commission recommends-

- (a) Restrictions of unnecessary interference in ordinary police work or investigations on the part of the District Magistrates;
- (b) Responsibility of the District Magistrate to Government for the way in which he exercises his discretion in the matters of interference and supervision of the work of the police as well as that of the Subordinate Magistrates;
- (c) The affirmation of the principle that the thief-catcher should not try the thief and that the District Magistrates should not, as a rule, try or interfere with police cases; and that cases in which he is interested, or in which he has assumed the part of the police officer, should be sent by him to be tried by a Magistrate of the first class;
- (d) the decision to improve the Subordinate Magistrate, with a view to make them move alive to their proper sense of duty and less prone to be unduly influenced by their desire to follow what they may fancy to be the wishes of the District Magistrate or Subdivision Officer.

If the Local Governments see that these principles are properly enforced, we may confidently hope that there will be fewer cases of abuse in future and that there will arise a better feeling of confidence in the magistracy in the minds of the people of India. I cannot conceive a more effective system if the District Magistrate and police are to remain connected. I regret to state, however, that I cannot accept the principle. My experience in Bengal leads me to believe that it is essential to sever the connection and, on that ground, I must beg leave to differ from the decision arrived at by my colleagues in the Commission.

2. Having regard to the actual working of the present system, it is hard to see how approval can be accorded to an arrangement under which the District Officer is at one and the same time the head of the police and the head of the magistracy. It is the duty of a district Officer, as matters now stand, to watch the investigation of the more important cases, to instruct investigating officers to read police reports and papers as they come in, and finally to decide whether a case should or should not be sent up for trial. There is a strong feeling in the country that it is not fair to an accused person, when his case has been so dealt with by the District Officer, to place him for trial before one of that District Officer's subordinates. It may be said that the mere fact of a District Officer forming and expressing a strong opinion regarding a case does not produce any effect upon the mind of the subordinate trying the case, although he may be well aware of the nature of that opinion. But so long as human nature remains what it is, this can hardly be so in the immense majority of instances. Cases, moreover, have frequently occurred, and have often come up before the High Courts, which show that this combination of the duties of the police and the Magistrate leads to failure of justice, and, what is still more regrettable,

makes the entire administration less popular than it should be. And it is a matter of general belief in the country, that under the present arrangements many Subordinate Magistrates cannot and do not discharge their judicial duties with that degree of independence which ought to characterise a court of Justice. Several schemes of reform have been placed before the Commission; objections may be, and no doubt will be, taken to all of them; but are they of sufficient importance to warrant the rejection of these schemes and the continuance of an admittedly unsatisfactory system? They may be divided under two heads, and succinctly put, they amount to no more than this:- Either make the District Officer the head of the police or make him the head of the magistracy, but do not make him the head of the police and the magistracy at the same time.

3. The most important as well as the simplest of these schemes has been embodied in a memorial recently submitted to the Secretary of State for India by a number of influential gentlemen of great judicial experience, and forwarded by him to His Excellency the Viceroy for consideration. The scheme proposed in this memorial may be described in a few words. Under the existing arrangement, the subordinates of the District Officer perform both revenue and judicial work. By a redistribution of work it is suggested that some of them should be employed exclusively on revenue and executive work, and others exclusively on judicial work, and that these last should be the subordinates of the District and Sessions Judge, and not of the District Officer. By this arrangement the District Officer would still remain the chief revenue officer, the chief executive officer and the chief police officer in his district: while the District Judge would be the head of all judicial officers, civil and criminal.

4. Under this scheme the district superintendent will continue, as at present, to act under the direction and control of the District Officer: and between them they will be, as at present, responsible for the peace of the district and for the detection and investigation of crime. It is undoubtedly a fact that the enormous amount of police and revenue and miscellaneous business for which they are responsible under it next to impossible for them to find sufficient time for the proper discharge of their criminal work, original and appellate. these observations apply with equal, if not with greater, force to subdivision Officers in Bengal, who try all first class cases within their subdivisions, are at the same time overwhelmed with miscellaneous business, and are expected in addition to spend a considerable portion of each year in camp. Nor do the disadvantages of the present system and here. I have already referred to the demoralisation of the subordinate magistracy which has been brought about by the present system: but there is also the effect upon the Magistrate himself to be considered. As Lord Hobhouse and his fellow memorialists have pointed out, very justly and temperately, in the memorial to which I have referred, an executive official does not adequately discharge his duties unless his ears are open to all reports and information which he can in any degree employ for the benefit of his district. He cannot be expected to direct his mind of all that he has learned in his executive capacity when he is called upon to transform himself into a judicial functionary and try prisoners whose antecedents he has learnt from other sources. In England it is universally recognised that neither judge nor jury can impartially hear or adjudicate upon a case unless they can bring an absolutely unbiased mind to bear upon the facts. The system, which prevails in India renders this well-nigh an impossibility in the ordinary mofussil criminal case: and I fear I cannot assent to the proposition that it is just this possession of previous knowledge by the Magistrate which enables him to come

to a satisfactory decision. It appears to me to be based on a misconception of the magisterial function. A Magistrate and an appellate Judge stand on an altogether different footing. The end in view in an original criminal trial is the determination of the culprit's guilt or innocence upon the evidence adduced and placed upon the record. The duty of the Appellate Court, on the other hand, is to enquire whether the lower tribunal has rightly decided the issue on the law and the facts as fully presented by the parties: and the fact that the Appellate Judge has the decision of the lower Court before him before he approaches his consideration of the matter, is a very different circumstance from the trial of an offender by an officer who has been directed in police enquiry from the beginning or is subordinate to that officer.

5. When I say that the man who tries a case and controls the subordinate magistracy should not be in close touch with the police and should not be the officer who has been directing the preliminary enquiries on behalf of the prosecution, I am not enunciating a counsel of perfection. So long ago as 1838 Sir Frederick Halliday observed with old-fashioned directness of speech: "The union of Magistrate with Collector of Revenue has been stigmatised as incompatible; but the junction of thief-catcher with Judge is surely more anomalous in theory and more mischievous in practice." That Sir Frederick Hallklay receded in 1856 from this position does not, in my humble judgement, impair the significance of his language; for with the full knowledge of his revised views, the Police Commission of 1860 recommended that "as a rule there should be complete severance of executive and police from judicial function" and this recommendation itself had been suggested by the Government of India, who in their instructions to that Commission took care to point out that, "above all, the golden rules should be borne in mind that police functions are not to be mixed up or confounded, and that the active work of preventing or detecting crime is to rest entirely with the police and is not to be interfered with by those who are to sit in judgement on the criminal." As matter of temporary convenience the Commission of 1860 recommended an exception to the rule in the case of the District Officer; and it is worth recalling that Sir Bartle Frere in the Legislative Council of the time expressed a hope that, as the exception was based upon "prejudices of long standing," the principle accepted by the Police Commission would at no distant date be fully and completely carried out.

6. A second scheme which is designed to relieve the District Officer of the headship of the police, is supported by the high authority of Sir Henry Prinsep, who has in his evidence before the Commission declared himself to be "in favour of creating a separate Police Department quite independent of the control of the Magistrate save in respect of the prevention of a breach of the peace." As matters now stand, however, there seems to be a general consensus of opinion that the present class of District Superintendents are incapable, as a rule, of working the police successfully without the control and help of the District Officer: and it will be necessary, before any such scheme can be adopted with success, to revise the examination regulations so as to ensure the recruitment of men who have some recognised test of high educational proficiency which I should not myself place much below the level of the Examination for the Civil Service of India and the Colonies. But if this is done, and I am in cordial agreement with my colleagues in hoping that it may be done, I am bound to say that I can see little or no objection to the proposal. The arrangement in the mofussil will then correspond to that by which the Commissioner of Police in Calcutta is in independent charge of the Calcutta Police. The work of the

Police Commissioners will be supervised by Inspectors-General and Deputy Inspectors-General, and under them will come the Assistant Superintendents and the body of Inspectors and Sub-Inspectors. I believe that the scheme is not one which appeals to educated opinion in the country as more satisfactory than the scheme of placing all judicial officers under the Judge of the district: but it is a considerable improvement in the present state of affairs: and rather than see nothing done, I would welcome its adoption.

7. If the Commission's proposals are carried out, the District superintendent of Police will be a more powerful and independent man in the future. The Divisional Commissioner will have no power of supervision over his actions. In His administrative work he will be semi-independent of the District Magistrate. He will have a larger and more influential subordinate agency under him. If, in addition, he has the support of the District Magistrate, his power will be well-nigh irresistible, and individuals will be helpless to protect themselves whenever they have the District superintendent of Police against them; while the subordinate Magistrate will be, if anything, more reluctant to act against the wishes of the police.

8. It may be said that the withdrawal of magisterial supervision from the work of the Deputy Magistrates may make that work more inefficient. In reply to this it may be pointed out that the Sessions Judge will inspect their work, while the District superintendent of Police (who will be a more independent and able man than at present) as well as the District Officer will keep a watchful eye upon them and will bring to light any defect in the manner in which they may discharge their duties.

9. I would repeat my conviction that the time has come for a change in the present system. Reform in either of the forms sketched is perfectly feasible. I apprehend that no practical difficulty need be felt in putting the scheme into operation in the more settled provinces of India.

The great merit of the proposed reform is that it is likely to bring the District Officer more in touch with the people. So long as he is the chief Magistrate and also the chief Police Officer, the people will look upon him with a justifiable suspicion as the policeman, the prosecutor, and the judge. But relieved of his magisterial functions, he will stand forth as the administrator, the friend, the representative of the people, fostering their village unions, superintending roads, water-supply, and sanitation, and accepting the co-operation of the people themselves in the management of their concerns. The entire body of well-informed public opinion in this country looks forward to this reform, and demands that all judicial work, civil and criminal, should be left to the Judge, and that all executive and revenue work be left with the District Officer. And I think it will be a graceful concession to the wishes of the people, and a real reform in general administration as well as in judicial and police work, if the scheme proposed in the memorial of Lord Hobhouse and colleagues can be adopted. I honestly believe it will make British Administration more popular in India.

RECRUITMENT OF SUPERIOR OFFICERS OF THE POLICE.

10. The second point on which I would make a few observations refers to the recruitment to the superior ranks of the police force. I congratulate my colleagues on the liberality of their views and the advance they have made in this matter. I recognise that each Local Government should decide the matter according to the circumstances of the province; but

I must regard it mainly from the Bengal point of view, not, for example, from so different a province as the Punjab or the North-West Frontier Province. I consider it my duty to mention that there is an extremely strong feeling among Indians that recruitment should be made by means of open competition both in England and in India, without distinction of race in either case. Provision should be made for the promotion to the ranks of Assistant and District Superintendent of a small number of deserving Inspectors; but there should be a certain limit to these appointments, which should be defined and carefully adhered to; and leaving these few appointments, the higher police service should be recruited entirely by open competition.

11. The proposed distinction between the appointment of European Assistant Superintendents by examination held in England and of Indian Deputy Superintendents by selection or competition in India is not likely to commend itself to the people of India. All our past experience shows that when the same kind of work is required, the same method of admission answers best. We require Englishmen as well as Indians in the higher ranks of the police in the interests of good administration; and we require from both classes of men the same qualifications, intelligence and capacity for work, knowledge of and sympathy with the people, self-reliance and resourcefulness, sober judgement and promptitude. That being so, a uniform method in admission is best calculated to secure their objects; a distinction made will needlessly degrade one class of officers in their own estimation and in the estimation of the people. Sympathising entirely with the object of my colleagues to secure a class of Indian officers who will be in touch with the Indian people, and at the same time qualified eventually to act in independent charge of districts, I submit that this object can be best secured by a uniformity in the method of recruitment and by the effacement of all distinction between class and class. To create a separate grade for Indians would not adequately secure the two-fold object we have in view, viz., to bring police administration more in touch with the people, and to secure a class of self-relying and capable Indian officers. Deputy superintendents of Police, marked off by their nomenclature and by their method of appointment from the other officers of the higher police service, will fail to bring their full influence to bear on police administration, and will also, I am afraid, be slow to acquire those virtues of self-reliance and promptitude so essential in an officer holding charge of a district. I concur, however, in the views of my colleagues that the salaries of statutory natives of India should be two-thirds of the salaries of officers imported from England. But I do not approve of any differences whatever in designation or class. I hope that the difference of salary will make the proposal more acceptable to Local Governments.

12. The object of the Indian Government has ever been to educate and elevate the people of India and to make them fit for positions of trust and responsibility. The proposals of my colleagues are in consonance with this object, and are intended to give the people of India a larger share in police administration. I have therefore thought it my duty to point out at the outset the risk of failure which we incur, unless we try this new experiment in a spirit of full trust and confidence in the people, which alone can elevate them. At the same time, I gladly recognize that the proposed scheme as put forward by my colleagues is a great improvement on the existing state of things. A few senior Inspectors occasionally made Assistant Superintendents, almost at the close of their service, cannot, and do not, influence the police administration of the country to any marked extent, nor are the selections made always happy. The appointment of qualified and educated young

men as Deputy Superintendents at the commencement of their service would undoubtedly benefit the police administration to a large extent. But if this scheme be adopted, and my recommendation for making all appointments to the higher police service by one uniform method be for the present not sanctioned, I can only hope that the number of Deputy Superintendents appointed each year should not, for the present, be less than one-third the number of assistant Superintendents selected in England; the number to be gradually increased to one-half if the experiment proves successful. We all honestly desire to combine European discipline and methods of work with the Indian's intimate knowledge of the habits and manners of his own people; and this object can be secured only by the selection of an adequate number both of Europeans and Indians in the higher police service. There is great room for improving the administration and making it more successful in this manner; and I humbly conceive it would be wise statesmanship to thus bring it more in touch with the Indian people.

RAMESHWARA SINGH.

The 30th May 1903.

TABLE

APPENDICES

APPENDIX-I

RESOLUTION APPOINTING THE COMMISSION.

NOS. 510-527.

Extract from the Proceedings of the Government of India, in the Home Department (Police), under date Simla, the 9th July 1902.

RESOLUTION.

The Governor General in Council has determined, with the approval of the Secretary of State, to appoint a Commission to inquire into the administration of the Police in British India.

2. The matters into which the Commission will inquire and report are-

(i) Whether the organization, training, strength, and pay of the different ranks of the district police, both superior and subordinate, foot and mounted, whether on ordinary duty or in the reserve, are adequate to secure the preservation of the public peace and the proper investigation and detection of crime, and, if not, what changes are required in them, respectively, in each province with regard to its local conditions, in order to attain these objects;

(ii) whether existing arrangements secure that crime is fully reported or require to be supplemented in any way; and, in particular, whether the village officers and the rural police in each province are efficient aids to the district police in the matter of reporting crime, and, if not, how the relations between the former and the latter can (subject to the condition that the rural police in each province must not be enrolled under the Police Act) be improved;

(iii) whether the system of investigating offences now in force in each province, the object being to provide for the full investigation of all serious crime, while avoiding interference by the police in trivial matters, is capable of improvement, and, if so, in what manner; and whether the institution of fully organized Criminal Investigation

Departments, either Imperial or Provincial, is recommended;

(iv) Whether the form of statistical returns now adopted is satisfactory or capable of improvement, and whether the use to which such returns are now put as tests of police working is appropriate or not;

(v) whether the general supervision exercised by the Magistracy over the police, and the control of the superior officers (including Inspectors) over the investigation of crime are adequate to prevent oppression on the part of the subordinate police; and, if not, how they can be made so;

(vi) whether the existing organization of the railway police, its operation as between provinces and states, and its connection with the district police are in a satisfactory condition, and if not, what improvements, can be effected; and³³

(vii) Whether the career at present offered to natives in the police in each province is sufficiently attractive to induce the proper stamp of men to enter it; and, if not, what steps can be taken to remedy this evil consistently with the recognized measure of necessity for European control in the district charges.

3. It is to be understood that, while in some matters, as, for instance, those referred to under heads (iii),(iv), and (vi), it is important to secure uniformity throughout India, in others, and especially in those dealt with under head (i), uniformity is neither desirable nor possible; and that what should be aimed at is not mechanical symmetry, but due proportion with regard to such considerations as the criminality of the people, the number and gravity of the offences to be dealt with, the density of the population, the area to be policed, and so forth.

4. The Commission will consist of the Hon'ble Mr. A. H. L. Fraser, C.S.I., Chief Commissioner of the Central Provinces, President; the Hon'ble Mr Justice Candy, Puisne Judge of the Bombay High Court; the Hon'ble the Maharaja of Darbhanga, K.C.I.E., Additional Member of the council of the Governor General; the Hon'ble Srinivasa Raghava Aiyangar, C.I.E., Dewan Bahadur, Additional Member of the Council of the Governor of Madras; the Hon'ble Lieutenant-Colonel J.A.L.Montgomery, Member of the Council of the Lieutenant-Governor of the Punjab; Mr. W.M. Colvin, Barrister-at-Law of Allahabad; and Mr. A.C. Hankin, C.I.E., Inspector-General of Police in the Hyderabad State. The Secretary of the Commission will be Mr. H.A.Stuart, Inspector General of Police in the Madras Presidency. During the visit of the Commission to each province where its inquiries will be conducted, a local member will be appointed to the Commission by the Local Government or Administration, in order to represent the views of the local authorities and to see that the local circumstances and conditions are fully laid before the members of the Commission. The Local Commissioners will not be required to join in the preparation of the final report.

5. In order to facilitate the inquiries of the Commission, and to ensure that a definite and concise statement of the case as it presents itself to each Local Government and Administration may be placed before the Commissioners in anticipation of their inquiries, each Local Government and Administration should proceed without delay to appoint a Committee, consisting of a district and Sessions Judge, a District Magistrate, and District Superintendent of Police, in the provinces of Madras, Bombay, the United Provinces, and the Punjab, and elsewhere of a District Magistrate and District Superintendent of Police, to proceed to such districts as are considered most important from a police point of view,

and inquire into the matters set out in the heads of the order of reference. The Bengal Government has recently made a local inquiry into the organization of the police in that province, and the Government of India will therefore not require a local Committee to be appointed in Bengal. The Government of India are not aware that any other Local government or Administration has recently collected, by means of a similar inquiry, the material necessary to prepare its case for presentation to the Commission, but in any province in which this has been done, a local Committee need not be appointed unless the Local Government or Administration desires to follow this course. It is not intended that the Committees conducting these preliminary inquiry should record any formal evidence or prepare a formal report. They should discuss the questions referred for the opinion of the Commission orally on the spot, taking particular care to ascertain the views of non-official natives of India on them. On the completion of their inquiries they should present a statement of the case into which the Commission is to inquire for the consideration of the Local Government or Administration. This statement would describe the existing arrangements in each province under each of the heads of reference; note the defects which had been proposed; suggest the officials and non-officials that would be most able to assist the Commission in the capacity of witnesses; and while avoiding the discussion of either defects or remedies (beyond noticing the degree of importance attached to each by public opinion generally), serve as a summary of the case for inquiry to be placed, together with the views of the Local Government upon it, before the Commission for its information and assistance. It is Intended that the Commission should assemble on the 15th of October, and it is necessary that the Committees to undertake these preliminary inquiries should be appointed and set about their business without any delay, since the provincial statements of the case should reach the Government of India in time to be placed in the hands of the members of the Commission before they enter upon their labours.

6. The general inquiry will be public, and its conduct and the regulation of the course of business are entrusted to the President in communication with the members. The inquiries of the local Committees will place before the Commission valuable information as to the witnesses who may be expected to assist it in its work, but this arrangement is not intended to limit the Commission in the selection of any witnesses whom it may desire to examine. The Governor General in Council leaves it to the President to determine the procedure to be adopted in obtaining and recording evidence. The Commission, through the Secretary, acting under instructions from the President, will correspond directly with Local Governments. The Governor General in Council desires that all communications or requisitions for information emanating from the Commission may be treated as urgent and complied with promptly, and that, in each province which the Commissioners visit, they may be afforded every facility for prosecuting their inquiries.

ORDER,-Ordered that a copy of this Resolution be forwarded to all Local Governments and Administrations, and to the President and Members of the Commission, for information and guidance.

Ordered, also, that the Resolution be published in the Supplement to Gazette of India.

J.P.HEWETT,
Secretary to the Government of India.

APPENDIX III.

TRAINING SCHOOLS FOR CONSTABLES.

Course of Instruction.

The course of instruction to be imparted at these schools should embrace the following subjects:-

- (a) Drill.
- (b) Elementary law and procedure.
- (c) Use of powers of observation.
- (d) Conduct of police officers towards the public.

The course should extend over a period of six months, and the recruits should be despatched from the districts where recruited to the schools every month, so that examinations after training will occur monthly.

For the purpose of this training a catechism of elementary law and procedure will be necessary, and this might well be the same for all provinces, as these rules are essentially the same throughout India. The differences occurring in procedure under certain local and special laws could be met by addenda being made to the general catechism by each Local Government.

The training in drill should be the same throughout all provinces and a general textbook would be advisable.

Establishment.

- (a) The Principal of each of these schools should ordinarily be an officer of the rank of Assistant or Deputy Superintendent.
- (b) The drill instructors should be an Inspector in charge, with assistants of the rank of head constable, one assistant drill instructor being provided for every forty recruits under training.
- (c) For the teaching of law and procedure an Inspector would be required as chief instructor, with assistants of the rank of Sub-Inspector in the same proportion as with drill instructors, i.e., one to every forty recruits.
- (d) There should be two buglers for each school.
- (e) There should be one sweeper and one water-carrier for every forty men under training.
- (f) With considerable bodies of men collected together, a hospital would be required and should be provided, with a hospital assistant in charge and a compounder.
- (g) For the purpose of instruction in drill, rifles will have to be maintained at each school, and this will necessitate the entertainment of an armourer and a bellows-boy to repair and generally look after these arms.
- (h) The clerical establishment should be one clerk-accountant on average pay of about Rs. 40 per mensem, it being understood that the instructors may be utilised to a large extent in the disposal of the scriptory work of the school.

Accommodation

The accommodation to be provided at each school would consist of-

- (a) Barracks; (b) Class-rooms; (c) Residences for the Principal and the Instructors; (d) A gymnasium;
- (e) Accommodation for the menial staff; (f) Cook-rooms;
- (g) Latrines; (h) Hospital; and (i) A model Police Station.

APPENDIX IV.

PROVINCIAL TRAINING SCHOOLS.

Course of Instruction.

1. Law including:

- (a) The Police Act.
- (b) The Indian Penal Code.
- (c) The evidence Act.
- (d) The Criminal Procedure Code, as far as it relates to the action of the police regarding arrest, search, investigation, inquests, dealing with riots, etc.
- (e) Local and special laws, so far as they concern the police.

II. Police Rules of the province, so far as they relate to executive work.

III. Miscellaneous:

- (a) Elements of Medical Jurisprudence.
- (b) The training of the powers of observation, and instruction regarding precision and accuracy in giving evidence.
- (c) Instruction regarding criminal castes and gangs; their habits, etc.
- (d) Instruction on the subject of the conduct of the police towards the public.
- (e) Plan-drawing.
- (f) The taking of finger-impressions.
- (g) Drill: squad and company drill: manual, firing, bayonet, and physical exercises; guard duty, etc., etc.
- (h) Equitation.
- (i) Transliteration for English-speaking students.

IV. Practical work:

- (a) Case work; including the recording of the first information; compiling of diaries; and preparing final reports, etc.
- (b) Practical work of a station-house officer other than case work; such as the care of arms, kit inspection, etc.
- (c) Practical town duties: beats, regulation of traffic, etc.
- (d) Methods of detection, as illustrated by actual cases.
- (e) The use of confessions and approvers.
- (f) The prosecution of cases.
- (g) The treatment of old offenders, including instruction regarding jail parades.

NOTE.- Probationary Assistant superintendents will also receive Instruction in a vernacular of the province.

Establishment.

- (a) A Principal of the rank of Superintendent of Police.
- (b) For purposes of instruction in drill:

A head drill-instructor who should be a British military non-commissioned officer, graded as a Reserve-Inspector, and, as far as practicable, competent also to teach equitation.

Assistant drill instructors of the ranks of head constable, with one chief assistant of the rank of Sub-Inspector, there being one such assistant to every 40 men to be trained.

- (c) For equitation there should be a pensioned native cavalry non-commissioned officer, graded as a head constable.

An establishment of horses should be maintained, in the proportion, say, of one horse to every five pupils.

Assistant Superintendents (probationers) under training would provide their own horses.

(d) For instruction in law and procedure the staff necessary would be-

1. One head instructor of the rank of Inspector, to supervise generally, and also to take part as an Instructor.

2. Other assistant, all of the rank of Inspector, in the proportion of one to every twenty pupils, this proportion including the head instructor.

3. There should be, moreover, one fully qualified and competent instructor for each language to be learnt (in most provinces more than one) for the purpose of teaching Probationary Assistant Superintendents, and these men should be provided by Government, stress being laid on the necessity for real efficiency.

(e) Two buglers.

(f) An adequate staff of menials would be required, including sweepers and water-carriers.

(g) The clerical establishment should consist of one clerk-accountant on a salary of Rs. 50 per mensem.

NOTE-As the Probationary Sub-Inspectors and Inspector can make their own arrangements for cooking a provision of cooks is necessary.

Buildings.

The buildings should include, in addition to accommodation for the pupils, residences for the Principal and the members of the staff. Wherever is possible to do so, there should be a mess house, with residential quarters, for the Probationary Assistant Superintendents. The Provincial School will usually be combined with one of the Central Schools for constables, but it is essential that separate accommodation be provided for the pupils of the two institutions both as regards quarters, class-rooms, recreation-rooms, and hospitals.

APPENDIX V.

THE MADRAS BLACK MARKS RULES.

(Extract from the Madras Police Manual.)

334. The following is the system of punishment by black marks which is now in force:-

(i) Together with every punishment, whether by fine, reduction or suspension, one black mark may be awarded at the discretion of the officer ordering the punishment. It should, however, be understood that except for very petty offences, whenever a fine is inflicted, a black mark should also be awarded.

Provided that reduction under the black mark system shall not itself carry a black mark.

(ii) One black mark may also be awarded in lieu of other punishment.

(iii) Not more than one black mark shall be awarded for any one offence.

(iv) Three black marks shall entail reduction of class or grade where such reduction is possible, and such reduction shall cancel the black marks. As regards second-class constables, where no reduction is possible, the three black marks will stand and the men will be warned that the award of three more will entail dismissal.

(v) Unless the offender is specially exempted by the Deputy Inspector-General of Police, six black marks shall entail dismissal.

(vi) Uninterrupted good conduct for a period of three months spent on duty shall cancel one black mark, and each successive period of three months uninterrupted good conduct shall cancel one black mark, provided that twelve months' uninterrupted good conduct

shall cancel all black marks.

(a) A reduction in grade shall cancel all black marks outstanding against the individual, even though the reduction may not be under the black mark rules.

(vii) Black marks, whether awarded alone or in addition to other punishments, shall take effect from the date of the offence unless otherwise stated.

(viii) The existence of one or more black marks against a man shall bar promotion, but no leave.

(ix) When a black mark is awarded, the order and the copy thereof furnished to the delinquent shall state the number of black marks outstanding against such delinquent, and a warning shall be added, when recording two or five black marks, that the next will entail reduction or dismissal, as the case may be.

(x) The above rules must be strictly enforced, provided that in any case in which the officer awarding the black marks considers that the application of the rules will result in hardship to the offender, he shall refer the case for orders.

(xi) Care must be taken not to award a black mark on every occasion on which it may. A Black mark should only be given when, but for these rules, a fine would be imposed. Black exercise of great care in awarding, them is necessary.

TABLE

APPENDIX VI.

DRAFT RULES FOR REGULATING THE RELATIONS BETWEEN THE DISTRICT AND RAILWAY POLICE.

(i) The District police stations shall, as far as possible, depute one or more constables in plain clothes to railway stations within the area of their jurisdiction to watch for the arrival or departure by the railway of known criminals or suspicious characters. Such constables shall report themselves to the railway police officer travelling in passenger trains, who will enter their names and any information they may communicate to in his Train Diary Book. Any information received from the travelling railway police officer will be communicated by the plain clothes constables to their station houses.

(ii) The railway police will depute a literate police officer of or above the rank of constable to accompany each passenger train. He will maintain a "train movements of bad characters and suspects and other matters prescribed by his superior officers.

(iii) Each railway police station and each district police station through the jurisdiction of which the railway passes should maintain a Minute Book in which requests and suggestions received by the district and railway police respectively should be entered, together with the action taken thereon. Such Minute Books should be examined frequently by the superior officers of the railway and district police respectively, in order to ensure that proper action is taken.

(iv) Superintendents of railway police should keep in close touch with the District Superintendents through whose jurisdiction their lengths of railway run, and should meet them periodically in order to arrange for satisfactory co-operation and harmonious working between their respective subordinates.

(v) Superintendents of Railway Police should also keep in touch with District Magistrate and see that their own staff show proper deference to the district authorities.

(vi) It is not necessary that other than serious crime, the definition of which must vary according to local circumstances, occurring within railway limit should ordinarily be reported to the district police. But all serious crime, including offences of which special

reports have, under the Provincial Police Orders, to be submitted by district police stations, should be specially reported at once by the railway police to the District Superintendent and to the District Magistrate. The use of the telegraph for these reports is advisable in cases in which delay would otherwise ensue.

(vii) District Magistrates should from time to time examine the registers of railway police stations within their districts and record remarks on such examinations in the inspection book of the station. The Superintendents of railway police should see that proper notice is taken of such remarks.

(viii) Confidential reports and Sub-Inspectors of the railway police should be forwarded to District Magistrates for the record of their opinion on those officers.

(ix) The railway police staff should be responsible for the prosecution of railway police cases, but if they ask for the service or assistance of the District Prosecuting Inspector this officer should comply with their request.

APPENDIX VII.

RULES REGARDING THE REGISTRATION AND SURVEILLANCE OF BAD CHARACTERS.

In order to deal effectively with crime it is necessary to have a continuous record of the criminal history of individuals and localities. To secure this there will be maintained for each village a Village Crime Note-book, which combines a conviction register with history sheets of persons of doubtful character. A specimen note book is attached with a few rules for the guidance of station-house officers.

The advantages of the plan are as follows:-

- (a) There will be a permanent record of the crime and criminals for each village.
 - (b) No action will ordinarily be taken against either a suspect or an ex-convict under the preventive sections of the Criminal Procedure Code, until his history sheet shows that there are sufficient grounds for proceeding against him.
 - (c) Those whose history sheets have been begun will be quietly watched and information will be collected about them; but they will not be considered to be under police surveillance until their names have been entered in the special register for that purpose.
 - (d) Orders for formal surveillance will be passed only by the Superintendent, or his Assistant; and as the number of men under surveillance will not be large (i.e., only the notorious bad characters), it will not be too great a burden to put on the village authorities to expect them to report their movements to the police.
2. These village notebooks will be confidential documents, kept by the station-house officer, who will be responsible for their contents. If in any part of India the village is considered too small a unit, a larger one can be adopted, e.g., the panchayat union in Bengal. But the books should not be too bulky. Ordinarily it will be best to have a separate book for each village.
 3. While there will be a separate note-book for each village, or larger unit as the case may be, there will be one Surveillance Register for each police station. Entries will be made in the latter only by the Superintendent, or by his Assistant, if empowered to do so. This will also be confidential register, and will be kept by the station-house officer. It will be money an index of the names of men placed under surveillance. Detail of their movements will continue to be written in the history sheets.
 4. Suspects and convicts need not be treated separately, except so far as the fact of a

conviction for a certain class of offence may render the convict liable automatically to police surveillance.

5. No one will be placed under surveillance until has been entered in the Surveillance register by order of the Superintendent or his Assistant: and no name will be entered therein of a more suspect, unless there are strong grounds of suspicion against him. Reputed receiver of stolen property are not often convicted, but they should be watched; and if the history sheet establishes a strong case against a receiver, he should be placed under surveillance.

6. To secure the most complete co-operation between districts and provinces, information of the movements of had characters must be communicated promptly. There should be printed forms of Bad Character Rolls in diglott (English and the vernacular of the district), and immediately information is received of the departure or arrival of a bad character one of these rolls should be filled up and sent to the police station to which the bad character is believed to have gone, or from which he is said to have come. If intimation is thus promptly sent and acted upon, much valuable information will be gathered of the movements of bad characters.

When a Bad Character Roll is sent outside a province the English counterpart should always be filled in.

Instructions for the maintenance of the Village Crime Note-book and the Surveillance Register.

VILLAGE CRIME NOTE-BOOK: PART III.-CONVICTION REGISTER.

The following offences will be entered in the Conviction Register:

A.

(For the purposes of section 75, Indian Penal Code.)

Chapter XII, Indian Penal Code.- All offences except those punishable under section 241, 254 and 262.

Chapter XVII, Indian Penal Code-

Sections 379 to 382.- Theft of all kinds.

Sections 384 , 386 to 389.- Extortion of all kinds except section 385.

Sections 395 , 396 , 399 , 402.-Dacoity of all kinds.

Sections 400 and 401.- Belonging to a gang of thieves or dacoits.

Section 404- Dishonest misappropriation of property belonging to a deceased person.

Sections 406 to 408.-Criminal breach of trust.

Section 409.- Criminal breach of trust by public servant.

Sections 411 to 414.- Receiving stolen property.

Sections 418 to 420.- Cheating of all kinds, except simple cheating section 417.

Sections 429 to 433, 435 to 440.-Serious mischief.

Sections 449 to 452.-House trespass in order to commit an offence.

Sections 454 to 458.- Lurking house-trespass or house-breaking other than simple, section 453.

Sections 459, 460.- Grievous hurt or death caused in house-breaking.

Section 462.-Fraudulently opening a closed receptacle held in trust.

B.

(For the purposes of sections 3 and 4 of the Whipping Act, 1884.)

Sections 193,194,195, Indian Penal code.-Giving or fabricating false evidence.

Sections 211,237, Indian Penal Code.-False charge of committing an unnatural offence.

Section 354, Indian Penal Code.-Indecent assault on a woman.
Section 376, Indian Penal Code.-Rape.
Section 377, Indian Penal Code-Unnatural offence.
Sections 465 to 469- Forgery.

C.

(Other offences.)

Sections 489.A to 489.D., Indian Penal Code.-Forgery of currency notes and bank notes.

Section 311, Indian Penal Code.- Being a thag.

Sections 363 to 369, Indian Penal Code.-Kidnapping.

Section 461.- Dishonestly breaking open a closed receptacle.

Sections 109 and 110, Code of Criminal Procedure.-Bad livelihood.

Sections 3 and 4, Act III of 1867.-Gambling.

Section 9, Act 1 of 1878.- Opium smuggling.

Any other offences which the Local Government may consider of special importance, owing to local circumstances, may be added to the list.

The necessary particulars regarding each conviction will be communicated to officer in charge of the police station by the office of the Superintendent Police.

PART IV.- HISTORY SHEETS.

History sheets should be prepared for all persons believed to be addicted to me. The conviction of a person for a heinous offence, such as robbery, dacoity, riots burglary or receiving stolen property, would ordinarily be sufficient to justify opening of a history sheet. But the general rule should be that history sheets should only be opened for persons whom there is reason to believe to be habitual criminals or to be their aiders or abettors. For instance if a person is suspected being a receiver of stolen property, or of being concerned in systematic cattle theft, a history sheet should be begun, even if he has not been convicted. On the other hand, if a man has been convicted of house-breaking and there is reason to believe that the offence, though house-breaking, was committed in an intrigue with a woman, not for the purposes of theft, no history sheet would ordinarily be opened; and in no case should a history sheet be prepared of a person who has been dealt with as a first offender under section 502, Code of Criminal Procedure.

Proceedings under section 110, Code of Criminal Procedure, should ordinarily not be taken until a history sheet establishes a case of bad livelihood. But if security has in any case been demanded from a person under section 109 or 110, Code of Criminal Procedure, before the preparation of a history sheet such a sheet should at once be opened.

In all cases the orders of the Circle Inspector must be obtained before beginning a history sheet.

If any information favourable to an individual whose name has been entered in a history sheet is obtained it should be duly recorded.

(All headings to be printed in English and Vernacular)

VILLAGE CRIME NOTE BOOK OF

VILLAGE

POLICE STATION

DISTRICT

PART I

Population by Census of 19

No. of houses.

Names of outlying hamlets, with

No. Of houses in each:

Revenue

Principal Tribes

Names of Headmen, other leaders, and Village Watchmen:

Special notes on crime in the village as a whole as regarding individuals whose history sheets have not been prepared.

PART-III

CONVICTION REGISTER

Number	Name	Parentage & caste	Date of Conviction	Offence	Punishment Awarded	Reference to History Sheet

PART-IV

HISTORY SHEET

No	Name	Parentage & Caste	Age & Date of Entry	Description	If finger impression or photograph taken date of doing so

RELATIONS AND CONNECTIONS

PROPERTY AND MODE OF EARNING LIVELIHOOD

CONVICTIONS

HISTORY AND MOVEMENTS

Rules for reporting the movements of Bad Characters.

(1) When a bad character whose name is entered in the Surveillance Register leaves his home, it shall be the duty of the head of the village immediately to inform the officer in charge of the police station of the departure of such person and his alleged destination, if known.

(2) The officer in charge of the police station shall at once fill in a Bad Character Roll, Form A, and forward it by the quickest possible means, whether by hand or by post, to the officer in charge of the police station within which is situated the place to which the bad character is alleged or believed to have gone. If the destination of the bad character is not known, a copy of the roll should be sent to every police station to which there is any likelihood of his having gone.

(3) A police officer who receives the roll shall at once acknowledge the receipt of it and shall immediately take steps to ascertain whether the bad character has arrived within the limits of his jurisdiction. If the bad character is found, the police officer shall report the date and hour of his arrival, the name of the person with whom he is staying and the

names of any persons with whom he associates, and he shall arrange to have his proceedings watched in the same way as if he were a registered bad character of his own station. If he has not been traced on the expiry of one week from the receipt of the roll, the officer receiving the roll shall return it, with a statement to that effect on the back of it, to the police station of issue.

(4) When the bad character leaves the limits of the station for his home or elsewhere, the officer in charge shall forward the roll to the officer in charge of the police station to which the bad character has gone, noting on the back of it all the information regarding the individual's movements which was collected while he was residing within the limits of the station. If the bad character goes to a police station other than in which he is registered, the officer in charge of the latter should be informed of the fact.

(5) If the village head hears of the advent of a suspicious stranger in his village, it shall be his duty to question the person regarding the person regarding his antecedents and residence, and to send to the police station, with as little delay as possible, all the information obtained by him.

(6) On the receipt of such information it shall be the duty of the officer in charge of the police station to send a roll, with the utmost possible despatch, to the police station within the limits of which the stranger alleges that he resides.

(7) On receiving such a roll the officer in charge of a police station shall at once return it with complete information regarding the individual in question, if he is a resident of that station; while if he is not a resident, the roll should be returned with a statement to that effect. In that case the officer who issued the roll must take all possible steps to discover the identity of the stranger.

(8) The nature of the information received regarding the stranger will guide the police officer as to the steps that should be taken, (a) either to institute proceedings under section 109 or 110 of the Criminal Procedure Code, or (b) to watch the movements of the stranger.

[Copy to be taken by carbon process.]

BAD CHARACTER ROLL.

Form A-Roll for reporting the absence or departure of a Bad Character.

Police Station-----

District -----Province-----

Serial No. of Roll-----

Name, parentage, caste, and descriptive marks of Bad Character.

Class of offences he commits.

Place to which he may have gone or is alleged to have gone and for what purpose, with information as to his relatives and associates in such places.

Date and hour at which he left his village-----

Date and hour of despatch of this Roll, and whether sent by hand or post.

Signed-----

Designation-----

Date -----

ACKNOWLEDGMENT OF RECEIPT.

[This should be torn off and returned immediately on receipt of Roll.]

Bad Character Roll (Form A), No. of Police Station-----

District-----was received by me at A. (P.) M. on the of 190. The person named therein has not arrived in the limits of this police station. Inquiries are being made.

Signed-----

Designation-----

Date-----

* If the Bad Character has arrived, strike out the word "not."

Information about the conduct of the Bad Character during his residence in -----

Police Station-----

Signed -----

Designation-----

Date-----

BAD CHARACTER ROLL.

Form B-Roll for reporting the arrival of a Suspicious Stranger.

Police Station-----

District-----Province

Serial No. of Roll-----

Name, parentage, caste, occupation and residence of stranger, and any previous convictions admitted by him.

Descriptive marks.

Name of village and person with whom he is staying, with information as to his conduct and associates.

Date of arrival.

-----Name of Police station and village from which he alleges he has come.

Date on which alleges he left his village.

Date and hour of departure of stranger, with name of reporter.

Whether stranger is returning to his home or going elsewhere.

Date and hour of despatch of this Roll, and whether sent by hand or post.

Signed-----

Designation-----

Date-----

ACKNOWLEDGMENT OF REACH

Bad Character Roll (Form B), No. of Police Station.

District-----was received by me at A. (P.) M. on the
of 190

Signed-----

Designation-----

Date-----

If the stranger is identified, full particulars regarding him should be entered here and the Roll should then be returned to the police station of issue.

APPENDIX VIII.

SCHEME OF BEAT DUTY IN TOWNS

The essence of the scheme is that for each beat there must be six men. Each watch or period of duty will be of four hours duration, and the work is so distributed that every man will have one night in three in bed. This is shown in detail in the following table, A, B, C, D, E, F, representing the six men serving one beat:

DATE	DAY				NIGHT	
	HOURS				HOURS	
	6-10	10-2	2-6	6-10	10-2	2-6
1st	A	B	C	D	EF	AB
2nd	C	D	E	F	AB	CD
3rd	E	F	A	B	CD	EF
4th	A	B	C	D	EF	AB
5th	C	D	E	F	AB	CD
6th	etc	...	Etc	Etc

APPENDIX IX.

POLICE RECORDS IN RESPECT OF WHICH UNIFORMITY IS DESIRABLE.

For the following Police Records the same forms could with advantage be used throughout India:-

1. *First Information Book*.- This is the book prescribed by section 154 of the Code of Criminal Procedure. A form for it is appended. It should be used for cognizable offences only; in the case of non cognizable offences it will be sufficient if the substance of the information is entered in the General Diary prescribed by section 44 of Act V of 1861.

2. *Case Diary*.- This is the diary prescribed by section 172 of the Code of Criminal Procedure. It should be kept in a separate book, the leaves of which should be of thin paper so as to allow of copies being taken by means of carbon sheets, or the leaves may be of ordinary paper, separate sheets of thin paper being used for the copies, one of which will then be the original writing, while the record in the book will be made by a carbon sheet. In any case the pages of the book should be stamped with consecutive numbers to prevent any alteration in the original record. On the conclusion of the investigation the pages relating to it should be torn out of the book and filed together in the police station. These will take the place of the present Case Diary Books.

Statements recorded under section 161 of the Code of Criminal Procedure should not be entered in the Case diary, but should be written on separate sheets of paper and attached to the Diary in which reference will be the exception to record statements under section 161: it will, as a rule, be sufficient to record (in the Case Diary) the purport of the information given by each witness.

3. *Charge sheet and Final Report*.- The Final Report required by section 173 of the

Criminal Procedure Code may be of three kinds, according as the police send a case up for trial, report that it is false, or report that they have not succeeded in detecting it. In the first case, the Report should be called the Charge Sheet. For this any of the forms now in use may be prescribed, but the present Bengal form is defective in that it does not show what point each witness is called to prove. It is essential that this information should be given for the guidance of the Magistrate, or the Prosecuting Officer, if there is one.

For the second and third kinds of report under section 173 one form will suffice. Such report should be called the Final Report.

4. *General Diary*- This is prescribed by section 44 of act V of 1861. No printed form is required for it, as it must be a record, in regular sequence in point of time, of the work done at the station and of the information received. It is not, however, necessary to enter in the

5. *Police Station Register*, -If this record is retained the form should be the same in all provinces. It is considered, however, that it may be abolished, as sufficient information will be given in First Information Book, the Case Diaries the Village Crime Note-Books, if the recommendations of the Commission are accepted.

6. *Superintendent's Register of Crime*.- Every Superintendent, and every Assistant or Deputy Superintendent in charge of a sub-division, should keep a concise note-book of the crime at each police station in his charge. This note-book should always be with the officer, whether on tour or at head-quarters, in order that he may have at hand complete information regarding the crime of his district. This Register should be in the form of the Madras Check Register of Crimes, the United Provinces English Register of Crime or the Bengal Index of Crime.

APPENDIX X.

TABLES FOR THE POLICE ADMINISTRATION REPORTS.

Statement A.-The present Statement A is unnecessarily detailed and the Commission recommend the substitution of the forms given below, Parts III and IV of the present Statement have combined with Parts I and II, as detailed information regarding Magistrates' cases is not required in a report on the administration of the Police.

The existing statements give detailed figures under no less than 76 classes of offences. For administrative purpose this is unnecessary, while for statistical purposes so little value is attached to details that the table of the Judicial and Administrative Statistics give only the totals for all kinds of offences. The Commission recommend the substitution of the following reduced list of offences for that now prescribed:-

Specimens of the two parts of Statement A, as now proposed, are attached.

The ledgering of crime for the purpose of Statement. A of the Annual Police Administration Reports should be done at the head quarters of each District in the office of the Superintendent of Police in order to secure uniformity and accuracy. This is already the practice in all provinces in all provinces except Bengal and Assam.

Statement B, Part I.-Columns 4, 5, and 6, columns 7,8,9 and to, and columns 14, 15 and 16 may respectively, in each case, be combined into a single column.

Statement D.- For the reasons given in paragraph 184 of the Report, this Statement should be abolished.

Statement E.- In this table the information should be given by districts. Village police, private guards and additional police quartered on a tract at the expense of the inhabitants should not be shown in it.

Columns 3. should be subdivided into three, so as to show Superintendents, Assistant Superintendents, and Deputy Superintendents, separately. Similarly Columns 5 should be sub-divided so as to show European Constables or Sergeants separately from Sub-Inspectors.

Columns 11 and in may be abolished, the officers and men entered therein being included in the previous columns with the rest of the police force.

Columns 13 to so, 24 to 38 and may 42 may be abolished as the information is not required in an Administration Report.

Columns 43 to 48 may be reduced to two columns, as it is impossible to make any real distinction between police employed in towns and in rural areas, and in some province four of the six columns are left blank, On the other hand, it would be convenient if a new column were opened after column 40 to show the urban population, as this would give useful information regarding the character of the population of the province. The proportion of police to area and population should be for the whole force, as it is difficult to secure uniformity of treatment in fixing the numbers engaged in the prevention and detection of crime. A specimen of Statement B, as thus amended, is attached.

Statement F.- This statement, like statement E, should give information for each district. In columns 6,7,8, the number of weapons should be entered instead of the number of men. as the arms are used indifferently by a number of men. Muzzleloading smooth-bores are not now used, and revolvers may be entered instead of them.

Columns 9 and 10 may be abolished, as the information given in them is not required.

Columns 28 and 29 should be expanded so as to give the number of men in each period of service which carries a separate rate of pay.

Column 37- This should show the daily average number of men absent from duty on account of sickness, and not merely those sick in hospital.

Provincial Tables.- In Bombay, the Punjab and Burma there are no provincial tables, In Madras and the Central Provinces the subject has recently been dealt with by the Local Governments and no further reduction is necessary. In the case of Bengal and the United Provinces it is recommended that the following tables should be abolished:-

Bengal.-

- (1) Precedence list of districts according to working results.
- (2) Detail Burglary Khatian.
- (3) Detail Theft Khatian.

(4) Statement (Bad Livelihood Prosecutions).
(5) Comparative table of working in different provinces (given in the body of the report).

United Province-

(1) Statements II and III.

(3) Statement VI.

Date of Submission of Administration Reports- There reports are for the calendar year, and the preparation of the district reports upon which they are based interferes with the cold weather terms of Superintendents. It is, therefore, recommended that they should in future be prepared for the financial year.

APPENDIX XI.

POLICE RECORDS AND RETURNS.

As the Commission visited each province a Sub-Committee discussed the subject of police records and returns with the local officers, and the recommendations of the Sub-Committee which were accepted by the Commission are given in the Notes attached hereto. The Sub-Committee was prevented from discussing the subject in the Punjab or the North-West Frontier Province, but the recommendations for other provinces can be applied mutatis muiandis. If the Commission's proposals regarding to be maintained under the Code of Criminal Characters, Procedure , and the tables prescribed for the annual administration reports are accepted, a number of change in records and return will be necessary. These have not been noticed in the notes that follow. On the subject of diaries by officers above the rank of Sub- Inspector and special reports of crime, the Commission make the following general recommendation:

Every Inspector should keep a diary and record daily these in the work on which he is engaged, the police stations or villages visited by him, the information conveyed to him and any orders issued to his subordinates. No further details heed be given, as reports of inspections are entered in the Inspection report book of each station, while reports of investigation into cases are entered in the case diaries. He shall forward a copy of his diary every week to the police officer immediately superior to him.

Superintendents and Assistant superintendents should submit brief weekly reports, in half margin, on all matters of interest from a police point of view, which have occurred within their charges. These should go through the District Magistrate to the Deputy Inspector General, who will forward to the Inspector General those which are of special interest or importance. These reports will be treated as confidential and will be returned to the Superintendent or the Assistant superintendent, as the case may be, the remarks, if any, of the superior officers being entered on the margin.

Special reports regarding the commission and investigation of the following cases should be sent with the least possible delay to the Deputy Inspector-General in charge of the Criminal Investigation Department:-

Dacoity, poisoning with robbery, coining, and forgeries of currency notes and Government stamps. All police matters, which are now reported to the Special Branch, should also be reported to this officer.

There may be other matters which Local Governments may direct to be reported to him, but care should be taken not to impose on him too great a burden.

MADRAS.
STATION RECORDS.

Register of Processes.-It will be sufficient if register of processes is kept in the station and if a statement of unexecuted warrants is sent once a month. It is unnecessary to keep a counterfoil of this register.

Arrest Report.-The post-card form is sufficient, Unstamped cards can be used in place of the Register in Form No. 57, which may be abolished.

Gang Register.-This register should be retained for permanent gangs only. Wandering gangs should be entered only in the register in the Superintendent's office.

Register of Licences under arms Act.-The heading of column 5 should be "Detailed description of weapon."

Roster of villages patrolled.-May be abolished.

Standing orders hung up in the station.- The majority of these might be bound in books, copies of which should be made available for the use of the constables.

INSPECTOR'S RECORDS.

Village Roster.-This may be abolished.

Register of Criminal Gangs.-It is unnecessary for Inspectors to keep this register.

Travelling Diary.-This may be abolished.

SUPERINTENDENT'S RECORDS.

Weekly Reports.-Part II may be abolished. Its place being taken by special reports on selected classes of offences submitted as the information is received.

Itinerary Registers.-May be abolished.

Register of Licences under the Arms Act.- This is merely a duplicate of the register kept in the District Magistrate's office; it is never used by the Superintendent or his subordinates and it may be abolished.

Sundry Sums Account Book and Account Current.-It should be considered whether these cannot be combined in the form of a ledger.

ASSISTANT SUPERINTENDENT'S OFFICE.

Defaulter book and Gang Register.-these are maintained for the whole district in the District Superintendent's office and it is unnecessary for an Assistant Superintendent to keep them.

SUPERINTENDENT'S RETURNS.

Statement showing Attendance of Officers at Sessions.- The information is given in the weekly reports and summarised in the annual statement. The quarterly return is unnecessary.

Confidential Reports on Inspectors.-The reports of Police officers and Magistrates should be combined into one return. A separate sheet being used for each Inspector.

ASSISTANT SUPERINTENDENT'S RETURNS.

Itinerary Report.-May be abolished.

STATION HOUSE RETURNS.

Return of Summonses and Warrants.-This may be abolished, a monthly statement of unexecuted warrants being submitted as formerly.

BOMBAY
STATION RECORDS.

Register of ex-Convicts released under S. 401, Cr. P.C.

Register of ex-Convicts released under S. 565, Cr. P.C.

These will be unnecessary if the system of Village crime Note-books and History Sheets is introduced.

Station or General Diary.-This is not kept in Sind, an omission which should be rectified.

Register of Licenses to possess or carry Arms.

Register of Gun Licenses.

These should be combined as in other provinces.

Register of Men on Leave. These are unnecessary in police station.

" Sick Policemen.

Register of Cases conducted by Court Jamadars.-This may be discontinued.

Descriptive Roll of Prisoners-This may be discontinued, the description being entered in the "Register of accused Persons in the custody of the Police."

Register of Arrivals and Discharges of Prisoners.

Register of Ornaments, etc., taken from Prisoners.

It should be considered whether these two Registers and that of "Parsons in the custody of the Police" cannot be combined into either one or two registers.

DISTRICT POLICE OFFICE RECORDS.

Ledgering of Crime.- No ledger of offences is kept in Bombay, and the annual statements of crime required for the Administration Report are prepared from the Superintendent's Crime Register, which is in the form of a Day Book rather than of a Ledger. This system is unsatisfactory, and ledgers should be maintained.

HEAD-QUARTERS CHIEF CONSTABLE'S RECORDS.

Register of Man Leave. These may be discontinued.

" *" Sick Constables.*

BENGAL.

STATION RECORDS.

The following may be abolished:-

No. 8.- Register of descriptive rolls of persons sent up for trial (Form No. 259).

IIA.- Chaukidari Report Register (Form No. 267).

12.- Registers of persons convicted under the Opium Act (Form No. 270).

Warrants for the collection of fines levied by Criminal Courts should be executed by the ordinary process-serving establishment. If this is done, Record No, 19, the Judicial Fine Register (Form No, 276) will no longer be necessary.

If the system of outposts is abolished, record No. 27, the Outpost Case Register (Form No. 285) will not be required.

COURT RECORDS.

Record No. 8, Register of Processes dealt with by tin Police (Form No. 183), and Record No. 13, Bail and Recognisance Register (Form No. 191), should be maintained by the Magistrate's clerks and not by the Court Police Establishment.

DISTRICT SUPERINTENDENT'S RECORDS.

Record No. 9, Register of receipts and issues of service labels. This may be abolished, the number and the value of the stamps used being noted in the Despatch Register.

Record No. 12, Register of Unpaid Apprentices (Form No. 30). It is undesirable to employ unpaid apprentices in a police office, and if this view is accepted this register will no longer be required.

The following records may be abolished:-

- No. 29.- Index to special reports (Form No. 42).
- No. 33.- P.R.Register of Diet supplied to patients in Police Hospitals (Form No. 51).
- No. 39.-Register of Diet supplied to patients in Police Hospitals (Form NO. 51).
- No. 40.-Monthly abstract of diet, hospital patients (Form No.53).
- No. 41.-File of statements of charges and recoveries (Form NO. 53).
- No. 42.-Attendance Register. This register should not be used in the case of gazetted officers.

DISTRICT SUPERINTENDENT'S RETURNS.

(The numbers refer to the revised list which is now under issue.)

The following returns may be abolished-

- No. 21.-Statement of clothing (Form No. 144).
 - No. 29.-Inspection statement H (Form No. 10).
 - No. 29.-Inspection statement P (Form NO. 14).
 - No. 31.-Return of Hindus and Mohammadans employed in the Police.
 - No. 33.-Assistant Superintendent's Progress Report (Form No. 59).
 - NO. 42.-Return of escorts (Form No. 66).
 - No. 53.-Statement of lands taken up for Police purposes (Form No. 30).
 - No. 57.-Return of elephants (Form NO. 85).
 - No. 60.-Roll showing names of all officers and men who will attain or pass the age of 55 years (Form No. 146).
 - No. 64.-Target practice report and return (Form No. 114).
 - No. 65.-Destruction of appointment certificates.
 - No. 84.-Return of persons according to religious denominations.
- In Police Code Form No. 41, the following items might be omitted: Nos. 5, 10-13, and 17-19.

UNITED PROVINCES. STATION RECORDS.

It seems doubtful whether the Check Receipt Book of non-cognizable crime (Form No. 146) is necessary.

The Register of Crimes and the Register of Property Stolen and Recovered (Forms Nos. 155 and 193) should be combined. It has been brought to notice that the Form of Inspection Book as given in the Police Manual has been largely curtailed.

REPORTS AND RETURNS FROM THANAS.

The following should be abolished:-

- (1) Abstract of Cognizable Cases pending investigation over a month.
- (2) Report on Inspection of Police Stations and Outposts.
- (3) Crime Returns.
- (4) Returns of time-expired convicts, 218.
- (5) Statement showing all cases of professional burglary.
- (6) Statement of the castes of chaukidars, etc., 253.
- (7) Mischief to cattle by poisoning, 222.
- (8) Thefts of agricultural produce, 221.
- (9) Cattle strays, 222-A.
- (10) Sales of cattle, 222-B.
- (11) Mukhiyas, 211.

COURT INSPECTORS' RECORDS.

The Register of Absconded Offenders (Form No. 192) should be retained, but the form can be simplified.

Register of Property (Form No. 194).-The property should be kept by the Magistrate and he should be responsible for the maintenance of any register that he may require. As a Police record this register should be abolished.

Register of Arms and Ammunition (Form No. 136).-This Register should not be kept by the Court Inspector, who should have no responsibility for such arms and ammunition (see section 16 of the Arms act).

Register of Sessions Cases (Form No. 197). and the Register of Criminal Appeals and Revisions (Form No. 152).-These are not necessary and may be abolished.

REPORTS AND RETURNS SUBMITTED BY SUPERINTENDENTS.

Weekly Abstracts of Cognisable Cases under Investigation (Form No. 277).-This may be abolished.

Change Reports in the Clerical Staff (Form No. 270).-This may be abolished.

Report of Progress made by Probationers (Form No. 265).-A demi-official half-yearly report may be substituted for this.

Statement showing Scorn of Target Practice (Form No. 201).- The Register is necessary, but no statement need be submitted by the Superintendent. The Register will show the Inspecting Officer whether target practice is satisfactory.

Return of Inspection of Police stations.-This may be abolished, but the District superintendent should state in his annual report what stations have not been fully inspected and why the rules on the subject have not been complied with.

The following Reports and Statements may be abolished:-

Report on the inspection of each of the police stations and outposts of the Railway police.

Statement showing number of chaukidars punished (Form No. 247).

Statement of castes of chaukidars (Form No. 253).

Statement of Mukhiyas (Form No. 211).

Statement of cattle strays , etc. (Form No. 222-A).

No.9, register of Undetected Violent Crimes.-This may be abolished.

No.11, Register of convicts conditionally released.-As noted above under Police-station Record, this register is unnecessary.

No, 14, Court Police Officer's Register.-This register might be simplified, as much of the information is given elsewhere.

No.24, Register of Enlistment.-This is necessary if the sanction of the Deputy Commissioner is required, but it can be abolished if that sanction is dispensed with as recommended.

No. 25, Register of Promotions, Register of Reductions, Register of dismissals.-These may be abolished as the information is given in the Long Roll. The statistics required for the annual report can be noted in a separate note-book if necessary.

No. 39, Police Stock-book.-The Returns of Arms, Ammunition and Stores should be submitted annually and not half-yearly.

DISTRICT SUPERINTENDENT'S RETURNS (HALF-YEARLY).

No. 1, Index.-This Index should be prepared in the Central office: the return will then be unnecessary.

CENTRAL PROVINCES.

STATION RECORDS.

No. 6, Register of absconded offenders.-This register may be abolished, a file of the lists published in the Police Gazette being substituted for it.

No. 18, Register of strayed cattle.-The retention of this register depends upon the decision of the question whether the Police should interfere in the matter of the stray of cattle.

DISTRICT SUPERINTENDENT REGISTERS.

B. No. 4. Register of applications to prosecute for bad livelihood.-This may be abolished.

B. NO. 5, Register of absconded offenders, etc.-This may be abolished, a file of the lists in the Police Gazette being substituted for it.

B. No. 6, Register of Processes.-This should be maintained by the Court which issues the process, the Court sending the processes direct to the station.

B. No. 15, Service Stamps Account.- This may be abolished, the information being given in the Vernacular Correspondence Register.

Quarterly Returns of Previous convictions established.-The value of this return is not apparent.

ASSAM.

STATION RECORDS.

The following registers and records may be abolished:-

- (1) Register of property stolen and recovered (Form No. 164).
- (2) Register of descriptive rolls of persons sent up for trial (Form No. 176).
- (3) Slip diary (Form No. 177).
- (4) Travelling diary (Form No. 178).
- (5) Look-up Register (Form No. 184).
- (6) Register of duty certificates (Form No. 194).

In the Station order book (Form No. 179) a complete copy of the order is not required, and the column which is now headed "Copy of order" should be headed "Abstract of order."

COURT INSPECTOR'S RECORDS.

The Magistrate's Register of cases (Form No. 138) should be abolished. the Khatian Register (Form No. 148) should be maintained in the District Superintendent's Office.

The bulk of the registers kept by the Court officer are Magistrate's records, and in the Commission's opinion those which, in the list prefixed to chapter XV of the Assam Police Manual, are numbered 1,2,7,9,10,14,15,16,19,22 to 27, should be maintained by the Magistrate's clerks, so as to set the Court officer free for his legitimate duties in connection with the prosecution of cases.

DISTRICT SUPERINTENDENT'S RECORDS.

The Register of Service Stamps should be discontinued, the number and value of stamps used being noted in the register of letters despatched (Form No. 17).

Purwana copy book (Form No. 281).-Considerable labour would be saved if carbon paper were used to obtain the second copy required for this register.

DISTRICT SUPERINTENDENT'S RETURNS.

No. 5.-Proclaimed offenders.-This is now sent monthly; it should be sent as occasion requires.

Return No. 6- Released convicts, and No. 15-Price-currents, are unnecessary and should be abolished.

No. 22-The Return of police stations and outposts visited by Inspectors is unnecessarily

elaborate and should be simplified.

APPENDIX XIII.

ESTIMATE OF THE NUMBER OF POLICE REQUIRED IN MADRAS.

Inspector-General.-The pay has been raised to Rs. 2,500-100-3,000, as in other provinces, and the average has been taken as Rs. 2,833-5-4, or Rs. 34,000 per annum.

Deputy Inspector-General.-An additional officer is provided for Railways and the Criminal Investigation Department, and the Commissioner of Police, Madras City, has been graded as a Deputy Inspector-General.

Superintendents.-There are now 21 district charges in the presidency, and it is proposed to make three new districts -Guntur, Vellore and Rammad: but some districts will, in the Commission's opinion, still be too large for administration by a single Superintendent, and they recommend that an additional Superintendent should be provided for each of the districts of Malabar, Salem and Kurnool. The Nilgiris district is now in charge of an Assistant Superintendent: in accordance with the principles advocated by the Commission, a Superintendent has been provide. The total number of district charges will thus be 28. The Railways requires two Superintendents, and one must be provided, as now, for Bangalore. For the Madras City three Superintendents are wanted, and the other posts, to be filled by officers of this rank, are those of Assistant to the Inspector-General, Personal Assistant to the Deputy Inspector-General in charge of the Criminal Investigation Department, and the Principal of the Provincial Training School. Two officers must also be provided for deputation, having regard to the average of recent years. The total strength will then be 39, distributed as follows:-

Existing district charge	21
Proposed new district Charges	7
Railways	2
Madras City	3
Banglore	1
Assistant to the Inspector General	1
Personal Assistant to DIG	1
Provential Training School	1
Deputation	2

Total	39

Adding to this the number of Deputy Inspectors-General, the total number of superior officers is 44.

Assistant Superintendents.-The number of Assistant superintendents, at 77'3 per cent. of this last figure, will be 34, of whom 43'98 per cent., or 15, will be available to fill posts in which Assistant Superintendents or Deputy Superintendents are required. Every district is to have one such officer at headquarters, and there will be in addition at least 17 sub-divisional charges, vis., Ganjam (2), Vizagapatam (2), Godavari, Kistna, Guntur, Nellore, Cnddapah, South Arcot, coimbatore, Malaber (2), Tanicre, Madure and Tinnevelly (2). One officer is required for Coorg, one for sub-divisional charge of the Southern Mahratta Railway, and four for the Training 5 Pools for recruits. The total

Deputy Superintendents.-As there are only 15 Assistant Superintendents available for these 51 posts, the balance (36) must be held by Deputy Superintendents.

Inspectors.-There are now 312 rural circles, this large number being due to the fact that, the station-house officers being only of the rank of head constable, the Inspectors are, therefore, obliged to take a large share of the investigation work. Another reason for it is the large number of police stations in Madras, the total number being no less than 1,621. Mr. Hammick has submitted proposals to the Commission could be carried out at once. But Mr. Hammick's proposals do not go far enough, and the Commission think that the number of police stations should not eventually exceeds 1,000, which is two more than the number provided for Bengal with double the population and a slightly larger area, while in the United Provinces the number is only 886. It will of course take time to effect this reduction, but it will also take time to recruit the higher class of men who alone will be entitled to the higher rates of pay. In preparing an estimate of the cost, therefore, the new rates of pay must be applied to the new scale of establishment. The number of police stations is accordingly taken at 1,000, and allowing one Circle Inspector for every five police stations, 200 of those officers will be required. This is comparatively a liberal estimate, but in the case of large towns a circle will consist of a town alone, so that the average rural circle will contain slightly more than five stations. To this must be added 8 Railway Circles, making a total of 208. There are now 21 district reserves and 3 special reserves, and with the creation, as proposed, of seven new police districts, the total number of such forces will be 31, and that number of Inspectors will be required. Including the railways, there will be 30 police districts, for each of which a Prosecuting Inspector is necessary. For the Criminal Investigation Department six Inspectors are entered provisionally, and the Inspector at the head of the Finger Print office must also be included in this establishment, making a total of 7. It is estimated that the average number of pupils in the provincial training school will be at least 140, and seven Inspectors in addition to the Chief Inspector and Drill Inspector, will be required, while eight Inspectors are necessary for the four recruit training schools. The total number of Inspectors is thus 293, and the following table shows their allocation: -

Circle (Town and Rural)	200
Railways	8
Hdqrs Forces & Special Reserves	31
Prosecuting Inspectors	30
Criminal Investigation Department	7
Training Schools	17

Total	<u>293</u>

Sub-Inspectors.-For 1,000 police stations that number of Sub-Inspectors will be required, and 200 more are provided for stations where the work of investigation is heavy. For railway police stations 39 Sub-Inspectors are necessary. At the rate of one Reader for each Superintendent Including railways, and or each Assistant or Deputy Superintendent in charge of a police sub-division, 48 Sub-Inspectors will be required. The strength of Prosecuting Sub-Inspectors:- calculate at the rate of one for each magisterial subdivision

other than head-quarters subdivision. Provision must also be made for a reserve not for the rank of Sub-Inspector, but also for those of Deputy Superintendent and Inspector, excluding, however, European Inspectors (estimated number, 39) for whom a reserve is provided in the rank of sergeant. The complete allocation will be:-

Town and Rural police stations	1200
Railways	39
Readers	48
Prosecution	63
Criminal Investigation Department	6
Training Schools	24

Total	<u>1380</u>
Reserve at 14 % of strength of Sub Inspectors Inspectors and Dy. Superintendents	272

GRAND TOTAL	<u>1652</u>

Sergeants.- One sergeant has been allowed for every ten of the Head-quarters Forces, and for each Special Reserve except that at Malappuram in the Mappilla country, where the existing strength of four has been retained. For large towns and cantonments 16 sergeants have also been provided, and 5 for railway stations, This given a total cadre of 37. To this must be added a reserve at 10 percent. of the combined strength of sergeants and European Inspectors, for which purpose the number of the latter has been taken as 39. The reserve will thus be 8 and the whole strength 45.

Head Constables.- The scale of establishment laid down by the Commission necessitates a considerable increase in this rank. A head constable has been substituted for a constable as station-writer, and a second head constable has been entered for general duty at every station. For 1,000 stations, therefore, 2,000 head constables will be required; 300 have been added for towns and for rural stations where work is heavy. In the railway police there are 39 police station, for which 78 head constables will be required as writers and to assist in general duty and supervision of the travelling staff. For platform duty there are now 48 head constables and this number has been retained. The total is thus 126. The number of head constables now employed in charge of guards furnished by the station police is 236 and no change is necessary. For the Head-quarters Forces and Special Reserves there are now 228 head constables. Owing to the proposed creation of seven new police districts and to the necessity of providing a minimum force of 25 men at each head-quarters to be always available for employment in case of an emergency, it is proposed to raise the constables in these forces from 2,262 to 2,492, and 250 head constables, at the rate of one to every ten men, will, therefore, be required. The other items are sufficiently explained by the following allocation table:-

Town and Rural police stations	2300
Railways	126
Guard furnished from police stations	236
Hdqrs forces and Special Reserves	250
Criminal Investigation Department	12
Training Schools	27
Elephant establishment	15

Hackney Carriage Establishment

7

Total 2973

Constables.-The present strength of constables employed on ordinary station duties, other than guards and the like, is 13,603. The changes which have been proposed in the system of beats will allow of a considerable reduction in this force, but the improvements which have been advocated in respect of the patrolling of towns will necessitate a large increase. The estimated requirements are 12,366 men. No change is made in the strength (1,820) required for guards and orderlies furnished by stations. The necessity for increasing the Headquarters Forces has been explained above: the estimate is based on actual experience (see table at page 108 of the Provincial Committee's Report). There are 520 railway stations in the presidency and it is estimated that 230 extra men will be required to maintain communication between the railway and district police. The present railway police staff of constables has been left untouched, as the strength-674 men for 3,300 miles of line-is moderate. There is at present no Reserve, in the proper sense of the term, and vacancies caused by absence of men on leave or under training are left unfilled, to the great detriment of police work. A reserve calculated in the usual way at 15 per cent. of the strength, has now been provided. As extra allowance of one rupee a month has been provided for all constables in the Bellary District. The following is the allocation table:-

For ordinary stations Duties	12366
Guard and orderlies furnished by station	1820
For attending at Railways Stations	230
Orderlies for Inspectors & the six Sub-Inspector of the Criminal Investigation Department	362
Hdqrs forces and Special Reserves	2492
Railway Police	674
Burglers in Training Schools	10
Elephant Carriage establishment	15
Hackney Carriage Establishment	10

Total	17979
Reserve at 14 % of strength (Constables & Head Constables)	3697

GRAND TOTAL	21676

The Commission recommend allowances at the following rates for officers employed in the Criminal Investigation Department:-Personal Assistant to the Deputy Inspector General in charge, Rs.100, Inspectors Rs. 75, Sub-Inspectors in the accompanying statements.

The pay of the two Superintendents provided for deputations has been excluded, as it will not be a charge against the police budget. For the purpose of the calculation the average pay of a Superintendent has been adopted.

* Including Railway Inspectors.

TABLE

APPENDIX XIV.

ESTIMATE OF THE NUMBER OF POLICE REQUIRED IN BOMBAY, INCLUDING SIND.

Inspector-General. The pay of the Inspector-General is fixed at Rs. 2,500-3,000, making an average pay of Rs. 2,833-5-4.

Deputy Inspector-General.-At present there are no Deputy Inspectors-General in Bombay or sind. It is now proposed to provide five such officers distributed as follows:-

Railways & criminal Investigation	1
Ranges in Presidency	2
Ditto in Sind	1
Bombay City(Commissioner)	1

They will be graded as follows

1 on	Rs. 2000/-
2 on	Rs. 1750/-
2 on	Rs. 1500/-

Superintendents:- The number of Superintendents is calculated as under

For 24 districts, 18 in Bombay and 6 in Sind	24
For Kathiawar	1
Extra for Khandesh (divided into 2 districts)	1
For Railways	4
PA to DIG of Railways & the Criminal Investigation Dept.	1
Presidecy Training College	1
Assistant to Inspector General	1
Bombay City	5
For deputation	1

Total 39

Assistant Superintendents.-This gives the number of Assistant superintendents as 34, calculated at 77'3 per cent. of 44 superior appointments, and of these 15 will be available for employment in Assistant's posts. such appointments. The number of Deputy superintendents will, therefore,

Inspector.-Mr. Kennedy estimates that 193 Inspectors are required, but information given does not allow of this estimate being checked: it has, however been accepted for the present. It is not clear whether it includes provision for the Agencies. The police employed there should, it is thought, be paid for the States forming the Agencies and, so far as is possible, they have been from these statements, as the revision of the establishments will not give any extra expenditure from Imperial or Provincial revenues.

Sub-Inspectors.-So far as can be gathered from Mr.Kennedy's statements the number of town and rural police stations is 566 in the presidency and 182 in Sind, and only 16 of these require more than one Sub-Inspector. however, by no means clear, but Mr. Kennedy apparently provides 764 Sub-Inspectors for duty at police stations and this number has been accepted.

There are now 42 railway police stations and 8 more have been added for of the North-western Railway which lies in Sind. One Sub-Inspector for each police station, with a margin of 10 per cent. for additional men at the heavier stations, gives a total of 55 instead of Mr. Kennedy's figure of 178, which is an extravagant estimate of requirements. For prosecution one Sub-Inspector has been allowed for each district. Six have been provided for the Criminal Investigation Department, and 4 for the special staff in Poona. For calculating the reserve the number of European Inspectors has been taken as 33,i.e., 25 for Head-quarters Forces and 8 for large towns. The other items call for no remarks:-

Town and Rural police stations	764
Railways	55
Readers	45
Prosecution	25
Criminal Investigation Department (including Poona staff)	10
Training Schools	24

Total	<u>923</u>
Reserve at 14 % of strength of Dy. Superintendents Inspectors (less than 33 European Inspector)	181

GRAND TOTAL	<u>1104</u>

Sergeant-Mr. Kennedy proposes 14 sergeants, of whom 5 are for railways and the rest presumably for large towns. This estimate is probably insufficient, and 10 have been provided for railway, 15 for large towns and cantonments and 13 for the more important of the Head-quarters forces, or a total of 40. The reserve, calculated at 10 per cent. of the strength of European Inspectors (33) and sergeants, comes to 8, so the total number of sergeants will be 48.

Head constables.-Mr. Kennedy estimates that 3,116 head constables are required for district work and for railways. The present strength is 3,381 and in consequence of the appointment of Sub-Inspectors, 537 of these, in addition to 311 chief constables, can be abolished. This leaves a total of 2,844, and this figure has been adopted tentatively.

Constables.-No information has been furnished which will enable an estimate of the strength of constables to be framed. The present strength for the Presidency proper and Sind, but excluding railways, is 13,905, and Mr. Kennedy proposes to raise this to 18,108. For ordinary station work 12 per station is a liberal all-round estimate, and this gives 8,976.The number now engaged on guards and escorts and the like is 3,686, and 2,053 are shown as the Reserve. With the abolition of the extravagant system of division into armed and unarmed branches, guard duty will require fewer men, but the Reserve is probably insufficient, and it is believed that it is used to furnish some escorts. may be raised by 1,000 men, and the reserve will then be calculated in the ordinary way. The

present strength of constables in the railway police is 2,0791 the total mileage will be 5,279 and one constable for every four miles of railway is a liberal estimate of requirements for law and order only. The number of constables will, therefore, be taken at 1,320. We thus have:-

Station Duties	8976
Hdqrs Force inc. Guard	4686
Railway Police	1320
	Total
	14982
Reserve at 15 % of strength (Constables & Head Constables)	3146

GRAND TOTAL	18128

been reduced to 1,169 by abolishing all those required as orderlies only. Mr. Kennedy's proposals for the pay of the six European mounted constables have been accepted tentatively.

The Commission recommends allowances at the rates already given in the Madras Note for officers and men employed in the Criminal Investigation Department. The pay of the Superintendent provided for deputation has been deducted. The pay of the Superintendent provided for Kathiar ought perhaps to be deducted on the same principle, and this should be considered been left out of account.

APPENDIX XV.

ESTIMATE OF THE NUMBER OF POLICE REQUIRED IN BENGAL.

Inspector-General.-The pay is raised from Rs. 2,500 to Rs. 2,50-100-3,000, the average being taken at Rs, 2,833-5-4.

Deputy Inspectors-General.-An increase of there officers is made, one for the Railways and the Criminal Investigation Department and two for supervision over districts, of which there are forty-five. The present staff consists of two Deputy Inspectors-General only. The Commissioner of Police, Calcutta, has been graded as a Deputy Inspector-General and there are thus graded as follows:-

1 on	Rs. 2000/-
2 on	Rs. 1750/- each
2 on	Rs. 1500/- each

Superintendents.- There are now 45 districts in Bengal and 8 in Assam, which province obtains its superior officers from Bengal. The Railways require 4Superintendents, vis., one each for the East Indian Railway, the Bengal-Nagpur Railway, the Eastern Bengal State Railway, and the Assam-Bengal Railway. The Bengal and North-Western Railway can be worked as a sub-division of the Eastern Bengal State Railway. One Superintendent will be required for the river police, one for the provincial school and one for the new district of Angul. The posts of the Personal Assistants to the Inspectors-General of Bengal and Assam and the Deputy Inspector-General (Criminal Investigation Department, Bengal) require one each. Five Superintendents are provided for the City of

Calcutta, including one for the charge of the Intelligence Branch as explained in paragraph 96 of the Report. Six officers are also provided for deputation. The total will thus be 74, distributed as follows:-

Bengal District	45
Assam	8
Railways	4
River Police	1
Provincial School	1
Angul District	1
PA to IG of Bengal & Assam	2
PA to DIG(Criminal Investigation Dept.)	1
Superintendents, Calcutta Police	5
Deputation	6
Total	74

Adding to this the Deputy Inspectors-General and the Commissioner of Police, Calcutta, the total number of superior officers will be 80.

Assistant superintendents.-The number of Assistant Superintendents (calculated at 77.3 percent. on this last figure) will be 62, of whom 43.98 per cent., or 27, will be available to fill posts in which assistant Superintendents are required. Every district, except Angul, is to have one such officer at head-quarters and there are in addition 5 subdivisional charges, while 4 will be required for the training schools for recruits in Bengal and 1 for the training school in Assam, and 1 for the railway police. The total will be 64.

Deputy Superintendents.-As only 27 Assistant superintendents will be available for these 64 posts, the balance of 37 must be held by Deputy Superintendents.

Inspectors.- There are at present 635 police stations and 340 (including 4 newly sanctioned) outposts, or a total of 975 investigating Centres. Twenty-three additional centres are required, which will raise the number to 998. At present there are 147 Inspectors employed as supervising officers over the investigating centres. the population is dense and an Inspector should be able to supervise 6 stations on an average. The number of these Circle Inspectors has therefore been raised by 19. There are now 6 Inspectors in charge of towns and the Bengal Government's proposal to raise this number to 10 has been accepted There is now only one Prosecuting Inspector, so 44 more are required to give one to each district. A Prosecuting Inspector is required for each railway district; there is only one at present. For the 45 Headquarters' Forces 45 Inspectors are required instead of the existing 4, while for the river police 3 officers have been entered. The provincial school requires 1 reserve Inspector and 6 Inspectors for the instructing staff (calculated at 1 for every 20 pupils) or a total of 7 Inspectors; and the schools for recruits require 8 Inspectors. There are now 12 Railway Police Inspectors and the Bengal Government ask for 3 more, so as to give an average of 5 stations to each officer. There is at present a reserve investigating staff at the disposal of the Inspector-General, consisting of 10 Inspectors, 2 Sub-Inspectors and 27 constables, while the Criminal Identification Office consists of 1 Inspector and 7 Sub-Inspectors; but 5 more Sub-Inspectors have been withdrawn from their proper work in the districts for employment in this office, and the Bengal Government urge that one Inspector and 12 Sub-Inspectors are necessary. The

average number of searches is approximately 6,000 a year, or about 24 on each working day. It takes not more than ten minutes at the outside to make a search. The number of slips received for record is about 12,000 per annum. The Inspector and 7 subordinates should certainly be able to deal with the amount of work even if allowance be made for absence to give evidence. The present staff has therefore been retained unaltered. It seems, however, a waste of power to employ on this work men who have been carefully trained in law and general police duties, and it is worthy of consideration whether clerks specially trained for the work would not be quite as useful, and more economical than Sub-Inspectors. For the Criminal Investigation Department proper the Bengal Government propose a staff of 17 Inspectors, 14 Sub-Inspectors and so constables. a somewhat large staff is certainly required. But 12 Inspectors, 12 Sub-Inspectors, 24 head constables and 24 constables (orderlies) should suffice, at least for the present. The total number of Inspectors is thus 316, distributed as follows:-

Circle Inspector	166
Headquarters Forces	45
Prosecuting Staff	49
Town Police	10
River Police	3
Railway Police	15
Criminal Investigation Department	12
Criminal Identification office	1
Provincial School	7
Schools for Recruits	8
Total	<hr/> 316

Sub-Inspectors.-At present there are 1,659 Sub-Inspectors and an increase of 648 has been provided for, making a total of 2,305 distributed as follows under each kind of duty:-

Investigation	1697
Prosecution (93 subdivisions and so Headquarters)	113
Town Police	3
River Police	4
Railway Police	80
Criminal Investigation Department	12
Criminal Identification office	7
Provincial School	1
Schools for Recruits	20
Reader to SP & subdivisional officers	54
Total	<hr/> 1991
Reserve at 14% of 1937 Sub Insp., 37 Dy. SP And 288 Inspectors(excluding European)	377
Grand Total	<hr/> 2368

The increase of 445 under the head of Investigation and of 47 for Railways is due to the substitution of Sub-Inspectors for head constables for purposes of investigation.

The Bengal Government has recommended that the staff of Sub-Inspectors in the railway police should be raised from 33 to 92. The railway mileage is 4,200 and there are 76 police stations and 14 out-posts, but it is not known whether the latter are investigating centres. An addition of 47 has, however, been made to the strength of Sub-Inspectors. An addition of 47 has, however, been made to the strength of Sub-Inspectors. The necessity for the increase in the staff of the Criminal Investigation Department has already been shown in the note on Inspectors. The increase under the other heads is necessary to give effect to the general recommendations of the Commission about reserves, schools, etc.

Sergeants.-Provision has been made for 47 sergeants in lieu of the 11 European constables at present employed. Of this number 14 are for railway police, 4 for towns, 19 for Head-quarters Forces and 10 as a reserve for both sergeants and European Inspectors.

Head constable.- The present number of head constables is 1,911, and the number asked for by the Bengal Government is 3,286, or an increase of 1,375. Their estimate, however, includes 425 as a reserve, but this should be provided in the strength of the constables. Deducting this number, the cadre of the Bengal Government is 2,862. The Commission consider that this number is too small and they propose a staff of 3,050, as shown in the table below. The station strength has been calculated at two for each station with the addition of 430, which is the Bengal Government's estimate for extra men required for towns. The military police has been abolished and the district police reserves have been increased by 8 head constables and 110 constables, the total of this force being 128 head constables and 1,565 constables, which is large compared with the minimum forces provided in other provinces. For no less than 19 districts 4 head constables and 50 constables have been entered, while for 19 others the force is fixed at 2 head constables and 25 constables, and for the remaining 7 at 2 head constables and 20 constables. For guards, escorts, orderlies and miscellaneous duties, road patrols and railways the Bengal Government figures have been adopted. For river police the Bengal Government ask for only 7 head constables for a force of 318 constables. this is too small and the present figure of 26 has been retained.

No provision has been made for Courts, as the Commission are opposed to the police being taken to do the work which ought to be done, and is done elsewhere, by the Magistrate's clerks.

Station Strength	1996
Town Police	430
District police reserve	128
Guard, escort, orderly & misc. duties	344
Road Patrol	17
Railway police	109
River Police	26

Total 3050

Constables.-The present establishment numbers 18,798. For rural-stations moderate

estimates have been made by Mr. Carlyle and his total of 8,599 is accepted. To these must be added 250 men for maintaining communication with the railway police.

For towns there are now 3,053 constables and 2,074 chowkidars. It is proposed to substitute for these 4,848 constables and 711 chowkidars. A constable should be more efficient than a town chowkidar and the Commission would abolish the latter class altogether and give an equal number of constables in their place. The total for towns will thus be 5,127.

The Head-quarters Forces have been increased by 110 men for the district police reserves, as they are now called, in order to strengthen those forces at certain places, such as Patna, Dacca and Mymensingh.

The estimate for railways is 984 constables, which is moderate. The Bengal Government asks for 318 men for river police and this has been accepted. The distribution will, therefore, be as follows:-

Stations	8599
For making Communication with Railway Police	250
Town Police	5127
Hdqrs Forces	4693
Railway police	984
River Police	318
Criminal Investigation Dept.	24
Burglers at Training School	10
<hr/>	
Total	20007
Reserve at 15% of strength of constables and head Cts.	4069
<hr/>	
Grand Total	24076

Mounted constables.-At present there are only 4 mounted constables in the Province and their utility is doubtful. They have therefore been omitted.

A deduction has been made on account of the salaries of the Superintendents provided for deputations, as none of these officers are employed on police work in Bengal or Assam. Allowances for the officers and men employed in the Criminal Investigation Department in accordance with the scale given in the Madras note (Appendix XIII).

APPENDIX XVI.

ESTIMATE OF THE NUMBER OF POLICE REQUIRED IN THE UNITED PROVINCES.

The provinces consist of 46 districts, containing 886 rural, municipal and cantonment police stations.

Inspector-General.-The pay of the Inspector-General is now Rs. 2,500, and it is proposed to make it Rs. 2,500-100-3,000; the average pay will thus be Rs.2,833-5-4.

Deputy inspectors-General.- In place of 3 existing Deputy Inspectors-General 5 are provided, 4 being for ranges and 1 for railway police and the Criminal Investigation Department. Their pay will be one Rs. 2,000 and two each on Rs. 1,750 and Rs. 1,500.

Superintendents :- The number of Superintendents is calculated as follows:-

For Districts	46
PA to IGP	1
PA to DIG of Railways	1
Superintends of Railways Police	3
Principal of Training School	1
SP, Ajmer	1
On deputation	2
Total	55

The Superintendent of Police, Ajmer, is now a member of the police establishment of the United Provinces and the appointment should be included in the cadres.

Assistant Superintendents.-The number of Assistants, calculated at 77'3 percent. of the 60 superior appointments, will be 46. Of these 43.98 per cent. or 20 are available for duty as assistants.

Deputy Superintendents.- The number of Assistants and Deputy superintendents' charges are:-

46 districts, 4 recruit schools, Lalitpur sub-division, 5 cities (Benares, Agra, Cawnpore, Allahabad and Lucknow), and ajmer, i.e., a total of 56 appointments. In addition to the 20 available Assistants, 36 Deputy Superintendents are, therefore, required.

Inspectors.- The present sanctions number of Circle Inspectors is 76. Mr. Brereton has calculated his requirements on the principle that no Inspector should have a charge of more than eight police stations, and that for large cities and large cantonments a separate Inspector is required. The estimate of 120 appears a reasonable one, as roorkee, Meerut, Agra, Cawnpore, Allahabad, Benares, Lucknow, etc., will require separate Inspectors for the cities and can.

The requirements, therefore, are:-

Circle Inspector	120
Railway Police(71 stations & 4000 miles)	15
Hdqrs Forces	46
Prosecuting Inspectors(Including Railways)	49
For one Provincial and 4 Recruitment training schools	16
Criminal Investigation Department	7
Total	253

Sergeants.-Platform sergeants for the railway police are provided as follows: Moghal Seral 1, Allahabad 2, Cawnpore 1, Tundia 1, Ghaziabad 1, Muttra 1, Benares 1, Fyzabad 1, Lucknow 1, Jhansi 1, or 12 in all.

In addition the Inspector-General estimates that 28 are needed for those districts where there are large cantonments or large civil station, and recommends the more extensive

employment of sergeants in hill stations. The total is 40.

The reserve of sergeants calculated on 40 sergeants and about 60 European Inspectors at 10 per cent. of strength will be 11, making the grand total of sergeants 51.

Sub-Inspector:- The number of Sub Inspector is Computed as follows

For Rural, municipal & cantonment PSs	886
Additional officers where Crime is heavy	603
Railways PSs (71) with extra men at 10 stations	81
Subdivisional Prosecuters forLalitpur, Banarus, Agra Cawnpore, Allahbad and Lucknow	6
Reader to SPs including Railways SPs & for Assistant Incharge of large cities and Lalitpur	55
Total	1631
Reserve at 14% of Sub Insp., Dy. SP And Inspectors(excluding European)	303
Grand Total	1934

Head Constable:- The requirement of head constable will be as follows

As station house writers	886
Beat & Misc. Duties in Police stations	888
For Out posts & Road posts	45
Extra men in heavy stations	238
Municipal, cantonment and town police (substituting 400 HCs for 602 existing jamadar chaukidars)	662
Tahail Guards	195
Railways Police	97
Treasury, magazine & other fixed guards at Hdqrs	189
Other Hdqrs Duties	300
Total	3498

Constables:- The present number of constables in stations and outposts and outside municipal towns is 9,173, and Mr. Breeton asks for 10,226 as extravagant one, and with the reduction of duties to be performed by constables no increase in the ordinary station strength can be required. As regards municipalities, towns and cantonments there are now

2,860 constables and 6,093 chaukidars. It may be fairly assumed that the substitution of police constables for the latter will add to efficiency, and the Commission considers that a case for the increase of 1,500 constables asked for by the Inspector-General is not made out. The increased efficiency effected by the substitution of constables should obviate the necessity of increase.

Requirements will be

Station & outposts	9173
Town, cantonment etc	8953
Tahsil Guards	679
Hdqrs fixed Guards	1169
Other Hdqrs Duties	3000
Orderlies to Inspectors	252
Bicycle orderlies	90
Railway Police	651
Total	23967
Add 15 % of strength of Cts & HCs	4847
Grand Total	28814

Mr. Brereton's total estimate was 31,985, but that seems excessive.

Mounted police.-The mounted police at present are: 8 Sub-Inspectors, 12 head constables and 392 constables. These Mr. Brereton proposes to reduce to: 4 Sub-Inspectors, 10 head constables, and 246 constable; adding 90 to the cadre of constables for duty as bicycle orderlies. These proposals have been accepted.

Allowances for officers and men of the criminal Investigation Department have been provided on the scale given in the Madras Note (Appendix XIII); and the pay of the superintendents provided for deputation has been deducted for the reasons given in that Note.

The establishment provided for the training schools is probably inadequate, but complete information is not available.

APPENDIX XVII.

ESTIMATE OF THE NUMBER OF POLICE REQUIRED IN THE PUNJAB.

The gazetted grades include the superior officers of the North-West Frontier Province. From Inspector downwards the requirements of each province have been separately estimated.

Inspectors-General.-The pay of the Inspectors-General has been raised, in the Punjab from Rs. 2,250-100-3,000, i.e., an average pay of Rs. 2,833-5-4 per mensem, and in the Frontier Province to Rs. 2,000.

Deputy Inspectors-General.-In place of the 2 existing Deputy Inspectors-General in the Punjab, 4 such officers are provided: 3 for ranges, and 1 for railways and the Criminal

Investigation Department. The present Eastern Range comprises 19 districts and must be formed into two ranges.

Superintendents.-The number of Superintendents in two provinces will be:-

For districts 27+5	32
For Railway police	2
Assistant to Inspector General	2
PA to the DIG Railways & the Criminal Investigation Department	1
For the Punjab Province School	1
For deputation	6

44

The short length of railway in the North-West Frontier Province will continue to be policed from the Punjab. The work of the criminal Investigation Department of the Frontier Province will be of great importance and there must always be some officer at head-quarters to deal promptly with all reports and references. An Assistant to the Inspector-General has accordingly been provided for this purpose. The figure entered for deputations is a rough average.

Assistant Superintendents.-Including the two appointments of Inspector-General, the number of superior appointments is 50, and 77.3 per cent. of this number fixes the number of Assistants at 38. Of these 17 (or 43.98 per cent.) are available for posts ordinarily filled by Assistants.

Deputy Superintendents.-Appointments to be filled by Assistant or Deputy Superintendent will be:-

Districts excluding Simla	31
Subdivisions of district	5
Cities(Lahore,Delhi,Amritsar & Peshawar)	4
Recruit Training Schools	3

43

For these 43 appointments 17 Assistants are available, thus necessitating the provision of 26 Deputy superintendents in all.

Inspectors.-For certain large municipal towns and cantonments there will be required 17 Inspectors; for circles of rural police stations (410 in number) 82 are needed; 27 are required for the Head-quarters Forces; 27 as Prosecuting Inspectors; 3 for offices of Deputy Inspectors-General; 10 for the Criminal Investigation Department, including office establishment; 13 for training schools; and 11 for the railway police (9 for supervision, and 2 for prosecution), a total in all of 190 Inspectors.

Sub-Inspectors.-There are 410 rural, 7 cantonment and 28 municipal police station and 98 extra men are required for stations where the number of investigations is excessive. A Sub-Inspector is provided to assist the Prosecuting Inspector at the head-quarters of five large districts, and one for each of the ten magisterial subdivisions. The following table

shows the total requirements:-

Town & Rural Police Stations	538
For the prosecution at the Hdqrs of large districts	5
For the prosecution at the Hdqrs of Magsterial subdivision	10
Head Clerks of district offices	27
Readers to SPs	27
Subdivisional readers	6
Accountant in Lahore	1
Offices of DIG	9
The Criminal Investigation Department	12
Training Schools	23
Railway Police Stations	38
Extra men in Heavy stations on Railways	4
Readers to Railway SPs	2
Total	702
Add for reserve, calculated at 14% of the strength of Dy. SPs Inspectors (less 51 European Inspectors) and Sub Inspector	141
Grand Total	843

Head constables: For dutie in the rural, municipal & cantonment police stations enumerated above, including also the necessary establishment for watch and ward, the head constables required will number

	131
For Offices of DIG	6
For the criminal Investigation Department	16
For training school staffs	28
For Guards, road posts and out posts	212
For district Hdqrs Offices	252
For Headquarter Forces	381
For the railway police, including all Hdqrs duties, station house staff, standing guards, patrol etc.	148
Total	2356

European sergeants.-For duty in the railway police at large railway centres, and at cantonment stations where there is heavy passenger traffic of Europeans, platform sergeants will be required to the number of 9. To this must be added a reserve for both sergeants and European Inspectors: the latter will number about 51 and the reserve will be 7, making: 6 sergeants altogether.

Constables.-The following table shows the requirements in detail. The strength of the

town and rural stations has been increased by 200 men for the purpose of watching the arrival and departure of bad characters by rail and maintaining communication with the railway police:-

For police stations (excluding railway police)	8564
Headquarters Forces	2660
District Offices	154
Training schools	8
Criminal Investigation Department	16
Tahsil guards, outposts & road posts	1404
Railway Police including all guards, Patrol and misc. duties	820
Inspectors orderlies	188
Reserve 15% on the strength of Cts & HCs	2854
Total	16, 668

Mounted constables.-The number of mounted constables has been left as at present-195 in all; they will be paid at the same rates as foot constables and be given a horse or camel allowance.

Railway police.- With the limits of the railway police made coterminous with provincial limits, except as regards the North-Western Railway in Sind, but it will take over portions of the East Indian and the Rajputana-Malwa Railways which are not at present under the Punjab. The Inspector-General has calculated his requirements for the portion of the north-western Railway lying inside his provincial limits, but in the absence of information regarding the other lines, his estimate has been made approximately only, in the same proportion as for the north-western Railway. A very large increase in the number of local constables and constables was proposed, but as sufficient reasons were not shown for this, it has not been accepted. Comparison with other provinces shows that the Punjab Railways are more liberally policed already than most lines in India. It has been possible to estimate other requirements according to the proposals of the Commission, but for those portions of the East Indian and Rajputana-Malwa Railways which lie within the Punjab only approximate provision is shown. These portions of line are, however, comparatively small.

Superintendents on deputation.-The salaries of Superintendents on deputation have been deducted, as these Officers are seconded and their salaries do not form a charge against the regular police budget.

APPENDIX XVIII.

ESTIMATE OF THE NUMBER OF POLICE REQUIRED IN BURMA.

Inspector-General.-The pay of the Inspector-General has been raised to Rs. 2,500-100-3,000, i.e., an average of Rs.2,833-5-4 per mensem.

Deputy Inspectors-General.-Four Deputy Inspectors-General are required-one for Railways and the Criminal Investigation Department, two for general supervision of district work in Upper and Lower Burma, respectively, and one as Commissioner of the Rangoon City Police-on pay of Rs. 2,000, Rs. 1,750, and Rs. 1,500 (2). The Deputy

Inspector-General, military police, has been excluded from both sides of the account, which does not deal with the military police (see paragraph 190 of Report). The office of Deputy Inspector-General for Supply and Clothing has also been abolished for the reasons given in the same paragraph.

Superintendents-]

The number of SPs required for the district	35
For the Railway police	1
Ragoon City Police	2
PA to IG	1
Provincial Training School	1
For deputation	1
	41

A personal assistant has not been provided for the Deputy Inspector-General in charge of the Criminal Investigation Department, as Colonel Peile thinks this is unnecessary at present.

Assistants.- Assistant superintendents, calculated at 77.3 per cent. of 45 superior appointments, will number 35. Of these 43.98 per cent. or 15 are available for Assistants' charges.

Deputy Superintendents.-The number of subdivisions in the province is 78. But Colonel Peile notes that many of these are small charges, and he considers that if the total number of Assistant and Deputy Superintendents be fixed at 50, that would suffice. Taking this to mean 50 qualified and available to perform the duties of an Assistant, the number of Deputy Superintendents required will be 35. Every district will then have one Assistant or Deputy Superintendent and 15 of them will have two. Recruits in Burma are to continue to receive their training at district head-quarters for the present, so no provision has been made for central recruit training schools.

Inspectors-The Commission at one time thought an Inspector would be required for every township, but this would provide 191 circles for 390 police the number of circles is fixed at 100, the average number of stations, after making due allowance for towns, will still be little more than four. It is true the areas are large but if an Inspector has only four stations to supervise he will have time to travel long distances. For railways 5 Inspectors are needed, 5 for the provincial training school, and 5 for the Criminal Investigation Department. The number of districts, including the railway and the shan States, is 38, and that number of Prosecuting Inspectors may be necessary. In Burma the military police takes the place of the Head-quarters Forces of other provinces, and thus no Inspectors for such forces are necessary. The total of the numbers given above is:-

Circle Inspectors	100
Railways	5
Provincial Training School	5
Criminal Investigation Department	5
Prosecuting Inspectors	38

The present strength is 150, and as this closely approximates to the estimated requirements, it is thought better to retain it for the present.

Sub-Inspectors.-In estimating the number of Sub-Inspectors it has been assumed that the total number of stations is 412, but it is not clear if there are not also some municipal and cantonment police stations not included in this. Fifteen sub-Inspectors have been provided as readers to Assistant and Deputy Superintendents in charge of Sub-divisions, but these figures may require correction, as complete information is not available at present. A Sub-Inspector has been provided as Public Prosecutor in each of the 78 Sub-divisional Courts. Requirements are thus estimated as follows: -

For 412 police stations	412
Additional men for stations where crime is heavy	188
Reader to SPs	36
Readers to Assistant and Dy. SPs	15
District training depots	35
Criminal Investigation Department	10
Provincial Training School	1
Sub divisional prosecutors	78

775

Reserve at 14% of strength of above plus Inspector & DY. SPs	156
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931

Head constables.-Taking the number of police stations as 412, the minimum number of head constables required as writers and to assist the station-house officers is 824. Allowing one more head constable for each of the 188 Sub-Inspectors provided for stations in which the work is heavy, the total becomes 1,012.

This does not include any provision for men in charge of guards which will presumably continue to be furnished by the military police, nor does it probably allow enough for towns.

Constables.- The present staff of constables is 11,433. Deducting 502 mounted men, and 2,010, provided as a reserve, the balance is 8,921, which is the cadre for ordinary duties. To this must be added 150 as orderlies for Inspectors, making a total of 9,071. The reserve for constables and head constables is 1,779, and the total strength of foot constables is 10,850, as compared with the present strength of 10,931. The present strength may, therefore, be retained.

Mounted constables.-The present number of mounted constable (502) the Inspector-

General proposes to retain as necessary.

APPENDIX XIX.

ESTIMATE OF THE NUMBER OF POLICE REQUIRED IN THE CENTRAL PROVINCES.

Inspector-General.-The Inspector-General draws his grade pay as Deputy Commissioner, and at present this is Rs. 1,800. To this has been added an allowance of Rs. 250 per mensem.

Deputy Inspector-General.-One deputy Inspector-General for Railways and Crime has been provided on pay of Rs. 1,500-100-1,750; an average of Rs. 1,666-10-8.

Superintendents: The number of SPs has been calculated as

For districts	18
Railways	1
Provincial Training School	1
PA to IGs	1
Assistant to DIG	1
Deputation	1
	<hr/>
	23

Assistants.- The superior appointments number 24, and the number of Assistant Superintendents will, therefore, be 19, of whom 8 (or a percentage of 43.98) are available to fill charges held by Assistants.

Deputy Superintendents.-These charges are 18 districts and 3 recruit training schools, or all. It has been shown above that only 8 Assistants will be available: 13 Deputy Superintendents are, therefore, required and provided.

Inspectors : The estimated strength of Inspectors is calculated thus

Circle Inspectors	51
Inspectors in charge of Towns	6
Hdqrs Inspectors	18
Railways	6
Provincial Training School	9
Criminal Investigation Department	4
Prosecuting Inspectors(Including Railways)	19
	<hr/>
	113

European sergeants.-European sergeants are provided as follows for the railway police, cantonments, large towns with European populations and the armed reserves:-

For the Railway Police	6
Armed reserves	5
Cantonment and town	5
Reserve 10% on strength of	

European Inspector and Sergeants	5
	<hr/> 21

Sub-Inspectors.-There are at present in the provinces 178 police stations and 412 outposts, which are, in effect, subordinate police stations. This system is universally condemned, and it is proposed to substitute 350 properly manned police stations for the present 590 police stations and outposts combined. Each of the 350 stations will require a Sub-Inspector in charge, and 14 additional officers of that rank where crime is heavy.

for prosecution in the four heaviest districts	364
Reader to SPs	19
For Railway Police	13
Criminal Investigation Department	4
For Training Schools	8
Camp clerk to the IG	4
	<hr/> 413

Reserve at 14% of strength of DY. SPs	
Inspector(excluding 31 European Inspectors) & SIs	
	<hr/> 496

Head Constables

.-For station-house duty 1,201 head constables are required as writers, for beat and miscellaneous duty, standing guards at sub treasuries, etc. 1201

For road posts	32
Guard duties at Hdqrs	128
Railways Police	52
Criminal Investigation Department	8
Armed reserves	25
Training Schools	13
Total	<hr/> 1459

The number of head constables attached to stations was arrived at by Mr. Cleveland by taking as the basis of his calculation an average of three for each station (including men required for guards) and adding 151 for towns, etc. It is admittedly only a rough estimate.

Constables.-Mr. Cleveland has similarly calculated the number of constables at the rate of 12 for each station and has added 1,300 for large towns and for guards and orderlies. the number of men attached to station-houses at present is 4,761, which includes 528 men

for treasury, lock-ups and distillery guards. Deducting these there remain 4,233, which differs but little from the Officiating Chief Commissioner's estimate of 4,000. Part of the excess will be required for maintaining communication between the district and railway police, and the rest for giving the addition to town police required by the improvement in the beat system. The existing strength of 4,761 has, therefore, been retained. At headquarters 1,008 men are required for guard, escort and orderly duty (paragraph 18 of the Officiating Chief Commissioner's Note) and 225 men are provided as special armed reserves at Saugor, Hoshangabad, Jubbulpore, Nagpur and Raipur. It will be necessary to retain a few road posts and Mr. Cleveland estimates that 146 men will be required for this purpose. The total staff will be as follows:-

Police stations	4761
Road posts	146
Hdqrs Forces & Special reserves	1233
Railway Police	300
Criminal Investigation Department	14
Buglers (training Schoools)	8
	<hr/>
Total	6462
	<hr/>
Add a reserve at 15% of the strength of Cts & HCs	1398
	<hr/>
Grand Total	7860

This is 367 in excess of the Hon'ble Mr. Hewett's estimate, but he made an allowance of only 5 per cent. for leave.

Mounted constables.- The Inspector-General has proposed to retain the present force of 100 mounted men, and this has been accepted.

Allowances.- An allowance of Rs. 200 a month has been entered for the Assistant to the Inspector-General, but probably a smaller allowance would be sufficient. For the officers and men of the Criminal Investigation Department the scale given in the Madras Note has been adopted.

APPENDIX XX.

ESTIMATE OF THE NUMBER OF POLICE REQUIRED IN ASSAM

Gazetted Officers.- The gazetted officers of Assam are deputed from Bengal; they are therefore shown in the Bengal cadre. An allowance of Rs. 250 per mensem has been provided for the Inspector-General, who now draws only the pay of his grade as Deputy Commissioner.

Inspectors.- There are in Assam eight districts and four hill tracts, with 114 police stations in all. The staff of Inspectors will be:-

Circle Inspectors	16
Headqrs Forces	8
Prosecuting Inspectors	8
Training Schools	1

Total

33

In the hill tracts neither Prosecuting Inspectors nor Head-quarters Inspectors are required. It is proposed to have one training school for both Sub-Inspectors and recruits, with an Assistant Superintendent or Deputy Superintendent in charge. For this school one Inspector is provided.

Sub-Inspectors.-The number of Sub-Inspectors will be:-

For Police Stations	114
Extra men in heavy PSs	46
Prosecuting Sub Inspectors	8
Reader to SPs	8
Training school staff	2
Reserve 14% of strength of 186 Sis and 33 Inspectors	34
	<hr/>
	212

Head constables.- Head constables are provided as follows:-

For stations,as writers and for beat and misc duties	228
Extra men in heavy PSs	46
Naga etc. Interpreters	3
Training School	4
Hdqrs duties	60
	<hr/>
	341

Constables.-The present staff of constables is 2,335, and Mr. Davis asks for a small addition making the total 2,423. In this, however, he has included men for the performance of work which has been transferred to head constables. The strength of head constables is 168 in excess of the number asked for, and that number can be deducted from the proposed strength of constables, which will then stand at 2,255.

APPENDIX XXI.

ESTIMATE OF THE NUMBER OF POLICE REQUIRED IN THE NORTH-WEST

FRONTIER PROVINCE.

Gazetted officers.-The gazetted officers are included in the Punjab cadre.

Inspectors.-There are in the province 64 rural police stations besides municipal and cantonment stations. Circle Inspectors will be 14 in number, and there will be, in addition, 5 Prosecuting Inspectors, 5 for Head-quarters Forces, 1 for the cantonment of Peshawar, 1 for Peshawar City, and 8 for the Criminal Investigation Department, a total of 34.

Sub-Inspectors.- As officers in charge of police stations, rural, municipal and cantonment, 90 Sub-Inspectors are required, calculated on the principles laid down, i.e., one Sub-Inspector for every 100 cases. Additional Sub-Inspectors to the number of five

are required as head clerks; three Prosecuting Sub-Inspectors are provided for Peshawar, and for the subdivisions of Tonk and Hoti Mardan; 8 are required as Readers to Superintendents and 3 subdivisional Police Officers: and there will be 8 for the Criminal Investigation Department-total 114. The reserve at 14 per cent. of the strength of Inspectors and Sub-Inspectors comes to 24, which gives a grand total of 138.

Head constables.- For police stations, rural, municipal and cantonment 192 head constables are provided; in addition 16 for the Criminal Investigation Department, and 200 for head-quarters duties, guards, escorts, etc, a total of 408.

Constables.-Detailed information regarding the establishment of constables is not available, but Mr. Hastings estimates his total requirements at 2,902 men, and that figure has been adopted.

Mounted constables.-No change is proposed in the number of mounted constables, namely, 157 in all.

Criminal Investigation Department.-This Department has been made relatively stronger than in other provinces, as it will have heavy work in watching bad characters who cross the frontier, and frequent calls will be made upon it to supply men to assist in other provinces to which Pathans resort.

APPENDIX XXII.

ESTIMATE OF THE NUMBER OF POLICE REQUIRED IN THE HYDERABAD

ASSIGNED DISTRICTS.

Inspector-General.-The Inspector-General is a member of the commission and graded as such. He is also Inspector-General of Jails, Stamps, etc. The rate of pay without allowances is Rs. 1,833-5-4.

Superintendents.-There are six districts in Berar, and also the railway police force on the Nizam's State Railway, and the Secunderabad cantonment police. Superintendents are required as follows:-

For Districts	6
Secundrabad cantonment	1
Nizam's State Railways	1
	<hr/>
	8

Assistant superintendents.-Calculated at 77.3 per cent. of the superior appointments, the number of Assistant Superintendents will be 6.

Of these 43.98 per cent., or 3, are available to fill posts requiring an Assistant or Deputy Superintendent.

Deputy Superintendent.-Such posts are:-

Districts	6
Recruit school	1
PA to Inspector General of Police	1
	<hr/>
	8

Five Deputy superintendents will, therefore, be required. A recruit school will be needed, but Sub-Inspectors under training may be sent to the Central Provinces' provincial school.

Inspectors :- The present number of Inspectors is 25

18 in Berar in charge of taluqs
 1 in Berar railway police
 1 in Secundrabad cantonment
 1 in Hyderabad Residency bazaars
 4 in the Nizam's State Railway.

Inspectors in Berar as a rule have charge of one taluq each, but four have charge of two taluqs each. There are in all 78 first class and 39-second class stations, i.e., 117 investigating Centres. The statistics supplied by the Inspector-General do not show areas of each station separately, but only taluq areas; and the areas of second class stations are included in those of the first class station to which they are attached. In only 3 taluqs are the average areas over 200 square miles, and having regard to the very small number of investigations in some stations, it would appear feasible and advantageous to reduce the number of stations to 100, by combining small stations where crime is light. It will probably be sufficient to give two Inspectors to each district except Wun, for which four are required. With such an arrangement the number of Inspectors might be :-

Circle Inspector	14
Berar railway police	1
Secundrabad cantonment	1
Hyderabad residency bazaars	1
His highness the Nizam's Railway	4
Court prosecutors	6
Hdqrs Forces	6
Recruit school	1
	34

Sub-Inspectors:- The number of Sub-Inspectors would be :-

In police stations	100
Extra men in heavy stations	6
Berar railway police	2
Secundrabad cantonment	6
Hyderabad residency bazaars	3
His highness the Nizam's Railway	10
Recruit school	1
	128

Reserve of 14 per cent. of

Head constables and constables.-In the absence of any detailed statement of fixed duties, it is impossible to estimate the requirements in the ranks of head constables and constables, and the establishment is therefore left at its present figure. Head constables are, however graded as in other provinces; and for constables progressive pay has been given on the same scale as in the Central Provinces. The number of head constables can probably be reduced.

TABLE

APPENDIX XXIII.

ESTIMATE OF THE NUMBER OF POLICE REQUIRED IN AJMERE-MERWARA.

Ajmer-Merwara has an area of 2,711 square miles and a population of 476,912. The town of Ajmer contains 73,839 inhabitants.

The present Superintendent of Police belongs to the staff of the United Provinces, and in the Proposals for those provinces provision has been made for supplying an officer of this rank to Ajmer-Merwara. It is also necessary to provide in that cadre the Deputy Superintendent required for Ajmer-Merwara.

Inspectors.-There are at present three Inspectors; this number should be increased to five and distributed as follows:-

Ajmer Town	1
Rural Circles	2
Prosecution	1
Hdqrs Forces & Training Schools	1

5

Sub-Inspectors.- There are now 18 police station, but Goella has a population of only 12,500 and on an average only 41 investigations per annum. This station might, therefore, be combined with some other. For the 17 stations that remain, 17 Sub-Inspectors are required. In Ajmer town there are on an average nearly 700 investigations per annum excluding false and sanitary cases. Four Sub-Inspectors have, been provided for this station; and two extra Sub-Inspectors have been provided for each of the stations of Nasirabad and Beawar. One prosecuting Sub-Inspector is required, and it will be for the local authorities to determine whether his head-quarters should be at ajmer or Beawar. One Sub-Inspector has been provided for the training school for recruits, which should be opened at ajmer, and two for the office of the District superintendent. The reserve calculated at 14 per cent. of the strength of Inspectors and Sub-Inspectors should be trained at the provincial training school of the United Provinces.

Sergeants.-There is now one sergeant and he will be retained on his present salary of Rs. 100 per mensem.

Head constables, and mounted constables.-It is not proposed to make any change in the strength of these ranks, but the last grade of constable should be abolished. The pay of the head constables and constables will be the same as in the United Provinces. For the

purpose of calculating the proportion of constables in each period of service the percentages obtained from the United Provinces have been followed.

APPENDIX XXIV.

ESTIMATE OF THE NUMBER OF POLICE REQUIRED IN COORG.

The province of Coorg has an area of 15,812 square miles and a population of 181,000. The District Magistrate is the Superintendent of Police, but the functions of the Superintendent are for the most part performed by the Assistant Superintendent, who is born on the Madras cadre. There are four Inspectors, including one for the office; their pay ranges from Rs. 50 to 100 per mensem. As the pay of the Subedar (Tahsildar) in Coorg is only Rs. 150, it is not desirable to introduce into this small province the scale which has been advocated for the rest of India. It is suggested, therefore, that the Inspectors should receive Rs. 100, Rs. 125 and Rs. 150, respectively. With the improvement of the class of station-house officers proposed below, three Inspectors will not be required for supervision, for which duty two will be sufficient. On the other hand there will be one Prosecuting Inspector, as it is pointed out that the work of prosecution is not now satisfactorily performed. These four Inspectors should be graded as follows:-

1st Grade	1
2nd "	1
3rd "	2

The Circle Inspectors should receive one rupee a day travelling allowance and the others Rs. 15 a month horse allowance as in other places.

There are now 26 police stations, which gives an average at least to 16. For each of them a Sub-Inspector will be provided. There should also be a reserve of three Sub-Inspectors, making the total 19.

There are now 28 head constable, and as it is necessary to provide an additional head constable for each station, the number has been raised to 32.

There are now 191 constables and they are paid Rs. 9 and Rs. 10 a month according to class. No change has been proposed either in strength or in pay, but it should be considered whether the system recommended for the other parts of India of regulating pay according to the length of service should not be adopted in Coorg also. If the initial pay were made Rs. 9 and it were increased to Rs. 10 after 3 years service, and to Rs. 11 after 8 years service, there would probably not be much increase in the total cost. It has not been possible to make a complete statement of the present cost of the police in Coorg, as it is not known how the head constables are graded, or what allowances are given to those in charge of a police station. The cost, however, of regrading Inspectors, and providing 19 sub-Inspectors will be Rs. 19,900, while the cost of travelling allowance to Inspectors and horse allowance of Rs. 15 per mensem to each Sub-Inspector will be about Rs. 4,260.

TABLE

APPENDIX XXV.

ESTIMATE OF THE NUMBER OF POLICE REQUIRED IN

THE CIVIL AND MILITARY STATION, BANGALORE.

The Superintendent is borne on the Madras cadre, but he receives a fixed salary of Rs. 700 per mensem. It would probably be more convenient if he were given his grade pay, the civil and military station being debited with the average cost of the Superintendent. In any case, no allowance is necessary. No Assistant superintendent or Deputy Superintendent is required. In addition to the civil and military station, the Superintendent is also in charge of 316 miles of railway.

Inspectors.- There are two Inspectors for Bangalore and one for the railways. They receive Rs. 120, Rs. 150 and Rs. 175. They should be graded at Rs. 150, Rs. 175 and Rs. 200. There is also a head-quarters Inspector, who is apparently in charge of the office of the Superintendent. His pay is Rs. 150, and he also receives an allowance of Rs. 40 for his work in connection with railway police. If it is determined to employ an inspector on this duty, one appointment may be added to the grade on Rs. 150. There are no complaints regarding prosecution, and no Prosecuting Inspector has, therefore, been provided.

Sub-Inspectors.- There are now 12 Sub-Inspectors and their pay ranges from Rs. 40 to Rs. 85. Two of them are apparently employed in the office and their places could possibly be taken with advantage by clerks. They have, however, been retained for the presents. For the seven police stations in Bangalore 7 Sub-Inspectors are required. It is proposed to reduce the number of railway police stations from 8 to 3, and a Sub-Inspector should be placed in charge of each. One officer of this grade is also required for the training of constables. Two Sub-Inspectors have been provided as a reserve to fill vacancies: the total will thus be 15.

Head constables.- There are only two grades of head constables, the pay being Rs. 20 and Rs. 30, respectively, but there is also a rank of sergeant divided into 3 grades, the pay being Rs. 10, Rs. 12-8-0 and Rs. 15. This rank should be amalgamated with that of head constable, and the pay of the head constables should be the same as in the rest of India- Rs. 15, Rs. 20 and Rs. 25. There are now 68 sergeants and head constables, and in the proposed scale 68 head constables have been entered.

Sergeants or European head constables.- There is now one officer of this rank employed on the railway. It is proposed to increase the number to 3.

Constables.- There are 4 classes of constables, the pay ranging from Rs. 7 to Rs. 10. The progressive system of pay which has been recommended for other parts of India should be adopted. The rates would be Rs. 8 for men under 3 years of service, Rs. 9 for men between 3 and 8 years of service, Rs. 10 for men between 8 and 15 years of service, and Rs. 11 for those over 15 years of service. There are now 132 constables for 316 miles of railway, which is excessive when compared with scales of other railway forces. The number has accordingly been reduced to 100, which makes the total force of constables 337.

Apparently the present of constables includes reserve for leave and other vacancies, so nothing has been added on this account.

TABLE