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RESOLUTION

From

THE POLICE COMMISSION,

To

THE SECRETARY TO THE GOVERNMENT OF INDIA,
Home Department.

Sir,

1. We have the honor to report that immediately on receiving the Government Resolution of the 17th August, regarding the constitution of Police Establishments throughout India, we proceeded to consider the matters therein set forth, and also the various principles embodied in the Memorandum to which that Resolution gave cover.
2. The objects of those instructions appeared to be two fold, namely :-

First – That we should collect and collate information regarding all the existing Police Establishments.

Second, -- That we should suggest reforms and improvements in general accordance with certain principles laid down.
3. In reference to the first division of the subject, we have collected all the information available at the Presidency regarding the existing Police Establishments, and we have made such references to the several Local Governments as are necessary, in order to render the facts and figures correct in detail.
4. In reference to the second head, which appears to be one of major difficulty and importance, we deemed it very desirable to arrive at such decision as we are able to form, while two of our colleagues, (Colonel Phayre and Mr. Robinson, who are about to leave Calcutta shortly) were still present at our deliberations.
5. After mature and careful consideration of the various matters involved in

the question of Police organisation; after a review of the English and Irish systems of Police; and after comparing the circumstances and requirements of the various Provinces in which the experience of the several Members of our Commission has lain; we have arrived at unanimous conclusion regarding the principles, system, and method, on which a good Police for all India should be organised. These conclusions we have embodied in a series of Propositions; we have also drafted an Act which, in the event of these propositions being approved by Government, we recommend for submission to the Legislature.

6. We have now the honor to enclose a number of copies of the Proposition and of the Draft Act, signed by all the Members of the Commission. We take this early occasion of submitting these documents for the consideration of His Excellency the Government-General in Council; because as already stated, two of our colleagues are about to depart; and because having advanced our proceedings to the present stage, we desire, for reasons to be stated hereafter, to be favored with directions as to the future conduct of our inquiries.
7. In framing our Propositions, we have had due regard to the various principles set forth in the memorandum attached to the Government solution. We have noted the principles and system of the English and Irish Constabulary. We have derived great assistance from the experience of results obtained by the new Police of the Madras Presidency, and by the Calcutta Police. We have endeavored to devise a practical plan for a really effective Civil Constabulary for all India: beginning from its original constitution and formation, and dealing with every point of essential importance. The Propositions will, we hope, speak for themselves, and we shall not trouble the Government with a recapitulation of them in this letter. It may suffice here to state that our object has been to form a Civil Constabulary so organized as to preserve internal tranquillity in the country under all ordinary circumstances, to keep the peace, to protect life and property, to prevent and detect crime, to furnish guards for public property, for treasuries and the like, to escort, treasure, public stores, and prisoners; and to perform a variety of Civil duties connected with the watching of Military buildings and Military stores and property, both in the station and on the road. We proposed independent and separate departmental organization for this Police, completely suited to all the above purpose. We have suggested the substitution of our force for all the various Police Establishments, Civil and Military, now existing, as the only means of securing unity of action and system, and a real control, both departmental and financial. We have arranged for this force being in all respects subordinate to the Civil Executive Government, and for its being efficient instrument in the hands of the Magistrate for the prevention and detection of crime, and under his

control for the criminal administration of the District. We have aimed at placing the relations between the Magistrates and the Officers of the Police Force on a satisfactory footing and at preserving the responsibility now vested in the Magistrate for the conduct of the Criminal Administration; and on the other hand we have taken care to secure to the Police Officers that position which is necessary to the discharge of their responsibility for the efficiency of the Police.

8. We have endeavored to mark the line of definition between the duties of the Military Force and of the organized Civil Constabulary respectively. And we have aimed at the separation of Judicial and Police functions, so far as that principle can be practically carried out under existing circumstances in India.
9. We have been careful in the determining in detail of the various duties to be performed for the organized Civil Constabulary. We have consulted the Military Finance Commission on this subject, and we append a copy of their reply, in the whole of which we concur: and which we venture to commend to the consideration of Government.
10. The Draft Act we have drawn up on the basis of the British and Irish Constabulary Acts, so far as they are capable of adaptation to India. We have also consulted the Madras Police Act, and the Calcutta Police Act.
11. On the whole, we may state that the principles of the Propositions and of the Act provided on the English system, of which the success is becoming more and more apparent; and of which the operation is being more and more extended. We believe that they are applicable to all parts of the British Territories in India, and especially to all the various Provinces of which our several members have cognizance. And we are the more confident in the correctness of this conclusion, because this system has been actually tried in the Madras presidency, with results the most beneficial.
12. We have also paid due consideration to the Dispatch from Her Majesty's Government of the 6th July on the constitution of the Police. We have endeavored to test our Propositions by the principles therein laid down, and in respect to this consideration we desire to offer the following observations.
13. From paras. 4 to 7, inclusive, of Her Majesty's Government Dispatch, we clearly gather that the Civil element in the Police should at least predominate, we clearly gather that the Civil element in the Police should at least predominate. It is evident indeed that this condition is regarded by Her Majesty's Government regards this condition as essential. In respect to this point then, we trust our Propositions will be found fully to provide

for the fulfillment of that condition. We propose to form a purely Civil though well organized Constabulary, quite distinct from the Military Force, subordinate to the Civil Government, and at the disposal of the Magistrates, capable of discharging *all* civil duties whatever, as described in the preceding par. 9, with vigour and effect, and requiring no aid whatever from any Military or semi-Military body, in the performance of the ordinary Police work of the country.

14. It is obvious that a Police Force, which is to do this work really well, must be *thoroughly* organized. We have therefore provided a complete Civil organization for the whole body, from the Inspector General to the common Constable. Farther, we have been careful to provide a complete system of *supervision by European Offices*. The want of this, has, we believe been one of the greatest disadvantages of the Civil Police system heretofore existing in India. We fully anticipate that, with this organization and this supervision, the proposed organized Constabulary will prove in a fair degree competent for the discharge of the important duties to be entrusted to it as already described. It is certain that the proper performance of all those duties must be of daily importance to the welfare of the country and the happiness of the people; it is equally certain that these duties have not been, are not, and cannot be, efficiently performed by the *existing* Civil and Military Police. And we are confident that nothing short of such organization and supervision as that which we propose will suffice for the attainment of this most desirable object
15. Regarding the matter then in a purely Civil light, -looking solely to the due performance of Civil work, irrespectively of all other consideration, we submit that an organized Civil Constabulary, such as that proposed, is absolutely necessary. Whether a Military Police be employed in addition to the Civil Police, or not; whether Native Troops are to be engaged during peace in Civil duties, or not; still, under any circumstances, an organized Civil Police will be required.
16. If then such a Police be organized, as we believe it must be, then the question arises as to whether an additional Military Police will be necessary or desirable.
17. That such a Military Police will not be *necessary*, we can feel no doubt whatever. It is not found necessary in the Madras Presidency, and has not been employed since the formation of the organized Police. In the North-Western Provinces grave objections have been felt by many of the Civil Authorities against the Military Police. In those Provinces their duties have been much restricted. In the Punjab we believe that the amalgamation of the Military Police with an organized Civil Constabulary has been contemplated. We have proposed that the organized Police should be properly drilled and disciplined; that their training should be continuously

kept up, so that they shall be equal to all the duties of guarding treasuries and jails, and Military stores, performing what are called escort duties, and of quelling all ordinary disturbance, which, indeed, are the only duties for which Military Police is entertained.

18. That the retention of the Military Police, after the organization of the Civil Constabulary, shall have been completed, will not be *desirable*, we feel equally confident. It is obviously very expensive. It would cause a large number of men who are virtually soldiers to be maintained, and would add to the political objections which must always in futures be felt to attend the maintenance of a numerically large Native Force. The financial objection, too, which we have ventured to indicate, will apply with particular force this cause. For if the Civil Police Constabulary shall (as we fully believe it must) be efficiently organized, then a considerable expense must be incurred for the pay and the equipment of the men and, above all, for providing of European Officers to supervise and control them. Then the question presence itself, how is this expense to be met? If the Military Police can be reduced or gradually abolished, then the great saving hereby effected will be available as an offset to the expense of organizing the Civil Constabulary. But if an organized Civil Constabulary and a Military Police are to be maintained, then the cost of both together would, we fear, be found excessive.
19. If, therefore, the organized Civil Constabulary can do the work of the Military Police, then there is every financial reasons, independent of other reasons, for abolishing the Military Police or amalgamating in with the Civil Constabulary. Now we believe that an organized Constabulary will be able to do work relating to guards and escords, and the suppression of ordinary disturbance now done by Military Police. And in respect to Civil services required for the Military Departments, we believe that competent authorities are agreed that the organized Constabulary will fully suffice, and it certainly does so suffice in the Madras Presidency. Obviously it is economical to substitute an organized Civil Police for a Military Policeman, who is a Native Soldier, I f the former can do the work required to be done; in as much even as a highly organized Civil Constabulary cost much less than a Military Police. Then it must ever be remembered that an organized Policeman, though trained to arms, does not generally *carry or possess* Arms. Politically, therefore, while he is useful, he is less dangerous than a Military Policeman, who is really a Native Soldier. If it be said that Military Police may be required for Military Service, we would submit that this kind of service ought always to be rendered by the Military Forces, which we presume are and will be kept up in sufficient strength for the Military requirements of the Country. Indeed, the effectual separation of Military from Civil duties is a matter which the authorities, both Civil and Military, concur in considering as one of primary importance; and which we have laid down us the basis of

our Propositions. Here again we would beg attention to the letter of the Military Finance Commission already alluded to.

20. In *fine* then we submit that, as soon as the Civil Constabulary shall have been organized, the Military Police will not be needed, either for Civil or Military purposes; that if retained, it would be a cause of heavy and needless expense; and in certain degree a source of political danger: that it should be gradually abolished or absorbed into the organized Constabulary, or else that, if required for Military purposes, it be incorporated with the Native Army. We trust then that, if the organization we have proposed for the Constabulary shall satisfy the Government as to all requirements as already enumerated, the Military Police may hereafter be dispensed with.
21. We have particularly observed a passage in the 7th para. Of Her Majesty's Government Dispatch to the following effect:- "They (the Civil Police) should be under the control of the Magistrates of Districts, subject to the supervision of the Commissioner of the Division, Where such Officer exists." We trust that our proposition will show the care we have taken to preserve the responsibility of the Magistrate for the general success of the Criminal Administration of the District: and to afford him prompt means of ensuring the obedience of the organized Constabulary to his lawful orders.
22. Our attention has been given to the observation made in paras. 8 to 11 inclusive of Her Majesty's Government Despatch regarding Village Police. We have borne in mind that (as stated in the Despatch) "no Police system can be really effective in " India, which is not closely connected with the village system."
23. We have therefore provided in our Proposition that the Village Police shall be retained in their existing status, and shall be brought into direct relation with the organized Constabulary in respect to his public duties. The working of the Village Police, only to the extent heretofore conducted by the Magistrate, and no more, will devolve on the Officer of the Constabulary. That the Constabulary should exercise this much of authority over the Village Police is indispensable to unity and efficiency of Police action. But as the organized Constabulary obey the orders of the Magistrate, so ultimately the Village Police, who are subordinate to the organized Police, continue under the control of the Magistrate. The Village Watchman will still be appointed by, and will still be under the influence of, the landholder, wherever these functions are already vested in them. Wherever the case may be otherwise, the local custom will be followed. He will obey the orders of the organized Police, but will not be incorporated into the body.

24. And in respect of the appointment of the watchman of his succession to office; of the manorial influence exercised over him by landholders or others;- whatever local custom may prevail in any Province will remain intact.
25. We note the passage in para. 12 of Her Majesty's Government Despatch to the effect that "for protective purposes generally, for awing a multitude, or for quelling "disturbance, a small body of Military Police is equal to a much large number of " Ordinary Policemen." This passage refers to the ordinary men of the existing Civil Police: and we appreciate the correctness of the observation regarding them. But we apprehend that the men of the organized Constabulary, which we propose, will be trained to arms, and, if necessary armed, and will therefore be fully able to cope with an ordinary emergency as above described.
26. Para. 13 and 14 of Her Majesty's Government Despatch refer to the duties to be performed by the Native Troops in time of peace. It is stated hat Native Troops may be employed on civil duties, which may beneficially give them employment in ordinary times. But then it is enjoined "that, for the discharge of such duties, no addition "whatever is to be made to the Native Army, which must be kept at the *minimum "required for strictly Military purpose.*" Further, it is declared that "not a man should be "added to the Army beyond the number which, on Military grounds, may be determined " necessary for the wants of the Empire." From this we clearly infer that Native Troops are not be employed on Police duties, unless they can be spared from their **Military** Authorities, after the Native Army shall have been reduced to the minimum necessary for Military requirements, shall be able to detach Native Soldiers for Police duties. Now we understand that the Native Army is in the course of being reduced to the minimum as prescribed in Her Majesty's Government Despatch. When it shall have reached that minimum, we are confident that it will be *impossible* for the Military Authority to detach soldiers for Police duties, the numbers of the Troops would be insufficient, and discipline would be ruined. All Military authorities insist on this that, if the Native Army be reduced to the minimum as above described, the force should not be frittered away in doing Civil duties, but should be developed to the perfecting of Military discipline under the eye of its Offers. There will be absolutely no spare men for miscellaneous non-Military works. If, on the other hand, the Native Troops were kept up at strength exceeding absolute Military requirements, *in order* that there might be men available for Police duties, then the Dispatch of Her Majesty's Government would be contravened.
27. We would specially refer the Governor-General in Council to the letter of the Military Finance Commission already alluded to in our preceding para. 9, as to the great reduction expected in the Native Army, when the Troops

shall be relieved of Miscellaneous and Police duties, whereby an enormous financial saving will be effected. And when this shall have been carried out as we suppose it will be under the terms of Her Majesty's Government Despatch, then we certainly conclude that there will be no soldiers available for Police duties in time of Peace.

28. We have therefore been careful to provide such an organized Constabulary as shall be able to relieve the Native Army now in the course of reduction from the duties in question.
29. With these remarks we submit the propositions and the Draft Act, as the unanimous result of our anxious deliberations, and thus we have fulfilled the primary part of our instruction.
30. But the Government Resolution of the 17th August, while directing us to prepare a statement of the strength and cost of the Police of all classes, enjoins us, under the second head of our enquiry, to report any alterations in system which we consider likely to increase efficiency or diminish expense. Now any alternations which we could propose would be based on the principle set forth in our Propositions, if we were permitted to follow our own judgment, or upon any modification in our proposal plan which the Government might be pleased to order. In fact, the alterations which we really propose is this, that the present Police, Civil and Military, be abolished, and an organised Constabulary a substituted, in all the Provinces of India, where such a system does not already exist. We are confident that this arrangement would

increase efficiency and diminish expense. But *what the exact* saving would be we cannot say, without endeavoring to allot to each District in every Province and in the aggregate to each Local Government the strength of organized Police that would suffice to do work of the Civil and Military Police, and the Civil duties now devolving on the Native Soldiery. If Government should desire it, we will, of course, use our best exertions to frame an estimate of this kind on the best data we can collect. But when we consider the great number and variety of the duties to be undertaken by the organised Police; the local Authorities, Civil and Military, to be consulted; the multifitous arrangements to be made; we doubt our ability to frame an estimate that would be an accurate financial guide, or would be practically suited to take effect in the various Districts. We learn that when the organised Police was introduced into the Madras Presidency, these arrangements, so intricate in their detail, and so important in their aggregate, occupied a considerable time, and could only be managed by Officers on the spot. It appears then that really reliable information of this kind cannot well be acquired, unless the system be more or less commenced and carried into effect. If the Government should be pleased to approve our plan; and if its introduction were sanctioned,

then the new Police Authorities, in concert with the local Authorities, Civil and Military, would form the new organized Constabulary; reduce existing establishment with a great saving to the State; would diminish the work now done; and would allot to the new establishment, whatever duties might be determined upon. Thus the work would progress gradually and surely; reduction of cost and numbers would advance month by month; the duties would be arranged on the spot; and accurate and really practical information would be placed at the disposal of Government from time. And such information would meet the requirements of Her Majesty's Government Dispatch and of the Government Dispatch of 17th August.

31. In this manner an actual commencement of reduction in number and expenditure might be made at once. Whereas it is to be promened that, if deferred until the information we are now collecting shall be complete, some time must elapse, during which the present heavy expenditure would continue undiminished.
32. But if there be a delay in carrying out the improved system we recommend, then we would submit that the expensive establishment of Military Police now kept up should be brought immediately under Financial examination, with a view to effecting such reductions in details as might be at once effected, under any circumstances, and pending the result of the investigation now going on. We believe that some reduction, be it more or less, might be now effected in the Bengal Presidency generally, whatever be the system ultimately decided on. This Financial examination might be conducted either by the Military Finance Commission, or by this Commission. The Military Commission has peculiar facilities appliances for such an examination, which they would conduct in the same manner as that in which their examination into the Native Army expenditure is conducted, and doubtless they would effect in the Military Police reductions similar to those they are effecting elsewhere. This duty they are, as we have ascertained willing to undertake, if Government entrust it to them. Or else, the examination, as above described, might be conducted by this Commission. In This case we should desire to be favored with specific instructions as to placing ourselves in communication with the several Local Governments.
33. But the Financial examination above described, however useful it might be, would not, in our opinion, be so efficacious an early reduction of expenditure, and the actual introduction of the improved system itself. This latter method would be the purest and safest of securing both economy and efficiency.

M. H. COURT,
President
A. P. PHAYRE,
Member,
S. WAUCHOPE

Member,
W. ROBINSON,
Member,
R. TEMPLE
Member,
H. BRUCE, Lieutenant-Colonel and Member

POLICE COMMISSION :)
CALCUTTA)
September, 1860.)

CONTENTS

BILL

FOR

The Regulation of Police within the Province of and other parts of the British Territories in India, to which it may please the Governor General in Council to extend its provisions.

Preamble

WHEREAS it is expedient to make the Police force throughout the Province of an efficient instrument at the disposal of the Magistrate for the prevention and detection of crime: and to reorganize the Police Force. It is enacted as follows:-

Interpretation

I. The following words and expressions in this Act shall have the mean unless there be something in the subject or context repugnant to such construction, (that is to say).

“District officers.”

The word District Officer shall mean the Chief Magisterial Officer in charge of a District, and exercising the full powers of a Magistrate under the regulations, or by whatever designation the Officer in executive administration of a District is styled.

“Magistrate.”

The word “Magistrate” shall include all persons, within their respective jurisdictions, exercising all or any of the powers of a Magistrate.

“Subordinate.”

The word “Subordinate,” as applied to Police Functionaries, shall mean District Superintendents and their Assistants.

“Police”

The word “Police” shall include General and Village Police, and all other persons, by whatever name known, who exercise any Police functions throughout the Province of _____.

“General Police District”

The Expression “General Police District” shall embrace any Province District, Tract or Territory to which the operation of this Act shall be extended.

“Property”

The word “Property” shall include any chattel, money, or valuable security.

“Number”

Words importing the singular number shall include the plural number; and words importing the plural number shall include the singular number.

“Gender”

Words importing the masculine gender shall include females.

“Person”

The word “person” shall include Company or Corporation.

“Month”

The word “month” shall mean calendar month.

“Cattle”

The word “cattle” shall, besides horned cattle, include Elephants, Camels, Horses, Asses, Mules, Sheep, Goats, and Swine.

Laws repealed

II. The several Regulations and Acts mentioned in the Schedule here-unto annexed are hereby repealed, and amended to the extent and in the manner therein set forth, within the limits of the General Police District; except so far as they repeal the whole or any part of any other Regulation or Act; and except as to any act or offence which shall have been done or committed, or any fine or penalty which shall have been incurred, or to any proceedings which shall have been commenced, before this Act shall come into operation : provided also that nothing in this Section shall be construed to affect any judicial function or jurisdiction, original or appellate, which by any existing Law may be exercised by any of the Officers mentioned in the Enactment’s above repealed or amended.

“Superintendence vested in Governor in Council.”

III. The Superintendence of the Police throughout the General Police District shall vest in, and be exercised by the Local Government, under the control of the Governor General in Council: and except as authorized by the Local Government under the provisions of this Act, no person, Officer, or Court shall be empowered to appoint, supersede, or control any Police functionary, any Regulation: Act or usage to the contrary not with standing.

Inspector-General of Police

- IV. The administration of the Police through out the General Police District shall be vested in an Officer to be styled the Inspector-General of Police, and in such Subordinates, subject to the general control and direction of the District Officer as to the Local Government shall seem fit: who shall from time to time be appointed by the said Local Government and may be removed by the same authority; and who shall receive such salary as the Governor General of India in Council shall allow.

Powers of Police

- V. All powers not inconsistent with the provisions of this Act, which up to the passing of this Act belonged by law to the existing Police authorities shall be vested in the Police authorities, appointed under this Act. Provided always that no Police Functionary so appointed shall possess or exercise any judicial or Revenue authority. And the duties and responsibilities of Landholders and others as defined by law shall apply to the Police appointed under this Act.

“Inspector General to be appointed a magistrate.”

- VI. The Inspector-General of Police shall be appointed a Justice of the Peace. He shall also have the full powers of a Magistrate throughout the General Police District; but shall exercise these powers subject to such orders as many from time to time are issued by the Local Government. The Local Government may vest any District Superintendent of Police with all the powers of a Magistrate within such limits as he may deem proper: but such Superintendent shall exercise the powers with which he shall be so invested only so far as may be necessary for the preservation of the peace, the prevention of crime and the detection, apprehension and detention of offenders, in order to their being brought before a Magistrate, and as far as may be necessary for the performance of the duties assigned to him by this Act.

Constitution of the Force

- VII. The entire Police establishment under each local Government shall for the purpose of this Act be deemed to be one Police Force; and shall be formally enrolled; and shall consist of such number of Officers and men, and shall be otherwise constituted in such manner, as shall be from time to time ordered by the Local Government, subject to the sanction of the Governor General of India in Council.

“ Inspector General to control Force and make rules.”

- VIII. The Inspector- General of Police may from time to time, subject to the approval of the Local Government frame such orders and regulations as he shall deem expedient, relative to the general organization and distribution of the general organization and distribution of the Force, the places of residence, the pay and rank, the classification, distribution and particular service of the description of arms, accoutrements and other necessaries to be the furnished to them; to the collecting and communication intelligence and information ; and all such other orders and regulations relative to the said Police Force as the said Inspector- General shall, from time to time, deem expedient for preventing abuse or neglect, and for rendering such Force efficient in the discharge of all its duties.

“Inspector General to appoint and dismiss.”

- IX. The appointment of all Police Officers shall, under such rules as the Local Government shall from time to time suction, rest with the Inspector-General of Police and the District Superintendents; who may under such rules as aforesaid at any time dismiss, suspend, reduce or fine to any amount not exceeding one month's pay, any Police Officer whom they shall think remiss or negligent in the discharge of his duty or otherwise unfit for the same.

“Police Officers to receive certificates of Office.”

- X. Every person so appointed shall receive on his enrolment a Certificate (A) under the seal of the Inspector General, by virtue of which he shall be vested with the powers, functions, and privileges of Police Officers. Such certificate shall cease to have effect whenever the person named in it is suspended or dismissed, or otherwise removed from employment in the Police Force, and shall thereupon be immediately surrendered to his superior Officer

or other person empowered to receive it.

Police Superannuation Fund

- XI. There shall be deducted from the pay of every Police Officer, of a Class not entitled to the benefit of the Uncovenanted Service Pension Rules, a sum, after such rate as the Local Government shall direct, not being a greater rate than one Anna in the Rupees; which sum so deducted and also the monies accruing from the stoppages from the pay of Police Officers during absence from sickness or other cause, from fines imposed on Police Officers for misconduct, and from fines imposed by Magistrates and others upon drunken persons or for assaults upon Police Officers, and all monies arising from the sale of worn or cast-off clothing or other articles supplied for the use of the Police, or from any other miscellaneous sources which shall be permitted by the Local Government, shall from time to time be invested in such manner and in such securities as the Local Government may direct, and the interest and dividends thereof, or so much of the same as shall not be required for the purposes herein mentioned, shall be likewise invested as aforesaid, and accumulate, so as to form a Fund to be called. "The Police Superannuation Fund; and shall be applied from time to time to the payment of or retiring allowances, or gratuities, under such rules as may be passed by the said Local Government: provided always that any Police Officer may be dismissed or removed without superannuation allowance; and that no police officer shall be entitled as of right to any allowance from this Fund; or shall retain any right to a refund of any deduction made from his pay while he may have been a Police Officers.

Additional Police Officers

employed at the cost of individuals."

- XII. It shall be lawful for the Inspector General of Police or any District, Superintendent, if they shall think fit, and subject to the general direction of the District Officers, on the application of any person showing the necessity thereof, to depute any additional number of Police Officers, to keep the peace at any place within the General Police District, at the charge of the person making the application, to be exclusively under the orders of the District Superintendent, and for such time as they shall think fit ; provided always that it shall be lawful for the person on whose application such deputation shall have been made, on giving one month's notice in writing to the Inspector General or District Superintendent, to require that the Officers so deputed shall be discontinued ; and such person shall be relieved from the charge of such additional Force from the expiration of such notice.

"Appointment of Additional Force in the neighbourhood of Railway and other works.

- XIII. Whenever any Railway, Canal, or other Public work, or any Manufactory or commercial concern shall be carried on, or be in operation in any part of the country, and it shall appear to the Inspector General, that the appointment of an additional Police Force in such neighbourhood is rendered necessary by the behaviour, or reasonable apprehension of the behaviour of the persons employed upon such work, it shall be lawful for the Inspector General, with the consent of the Local Government, to direct, the employment of such additional Force ; and to maintain the same so long as such necessity shall continue ; and to make orders from time to time upon the Treasurer or other Officers having the control or custody of the funds of any Company or person carrying ' such works, for the payment of the extra Force so rendered necessary as aforesaid.

XIV. It shall be lawful for the Inspector General Police, under the sanction of the Local Government, to depute any part of the Police Force, in excess of the fixed complement, to be quartered in any part of the General Police District which shall be found to be in a disturbed or dangerous state, or in any part of the General Police District, in which, from the misconduct of the inhabitants, he may deem it expedient to strengthen the number of Police; and the inhabitants of the offending tract or part shall be charged with the cost of such body of men so deputed : and the District, Officer shall assess the proportion in which such sum any to be paid by the inhabitants according to his judgment of their respective means.

“Payment of money for support of additional Police Force.”

XV. All monies paid or recovered in respect of any additional Force deputed as is mentioned in the three last preceding Sections, shall be paid into a Fund to be called, “The General Police Fund,” and shall be applied to the maintenance of the Police Force, under such orders as the Local Government may pass. All sums of money payable under those Sections shall be recoverable by distress and sale of the goods of the defaulter under the warrant of a Magistrate or by suit in any competent Court.

Special Police officers

XVI. When it shall appear that any turnout, riot or outrage has taken place, or may be reasonably apprehended in any place, and that the ordinary Officers appointed for preserving the peace are not sufficient for its preservation, and for the protection of the inhabitants, and the security of property in such place, it shall be lawful for any Police Officer not below the rank of Inspector to apply to the nearest Magistrate to appoint so many of the Public or Village Servants, or residents of the Public or Village Servants, or residents of the neighbourhood , as such Police Officer may require to act as special Police Officer may require, to act as special Police Officers for such time and in such manner as he shall deem necessary; and it shall be the duty of such Magistrate at once to comply with such applications.

“Powers of special Police Officers.”

XVII. Every special Police Officers so appointed shall have the same powers, privileges and protection, and be liable to all such duties and penalties, and be subordinate to the same authorities as the ordinary Officers of Police.

“Refusal to serve.”

XVIII. If any person being appointed a special Police Officers as aforesaid, shall without sufficient excuse neglect or refuse to serve as such, or to obey such lawful order or direction as may be given him for the performance of his duties, he shall be liable upon conviction before a Magistrate to a fine not exceeding fifty Rupees for each and every such neglect, refusal or disobedience.

“Police Officers not to resign without leave or two months’ notice.”

XIX. No Police Officer shall be at liberty to resign his office, or to draw himself from the duties thereof; unless expressly allowed to do so in writing by the District Superintendent; or unless he shall have given to his superior Officer two months notice in writing of his intention to do so. Nor shall any such Police Officer engage in any employment or office whatever, other than his duties under this Act; unless expressly permitted to do so in writing under the seal of the Inspector General.

“Unlawful assumption of Police functions, personation of police, &c.

XX. From and after the passing of his Act, every person, not being, or having ceased to be, a duly enrolled Police Officer, who shall unlawfully assume any function or power belonging to the Police; and who shall not forthwith deliver up his Certificate and all the clothing, accoutrements, and appointments, and other necessaries which may have been supplied to him for the execution of in his duty; or who shall have in his possession any

distinctive article of the dress or appointment directed to be worn exclusively by the Police Force, without being able to account satisfactorily for his possession thereof; or who shall put on the dress of any Police Officer, or any dress designed to represent it, or to be taken for it ; or who shall otherwise person-ate the character or act the part of any Police Officer for any purpose whatever; shall, in addition to any other punishment to which he may be liable for any offence committed under the assumed character, be liable on conviction before a Magistrate to a penalty not exceeding two hundred Rupees, or to imprisonment, with or without hard labor, for a period not exceeding six months, or both.

Duties of Police Officers

XXI. Every Police Officer shall, for all purposes in this Act contained, be considered to be always on duty and shall have the powers of a Police officer in every part o the general police. District. It shall be his duty to use his best endeavors and ability to prevent all crimes, offences, and public nuisances; to preserve the peace; to apprehend disorderly and suspicious characters; to apprehend disorderly and suspicious characters; to detect and bring offenders to justice; to collect and communicate intelligence affecting the public peace; and promptly to obey and execute all orders and warrants lawfully issued to him by any competent authority.

Police Officer may arrest without warrant

XXII. It shall be the duty of every Police Officer, and he is hereby authorized to arrest, without warrant-

“Person charged with or suspected of grave crimes.

1. Any person who is charged on credible information, or whom he has reasonable ground to suspect, of having been concerned in any grave or forcible crime or outrage.

“Persons charged with aggravated assault recently committed.”

2. Any person who is charged with committing an aggravated assault, in every case in which he shall have good reason to believe that such assault has been committed, although not in his view, and that by reason of the recent commission of the offence it warrant could not have been issued.

“Persons committing a breach of the peace.”

3. Any person committing, or attempting to commit, any breach of the peace, in his view, and who refused to desist on being required thereto.

“Persons found injuring public buildings, &C.

4. Any person found injuring the public buildings, roads, tanks, and water channels; or committing any offence punishable **“by Law: Provided** always that, where such of fence is of a slight and petty nature, it shall not be necessary for the Police Officer to arrest, if from the circumstances of the case, there is no reason to apprehend that the party will abscond.

“Vagrants and suspicious persons.”

5. Any vagrant whom he shall find disturbing the public peace, or whom he shall have good cause to suspect of having committed or being about to commit a crime; all persons whose name and residence is unknown, or whom he may find by night laying or loitering in any high-way, road or other place, and who, in either case, are unable to give a satisfactory account of themselves.

“ Persons assaulting Police Officer.”

6. Any person, who assaults, resists or obstructs such Police Officer in the execution of his duty; or aids or excites others so to do.

“Persons escaping from legal custody.

7. All persons who, having been in legal custody, shall have escaped therefrom.

“Persons charged with an offence, refusing to give name.”

8. All persons who are charged with having done any injury or damage to the person or property of another, and who refuse to give their name and residence; or who give one

which there is ground to believe to be false, may be detained, solely for the purpose of ascertaining such name and residence, with a view to future proceedings.

XXIII. In every case in which any person shall be given in charge to a Police Officer, on a false or frivolous charge; or in which a false and frivolous charge shall be made to a Police Officer against any person; or in which any information or complaint shall be laid or made before a Magistrate or Police Officer, and shall not be further prosecuted; or in which, if further prosecuted, it shall appear to the Magistrate by whom the case is heard, that there were no sufficient grounds for making the charge, the Magistrate shall have the power award a fine not exceeding fifty Rupees, Imprisonment for a period not exceeding one month, or both; or to award such amends not it exceed fifty Rupees, to be paid by the informer or complaint to the party informed or complained against, for his loss of time and expenses in the matter, as to the Magistrate shall seem fit. And such amends shall be recoverable in the manner provided for the levy of fines.

“Persons arrested without warrant to be taken to Station house until brought before Magistrate or bailed.”

XXIV. Every person taken into custody by any Police Officer, without warrant, except persons detained for the mere purpose of ascertaining their name and residence, shall forth with be delivered into the custody of the Police Officer in charge of a Station House, in order that such person may be secured until he can be brought before a Magistrate to be dealt with according to Law, or may give bail for his appearance before a Magistrate, if the Officer in charge shall deem it prudent to take bail as here in after mentioned. Provided always that, Where bail is not taken, the prison or shall be brought before a Magistrate within twenty-four hours, unless circumstances render delay unavoidable.

“Releasing on bail.”

XXV. Whenever any person shall be brought in custody, without a warrant, to any Station House, at a time when he cannot at once be sent before a Magistrate, and shall be charged with any bailable offence, or with any unbailable offence of which it shall appear to the Officer in charge of the Station House or other Superior Officer of Police that the prisoner is falsely accused, it shall be lawful for such Police Officer to release the accused on bail or on his own recognizance to appear before the Magistrate when required.

“Superior Officer of Police may take Recognizance for appearance of prosecutor or witness,”

XXVI. It shall be lawful for every Police Officer in charge of a Station or other Superior Officer of Police, to bind by recognizance any person to appear as prosecutor or as a witness before the Magistrate by whom any grave charge is being or is about to be investigated; and if any such prosecutor or witness shall refuse to execute such recognizance, it shall be competent to such Officer to forward the person in custody to the Magistrate’s Court.

“Condition of recognizance.”

XXVII. Every recognizance, so taken, shall be without fee or reward; and shall be conditioned for the appearance of the person thereby bound before a Magistrate at such time and place as may be required; and the time and place of appearance, and the sum thereby acknowledged, not exceeding one thousand Rupees, shall be specified in the said recognizance, or in the condition thereof; and the Officer taking the recognizance shall return the same forthwith tot the Magistrate present at the time and place when and where the party is bound to appear.

Remands

XXVIII. If from the absence witnesses, or from any other reasonable cause, it shall become necessary or advisable to defer the examination of any case, or the from time to time by his warrant to remand the accused to the custody of any Police Officer, for such time as he shall deem necessary and reasonable, not exceeding eight clear days, to be secured in any. Station House or Jail or to be otherwise detained in custody as to the said Magistrate shall appear expedient: Provided always that any such Magistrate may order such accused party to be brought before him at any time or place before the expiration of the time for which such accused party shall have been remanded; or may discharge such accused

party on his recognizance's, with or without sureties, conditioned for the time and place appointed for such further examination.

Entering drinking shops, &c., without a warrant

XXIX. It shall be lawful for any Police Officer without a warrant to enter and inspect all drinking shops, gaming houses and other resorts of loose and disorderly characters all premises of persons suspected of receiving stolen property; any locality, vessel, boat or conveyance in any part of which places he shall have just cause to believe that crime has been, or is about to be committed; or which he reasonably suspects to contain stolen property; and then and there to take all necessary measures for the effectual prevention and detection of crime; and to take charge of all property reasonably suspected to have been stolen, and of all articles or things which may serve as evidence of the crime supposed to have been committed ; and to take charge of all unclaimed property.

“Inspection of weights and measures.”

XXX. Every Police Officer, not below the grade of Inspector, shall under such orders as may from time to time as be issued by the Inspector General of Police, be an Inspector of weights and measures, and may enter any shop or premises for the purpose of inspecting the weights and measures and instruments for weighting, kept or used therein; and may seize any weight, measure, or instrument for weighing, which he may have reason to believe is false.

Police Officer not to receive complaints of petty offences

XXXI. No Police Officer shall receive any complaint of any petty offence; or take into his custody any person brought to him accused of such petty offences, as trespass, assault, quarrelling, or the like; and it shall be lawful for any Police Officer to refuse to receive and act upon any charge of an offence of a grave character, if he shall on enquiry made of the complainant alone, see good grounds for doubting its truth; provided always that if the charge **“Provision”** be not of such a nature as under ordinary circumstances would justify the Police Officer in refusing to receive it, the particular reasons for refusing it are to be recorded by such Officer at the time.

“Police officers may lay information, &c.”

XXXII. It shall be lawful for any Police Officer to lay any Information before the Magistrate, and to apply for summons, warrant, search warrant, or such other legal process as may by law issue, and may be law issue, and may be expedient under the circumstances, against any person committing an offence against any law or enactment, or against any regulation for the protection of the Revenue, or against any person committing or failing to remove any public nuisance or unwarrantable obstructions, keeping disorderly houses, harboring thieves, disturbing the peace, obstructing the due course of justice, and the like ; and to prosecute such offenders up to final judgment; provided always that any rewards, **“Proviso”** forfeitures, and penalties, or shares of rewards, forfeitures, or penalties, which by law are payable to informers, and all costs of prosecution which may by any enactment be awarded to the prosecutor, shall be paid into the “General Police Fund.”

“All warrants, &c. to be executed by members of the police Force.”

XXXIII. From and after the passing of this Act all summonses, warrants, search warrants, of commitment for trial or order for escort and conveyance of prisoners, and all others processes issued by any Officer in any Criminal proceeding, shall be directed and delivered to Officers of the Police alone; and such processes shall be served and executed by them and none others, Provided always that in all cases of petty offence it shall be lawful for the Magistrate or other Officer issuing a summons for the appearance of either the defendant or witness to deposit and eventually to pay any fee or such Summons and all costs incurred by the Police in serving such process, the same to be paid into the “General Police Found” for the maintenance of the Police.

“Warrant to be endorsed.”

XXXIV. Where any such warrant, order or process shall be directed or delivered to

any of the said officers, unless it be necessary for the due execution thereof that such warrant be executed with out, delay, the person receiving it shall deliver the same to any Officer authorised for that purpose, who shall take charge of it, and appoint by endorsement thereon one or more Police Officers to execute the same or endorse it to any other officer for a like purpose; and every Police Officer whose name shall be so endorsed thereon shall have the same powers, privileges, and protection as if the same had originally been directed to him by name; provided also that every such process shall be executed with **“Proviso”** all secrecy and dispatch; and shall have full force in any part of the General Police District except within the limits of the Supreme Court, without further formality or local endorsement; and hat all Police authorities shall every where be assisting in the execution of such process.

Service of summonses

XXXV. Every Summons, notice, or other criminal process may be served on the party abode; and any party failing or neglecting to obey such summons or notice named personally, or be left with some adult male member of his family, or a copy therefore may be affixed on some conspicuous part of his usual place of abode: and any party failing or neglecting to obey such summons or notice duly served, shall be liable, at the discretion of the Magistrate or Court that issued the process, to a penalty not exceeding fifty Rupees; unless such person shall be able to prove that he was prevented by unavoidable accident or other satisfactory cause from obeying such summons, notice or the like.

“Warrant without summons.”

XXXVI. A Magistrate may, without issuing any summons, forthwith issue his warrant to bring before him any person charged with an offence cognizable by him or whose attendance It may for any reason be necessary to enforce, whenever it shall appear probable that such person will not attend unless compelled so to do.

“Notification of sub stance of warrant.”

XXXVII. A Police Officer executing a warrant, of arrest shall notify the substance of the warrant, and if required so to do shall show the warrant.

“Warrant how to be executed.”

XXXVIII. In making ' arrest, the Police Officer executing the warrant shall actually touch or confine the body of the person to be arrested; unless there be submission to the custody by word or action.

“No unnecessary restraint,”

XXXIX. After arrest the prisoner shall not be subjected to any more restraint than such as may be necessary to prevent his escape.

“Breaking of outer door or window.”

XL. Any Police Officer authorized by a warrant to arrest a person accused of any offence for which a warrant may issue on complaint, may break open any outer or inner door or window of a dwelling house, whether that of the person accused or of any other person, in order to execute such warrant, if, after notification of his authority and purpose, and demand of admittance duly made, he cannot otherwise obtain admittance.

“Breaking open a Zenanah or female apartment.”

XLI. If information be received that a person accused of any offence for which

a warrant may issue, has concealed himself in a Zenanah or female apartment in the actual occupancy of women, the Officer employed to execute the warrant shall take such precautions as may be necessary to prevent the escape of the accused; and if such person shall not deliver himself up, the Police Officer authorized to execute the warrant, may break open the Zenanah, and execute the process entrusted to him, giving notice at the same time to any woman in the Zenanah that she is at liberty to withdraw.

“Party arrested to be brought immediately to the authority mentioned in the warrant.”

XLII. After arrest made the Police Officer executing the warrant shall without necessary delay bring the person arrested before the Magistrate or other authority described in the warrant.

“No threat or promise to compel disclosure by party arrested.”

XLIII. No Police Officer shall offer to the person arrested any inducement, by threat or promise or otherwise, to make any disclosure. But no Police Officer shall prevent the person arrested, by any caution or otherwise, from making any disclosure which he may be disposed to make of his own free will.

Police Officer may require assistance

XLIV. If any Police Officer shall at any time find himself unable to effect an arrest, it shall be lawful for him to require any and every person present to assist and aid him in making the arrest; and any person who shall refuse or neglect to comply with such requisition, shall be liable on conviction before a Magistrate a fine not exceeding fifty Rupees or to imprisonment for a period not exceeding three months, or both.

Penalties for neglect of duty, &c

XLV. Every Police Officer who shall be guilty of any violation of duty or willful breach or neglect of any and regulations lawful orders of other competent authority and not punishable under Section X. of this Act; or who shall cease to perform the duties of his office with out leave; or without having given two months, notice as provided by this enactment; or engage without authority in any employment other than his Police duty; who shall be guilty of prevarication in any judicial trial; or who shall maliciously and without probable cause prefer any false, vexatious or frivolous charge or information against any individual; or who shall knowingly and willfully and with evil intent exceed his powers; or shall be guilty of any willful and culpable neglect of duty in not bringing any person, who shall be in is custody without a warrant, before a Magistrate as herein before provided; or who shall allow any person in his custody to escape; or shall allow any person in his custody to escape; or who shall offer any unwarrantable personal violence to any person in his custody, shall be liable on conviction by a Magistrate to a penalty not exceeding three months pay or to imprisonment with or without hard labor not exceeding

three months, or both.

“Penalty for receiving unauthorized fees &c.”

XLVI. Any Police Officer who shall on any pretext or under any circumstance, directly or indirectly, collect or receive any fee, gratuity, diet money, allowance, or recompense other than he may be duly authorized by the Inspector General or other Officer acting under his order to collect or receive, shall on conviction before a Magistrate be liable to a penalty not exceeding six months pay or to imprisonment with or without hard labor not exceeding six months, or both.

“Penalty for extortion &c.”

XLVII. Any Police Officer who shall directly or indirectly extort, exact seek, or obtain any bribe or unauthorized reward or consideration by any illegal threat, or pretence, or for doing or omitting or delaying to do any act which it may be his duty to do or to cause to be done; or for withholding or delaying any information which he is bound to afford or to communicate; or who shall connive at the escape of any person in his custody; or who shall attempt to commit any of the offences above said; or shall be guilty of cowardice, shall be liable upon conviction before Magistrate to a fine not exceeding twelve month’s pay, or to imprisonment with or without hard labor not exceeding twelve months, or both. Provided always that nothing in the three last preceding Sections shall be deemed to preclude the Magistrate from committing for trial any cases of this nature too serious for his cognizance.

“Penalty for obstructing a Police Officer in the execution of his duty.”

XLVIII. If any person shall assault or resist any Police Officer in the execution of his duty; or shall aid or incite any other person so to do; or shall maliciously and without probable cause prefer any false or frivolous charge against any Police Officer; such person shall, on conviction of such offence before any Magistrate be liable to a fine not exceeding two hundred Rupees, or to imprisonment with or without hard labor not exceeding six months, or both.

Certain duties of Police Officers

Obstructions and nuisances in roads.”

XLIX. Any person who in any street, or road, thoroughfare, or passage, within the limits of any Town, commits any of the following offences, to the obstruction, in convenience, annoyance, risk, or damage of the residents and passengers, shall, on, conviction, be fore a Magistrate be liable to a fine not exceeding fifty Rupees, or to imprisonment not exceeding eight days; and it shall be lawful for any Police Officer to take into custody without a warrant any person within view commits any offence.

“Slaughtering cattle, curious riding, &c.”

First. Any person who shall slaughter any cattle or clean any carcase in the streets; any person riding for driving any cattle, recklessly and furiously, or training or breaking any horse or other cattle on or near any public road, to the danger of the passers.

“Cruelty to animals”

Second. Any person who wantonly or cruelly abuses or tortures any animal.

“Obstructing passengers.”

Third. Any person who shall keep any cattle, or conveyance of any kind standing in any road or street longer than is required for loading or unloading, or for taking up setting down passengers; or who shall leave any conveyance in such a manner as to cause inconvenience or danger to the public.

“Exposing goods for sale on roads.”

Fourth. Any person exposing goods for sale on the road so as to obstruct passengers.

“Throwing dirt into street.”

Fifth. Any person who throws or lays down any dirt, filth, rubbish or any stones of building materials; or who constructs any pail, cowshed, stable, or the like within the bounds of any thoroughfare; or who causes any offensive matter to run from any house, factory, dungheap, or the like in to the street.

“Being found drunk in any thoroughfare.”

Sixth. Any person found in any thoroughfare drunk and riotous or incapable of taking care of himself.

“Indecent exposure of person.”

Seventh. Any person who wilfully and indecently exposes his person or any offensive deformity or disease, or commits nuisance by easing himself in or by the side of, or near any public street or thoroughfare; or by bathing or washing in any tank or reservoir not being a place set apart for that purpose:

“Neglect to protect dangerous places.”

Eighth. Any person who neglects to fence in or duly to protect any well, tank, or other dangerous place or structure.

“Regulations of public processions, & c., and of carriages and persons at places of public resort.”

XLXX. The Superintendent and Superior Officers of Police may, as occasion requires, direct the conduct of all assemblies and processions in the public roads, streets, or thoroughfares ; prescribe the routes by which, and the time at which such processions may pass; keep order in the public roads, streets, thoroughfare, ghauts and landing places, and all other places of public resort ; and prevent obstructions on the occasions of such assemblies and processions and in the neighbourhood of places of worship during the time of public worship and in any case when the roads, streets, or thoroughfares, ghauts or landing places, may be thronged or may be liable to be obstructed. “Licenses for use of music in streets.” They may also regulate the use of music in the streets, on the occasion of native festivals and ceremonies; and may direct all crowds of twelve or more persons to disperse, when they have reason to apprehend any breach of the peace; and every person opposing, or not obeying the orders so issued as aforesaid. Or violating the conditions of such license, shall be liable to a fine not exceeding two hundred Rupees. Provided always that nothing in this Section contained shall be deemed to interfere with the general control of Magistrate over such matters.

Jurisdiction.

LI. In all cases of convictions under this Act, the Magistrate trying the case shall be restrained within the limits of his ordinary jurisdiction as to the amount of fine or imprisonment he may inflict : provided always that such charges against, Police Officers above the rank of a constable shall only be adjudicated on by European functionaries.

“Power to prosecute not affected.”

- LII. Nothing contained in this Act, shall be construed to prevent any person from being prosecuted for any offence made punishable on conviction by this Act; or to prevent any person from being liable under any other law, Regulation, or Act, to any other or higher penalty or punishment than is provided for such offence by this Act. Provided always that no person shall be punished twice for the same offence “Provision”.

Levy of fines

- LIII. All fines and penalties in imposed. And all sums of money recoverable under the authority of this Act, may, in case of non-payment thereof, be levied by distress and sale of goods and chattels of the offender by warrant of the Magistrate, in manner provided by Law.

“Limitation of action.”

- LIV. All actions and prosecutions against any person, which may be lawfully brought for any thing done or intended to be done under the provisions of this Act, or under the general Police powers hereby given, shall be commenced within three months after the act complained of shall have been committed, and not otherwise, and notice in writing of such action and of the cause thereof, shall be given to the defendant, or to the Superintendent or other Superior Officer of the District in which the act was committed one month at least before the commencement of the action. And no plaintiff shall recover in any such action if tender of sufficient amends shall have been made before such action brought, or if a sufficient sum of money shall have been paid into Court after such action brought, by or on behalf of the defendant ; and though a decree shall be given for the plaintiff in any such action, such plaintiff shall not have costs against the defendant ; unless the Judge, before whom the trial shall be, shall “Proviso” certify his approbation of the action : provided always that no action shall in any case lie where such Officers shall have been prosecuted criminally for the same act.

“Plea that act was done under a warrant.”

- LV. When any action prosecution, or proceeding shall be brought against any Police Officer for any act done by him in such capacity, it shall be lawful for him to plead that such act was done by him under the authority of warrant issued by a Magistrate. And such plea shall be proved by the production of the warrant directing the act and purporting to be signed by a Magistrate. And the defendant shall thereupon be entitled to a decree in his favour, notwithstanding any defect of jurisdiction in such Magistrate. And no proof “proviso.” Of the signature of such Official shall be necessary, unless the Court shall see reason to doubt its being genuine: provided always that any remedy which the party may have against the authority issuing such warrant shall remain entire.

Scope of Act

- LVI. This Act shall take effect in any and every such District as the Governor in Council shall appoint by notification published in the Official Gazette.

FROM A.

A.B. has been appointed a Member of the Police Force under Act XXIV of 1859, and is vested with the powers, functions and privileges of a Police Officer.

CONTENTS

Propositions

unanimously recorded by the Police Commission, as the basis of a Police System and of an Organised Constabulary.

1. That, with a view to simplicity in general Administration, the maintenance of Military discipline, uniformity and consistency of Police regulation, and effective financial control in both Departments, a broad line of distinction should at once be drawn between Military and Civil *bodies*, functions and expenditure. There should be only *two* Departments charged with protective and repressive duties and responsibilities; the one

the Military Armed Force under the orders of the Military Commander ; the other Civil Constabulary subject to the Civil Executive Government.

2. That the Military arm should confine itself *absolutely* to the occupation of the Country, for its proper function of preventing invasion and supporting the Civil power only in event of rebellion or extended insurrection. The Military arm should be relieved from all non-Military duties; and the peace and order of the country should be preserved, on every occasion of tumult and apprehended disturbance by the civil power and not by a Military Force.
3. That bodies of men properly termed "*Military*,"- having Military formation and organization, employed for Military purposes, and liable to Military requisitions, cannot be usefully employed as Civil Police, or be associated in the operations of a Civil Constabulary in any of its duties. That such bodies should be transferred to the Military Department ; or be dispensed with; or be absorbed into a Civil Constabulary formed on sound general principles ; thus enabling consolidation and reduction of force in both departments. That the Military Authorities should withdraw and cease to maintain in future any Post, Detachment of or Guard not required for Military occupation or other Military purpose *alone*; so enabling concentration of force, maintenance of discipline and efficiency in the Army, and thorough revision and accurate estimate of the requirements of the country in a Military point of view.
4. That a Civil protective force can be constituted in any part of India, starting from a Civil basis, after the model of the British and Irish Constabulary forces, and under the control of carefully selected European Officers, which may be adapted, by special attention to its departmental constitution, and physical composition, to the performance of every duty which can be required of such a body in regard to the prevention of crime, the suppression of *local* outrage, the maintenance of order, and prevention of aggression frontiers where armed invasion is not to be anticipated ; for the guarding and watching of Jails, Treasuries and Stores, and performing any escort duties connected with them and public property of every description.
5. That the Executive Govt. should at once constitute a Civil Force of such organization as shall make it thoroughly useful for every Civil Police purpose. The force should be so trained and constituted that it may be thoroughly relied upon for the performance of all duties of a preventive and detective Police, and for the protection of property, and maintenance of local peace and order, with reference to the locality in which it is to be employed. That the formation of such a Force is the key to economy and Military efficiency.
6. That the first step towards effecting this object is to combine into one body, under a responsible superintending Authority, and under an uniform organisation and undivided control and responsibility, all the numerous bodies now engaged more or less independently, on various duties connected with the proper civil police administration of the country, and the ordinary guard and watching of property of every kind in whatever Department. For the proper performance of all the important services of a Police Force, there must be unity of action and identity of system throughout the body to which these duties are entrusted. Economy in regard to numbers and finance can only thus be secured ; while all the minor duties of guarding public property can be best and most economically performed by watchmen deputed from an organised and disciplined Force. That, therefore, notwithstanding any difficulties which may arise in changing existing usages, simplifying complicated systems, and arranging intricate details in the transfer of patronage and power from many Departments to one, yet the paramount object of instituting one efficient system of Police, should be persistently carried out.
7. That under the above view all separate Establishments maintained for the watch and guard of Jails (exclusive of the Establishment of Warders), of General and Tuhseel Treasuries and escorts; and all River and Road Police, of whatever denomination now in the pay of Government should be gradually relieved and absorbed into the Constabulary, as the organization proceeds.
8. That the creation of an organised, efficient Police, and the establishment of an uniform and widely spread system of management will like-wise supersede the necessity of such

separate Establishments as those of the Thuggee and Dacoitee Departments, avowedly maintained because the General Police is inefficient. These Departments should gradually be absorbed into the Police, and the existing establishment of Officers, Officials, approvers, be distributed among the police of the several Provinces, so soon as the organisation of the Police shall be sufficiently advanced to admit of it.

9. The Cantonment Police at Military Stations should form no exception to this broad rule. Every duty now performed by the separate Establishment maintained, should be undertaken by the regular Constabulary, Strengthened, if necessary, by a subordinate European agency. The Police Officers should stand in the same relation to the Officer Commanding the Station, or Cantonment Joint Magistrate (as the case may be), as to the District Officer beyond the Cantonment limits.

“From military F. commission dated 28th August 1860.”

10. That the view of the Military Finance Commission in regard to the duties to be performed by the Constabulary in *watching* Military Stores, &c., either in store or in movement, on payment being made, should be adopted; That the lucid exposition of the principle which should govern such matters, for which this Commission is indebted to Colonel Balfour, be printed and appended to these propositions. And every facility should be afforded in military Cantonments for giving effect to the views advocated by the Military finance Commission; enabling Military Officers to avail themselves of the aid of the Constabulary in guarding or watching property of every description on payment.
11. That further, all Establishment of Chaprassie, personal Guards and Orderlies, not required as Revenue bailiffs and Office attendants, should be incorporated with the Constabulary. The requisite number of men to attend the various Officers, for all public purposes, will be supplied from the organized disciplined and economized force, and will be under the immediate control of those Officers for all business of their respective Officers.

“Municipal and Police not paid to Government.”

11. That besides the several bodies of Police hitherto in the service and pay of the Government, all other bodies of men employed as Police watchers should be brought under the organized Constabulary from whatever source paid.
12. That all the men composing City Police Forces, who are provided for towns of Bengal Presidency by act XX of 1856; all men employed as Policemen over Ferries or on Main-roads, who are paid from Ferry collections or other sources ; and every other Police of whatever denomination who receive a paid salary; should be provided from the organized Constabulary and placed under the District Superintendent of Police.
13. That whether the constitution of the village Police and the connection now existing between the Land-holder or the Village Community and the Village watchman should be preserved or no-the duty of supervising the village Police in all their public duties should devolve on the District Superintendent, with the view of securing a regular and punctual performance of those duties, and of making the Village watch an useful Supplement to the organized Constabulary.
14. That mounted bodies are exceedingly expensive as a par of a Police Force. They are more lawless in character, and less amenable to control than a foot Constabulary. That such a force is useful only where peculiar circumstances attach to the crime of a Province; for instance, to check large Organized bodies of lawless marauders ; but are not so useful for the ordinary preventive and detective function of the Police in orderly Districts. That therefore a closely supervised patrolling foot Constabulary, is the proper basis of the Police Force, and should be very sparingly supplemented by Horse *only* where the peculiar necessity for them can be clearly established. That existing Establishments of Horse Police should be most carefully examined in each District, with a view to their being either dispensed with, or be placed on the lowest scale in regard to numbers,-These should be designated “Mounted Constabulary.”
15. That no separate detective branch of the service be formed, and that every part of the Police be held responsible for every duty preventive and detective properly belonging to it.
16. That the Police thus constituted, Should form a separate Department in each local

government or Local Administration, and under the immediate authority and control of its Chief And, having an independent, department organisation and subordination of its won, be made an efficient, instrument at the disposal of the District Officer.

“Extract of Government Memorandum.”

17. That it is not desirable to have under the Supreme Government of India any Executive Department in connection with the Police, or any Officer in supersession of the functions and responsibilities of the local Government ; but it is desirable in order to secure “the control of the Government of India, which should be confined” to general principles and such other general “supervision as may enable that Government to “preserve some uniformity of practice and the due “proportion in the amount of expenditure allowed”. That all returns, reports, and references regarding Police administration be placed in *one* of the Secretariat Departments of the Supreme Government.

Inspector General

18. That the Police under each local Government or Administration, should constitute one Force; and be under an Officer to be styled Inspector General of Police ; in whom should be vested, in communication with the Government, the organisation of the Establishment, and the responsibility of maintaining it in a state of efficiency by proper attention to its discipline and interior economy, and to the general management of the Force through its won Officers.
19. That the Inspector General of Police, under the orders of his Government, and in communication with the District Officer, should estimate and arrange for the numbers and allocation of the Police of each District, and for the periodical re-adjustment, as circumstances may require, of these important matters. And the fixed allocation, once made, should not be altered, except as a joint arrangement of the Inspector General of Police and the District Officer; but the District Officer or Superintendent of Police should be empowered to assemble any portion of the District Force at any given place upon the occurrence of any emergency.
20. That the Inspector General of Police should be, with a view to affording information to Government, the centre of an intimate and constant communication with the District Officers in relation to all matters respecting the organisation of the Police, and the internal preservation of the peace, and the state of crime in the country. But he should not be in any sense an authority, appellate, or otherwise, over them.
21. That, in consequence of the appointment of an Inspector General of Police to be the chief inspecting and controlling power over the Police, the executive function of Officers above the grade of magistrate of District, namely, of Commissioners of Divisions as Superintendent of Police, Where such offices exist, should cease, as provided for in certain provinces by Act XXIV of 1857. But it is not intended to limit in any way their general control over the Criminal administration, or their authority over the Magistrates.
22. The Inspector General of Police should not hold any extraneous executive charge, nor be hampered with details; in order that he may be able to devote his whole time to personal supervision of the Police in different Districts.
23. That such returns, statistics and reports regarding the state of crime, and the criminal administration, as the Inspector General of Police may require, should be furnished to him by the District Officer, in such manner as may be prescribed by the orders of local Government.

Superintendent of District Police

24. That in every District under the jurisdiction of one Magistrate, there should be at least one European Officer of Police, to be styled District Superintendent of Police : who should be departmentally subordinate to the inspector General of Police, in every matter relating to interior economy and good management of the Force, and efficient performance of every Police duty ; but bound also obey the orders of the District Officer in all matter relating to the prevention and detection of crime, the preservation of the

- peace, and other executive Police duties, and responsible to him likewise for the efficiency with which the Force performs its duty.
25. That on him should devolve the command and control of all the Establishments of Police every denomination within such District. He should be held answerable for all matter relating to the interior economy of the Force, for the physical qualifications and the general conduct of the men, for the maintenance of discipline and the punctual execution of all orders of the Magistracy. On him, subject to the general administrative and judicial control of the District Officer, with whom he should be in constant and intimate communication, should likewise devolve the maintenance of the public peace and the prevention and detection of crime.
26. That in such District Superintendent the promotion, suspension, and dismissal of Police Officials should be vested, subject to the power from time to time entrusted to him by the Inspector General.

Relative of Polices & Magisterial officers

27. That, as a rule, there should be a complete severance of Executive Police from Judicial authorities that the Official who collect and traces out the links of evidence-in other words, virtually *prosecutes* the offender-should never be the same as the Officer, whether of high or inferior grade, who is to sit in judgment on the case; even with a view to commits for trial before a higher tribunal. As the detection and prosecution of criminals properly devolve on the Police, no Police Officer should be permitted to have any judicial function.
28. That the same true principle, that the Judge and detective Officer should not be one and the same, applies to Officials having by Law, judicial functions, and should as far as possible, be carefully observed in practice. But with the constitution of the Official Agency now existing in India, an exception must be made in favor of the *District officer*. The Magistrates have long been, in the eye of Law, executive Officers having a general supervising authority in matter of Police- originally without extensive judicial powers. In some part of India this original function of the Magistrate has not been widely departed from, in other parts, extensive judicial powers have been super added to their original and proper function. This circumstance has imported difficulties in regard to maintaining the leading principle enunciated above ; for it is impracticable to relieve the Magistrates of their judicial duties, and on the other hand it is at present inexpedient to deprive the Police and Public of the valuable aid and supervision of the District Officer in the general management of Police matters.
29. That, therefore, it is necessary that the District Officer, shall be recongnized as the principle controlling Officer in the Police administration of his District. And that the Civil Constabulary, under its own Officers shall be responsible to him, and under his orders, for the executive Police administration.
30. That this departure from principle will be less objectionable in practice, when the Executive Police, though bound to obey the Magistrate's orders *quoad* the criminal administration, is kept departmentally distinct and subordinate to its own Officers, and constitutes a special agency having no judicial function. As the organization becomes perfected and the force effective for the performance of its detective duties, any necessity for the Magistrate to take personal action in any case judicially before him ought to cease.
31. That the word District Officer, as used in these propositions, means the Chief Magisterial Officer in charge of *District*, and exercising the full powers of a Magistrate under the Regulations ; such as Magistrates of Bengal, of the Districts of the North West Provinces, and Deputy Commissioners of non-Regulation Provinces, or by whatever other designation the Officer in executive administration of a District is styled.
32. That the District Officer is the lowest grade in whom Police and judicial functions should unite; and that consequently, all Officers below that grade who are now invested with Police functions, should not hereafter exercise those functions, beyond issuing such orders as may be necessary in their Judicial capacity in specific case before them.
33. That the general responsibility for the well being of the district should continue to be

vested in the District Officer, as the chief Conservator of the peace of the District; the Police being made an efficient instrument placed at his disposal for the protection of life and property, for the suppression of crime and the repression of local disturbances, and for the purpose of undertaking all the duties properly belonging to a Constabulary.

“Assistant District Superintendent.”

34. That in large Districts where the duties devolving upon the District Superintendent are so heavy as to demand the services of a second officer; there should be appointed an “Assistant District Superintendent.”
35. That all the officers hitherto named should be European.

Organisation of Constabulary

36. That the Subordinate Force should be composed of men of following designations; with the duties hereunder concisely sketched.

Ist. *Inspector of Police;* of various Grades, one or more to be at the Head Quarter of the District Superintendent to superintend drill and discipline &c., the others to be in charge of Divisions, towns &c., and to supervise the performance of executive duties, go rounds, inspect posts and prosecute criminals. *These should be either European, Eurasian or Native.*

2nd. Head Constables, to be in charge of Police parties, located at Station Houses, and having jurisdiction over a Sub-division of a District.

3rd. *Sergeant,* to be in charge of a party or a Sub-division subordinate to a Head Constable.

4th. *Constable,* to do the general duty of Police who should be divided into 3 grades of pay.

37. That wherever practicable, the men of the Police Force, should be enrolled from the Province in which they serve.

38. That every man should be enrolled for general service within the limits of the Local Government under which they serve.

39. That he should be enrolled without any conditions as to period of service, except that he shall not withdraw from the service without giving two month notice.

40. That the force under each District Superintendent be called after the name of the District Police Force. All the Constables in each District Force should be numbered consecutively 1,2,3 and so on; The force in each District should be divided into appropriate Police Sub-Division; each Sub-division to be directed by letters A, B, and so on.

41. That under each Local Government an uniform rate of pay be established, and, though the rates of pay in different Provinces must occasionally vary, they should be assimilated as nearly as possible.

42. That the lower rank of the Constabulary Force should be divided into three grades; the lowest of which should receive pay equal at least to the average ordinary wages of unskilled labour of the Province.

43. That the Pay of the Inspectors of Police, who will be the Superior Officers of the Force and practically the Detective and Prosecuting Agency of the Country, should be on such liberal scale, as will command the services of Europeans and East Indians of respectability and education, or of the higher class of Natives who now enter the public service. The rate should be graduated, so as to afford promotion and retain permanently the services of eligible men.

44. The Pay of the Head Constables and Sergeants should be sufficient to place them above temptation, and to make promotion to these appointments, an object of ambition, open to the inferior grades.

45. That Horse allowance be allowed to all Officers above the grade of Sergeant.

46. That quarters should provided for the Police at the cost of the State; and that the accommodation of the families of the Police should be discretionary with the Local Government.

47. That prospect of a Pension at the expiration of long and faithful service is essential, in order to the Establishment of a good spirit in the force-and to retain the service of men,

who from lengthened period of Service period of Service have acquired efficiency, and are most exposed to tempting offers of service in Departments of Government.

48. That a Superannuation Fund should be established on the same principles as founded amongst the English and Irish Constabulary, by a rateable deduction from the pay of every member of the force, not entitled to Pension, under the Uncovenanted Service Pension rules.

Uniform

49. That a suitable and inexpensive Uniform be prescribed for all grades of the Police under each Local Government, which should be worn on all occasions. The uniform should be furnished to all Officers of Police below the rank of Inspector at the cost of the State.
50. That if any article supplied by Government shall be improperly used or damaged by any Policeman, a proportional deduction, at the discretion of the District Superintendent, should be made from the pay due to him.
51. That every Constable be in some portion of his uniform distinguished by his number in the District Force, and the latter of the Division in which he is serving.

Arms

52. That the Arms of the Police should be of the lightest and most handy description, namely a light smooth bore carbine with a sword bayonet and a sword to be used as a side arm.
53. That the Police should be thoroughly trained in the use of their arms, as will as other branches of drill exercise; but the Police should never carry their arms except in the performance of any duty in which the carrying of their arms is prescribed.
54. That the Police should ordinarily carry a baton or truncheon only.
55. That a Revolver, or Pistols should, at the discretion of the District superintendent, be allowed to Officers above the grade of Sergeant.
56. That the firearms and side arms of each Police Party be kept at the Station House ; generally in the proportion of two swords and one carbine to every two Constables.
57. That all surplus arms be kept at the Head Quarters of the District Superintendent.

Local Distribution

58. That the Police District shall form into Police Divisions:
- 2nd. Divisions into Sub-divisions and Sections;
- 3rd. Sections into rural *walks* of city beats as the case may be;
- 4th. That walks and beats be defined and numbered; and that arrangements be made for *extending* the walks and beat as circumstances require
59. That the Police Districts, with their Division and Sections be rendered corresponding to and conterminous with the existing Magisterial jurisdictions.
60. That the residence of the District Superintendent be called the "*Head Quarter of District Police,*" and that the Station of a Head Constable be called a "*Station House*" and that all minor posts be called "*Outposts.*"

Allocation

61. That in the distribution of the force: Ist the men must be kept together in sufficiently large parties, to admit of will-paid and efficient control, and allow of sufficient numerical strength being readily at hand for any emergency, or being rapidly concentrated for extraordinary emergency. 2nd, each man of the force must have a certain known daily routine duty connected with the observation of the country which he has to perform, unless required for special duty. 3rd, that every part of the country, every village, palting

place, highway and thoroughfare, shall be visited and inspected by the Constabulary, and the village Police communicated with, if possible, once in 24 hours.

62. That it should be lawful for the Inspector General of Police under the sanction of the Local Government, to depute any part of the Police Force in excess of the fixed establishment to be quartered in any District or part of the Province in which from the misconduct of the inhabitants it may be deemed expedient to strengthen the Police; that the offending tract should be charged with the cost of the force then deputed.
63. That it should be lawful for the Magistrate or the District Superintendent in communication with him to depute any portion of the Police force of the District to any locality where disturbance may be anticipated and to charge those whose conduct may have rendered this measure necessary with the cost.
64. That no private person or company should be permitted to keep up any body of men for the protection of life and property, if such men be in the opinion of the Magistrate likely to commit any breach of the Peace; that in the event of assistance being required, the Magistrate should be bound to depute a party of the Police for this purpose, charging the expense to the individual or company requiring that aid.

General Principles

65. That all the numbers of the Police Force should be bound to obey the lawful orders of the Magistrate, and the for neglect of duty or disobedience of orders, the Magistrate should have the power of inflicting Summary Criminal penalties; such sentence to be appealable in the usual course of Law.
66. That the Police should sent to the Magistrate all such reports as he may require regarding crime and criminal administration. But the Magistrate ought not to require more reports, &c, than are absolutely necessary.
67. That no separate class of clerks, writers or ministerial officials shall be allowed in the Police; and that all duties connected with writing and account be performed by enrolled men of the Force.
68. That the Police should not be used as an agency for the record of any evidence, confession, inquest or the like; but a system of keeping faithful, accurate, and minute diaries should be maintained. These diaries should specify, concisely, but in detail, all duties in which any Police Officer may have been engaged, and every occurrence and information that may have required the attention of the Police within their respective ranges. All Police Officers engaged in specific detective duties should keep an accurate and minute diary of every step taken, and every information obtained in following up the clue of evidence, such diaries should be Police documents only, and be sent to the District Superintendent, but should be open to the inspection of the District Officer.
69. That the Police be strictly forbidden by law to take cognizance, or interfere with petty offences of any description, or otherwise interfere with the liberties or convenience of the people.

**M.H. COURT.
S. WAUCHOPE.
H.P. PHAYRE.
W.ROBINSON.
R. TEMPLE.
H. BRUCE.**

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APPENDICES

APPENDIX I

To

COLONEL BALFOUR,
President, Military Finance Commission.

Sir,

In forwarding to you a printed copy of certain Resolutions of the Police Commission, I have the honour to request the favour of your placing us in possession of the information sought for, with little delay as possible.

2. In the opinion of this Commission, there must be but *two* organized bodies maintained in this country-the *one* an armed Military Force under the Commander-in-Chief, the *other* a Civil Constabulary subject to the Civil Executive Government.
3. That under a strict observance of this principle. The one body would only perform the duties strictly applicable to its won sphere, but upon it should devolve *every* duty connected with it.
4. Amongst, duties strictly attached to the Military Department, we consider the guarding and watching of all Military buildings in Military cantonments, such as medical store depots, hospitals, commissariat and army clothing godowns, pension paymasters' cash chests, and the escorting of all military stores, ordnance, commissariat, &c., to be included. But although all these duties belong to the Military Department, we are informed by our colleague, Mr, Temple, that many of these duties can be as efficiently performed by a Constabulary at a very great saving to the State, and we observe in the Official Reports of the Madras Government, that many are actually performed by the Civil Police in that Presidency.
5. Our object is to ascertain the opinion of your Commission on this question, and in the event of your considering, that in truth any of these duties can be performed with equal efficiency and greater economy by the Constabulary, to learn from you' the duties, in detail you would assign to us,-the additional force that will be required for these Military duties,-and the sum which would be carried to the credit of the Civil Government to provide that force.

I have the honor to be,

Sir,

Your obedient servant,

M.H.COURRT,

President of the Police Committee.

CALCUTTA;

Office of the Commission of Police,

The 28th August 1860.

(COPY.)

1. **THAT** in the opinion of this Commission, the proper duties of a Police Force are entirely Civil, not Military; that under this rule, besides their ordinary functions connected with crime and property, their duties would be to guard and watch

- treasuries, jails, and prisoners, and other purely civil establishments, as also to guard those Frontiers where invasion is not apprehended.
2. That is would not allow of the Police being employed in escort of any stores or supplies required in the Army Department, e.g, commissariat stores.
 3. But in the Report of the Military Finance Commission, dated 30th April 1860, it appears to be considered of importance, in Imperial Finance, to relieve a Native Army of many duties which can be as efficiently performed, at a much less cost by a Constabulary; and in para. 162 of that Report, they strongly recommend that the performance of escort of other duties attached to Military may be undertaken by the Civil Constabulary, on their being furnished, by the Department requiring their aid, with the pecuniary cost.
 4. That previous, therefore, to coming to any ultimate decision, it is resolved that a copy of the above Resolutions be forwarded to the Military Finance Commission, with a request that they will favor this Commission with a general expression of their opinion on the extent of the employment of Civil constabulary in guarding or escorting Military stores or other duties attached to the administration of the Army; and, as far as possible, an estimate of the saving that will be effected to the State,-of the increase that will be necessary in the Civil Constabulary for the performance of these *non-civil* duties,-and of the amount that would be provided for the purpose from the Military Department.

No.2339.

APPENDIX II

FROM

THE MILITARY FINANCE DEPARTMENT,

TO

M.H. COURT, ESQUIRE,

President of the Police Committee,

Calcutta.

Calcutta, 20th August 1860.

SIR,

- I have the honor to acknowledge the receipt of your latter dated 28th August, and in compliance with the request therein conveyed. I proceed to state the opinion of the Military Finance Commission, on the subject of the relative position of the Civil Constabulary and the Military Forces, and the duties to be performed by them respectively.
2. It appears to the Military Finance Commission, that the difficulties that have hitherto arisen in distinguishing the duties properly appertaining to the Military Forces from those that should devolve on a Civil Constabulary, are attributable solely to the non-recognition of the important principle now clearly laid down by you, that there should be but two descriptions of forces maintained for the protection of the country, the one an armed Military Force under the Military Commander, and the other a Civil Constabulary subject to the Civil Executive Government; the former being kept on the lowest scale compatible with the efficient performance of the strictly Military services of repelling external aggression, and putting down internal revolt, and the latter being of such a

strength as to provide for the general tranquillity of the country under ordinary circumstances, and afford protection to life and property.

3. Your Commission have referred to para 162 of Report No. 5 dated 30th April 1860 of the Military Finance Commission, which has relation to the bearing on the finances of the employment of Civil Constabulary in the performance of duties of a civil nature, such as guards for treasuries, jails, mints, &c., for which Military guards have hitherto been employed. The recommendation of the Commission, to substitute Police Constabulary as far as possible for the Native Troops, in the performance of these duties, was not how ever based solely on economical grounds; and if your Commission will refer to paras. 155,156,157 and 158 of the same Report, quoting the remarks of His Excellency the Commander-in-Chief regarding the necessity of giving relief to the Native Troops of the Madras Presidency, as also to part of para, 165, wherein His Excellency refers to the injury to discipline that is entailed by the employment of the Military Forces in miscellaneous duties not strictly Military, it will be apparent that the Commission, in making their recommendation, had in view the maintenance of Military efficiency at least equally with the relief of the finances.
4. At the same time however I may state, that the Military Finance Commission have seen no reason to depart from the opinion recorded in that Report, as to the great saving to the State, that might, for the various reasons enumerated in para. 166, be effected by an extensive substitution of Civil Constabulary for the Native Troops in the performance of miscellaneous duties, as already to a great extent successfully accomplished throughout several Districts of the Madras Presidency ; and your Commission will observe that in a former Report dated Bombay 29th October 1859, the importance of concentrating the Military Forces, and freeing from the performance of non-Military duties, was strongly urged by the Commission, vide paras.10,11,12, and 13.
5. As regards the direct bearing of this system on the position of the Military Forces, I may refer to para. 164 of the Madras Report, wherein it was shown that on the 13th December 1859 there were 91 Detachments of less than one Regiment, absent from the Head-Quarters of Regiments of the Native Infantry of Madras : whereas, from Returns furnished by the Quarter-Master General, dated 10th August, 1800, it appears that there were then only 29 Detachments of less than one Regiment absent from Head-Quarters. The numbers detached on the former date were equal to fully 120 Companies, but on the latter date, or within about six months, equal to only 35 Companies ; the numerical strength of the former being about 12,000 men, and of the latter only about 2,500 or less than a fourth; and even these numbers are in course of further reduction, as the organization of the Constabulary advances towards completion.

STHENOTHOFDETACHMENT	On 13 th December 1859.	On 10 th August 1860.
Less than one Regiment	2	0
Less than one Wing	7	3
Less than one 3 Companies	21	2
Less than one 2 Ditto	30	17
Less than one 1 Ditto	31	7

6. The one important point to be borne in mind as regards the employment of the Military Forces in any except strictly Military services, is that so long as Military Commander is liable to calls for guards for the performance of Civil duties, he cannot exercise effective control over the discipline and conduct of his men ; and through willingly rendering obedience to the requisitions of the Civil Executive, he will naturally, from anxiety regarding the maintenance of Military efficiency under such circumstances, be led to advocate increase of the Military Forces ; whereas, if they were placed entirely at his disposal for strictly Military services, he would without anxiety, be enabled to allow of extensive reductions in the strength of the Army.
7. A remarkable illustration of this fact is to be found in the case of the present Commander-in-Chief of the Madras Army, His Excellency Lieut.-General Sir Patrick Grant, who in 1856, shortly after assuming the Command, found the Native Army so over-worked as to induce him to address Government on the subject; and although between that period and the close of 1859, upwards of 15,000 men were added to the Madras Native Infantry, still His Excellency found it necessary, at intervals, up to the latter date, to make the forcible representations quoted in paras. 155,156,157 and 158 of the Report of the Military finance commission; the severity of the duty entailed to the Native, Troops having increased even in a higher ratio than the numerical strength, large as the augmentation appears to have been.
8. No less remarkable are the immediate results of the measure adopted in the Madras Presidency, of placing the Military Forces entirely at the command of the Military Authorities by the formation of an efficient Constabulary Force, to relieve the Military Forces from all the miscellaneous duties enumerated by the Military Finance Commission in para. 162 of their Report. The introduction of this measure led to His Excellency the Commander-in-Chief giving an immediate assent of a reduction of the strength of the Madras Native Infantry; and at the same meeting of the Madras Council (on the 2nd January 1860), at which it was resolved that the Madras Constabulary, even in its then imperfectly organized state, should take up the Miscellaneous duties hitherto performed by the regular Troops, it was also resolved that an extensive reduction should be made in the Native Infantry.
9. Since that date four extra Regiments and two Veteran Battalions have been broken up, and about 320 men struck off the strength of each of the fifty-two Native Infantry Regiments : making a total numerical reduction of about 20,000 men. A further reduction of 100 men per regiment is now in contemplation, which, if effected, would make a total reduction of 25,000 Madras Native Infantry of all grade, being an actual decrease of fully 10,000 men below the establishment as existing in 1856, before the increase was made.
10. The Military Finance Commission can give you no stronger illustration than the above, of the direct bearing of the formation of an efficient Civil Constabulary on the reduction of the Military Forces, and consequently, of Military Expenditure : and have no doubt that similar results might be attained throughout India, by the

- adoption of the same measure.
11. The saving to the State in Military Expenditure, by the reduction of 25,000 Native Infantry, would calculating at Rupees 200 per head per annum, (which may be accepted as approximately correct, but is at any rate the lowest estimate.) amount to about 50 lakhs of Rupees annually. As regards the effect of so large a numerical reduction of the Madras Forces on Military efficiency – which the Military Finance Commission are specially bound to keep in view at least equally with economy-the Commission see no reason to apprehend risk : for, looking to His Excellency the Commander-in-Chief's painful description of the harassed and over-worked state of the Native Army before this relief was afforded, they fully anticipate that the morale of the Troops will be found to be so greatly raised, and their discipline so much improved by their being employed only for purely Military services, that a far smaller number than hitherto will amply suffice for maintaining the security of the country.
 12. I have thus shown the saving to be effected in the Military Expenditure of the Madras Presidency, by reductions of the Military Forces consequent on the formation of an efficient, Constabulary ; and I need only refer you to Mr. Robinson, Inspector General of the Madras Mofussil Police, who is a Member of your Commission, for all particulars as to the additional expense likely to be entailed on the Civil Department by the substitution of the new Constabulary Force for the old Police force ; only remarking here, that according to the information of the Military Finance Commission, the increased outlay for the Constabulary will not amount of more than one-fifth of the saving in Military Expenditure (50 lakhs) as above shown. The Commission are not at this moment able to state the exact Military saving that might be effected in the Bengal and Bombay presidencies, by the introduction of the Constabulary ; but they have every reason to believe that the saving in both Presidencies would be relatively as great as in Madras. If fifty lakhs per annum can be saved in Madras, your Commission can form some idea of what would be saved in Bengal, by the adoption of a similar system.
 13. I must here however distinctly point out, that in the opinion of the Military Finance Commission, the success of this measure, as regards admitting of a large reduction of the Military Forces without risk to Military efficiency, depends entirely on its being carried out in its full integrity ; and to the full extent stated by the Commission in para.162 of the Report referred to by you. For, if the relief given to the Military Troops be only partial, necessitating the constant absence of considerable portions of a regiment from Head-Quarters, or from under the eye of the Officers the Commission cannot hold out the expectation that the Military Commanders will find the reduced strength of the Madras Forces, as above detailed, sufficient for the efficient performance of Military services : or that it will be found practicable to reduce the Military Forces throughout India in the same proportion.
 14. Your Commission being necessarily bound to keep in view the efficiency and economy of the Constabulary Force, in the same way as the Military Finance Commission keep in view those points in relation to the Military Forces, you must therefore be naturally anxious to have the duties to be undertaken by the

- Constabulary definitely fixed and limited. The Military Finance Commission are equally anxious to have a clear line of demarcation laid down between Military duties, and those of the constabulary Force; and think that no difficulty will be found in so doing, if it be recognised that a distinction exists between “*guarding*” and “*watching*.”
15. As regards the protection of Military buildings in Military cantonments, as instanced by you, it appears to the military Finance Commission, that under the ordinary circumstances of the country, the services of the Constabulary Force, as *watchmen*, would be all-sufficient. This is no new idea, for I observe by the Army Estimates of 1860-61, that provision is made for the payment of Police for watching the Royal Arsenal at Woolwich, the Tower of London, the small arms Factory, Enfield, and the Army Clothing Depot Pimlico. The Dock-yards at the sea-ports, as also the Bank of England, are watched night and day by Police ; but at night a company of Regiment quartered in the Tower moves in to guard the Bank against *external attack*, the Police at the same time performing their duties as watchmen, and thus leaving the Military guard to their proper duties of repelling attack.
 16. If, however, the Civil Authorities should declare that the Constabulary does not suffice for the security of any locality, the Military Authority should, on due requisition being made, furnish a guard of soldiers ; but this should be looked on as only an exceptional case, and under no circumstances should the soldiers be permitted to act as watchmen, which is the special province of the Constabulary. If throughout the country the simple rule were acted on, that the services of the Military Forces, although at the command of the Civil Authorities whenever real occasion may arise, are nevertheless only to be called for in case of emergency; and further, that Troops thus called out should be employed only in a strictly Military way, as laid down by the Military Commander with a view to meet the object of the Civil Authorities and clear the field for the action of the Civil Force, it is probable that the Civil Authority, would be very careful in making requisitions for Military guards, which would in no way lighten the duties of the Constabulary Force at their disposal, for maintaining the internal peace and tranquillity of the country.
 17. As regards the acceptation of the term “escort,” it appears to the Commission not to be generally rightly understood. The escorting of treasure of Military stores, as performed by the Military Forces, should in the opinion of the Commission, consist only in the Detachment moving along as a Military body, sufficiently near to guard against any external attack, not allowing the soldiers to walk beside carts, acting as watchmen. The necessity for a Military escort being employed, as also the strength of such escort. Will obviously depend on the state of the country to be travelled over; but now that tranquillity is generally re-established, it appears to the Commission that these calls need not be numerous. And for the special duties of watchmen in transport of treasure, stores, &c., a sufficient force of Constabulary should be provided, on requisition being made by the Department concerned.
 18. It should be borne in mind however, that the Military Authorities, although equally entitled with the inhabitants of the country to the ordinary kind of

protection from the Constabulary Force, whether in cantonment or in moving about from one station to another, are not entitled to obtain, without payment, any greater degree of protection than is afforded to the inhabitants generally. The proposition of the Military Finance Commission, made in para. 162 of the Report already referred to, *that payment should be required by the constabulary Department*, whenever any other head of Department calls for the special services of the Constabulary, as for watching building, stores, &c., whether in cantonment or on the road, would, if adopted, act as an effectual check on any abuse of the privilege of obtaining the special services of Constabulary as watchmen. And this arrangement might with advantage equally be extended to all private individuals, on the same terms; for it appears to the Military Finance Commission that it is a great object to extend the influence of the Constabulary Force as much as possible throughout the country.

19. The system of payment for special Police services is extensively practised at home; for by the English Civil Estimates, for the year ending 31st March 1801, the payment by Public Departments on account of the services of the Metropolitan Police, were estimated at L25,420, those from public companies and private individuals at L4,406, and those from theatres at L692. And the Commission fully understand that the services of the Police are willingly given, on payment, to all parties applying for them.
20. If a similar system were adopted in India, no unnecessary burden would be entailed on the Civil Administration; and as regards increase of Military charges on account of services thus rendered by the Constabulary, the Military Finance Commission entertain no fear but that with the close and efficient audit of Military Expenditure which they hope shortly to establish, all charges of this nature would come under such strict investigation as would suffice to protect the State against any unnecessary requisitions being made by Military Departments, for the services of the Constabulary Force.
21. It must not be understood, however, that the Military Finance Commission advocate the substitution of Constabulary watchmen for Military Guards at arsenals, magazines, and other Military buildings. As already explained, the Commission consider the duties of Constabulary and Military guards as entirely distinct. The Military Commander must provide for the security of arsenals and other Military stores, in a Military point of view, by means of the Forces placed at his disposal; and the determination of the strength of guard requisite for that purpose rests entirely with him. No doubt the extent to which such Military precautions are taken must depend in a great measure on the state of tranquillity of the country, as maintained by the Civil Constabulary Force; but in no instance would an efficient Commanding Officer either entirely dispense with certain Military precautions, however profound be the peace of the country, or employ the Military for Police duties which could be better performed by the Constabulary.
22. The Military Finance Commission only desire to establish, that if the Military Commander in any locality, whilst duly regarding the responsibility resting on him to provide for security in a Military point of view, should deem it advisable to employ the Constabulary force in the duties of watchmen, either as a relief to the

- Troops, or as tending to economy, the services of the Constabulary should be available at the his desire, on condition of payment being made on the regular scale fixed.
23. The Military Finance Commission do not anticipate that any difficulty would be experienced by the Constabulary Department, in meeting demands of this nature, however extensive they may become. It would be only a question of increasing the numbers of Constabulary, and allowing a short time for training ; indeed, so uniform are the requirements of the Military Service, that, after a little experience, it would be easy for each Head of Department to send in the beginning of the year an estimate of the extent to which he is likely to require the services of the Constabulary during the ensuing year.
 24. The respective comparative cost to the State, per head, of Constabulary and regular Native Infantry, the Military Finance Commission understand to be about Rs. 250, (which is the maximum charge,) for the latter; and this would make a considerable saving, if the agency of the former be extensively substituted for that of the latter. The calculation of the scale of payment for services rendered by Constabulary, both to Government Departments and the public in general, should be so made as entirely to cover the cost of maintaining any number of Constabulary that may be required, beyond the number necessary for the general preservation of tranquillity, and affording due protection to life and property.
 25. In making the above observations, the Military Finance Commission conclude that it is the intention of your Commission to provide an efficient Constabulary Force in Military cantonments, equally as elsewhere ; and the Commission attach great importance to this proviso, as it appears to them that it has not hitherto received due the weight in the consideration of Police arrangements, which as already shown, have a most important bearing both on the efficiency of the Military Forces and the economy with which they can be maintained.
 26. Having regard then to all these considerations, which relate partly to Military efficiency and partly to Financial economy, the Military Finance Commission strongly recommend to the consideration of your Commission the following propositions:-
 - I. *That*, the Military Forces should be employed solely on Military services, which in general terms, may be designated as the repelling of armed aggression, whether proceeding from external or internal sources.
 - II. *That*, the repelling of such aggression, whether from Civil or Military property, is a strictly Military duty; but that the *watching* of Military buildings and property, whether in cantonment or in movement, in tranquil times, is *not* Military, but Civil duty.
 - III. *That*, such Civil duty ought to be performed by the Civil Constabulary, and that their services should be allowed by the Civil Authority to any Military Authority, or Head of Department, in the same manner and on the same conditions as to other parties.
 - IV. *That*, any Military Authority or Department requiring extra and special Service of the above description, should pay for it at the same rates as charged to private individuals.
 - V. *That*, such Military Authority or Department should specify to the Civil Authority

- the nature of the extra or special duty to be performed ; the Civil Authority being held responsible for its due performance, and therefore fixing the number of men to be employed thereon.
- VI. *That*, on the other hand, should the Civil Authority apply to the Military Authority for Military aid in repelling or guarding against armed aggression, such aid should be given,; the Military Authority being in like manner responsible for the performance of the duty, and deciding as to the strength of force to be employed.
 - VII. *That*, in accordance with the above propositions, all stores of the Ordnance, Medical Commissariat, Public Works, Clothing, and Barrack Departments, in cantonments or in transit, all stores in arsenals, magazines, and depots, all munitions of war, all Military buildings whatever, should if required, be *watched* by the Civil Constabulary, on payment for the special service.
 - VIII. *That*, all the duties now performed by Military guards and patrols in cantonments, relating to the general safety and peace of the locality, ought to be undertaken by the Civil Constabulary as an ordinary duty.
 - IX. *That*, on the other hand, all duties that are points of Military honour or Military precaution , such as guarding colours and light field pieces of battery, the posting of picquets, and regimental an general guards, should always be provided for by the Military Authority.
 - X. *That*, while a Military *guard* may be kept up over particular Military Property as a Military precaution, still the duty of *watch* should be uniformly performed by the Constabulary; for instance, there might be a Police watch at a magazine inside a Fort, while there might be also a Military *guard* posted there to secure the Military possession of the place.
 - XI. *That*, even in the above ease, there are certain kinds of duty which may be advantageously performed by a Constabulary to the relief of the Military Force; and that although a Military guard may sometimes be employed simultaneously with a Police watch, yet in all ordinary cases, whether within or beyond Military jurisdiction, the latter should, under the usual circumstances of the country, alone suffice, and should be employed in order to relieve the Military Forces.
 - XII. *That*, as it would not be expedient that the Military Authority should be permitted to make unlimited demands on the Civil Authority for the services of the Constabulary Force, a sufficient, check will be found in the proviso, that the Head of the Constabulary, who is responsible for the due performance of the duty, shall fix the number on men to be employed.
 27. The Military finance Commission have long had under consideration the question of properly adjusting the respective duties of the Constabulary and Military Forces; and they offer these suggestions, believing that duties wholly unsuited to soldiers, may without inconvenience to the Civil administration be undertaken by the Constabulary Force, with equal or even greater efficiency, and at a far less cost to the State than as hitherto performed by the Military Forces; at the same time that the system of requiring payment for all extra services, will lead to a great diminution of demands of this nature.
 28. The Native Army, when thus relieved, might not only be greatly diminished in strength, but further, the reduced Military Force to be maintained might be concentrated, whereby a still further saving to the Sate would be effected; whilst

in the Military Forces thus freed from all extraneous duties, that improvement of discipline and organisation might be carried on under the immediate eye of the Officers.

29. The Military Finance Commission fully anticipate that very important objects in a Military, Financial, and Political Point of view, would thus be attained.

I have the honour to be,

SIR,

Your most obedient servant,

G. BALFOUR, Colonel,

President, Military Finance Commission.

APPENDIX III

EXTRACT FROM REPORT No.2 OF THE MILITARY FINANCE COMMISSIONERS, DATED BOMBAY, THE 29TH OCTOBER 1859.

10. The Commission lay great stress on the Troops being massed together in suitable military centers, in due proportions of Europeans and Natives, and reserved for strictly military duties, since the possibility of reductions of military establishments and expenditure, consistently with the maintenance of complete efficiency, depends mainly on the proper development of the principle of military occupation ; as also on the regular troops being entirely freed from the performance of the multifarious non-military duties hitherto imposed on them.
11. At present the military forces are employed on so many duties of this nature within and beyond cantonments, and scattered about in small detachments to such an extent as virtually to reduce a great portion of the regular Troops to the position of a mere Military Police : whereby the efficiency of the soldiery, both European and Native, is impaired, the prestige of the European Troops greatly weakened, and that perfect training of soldiers is prevented, for which so many facilities exist in India. Taking the Bombay Presidency, we find that there were, on the 1st September last, absent from the head quarters of 10 European regiments, 17 small detachments of European Infantry, comprising 75 officers and 2,449 non-commissioned rank and file,- total 2,524 of all ranks ; also 55 detachments absent from 29 regiments of Regular Native Infantry, comprising 41 European Officers, 117 Native Officers and 6,156 non-commissioned rank and file,-total 6,314 of all ranks. Further, between the 1st September 1858 and 31st August 1859, 91 detachments were sent on escort duty from 26 regiments of the Regular Native Infantry ; of these regiments furnishing, respectively as many as 11,10,7 and 6 escorts. These 91 escorts comprised altogether 46 European Officers, 129 Native Officers, and 4,518 non-commissioned rank and file, being a total of 4,693 of all ranks and giving an average for each escort of 51.50 of all ranks. The average distance to which the escort duty extended was 80.50 miles, making, with the return march, an average distance of 161 miles moved by each escort, and involving on the average an absence of at least twenty days from all proper military control. The whole distance would therefore have been for one escort (51.50 men) 8,291.50 miles marched : and for one single of the 91 escorts 754,994 miles.
12. Some of these detachments and escorts were no doubt indispensable for military reasons connected with the late exigencies ; but even during the most peaceful times, the amount of detachment, guard, and escort duty has always been considerable, greatly unhinging Military arrangements and destroying discipline; and the Commission are convinced that the time has now arrived when the practice of thus employing regular troops must be entirely discontinued, in order to enable the Government of India, whilst placing definite limits to Military expenditure, at the same time to maintain full Military efficiency. Indeed, it cannot be too often repeated, that to this

end the regular forces should be reserved for Military purposes alone, so that every man borne upon the rolls of regiments may, at any moment, be available for actual warfare; and this principle should equally be kept in mind as regards financial considerations, since all experience proves, that to employ soldiers of the regular Army in the duties of policemen, watchmen, and messengers, is only to entail on Government the maintenance of a large numerical Military Force, with all the corresponding heavy charges for Officers, equipments, and separate departmental establishments ; the average charge throughout India (according to the present calculations of the Commission, which however, require verification.) being about a thousand Rupees per annum for each European soldier, and two hundred and fifty for each Native soldier of the regular Army.

13.

It therefore appears to the Commission that it would be far preferable, in every point of view, to have the non-military duties hitherto confided to small guards, detachments, and escorts of the regular forces, in future performed by the Civil and Military Police, of which large bodies are already kept up, especially in the Bombay Presidency. The Commission consider, that the Police, if properly organised, and efficiency ensured, as far as possible, by careful independent Inspections, would discharge these duties as well or even better than can be done by the regular Troops, and far more economically; the charge to Government for each individual of the Native Police, judging from the cost of the Seitala Police Corps, being probably less than one-third of the average for the regular Troops, European and Native. But the Commission may here observe that the expenditure for the Civil and Military Police of the country, should, equally with the *bona fide* military expenses, be carefully scrutinized, and kept within definite limits, otherwise the outlay in the Police branch may be found to outweigh the saving effected in the army, and the change, unless judiciously carried out might not in any way benefit the country

APPENDIX IV

EXTRACT FROM REPORT No. 5 OF THE MILITARY FINANCE COMMISSIONERS, DATED CALCUTTA, THE 30TH APRIL 1860.

153. We would in any case suggest, that the 13 regiments of Native Infantry serving in the Eastern Settlements and to the Eastward, including China, should, as soon as possible, be immediately reduced to the peace establishment of 700 privates, as recently ordered for the rest of the Native Army of the Madras Presidency. Considering also the difficulty of marching troops in Pegu during many months of the year, when the whole country is nearly impassable on account of the floods and rains, and seeing the fine water communications by the irrawaddi afford great facilities for transport in that the event of operations against Ava being necessary—since the rapid movement up the river of a small force by the flotilla, to the rear of an invading army approaching from Ava, would greatly paralyze an enemy advancing from that quarter, along the narrow valley of the Irrawaddi—we are of opinion that the large transport cattle establishment, as per margin, recently maintained in Pegu, (nearly equal in numbers to that maintained in Madras Proper, for the Madras Army on the Continent of India.) might, without detriment of Military efficiency, be still further reduced. We have no doubt that by these measures, and the greater concentration of the Troops these provinces, a clear saving of about 16 lakhs per annum might be effected, including all contingent charges of freight, passage money, batta, rations, &c.

Elephants	1 3 2
Draught Bullocks	1 , 3 5 9
Carriage Bullocks	3 0 8

Dooley Bearers	1
	,
	6
	6
	6

“Relief of Regular Troops by Police.”

154. Having shown above that a great increase was made to the strength of all the Native regiments of the Madras Army subsequent to May 1857, on account of the mutiny in Bengal, we must not omit to point out the causes which prevented a diminution being made, when the emergency was over, as rapidly as would otherwise have been practicable. In March 1859, when reductions of the Native Forces were first resolved upon by the Madras Government, His Excellency the Commander-in-Chief, after full deliberation, pronounced it unadvisable, pending the organization of the madras Police Constabulary, to reduce the strength of Native regiments below 1,000 privates, on the ground of the men being greatly overworked, by reason of the scattered state of the Forces over the vast extent of territory occupied by them, the long and frequent marches that had become unavoidable, in order to provide for the variety of Foreign service to be performed ; the great amount of detachment duty, and the unceasing calls on he regular Troops for escorts and guards. Indeed his Excellency set forth the evils and hardships thus entailed on the Native Army, in such earnest and forcible language, that we quote his own words, as conveying the soundest principles.
155. “As Commander-in-Chief, Sir P. Grant feels bound to submit to Government his “Fixed opinion, that it is utterly impossible that discipline and efficiency can co-exist with the present condition of this Army, broken up as it is into small detachments, and dispersed here and there over the vast surface of this extensive Presidency, together with portions of Bombay and Bengal, and the recent acquisition of territory in Burmah. Deeply feeling the evils of the existing system, Lieutenant-General Grant earnestly recommends to the Government to consent to consent to concentrate the Troops as much as may be practicable at the head quarters of Divisions and Brigades ; reducing, as far as possible, all single regiment stations, and altogether withdrawing to their company or regimental head quarters the Innumerable small details of Artillery and Infantry, which at present abound in every part of the country, ruining the discipline and efficiency of the Troops, and, in reality, Affording no adequate protection in any respect.
156. “Employing detachments of Troops, more especially Artillery and Guns, on outpost “duty or field service of even the most trivial description, under Native Commissioned or “Non-Commissioned Officers, is highly objectionable ; and never can be necessary if these “suggestions are carried into effect. By concentrating the Troops, as now proposed, very many of “the inconveniences now experienced in arranging for the periodical relief will be obviated : “an effective force ready for any service will always be in hand to move upon any point where “Troops may be required; opportunities for exercising together, in considerable bodies, the “Troops of all arms, will be afforded, than which nothing can be more desirable. “An impetus to discipline and efficiency, which cannot be

- over-estimated, will be given, “and an emulation and Military spirit conducive in the highest degree to the good of the public service, cannot fail to be created.
157. “I have submitted to the Government a project to concentrate the Troops, “as much as possible, in suitable positions, instead of having them, “as they now are, eat up into petty detachments and scattered all over the face of the country, affording no real protection or assistance, and absolutely ruling all discipline and efficiency. Many Brigade stations have not even on complete regiment quartered at them just now, and except at Secunderabad (In the Nizam’s territories), there is not a point in the Madras presidency where a force of 3,000 men of all arms could be assembled. The men feel that they are grievously overworked ; that duty is constant and unceasing, and that there is prospect of relief ; their strength and energies are over tasked, and that they are plunged in irretrievable debt by the long and frequent marches. One-third of the Army is permanently on duty from year’s end to year’s end, and the men are disheartened and dispirited ; this season (1857) fully one-half of the Native Army has been in movement, or will be so, to occupy Pegu, and effect the general relief, and to give to Corps in regular succession their proportion of Foreign service.
158. “The circumstances of the Native Army are becoming daily more trying, and I Feel “it to be my duty again to solicit that the relief to which in common justice and humanity they are entitled, may be granted to the Troops. The enclosed Return, prepared in the office of the Adjutant General of the Army, shows that 23 regiments (nearly half the Army) have only 1.50 relief; 18 regiments have 3 reliefs. It is my duty as Commander-in-Chief emphatically to state my firm conviction that this state of things cannot much longer endure. The Troops must have relief, and I have already Indicated, how, in my opinion, it can best be given.
159. At the same time His Excellency, in a letter to the Madras Government, dated 17th March 1859, expressed the opinion. “that the first step to be taken, in order to admit of any real reduction being made in the Military expenses of the Madras Presidency, is the formation of an efficient and well organized Police, a point which was first pressed upon notice by “Lord Harris, in August 1855” The Act of the Legislative Council, authorising the formation of the Madras Police Constabulary only received the assent of the governor-general on the 6th September 1859; but it was then pressed rapidly forward, and on our arrival at Madras, in November last, we found one district of the Presidency, (Arcot) almost entirely occupied by the Constabulary, the relief of the regular Troops as regards detachment and guard duty being already to some extent carried out. The Veteran Guard at Palliconda has likewise been relieved. There are Veterans at Arnee ; but they are not performing, so far as I am aware, any Civil duty. If they are doing so, however, these duties will cease before the end of January next, as the Arnee Division will by that time be taken up by the Constabulary. All guards furnished by the Regulars (the 18th Regiment Native Infantry), for Civil duties at Vellore, have been relieved. They consisted of jail and police choultry guards. I believe that there are hospital, arsenal, and commissariat guards also furnished by the Regulars at Vellore ; and probably at Arcot likewise. *It is for the Military authorities to judge, whether it is desirable to relieve any of these guards by the constabulary.* The Civil duties which now press so severely on the Military

- forces, consist chiefly of jail and treasure guards. To furnish there, detachments are necessarily kept up in different parts of the country, and their relief is of the first importance. I consider that any energetic Superintendent of Police should, in most districts, be able to organize and train a body of men sufficient to men sufficient to undertake all these duties, and relive the detachment within 3 months of his commencing work in his district.”
160. The organization of the Police Constabulary thus in process of formation for the Madras Presidency, is very different from that of the Military Police of Bengal and Bombay, who are in every way constituted on the model of the Sepoy Army, and would require as many reliefs for their guards as the native regiments of the Line, in order to maintain a similar discipline and in reference to which the Commissioners appointed to enquire into the organization of the Indian Army, recorded in their report, that “they see in this Force, in its numerical strength, and Military organization, differing, as it does, in no essential respect from the regular Sepoy Army, the elements of future danger ; and would therefore recommend that great caution be used in not giving to this Force a stricter Military training than may be required for the maintenance of discipline, lest a new Native Force be formed, which may hereafter become a source of embarrassment to Government.” His Excellency Sir Charles Trevelyan, Governor of Madras, makes very similar remarks in one of his Minutes. Wherein he points out the difference between the proposed Madras Constabulary, and the other Police bodies of India. “It is not Police Corps’ which it is proposed to establish. These are neither Police nor regular Army, and while they cause a heavy expenditure, are a source of disquietude both to Government and the people.
161. The Madras Police Force, however, are not to be soldiers but Constables; as explained by Mr. Robinson, they are to go through a certain degree of drill to “secure discipline and proper spirit; all are to be taught the use of arms, which are light carbines and swords, in the proportion of one fire-arm and sword for ever 2 men : but excepting when employed on treasure escort, or jail duty, they are not be required to observe the strict discipline essential in a Military body , and fewer reliefs will therefore be required for the men on duty ; daily reliefs can only be carried out at a very heavy cost to the State, and not less than 3 are Necessary for health and discipline. The composition and probable outlay for this Police Force is stated by Mr. Robinson as follows :- “The rate usually taken in estimating County Constabulary in England, is one Policeman to 1,000 Inhabitants, and to 4 square miles of area (on this latter point differences of opinion exist) ; and so far as I have got, I am inclined to think that this rate of one to every thousand Inhabitants should suffice for this Presidency ; but the area will of course be much greater. Calculating from the above data, and taking the grades and rates of pay already stated to your Commission, I estimate the cost of Constabulary for 22 millions of Inhabitants at Rs. 30,54,000, as per margin. Of this sum, 12 to 13 lakhs will be recovered from existing expenditure on civil establishments.” The increase to the present outlay for the protection of the country would, in that case, not be more than about 18 lakhs, and it is moreover possible that this amount may be, to a great degree, or even entirely covered by the revenue exemptions and money allowances previously assigned to certain parties for performing Police

duties being resumed, or the privileges at least greatly modified. But even if these anticipation be not realised, the additional outlay should not be allowed to stand in the way of endeavoring to secure the highest state of efficiency in the Constabulary Force ; for as observed by his Excellency Sir Charles Trevelyan, in one of his Minutes, “The key to the organization of our Indian Military system is the reformation of “the existing Police, on the English and Irish Constabulary Principle ; “ and His Excellency lays special stress on the formation of a “*real Police*, will organised, will paid, will superintended by selected European Officers.”

	Number	Rupees.
600	Inspectors	6,60,000
21,400	Inferior Grades	18,04,000
22,000		24,64,000
20	Superintendents	
20	Asst. Ditto (travelling allowance inclusive)	3,00,000
1	Inspector General (Offices, Travelling, &., inclusive)	50,000
22,041	Total Rupees.	28,14,000
Clothing	2,00,000	
Arms &c., Annual	20,000	
Stationery	20,000	
		2,40,000
Total	Annual charge Rupees	30,54,000

162. In reference to the expense of employing Military guards for Civil duties, Mr, Robinson very justly remarks, “that the first step towards reform of Military expenditure will be for the Adjutant “General to debit the cost of every sentinel or detachment he " supplies, to the districts or department employing them ; for then only will the enormous cost, at which many purely civil duties are now being done by Military forces, oblige the heads of departments to see how easily they can dispense with Military aid in much of the general administration of the

country.” Mr, Robinson further declares himself ready to provide all escorts required, on condition of being furnished with the pecuniary means by the department requiring them; a proviso which will, in itself, be a most useful check on requisitions of this nature, and we strongly recommend its adoption not only as regards escorts, but also for all duties of a Civil nature, such as guards for treasuries, jails, mints, banks, public work shops, and a variety of miscellaneous purposes, for which Military guards have hitherto been employed, but which, as now universally admitted, maybe performed by hired Police, as efficiently and at a smaller outlay. The Government of Madras have indeed already made practical experience in one instance of the economy to the State that may thus be effected; for, consequent on the reduction of the Native Force, and the strength of the garrisons of the Presidency, the Mount and Palaveram being insufficient to furnish the usual number of orderlies employed in the offices of the Adjutant General and Town Major, Government sanctioned the employment of peons in room of these orderlies only allowing, however, about half the number of peon, who receive a much lower rate of pay than Sepoy orderlies, the chare being moreover borne by the office by whom they are employed.

- 163.** Whilst at Madras, we had several Interviews with the Governor, His Excellency Sir Charles Trevelyan, who favored us with copies of all the Minutes recorded by him in regard to the formation of the new Police ; wherein he points out how intimately this measure is connected with the reduction of the military Forces, and that its organization on a proper basis is key to economy and Military efficiency, And , Although careful not to hurry on the new arrangements before the Police body were in a state of efficiency, we still, learn from Mr, Robinson that His Excellency being anxious, as far as possible to facilitate the reduction of the Military Forces, had desired him “to keep in view the early relief of all “petty Military detachments, by trained bodies of Police; even although it should retard a “little the general organization of the Rural Police throughout the different districts.” Mr, Robinson added that Officer would therefore “shortly be deputed into several of the districts “of the Southern Division, with directions to form effective and well trained local bodies of “Constabulary, to take up all Civil duties now performed by the Military.” Consequent on this arrangement, His Excellency the Governor a few days subsequently proposed, and Government resolved on the reductions already detailed , namely, that all the Native infantry regiments within the Frontier should be reduced by 320 Non-Commissioned rank and file, the three extra regiments being also broken up, and two Veteran Battalions absorbed into the pension list. And as we observe since our arrival at Calcutta, that His Excellency the Commander-in-Chief has issued a General Order, authorizing Officers commanding Divisions and Forces to call In all Military Detachments as soon as the Inspector General of Mofussil Police intimates his readiness to replace them by the Constabulary Force; we presume that measure are now in full operation for relieving the Madras Army from all the numerous detachment duties which have hitherto pressed so heavily on them.
- 164.** As an illustration of the scattered state of the Madras Forces, we may mention that at the time we commenced our enquiries, the European Troops alone occupied forty different posts, and we learn by returns furnished by the Quarter Master

General, that on the 13th December 1859 the Native Infantry furnished, in addition to all detachments from regiments in the field, in Bengal, 91 permanent detachments (as per margin), varying in strength from more than 1 wing, but less than a regiment, down to less than 1 company, but not less than a Native Officer's guard : one-third of the whole (31) being of this latter strength, and another third (30) less than 2 companies, but more than 2; 7 less than 1 wing, but more than 3 companies, and only 2 more than 1 wing, but more than 3 companies, and only 2 more than 1 wing. The still smaller detachments would, if included no doubt greatly swell the number ; but we may calculate the total strength of these 91 detachments alone to be at least equal to 120 companies. By a Return from the Quarter Master General, dated 20th March 1860, we find, however, that in consequence of the progress of the new Police arrangements, 31 of these detachments have already been called in, amongst which are included the 2 largest, comprising more than 1 wing, and the total strength of the 31 detachments may therefore be calculated at about 50 companies. Out of the 60 detachments still remaining, two-thirds consist of less than 2 companies each and their duties could therefore, with ease, be taken by the Police : indeed, we have no doubt that, within a short time, all the rest of the detachments will be called in, regiments being but rarely divided.

	Detachments.
Centre Division	12
Northern	15
Southern	18
Mysore	6
Malabar and Canara	10
Ceded Districts	3
Hyderabad Suby. Force	6
Nagpore Force	4
Pegn Division	14
Straits Settlements	3
Total	91

- 165.** We find also that the numbers of all ranks detached is 1858 for escort duty from the regiments of Native Infantry and Veterans stationed within the permanent garrisons of Madras, were as per margin, divided into 87 escorts ; thus giving an average of 37 Non-Commissioned Officers, rank and file, for each. A great amount of harassing duty was thus involved, without any corresponding beneficial results ; for his Excellency, Lieutenant-General Sir Patrick Grant, States, that “ the best informed and most experienced Civil Officers will “allow, that small parties of soldiers under Native Commissioned and Non-commissioned

“Officers afford no adequate support to the authorities, nor any real protection to small treasuries in the interior of the country, and that employing the men on duties of that description, “while it is ruinous to discipline, not only falls short of the object in view, but is absolutely “mischievous.” His Excellency adds, “ I am will aware that circumstances occasionally “render the employment of detachments absolutely necessary for a time, as in the instance of “Malliapooram, in Malabar; but let this be the exception, not the rule, as at present is the “case.”

OFFICERS.		Non-Commissioned Rank and file.
European.	Native.	
16	94	3,229

166. The employment of regular Troops on duties of this nature is, moreover, a positive waste of public funds, since every guard employed requires 3 or 4 reliefs ; whereas, if the duty were taken by the Police, I relief for each guard would suffice. These escort and detachment duties, as also the furnishing of guards for treasuries and jails, will however, soon be mainly. If not entirely, taken by the Police Constabulary, whereby the whole of the regular soldiers of the Madras Army will be relieved from extraneous non-military duties ; and the Madras Army will them, even with the large reductions of the Forces already ordered, be stronger by reason of the improved discipline that may thus be maintained, than the present larger Force, with all its drawbacks to discipline. We confidently anticipate also, that the establishment of an efficient Police Constabulary will not only enable Government to effect larger reductions in the Military Forces than are at present contemplated, but further-facilitate the judicious location of the Troops so essential to economy and efficiency ; for, with the Forces scattered in small detachments, the cost of lodging, feeding, and every other charge is greatly enhanced, at the same time that the control and supervision of the Officers over their men is greatly weakened.

APPENDIX V

JUDICIAL – OCT.3,1860.

No. 37. From W. CREY, Esquire, Secretary to the Government of India, to G. COUPER, Esquire, secretary to the Government of the North-Western Provinces, No.2218, dated the 3rd October, 1860.

I am directed to forward for submission to the Hon’ble the Lieutenant Governor, a copy of the report which has been presented to the Government of India by the Police Commission now assembled in Calcutta.

2. The Governor General in Council desires to request the attentive consideration of the lieutenant Governor to this report and the papers which accompany it. The Governor General in council will be gratified to learn that His Honor is prepared, in pursuance of the intimation already conveyed in your letter No. 1706A, dated the 30th of June, to take early measures for the introduction into the North-Western Provinces of an organised Civil Police Force of the character described by the Commission, and in the hope that this will be the ease, I am instructed to

- inquire whether the lieutenant Governor sees any objection to commence at once organizing a Police, on the plan proposed by the Commission, in the Allahabad Division, under the direction of Mr. Court, who from his great practical experience as a District officer, and his entire acquiescence in the principles on which the Commission have based their recommendations, is admirably fitted to give the plan a fair trial, and to present it in a favorable light to others to whom, as an innovation, it may not at first recommend itself.
3. Should the Lieutenant Governor be willing to act upon this suggestion, it will obviously be essential that the existing police both Civil and Military, within the limits assigned to the experiment, should be placed unreservedly in the hands of the Officer selected for the task, subject only to the direct instructions of the Lieutenant Governor. It must be an indispensable condition of any increase of charge in the Civil constabulary, that at least a corresponding decrease shall be simultaneously made in the Military Police, leaving further reductions to follow, and therefore the Officer entrusted with the organization of the new force must necessarily be vested with full authority to offer to the men, either of the Civil or the Military Police, an option between transfer to the new Police, or discharge, and again to discharge other men without such option but with regard to these last the Governor General in Council will be prepared to authorize the grant of such moderate gratuities as the lieutenant Governor may recommend, to all who have served beyond a given time.
 4. As the Governor General in Council is aware that the report of the Police Commission has already been for some time in the Lieutenant Governor's hands, I am desired to express a hope that His Honor will feel able to give an early intimation of his views on this important question, so that the whole of the cold season may be available for the organisation of the new force, within such limits as His Honor may be disposed to assign for the trial.
 5. In the event of these suggestions being adopted, the Governor General in Council will be prepared to consider any plan which the Lieutenant Governor may propose for giving the officer so employed the status assigned in the Committee's Plan to an Inspector General of Police, as in Madras, with a suitable establishment and salary.
 6. I am directed to beg the particular attention of His Honor to the letter from Colonel Balfour, president of the Military Finance Commission which will be found among the enclosures to the committee's Report, and which places in a very clear light some of the principal financial bearings of the question. It appears to the Governor General in Council that it is only by some such plan as that proposed by the Committee that reductions to the extent contemplated in Mr. Beadon's letter of the 20th April last can be effected, and I am desired to add, that it is absolutely essential in a financial point of view that such reductions should be carried out at the earliest possible period. The reductions hitherto proposed in the North-Western Provinces fall far short of what must be required in accordance with the limits which were then laid down. The Governor General in Council trusts that His Honor will impress on all officers under him that those general limits must be rigorously observed, and that it is a matter of absolutely necessity that reductions to the prescribed extent should be resolutely carried out

without further loss of time, whether by either of the plans suggested in Mr. Beadon's letters, the first of which is very much in accordance with the plan now submitted or by any other plan which in His Honor's opinion may be better adapted to the purpose.

JUDICIAL – OCT.3,1860

No. 38. From W. GREY, Esquire, Secretary to the Government of India, to W. S. SETON-KARR, Esquire, Officiating Secretary to the Government of Bengal No. 1920, dated the 3rd October, 1860.

I AM directed to forward for submission to the Hon'ble the Lieutenant Governor a copy of the report which has been furnished to the Government of India by the Police Commission now assembled in Calcutta, together with copy of a communication which has been made on this date to the Lieutenant Governor of the North-Western Provinces.

2. I Am directed to request that, after fully considering the recommendations of the Commission, the Lieutenant Governor will report whether he is prepared to assent to the substitution of a single body of organised and efficient constabulary for the mixed system of a Military and a Civil Police which at present obtains in Bengal, and if so, whether he is disposed to commence the change at once by entrusting to some selected Officer, with the powers of Inspector General of Police, the duty of organizing in one or more Districts during the approaching cold season a new police Force of the character described by the Commission.
3. The Governor General in Council is aware that the instructions contained in the 3rd paragraph of the letter to the North-Western Provinces are Inapplicable to the circumstances of the Provinces under the Lieutenant Governor of Bengal, the aggregate cost of the Police, Civil and Military, in the latter provinces being very much less than the expenditure on the same account in the North-Western Provinces, and less indeed than will probably be found necessary for the establishment in every district of such a police Force as that contemplated by the Commissioners. Nevertheless, as it will be primary object of the projected measure to get rid, as soon as possible, of the separate body of the so called Military Police now existing, it should from the first, be part of the instructions given to the Officer entrusted with the conduct of the experiment, that he is to look to the Military Police for officers and men to complete the strength of the new constabulary in each District. When he shall have selected as many of the present Civil Police of the District in which he is working as he may judge to be eligible for the new Force, he should then proceed to take men from the Military Police giving them the option of transfer to the constabulary, or of discharge.
4. The first task, however, which will develop upon the Officer selected by His Honor for the duty of commencing the organization of a new Police, will be to take a given District, and after careful inquiry to fix the strength of the Force which the considers that District to require. He should then at once submit a report to the Lieutenant Governor, showing as accurately as possible that cost of the proposed constabulary, as contrasted with the cost of the present Police of the District, including all the guards which it is intended to supersede by the new Force. From this report, carefully prepared for one District, may be framed an

approximate estimate of the probable cost of the new constabulary throughout the Lower Provinces, and such an estimate, if the Lieutenant Governor shall be satisfied of the general expediency of adopting the projected change, the Governor General in Council would wish to be prepared and furnished to the Government of India at the earliest practicable date.

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