

File no. III P
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1908.
GOVERNMENT
OF
EASTERN BENGAL & ASSAM.

JUDICIAL DEPARTMENT.

POLICE-A.

January 1908.

Nos. 81-83.

Amendment of the rules for the Administration of Justice and Police in the Khasi and Jaintia Hills.

REFERENCES TO FORMER CASES.

Department, date, and Nos., or File No. and year.	Brief Title of File.
1. Home, Appt., B, Oct. 1876, No. 60.	Same case.
2. Judicial File No. 185J., of 1878.
3. Police, A, Aug. 1906, Nos. 37-47.
4. Police, B, Nov. 1906, Nos. 7-12.	Similar.
5. Home, Appt., B, Sep. 1880, Nos. 2-3.	Similar case.
6. Pol A month 1907 = 45-84	Same case.

I-49.

REFERENCES TO LATER CASES.

Department, date, and Nos.	Brief Title of File.
Apptt A Sept 09 = 111-129 (IM-175-A)	
Pol A Feb 09 = 1-17 (Pm 12/10)	
Police B July 17 = 174-178 (LP-278)	
May 17 = 223-241 (LP 98)	

(To be continued on back, if necessary.)

PAPERS OTHER THAN PROCEEDINGS.

I.—Printed.

Notes and orders.

II.—Not printed.

K. W.—Kept separately.

1908.

GOVERNMENT OF EASTERN BENGAL AND ASSAM.

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POLICE—A.

JANUARY.

Nos. 81-83.

Amendment of the rules for the Administration of Justice and Police in the Khasi and Jaintia Hills.

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NOTES.

POLICE—A, JANUARY 1908.

Nos. 81-83.

Amendment of the rules for the Administration of Justice and Police in the Khasi and Jaintia Hills.

Rules for the administration of Justice and Police in the Khasi and Jaintia Hills.

Secretary, Judicial Department, un-officially,

Under the revised rules for the Khasi and Jaintia Hills published in the Gazette of 8th December last, the Hills have been removed from my jurisdiction and the Commissioner of the Surma Valley appointed to perform the functions of Inspector General of Police. But the Inspectors and Sub-Inspectors are still on the Government cadre of the Province and all charges are being met from my budget. Some further orders therefore are required. Arrangements might be made similar to those on the Chittagong Hill Tract.

6th March 1907.

N. BONHAM-CARTER.

Inspector General of Police, un-officially,

There has been a bad mistake here due to the Manual not having been corrected in accordance with the orders of 1902 which were not brought to my notice (or apparently to that of Mr. Kershaw), and although I should have noticed that the statement in rule 6, that the Chief Commissioner should exercise the powers of an Inspector General of Police, was not in accordance with the existing practice, it did not strike me.

I do not think it was ever intended, or that it would be in any way desirable, to remove the police of the Khasi and Jaintia Hills from the control of the Inspector General of Police.

But I am not sure what changes should be made in the rules as they stand.

(a) Is it desirable that the rules for the regular police should differ from those that govern police administration, except in so far as the powers of Magistrate and of Superintendent merge in the Deputy Commissioner and his assistants?

(b) Should the Commissioner be given any special powers of control over the regular police? I should like an opportunity of discussing this with you and the Commissioner.

I see that the Hills formed part of the General Police District created under Notification Page 3 of Local Rules and Orders. 313 of 12th July 1874.

This Notification stands unamended in my copy of the Manual.

25th March 1907.

J. E. WEBSTER.

My dear Arbuthnott,

Please refer to rules 4 and 6 of the revised rules for the administration of the Khasi and Jaintia Hills, published with Notification No. 12521J. of the 29th November 1906.

You will see that these rules give you the powers of an Inspector-General of Police in these Hills.

This appears to be a mistake due to the old rule 6 not having been corrected when the control of the police was delegated to the Inspector-General of Police in 1902.

However, before making any correction, I should be obliged if you would give us your advice on the question whether the regular police in these Hills should be placed on exactly the same footing as those in the plains districts, except that the Deputy Commissioner will combine the powers of Magistrate and of Superintendent of Police, or whether any special power of control should be vested in the Commissioner.

26th March 1907.

J. E. WEBSTER.

Secretary,

(a) and (b). These are matters on which the opinion of the Commissioner would seem necessary. The only reason why the Commissioner should not be given all the powers of the Inspector-General of Police is that Inspectors, and to some extent, Sub-Inspectors working in the district, belong to the general cadre of the Province and thus promotions must be made by me unless they can be put on a separate cadre.

(c). I do not quite know the effect of the notification. I will discuss the matter at any time convenient to you and the Commissioner.

15th April 1907.

N. BONHAM-CARTER.

Secretary,

16th April 1907.

G. MILNE.

The Hon'ble Mr. Arbuthnott un-officially.

I send you this file in continuation of my previous demi-official.

If you would care to talk the matter over, Mr. Bonham-Carter and I shall be glad to meet you at any time that is convenient to you.

16th April 1907.

J. E. WEBSTER.

Judicial Secretary,

The police in the Khasi and Jaintia Hills are to a large extent employed on semi-political work in cases and enquiries with reference to cases in the various Khasi states. It would, therefore, be a mistake to eliminate the control of the Commissioner and undesirable, but the police should consider themselves practically independent of Commissioner's orders. I think recommendations for promotion to the rank of Sub-Inspector and Inspector should go through the Commissioner to Inspector-General of Police from the Deputy Commissioner. Would it suit you and Inspector-General of Police to discuss the matter tomorrow, 8th. I could call at the Secretariat, between 10 and 11.

7th May 1907.

J. C. ARBUTHNOTT.

Inspector-General of Police, un-officially,

I have discussed this with the Commissioner.

He agrees that you should be Inspector-General of Police in these hills also. He wishes recommendations for promotion to the rank of Sub-Inspector to go through him, and generally that he should be consulted. Do you think it would be sound to give him the same powers in regard to punishment as are vested in you?

1st June 1907.

J. E. WEBSTER.

Secretary,

I think it important to reserve to the Inspector-General the right of punishing and promoting Inspectors and Sub-Inspectors, as these officers are on a general cadre for the Province or Range. It would lead to confusion if the Commissioner and the Inspector-General of Police had convenient jurisdictions for punishment. Perhaps it would meet Mr. Arbuthnott's wishes, if the rule ran

"The Inspector-General of Police, Eastern Bengal and Assam, shall exercise the power of Inspector-General in the Khasi and Jaintia Hills, but without a previous reference to the Commissioner no order shall be passed by the Inspector-General of Police or confirmed on appeal by the Inspector-General of Police, stopping the promotion of an Inspector or Sub-Inspector, or reducing, dismissing or awarding him a blackmark or transferring him from the district.

In case of a difference of opinion between the Commissioner and Inspector-General of Police, the latter will refer the matter to the Lieutenant-Governor, for orders. This would be the simplest course, but I would have no objection to all orders regarding Constables and Head Constables, being dealt with finally by the Commissioner, as these officers are on a district cadre.

21st June 1907.

N. BONHAM-CARTER.

Secretary,

24th June 1907.

G. MILNE.

Inspector-General of Police, un-officially,

Please see the draft letter and Notification below.

Do you think these will do.

25th July 1907.

J. E. WEBSTER.

Secretary,

I think these will do?

26th July 1907.

N. BONHAM-CARTER.

The Hon'ble Mr. Arbuthnott, un-officially,

Please see the draft letter and Notification amending the rules as to control of the regular police in the Khasi and Jaintia Hills.

Would you kindly say if these orders will meet your wishes, and if not, favour Government with your suggestions.

27th July 1907.

J. E. WEBSTER.

Judicial Secretary,

I think the Inspector-General of Police's suggestions, as embodied in the proposed draft, will, if approved, give the Commissioner sufficient control.

17th August 1907.

J. C. ARBUTHNOTT.

His Honour,

Please see the Inspector-General of Police's note of 6th March 1907 and subsequent notes above, and rules 4 and 6 of the revised rules for the Khasi and Jaintia Hills.

I have consulted Mr. Kershaw, and it is quite clear that all that it was intended to effect was to transfer to the Commissioner the powers of control in police matters exercised under the rules by the Chief Commissioner.

But it was not noticed that the orders of 1902 had in fact suspended the 2nd part of } A.
 Page 83, Manual of Local Rules and Orders. rule 6 which made the Khasi and Jaintia Hills a separate Police District.

I regret that as the changes in this part of the rules were intended to be merely formal, I did not check them myself.

Looking to the definition of "general police district" in Section 1 of Act V of 1861 and to Section 4 of the Act, I could not understand how the Chief Commissioner had reserved to himself the powers of an Inspector General of Police in any district and the file has been delayed looking for papers. I think it was due to an oversight. When the Chief Commissionership of Assam was formed, the Chief Commissioner was made Inspector General of Police. By a notification of 12th September 1874 the Chief Commissionership (excluding the Lushai Hills) was made a general police district. Two years later a Mr. Plowden was made Inspector-General of Police, but no steps were taken to amend either the original notification under the Police Act, or the rules of 1874 for the administration of the Khasi and Jaintia Hills district. The rules for the other districts are of later date and recognize the existence of an Inspector-General of Police. It is thus quite clear that the Khasi and Jaintia Hills Rules must be amended and a draft notification is submitted for approval.

The Hon'ble Mr. Arbuthnott, however, desires to retain a greater measure of control over the police of the Khasi and Jaintia Hills district than is generally exercised by Commissioners of Divisions, and to this Mr. Bonham Carter agrees, (*vide* his note of 21st June 1907). This can, I think, be secured by Executive orders, and need not be embodied in the notification amending the rules for the administration of the district. I submit a draft for approval. The Commissioner and Inspector-General of Police have seen the drafts and concur.

Note—7th May 1907.

23rd August 1907.

26th August 1907.

Under-Secretary,

It is presumed that the notification need not be shown to the Legal Remembrancer before issue?

K. D. M.—29th August 1907.

Secretary,

It is perhaps hardly necessary, but Legal Remembrancer should under standing orders see the notification.

31st August 1907.

This need not go to Legal Remembrancer.

31st August 1907.

J. E. WEBSTER.

L. HARB.

G. MILNE.

J. E. WEBSTER.

[Notification No. 3825J., dated the 2nd September 1907, (gazetted on 4th September 1907).]

[To the Inspector-General of Police, Eastern Bengal and Assam, No. 3964J., dated the 11th September 1907.]

[Memorandum to the Commissioner, Surma Valley and Hill Districts, No. 3965J., dated the 11th September 1907.]

* Not printed.

FROM THE COMMISSIONER, SURMA VALLEY AND HILL DISTRICTS,
 NO. 1815T., * DATED THE 21ST SEPTEMBER 1907.

[To the Commissioner, Surma Valley and Hill Districts, No. 175J., dated the 10th January 1908, not printed.]

GOVERNMENT OF EASTERN BENGAL AND ASSAM.
JUDICIAL DEPARTMENT.

POLICE—A.

JANUARY 1908.

Amendment of the rules for the Administration of Justice and Police in the Khasi and Jaintia Hills.

No. 81.

No. 3825J., dated Shillong, the 2nd September 1907.

Notification by—The Secretary to the Government of Eastern Bengal and Assam, Judicial Department.

In exercise of the powers vested in him by section 6 of the Scheduled Districts Act, 1874 (Act XIV of 1874), the Lieutenant-Governor is pleased to direct that in rule 4 of the Rules for the Administration of Justice and Police in the Khasi and Jaintia Hills, published under this Department Notification No. 12521J., dated the 29th November 1906, the word "rural" shall be inserted between the words 'control of the' and the word 'police,' and that the second sentence of the said rule from the word 'misconduct' to the words 'Khasi and Jaintia Hills' shall be omitted.

He also directs that for rule 6 of the aforesaid rules the following rule shall be substituted :—

"The regular police form part of the general police force of the province under the control of the Inspector General of Police, Eastern Bengal and Assam, and are subject to the ordinary rules of the police, except in so far as these may be, from time to time, modified by Government or the Inspector General of Police in their application to the Khasi and Jaintia Hills. The Deputy Commissioner shall exercise the powers of a Superintendent of Police, and the Assistant, or Extra Assistant Commissioner, the powers of an Assistant Superintendent of Police."

No. 82.

No. 3964J., dated Shillong, the 11th September 1907.

From—The Secretary to the Government of Eastern Bengal and Assam, Judicial Department.

To—The Inspector-General of Police, Eastern Bengal and Assam.

I am directed to forward for your information and guidance a copy of a notification No. 3825J., dated the 2nd September 1907, amending the rules for the administration of the Khasi and Jaintia Hills district.

2. You will observe that under this Notification, you will exercise in that district the power of an Inspector General of Police, whereas under the old rules that power was vested in the Chief Commissioner and subsequently in the Commissioner of the Surma Valley and Hill Districts Division.

The Lieutenant-Governor considers, however, that it is very necessary to maintain the authority of the Commissioner of the division over the Khasi Police.

3. As regards constables and head constables, who are borne on District Cadres, the Lieutenant-Governor is pleased to direct that the Commissioner of the Surma Valley and Hill Districts shall exercise all the powers of punishment and promotion vested in the Inspector General by the rules approved in Government letter No. 6486 J., dated the 12th June 1907, and shall hear appeals from the orders of the Deputy Commissioner.

2 GOVERNMENT OF EASTERN BENGAL AND ASSAM, JANUARY 1908.

Police A, 82-83. Amendment of the rules for the Administration of Justice and Police in the Khasi and Jaintia Hills.

4. In respect of Inspectors, and Sub-Inspectors His Honour considers it expedient that the Inspector General shall continue to exercise the authority vested in him by the said rules, but no order should be passed by the Inspector General, or confirmed by him on appeal stopping the promotion of an Inspector or Sub-Inspector, or reducing or dismissing him, or awarding him a black-mark or transferring him from the district, without a previous reference to the Commissioner.

In case of a difference of opinion between the Commissioner and the Inspector General of Police, the matter should be referred to Government.

No. 83.

No. 3965J., dated Shillong, the 11th September 1907.

Memo. by—The Secretary to the Government of Eastern Bengal and Assam, Judicial Department.

Copy forwarded, for information, to the Commissioner, Surma Valley and Hill Districts division.