

G-9-(4)

1929

15125

0
5

929
5
9(4)

Regd. no. 753 of 1930

G-159

REPORT

ON THE

ADMINISTRATION OF CRIMINAL JUSTICE

IN THE

NORTH WEST FRONTIER PROVINCE

FOR THE YEAR

1929

G9(4)



Price Rs. 2-8-0 or £ 0-4-6

PRINTED AND PUBLISHED BY THE MANAGER, GOVERNMENT PRINTING AND STATIONERY,
BOOK DEPOT AND FORMS STORE, NORTH WEST FRONTIER PROVINCE,
PESHAWAR

for

THE GOVERNMENT OF INDIA
CENTRAL PUBLICATION BRANCH
CALCUTTA

1930

1870

RECEIVED

1870

1870

1870

G 9(4)

REPORT

ON THE

ADMINISTRATION OF CRIMINAL JUSTICE

IN THE

NORTH WEST FRONTIER PROVINCE

FOR THE YEAR

1929



PRINTED AND PUBLISHED BY THE MANAGER, GOVERNMENT PRINTING AND STATIONERY,
BOOK DEPOT AND FORMS STORE, NORTH WEST FRONTIER PROVINCE,
PESHAWAR

for

THE GOVERNMENT OF INDIA
CENTRAL PUBLICATION BRANCH
CALCUTTA

1930

Government of India Publications are obtainable from, the
Government of India Central Publication Branch
3, Government Place, West, Calcutta, and from
the following Agents :—

EUROPE:

OFFICE OF THE HIGH COMMISSIONER FOR INDIA,
INDIA HOUSE, ALDWYCH, LONDON, W. C. 2, ENGLAND.

And at all Booksellers.

INDIA AND CEYLON :

Provincial Book Depots.

MADRAS:—Superintendent, Government Press, Mount Road, Madras.

BOMBAY:—Manager, Government Book Depot, Charni Road, Gardens, Queen's Road, Bombay.

SIND:—Library attached to the Office of the Commissioner in Sind, Karachi.

BENGAL:—Bengal Secretariat Book Depot, Writers' Buildings, Room No. 1, Ground Floor, Calcutta.

UNITED PROVINCES OF AGRA AND OUDH:—Superintendent of Government Press United Provinces of
Agra and Oudh, Allahabad.

PUNJAB:—Superintendent, Government Printing, Punjab, Lahore.

BURMA:—Superintendent, Government Printing, Burma, Rangoon.

CENTRAL PROVINCES AND BEHAR:—Superintendent, Government Printing, Central Provinces, Nagpur.

ASSAM:—Superintendent, Assam Secretariat Press, Shillong.

BIHAR AND ORISSA:—Superintendent, Government Printing, Bihar and Orissa, P. O. Gulzarbagh, Patna.

COORG:—Office of the Chief Commissioner of Coorg, Bangalore.

NORTH WEST FRONTIER PROVINCE:—Manager, Government Printing and Stationery, Book Depot and
Forms Store, Peshawar.

LIST OF AGENTS—concluded

- Thacker, Spink & Co., Calcutta and Simla.
 W. Newman & Co. Ltd., Calcutta.
 E. K. Lahri & Co. Calcutta.
 The Indian School Supply Depot, 309, Bow Bazar Street, Calcutta.
 Butterworth & Co. (India), Ltd., Calcutta.
 Rai M. C. Sarcar & Sons, 15, College Street, Calcutta.
 Standard Literature Co., Ltd., Calcutta.
 Association Press, Calcutta.
 Chatterjee, Chatterjee & Co., Ltd., 13, College Square, Calcutta.
 The Book Company, Calcutta.
 James Murray & Co., 12, Government Place, Calcutta. (For Meteorological Publications only).
 Ray Chaudhury & Co., 68-5, Ashutosh Mukherji Road, Calcutta.
 Scientific Publishing Co., 9, Taitolla Lane, Calcutta.
 Chatterjee & Co., 204, Cornwallis Street, Calcutta.
 Standard Law Book Society, 8-2, Hastings Street, Calcutta.
 The Hindu Library, 3, Nandalal Mallick Lane, Calcutta.
 Kiamala Book Depot, Ltd., 15, College Square, Calcutta.
 B. C. Basak, Esq., Proprietor, Albert Library, Dacca.
 Mitra Brothers, Rajshahi.
 Higginbotham, Madras.
 Rocheuse & Sons, Madras.
 G. A. Nateson & Co., Publishers, George Town, Madras.
 Theosophical Publishing House, Adyar, Madras.
 P. Varadachary & Co., Madras.
 S. Murthy & Co., Madras.
 City Book Co., Madras.
 Bright & Co., Trivandrum.
 The Booklover's Resort, Talkad, Trivandrum, South India.
 E. M. Gopalakrishna Kone, Pudumandapam, Madura.
 Central Book Depot, Madura.
 Vijapur & Co., Vizagapatam.
 Thacker & Co., Ltd., Bombay.
 D. B. Traporevala, Sons & Co., Bombay.
 Sunder Pandurang, Bombay.
 Ram Chandra Govind & Sons, Kalbadevi Road, Bombay.
 N. M. Tripathi & Co., Booksellers, Princess Street, Kalbadevi Road, Bombay.
 New and Secondhand Bookshop, Kalbadevi Road, Bombay.
 Mrs. Radhabai Atmaram Sagoon, Kalbadevi Road, Bombay.
 J. M. Pandia & Co., Bombay.
 Gatalal & Co., Bombay.
 A. H. Wheeler & Co., Allahabad, Calcutta and Bombay.
 S. Govind & Co., Staudhurst Road, Girgaon, Bombay.
 Bombay Book Depot, Girgaon, Bombay.
 Proprietor, New Kitabkhana, Poona.
 The Manager, Oriental Book Supplying Agency, 15, Shukrawar, Poona City.
 Rama Krishna Bros., Opposite Visbrambag, Poona City.
 S. P. Bookstall, 21, Budhwar, Poona.
 Mangaldas & Sons, Booksellers and Publishers, Bhaga Talao, Surat.
 The Standard Book and Stationery Co., 32-33, Arab Road, Peshawar.
 E. B. Umadikar & Co., The Bharat Book Depot, Dharwar.
 The Students Own Book Depot, Dharwar.
 Shri Shankar Karnataka Pustaka Bhandara, Malamaddi, Dharwar.
- The Standard Bookstall, Karachi, Quetta, Delhi, Murree and Rawalpindi.
 The Karachi Book Depot, Elphinstone Street Camp, Karachi.
 The English Bookstall, Karachi.
 The Standard Bookstall, Quetta.
 U. P. Malhotra & Co., Quetta.
 J. Ray & Sons, 43, K. & L., Edwardes Road, Rawalpindi, Murree and Lahore.
 The Standard Book Depot, Lahore, Faisalabad, Multan, Dalhousie, Ambala Cantonment and Delhi.
 N. B. Mathur, Superintendent, Nazir Kaus Hind Press, Allahabad.
 The North India Christian Tract and Book Society, 18, Clive Road, Allahabad.
 Ram Dayal Agarwala, 184, Katra, Allahabad.
 Ram Narain Lal, Katra, Allahabad.
 The Indian Army Book Depot, Jubi, Cawnpore.
 Narayana & Co., Meston Road, Cawnpore.
 The Indian Army Book Depot, Jullundur City, Daryaganj, Delhi.
 Manager, Newal Kishore Press, Lucknow.
 The Upper India Publishing House, Ltd., Literature Palace, Ammuddaula Park, Lucknow.
 Rai Sahib M. Gulab Singh & Sons, Mudda-Am Press, Lahore and Allahabad.
 Rama Krishna & Sons, Booksellers, Anarkali, Lahore.
 Puri Brothers, Booksellers and Publishers, Katcheri Road, Lahore.
 The Tlak School Bookshop, Lahore.
 The Standard Bookstall, Lahore.
 The Proprietor, Punjab Sanskrit Book Depot, Saldmitha Street, Lahore.
 The Insurance Publicity Co., Ltd., Lahore.
 The Punjab Religious Book Society, Lahore.
 The Commercial Book Co., Lahore.
 The University Book Agency, Kachari Road, Lahore.
 Manager of the Imperial Book Depot, 83, Chandney Chank Street, Delhi.
 Fono Book Agency, New Delhi.
 Oxford Book and Stationery Co., Delhi and Calcutta.
 Superintendent, American Baptist Mission Press, Rangoon.
 The Modern Publishing House, Ltd., 30, Phayre Street, Rangoon.
 Burma Book Club, Ltd., Rangoon.
 Manager, The "Hivavada," Nagpur.
 Bhisey Brothers, Booksellers and Stationers, Sitabaldi, Nagpur.
 S. C. Talukdar, Proprietor, Students & Co., Cooch Behar.
 The Manager, "Ceylon Observer," Colombo.
 The Manager, The Indian Bookshop, Benares City.
 Nandkishore & Bros., Chowk, Benares City.
 The Srivilliputtur Cooperative Trading Union Ltd., Srivilliputtur (S. I. R.).
 Raghunath Prasad & Sons, Patna City.
 The Students' Emporium, Patna.
 K. L. Mathur & Bros., Guzri, Patna City.
 Dandekar Brothers, Indore City.
 Pustakalaya Bahayak Sanakari, Ltd., Baroda.
 M. C. Kothari, Raopura Road, Baroda.
 The Mysore Book Depot, Chaderghat, Hyderabad (Deccan).
 Thakur & Co., Amraoti.
 S. Krishnaswamy & Co., Teppakulam P. O., Trichinopoly Fort.
 National College Teachers' Union Book Depot, Trichinopoly.
 Superintendent, Bangalore Press, Lake view, Mysore Road, Bangalore City.

Report on the Administration of Criminal Justice in the North West Frontier Province for the year 1929.

REVIEW BY THE CHIEF COMMISSIONER.

1. The total number of reported offences rose from 29,449 to 33,528. The latter is a record figure for the Province, but is in no sense alarming, for by far the greater proportion of the increase occurs under the head Local and Special Laws. If the number of offences under the Indian Penal Code be taken as the true criterion of crime, there is still an increase over the previous year. Offences reported under the Indian Penal Code rose from 14,160 to 14,900, the largest figure recorded during the last fifteen years except in the year 1921. The real test, however, is not in every kind of offence under the Code but in the more serious forms of crime. According to the appendix attached to the report, serious crime under the Indian Penal Code rose from 4,004 to 4,476 cases. At first sight it might seem as if this stamped the year 1929 as being slightly more criminal than its predecessor. This, however, is not true of the whole Province, for almost the whole increase was contributed by one district, Peshawar. Three of the other districts, Hazara, Bannu and Dera Ismail Khan, were practically stationary and the fifth district, Kohat, showed a gratifying decrease. The year's history, therefore, may properly be summed up by saying that it was equal to or better than in the previous year, except in the case of Peshawar, where it was very noticeably worse.

2. Serious offences under the Indian Penal Code rose in Peshawar from 1,763 to 2,331. The Judicial Commissioner suggests that this may have a political rather than an economic explanation as offered by the District Magistrate. The Chief Commissioner is not altogether satisfied as to the justice of the Judicial Commissioner's suggestion. It is, however, undoubtedly true that crime is bound to increase in any place where an organized campaign attempts to

undermine respect for constituted authority. The Chief Commissioner is disappointed to find no improvement in the Hazara District inspite of the comments made by him in last year's review. Serious offences in the Bannu and Dera Ismail Khan districts remained practically stationary. This tends to confirm the wisdom of the policy adopted in the neighbouring tribal area. Conditions in Dera Ismail Khan have improved out of all knowledge since 1921, when serious offences were reported as 1,014. In 1929 they numbered 478. The improvement in the Kohat District, where the figures dropped from 524 to 439, is most creditable to the district authorities. Offenders from across the border played an even smaller part in district crime than in the previous year.

3. Offences under Local and Special Laws rose from 15,289 to 18,628. The Chief Commissioner does not regard this as a disquietening feature in the administration, nor is he inclined to agree with the Judicial Commissioner that there is any real abuse of certain local Acts. He agrees with the remarks made about the endorsement of licenses in the case of convictions under the Hackney Carriages and Motor Vehicles Acts and trusts that orders will be issued to enforce the endorsement of licenses on conviction.

4. There was a gratifying improvement in convictions under the Indian Penal Code from twenty-three to twenty-seven per cent. In petty cases under the same Code, however, it remained at the low figure of sixteen per cent. Reasons for this were suggested in last year's review. While the Pathan temperament remains what it is, a large number of discharges and acquittals are inevitable. At the same time the Chief Commissioner considers that in Peshawar, at any rate, sufficient use is not made of the provisions of section 203, Criminal Procedure Code, and he trusts that the District Magistrate will again bring the matter to the attention of his subordinate staff. The Chief Commissioner has read with interest the Judicial Commissioner's remarks on the use of the provisions of section 250, Criminal Procedure Code, which was employed less freely than in the previous year inspite of the remarks made in last year's review. The aversion of magistrates to the employment of what is undoubtedly a useful instrument is apparently almost insuperable.

5. The average duration of trials in ordinary courts was fourteen days as last year; in sessions courts it rose slightly to forty-four days, Peshawar showing a fall and the Derajat Division a rise. Neither figure is unsatisfactory in view of the larger number of cases decided in the year. The Chief Commissioner desires to associate himself with the tribute paid by the Judicial Commissioner to Rai Bahadur Lehna Singh, M.B.E., Sessions Judge, Derajat, who retired in September 1929 after a period of over thirty years' service. His departure is a distinct loss to the judicial administration of the Province.

6. It is gratifying to observe that short term sentences have again showed a slight decrease. Magistrates' decreasing inclination to award solitary confinement is not in the Chief Commissioner's opinion a matter that calls for adverse comment. The falling off in the collection of fines from eighty-four per cent. to seventy-five per cent. for which Peshawar is principally responsible, is unsatisfactory.

7. Honorary Magistrates disposed of twenty per cent. of the total work. The remarks made by the Judicial Commissioner regarding limitations which should be placed upon their magisterial powers have been read with interest. It is as yet too early to say whether the single magistrates in the Peshawar District will be an improvement on the benches which they superseded. The Chief Commissioner's thanks are due to those honorary magistrates whose work has been brought to notice, Khan Bahadur Abdul Hamid Khan in Peshawar and Rai Sahib Hukam Chand in Dera Ismail Khan.

8. The *jirga* system appears to be still working satisfactorily although the percentage of convictions dropped slightly from sixty-eight to sixty-three. It is sometimes forgotten that the Frontier Crimes Regulation is still in force in certain districts of the Punjab. In the latter province the percentage of persons convicted to those tried in 1928 was twenty-six. The percentage in this Province in 1929 was forty-five. The comparison, therefore, is in favour of this Province. The Chief Commissioner is glad to observe that the remarks made by him last year about the excessive use of the security provisions of section 41 of the Regulation in Kohat have borne fruit. Such proceedings there dropped from 513 to 104.

9. Seventy courts were inspected as against seventy-six in 1928. The Chief Commissioner fully endorses the Judicial Commissioner's remarks about the necessity of a study of the inspection notes by the inspected courts. He trusts that severe notice will be taken in cases where instructions are proved to have been deliberately neglected. There was a noticeable decrease in the number of murder references which came before the Judicial Commissioner's Court (twenty-six as against forty). These were decided at an average duration of seventeen days and criminal appeals of twenty-three days.

10. The Chief Commissioner wishes to express his thanks to Mr. J. H. R. Fraser, C.I.E., O.B.E., I. C. S., not only for the present interesting report but for his able Administration of the Department of Criminal Justice during the year.

The Chief Commissioner's thanks are also due to Mr. E. H. P. Jolly, I. C. S., who held charge of the Office of the Judicial Commissioner while Mr. Fraser was on leave and to Khan Bahadur Saad-ud-Din Khan who has been Additional Judicial Commissioner throughout the year under report.

L. W. JARDINE,

*Secretary to the Chief Commissioner,
North West Frontier Province.*

PESHAWAR :

24 June 1930.

No. 1875

FROM

J. H. R. FRASER, ESQUIRE, C.I.E., O.B.E., I. C. S.,
Judicial Commissioner,
North West Frontier Province.

TO

L. W. JARDINE, ESQUIRE, I. C. S.,
Secretary to the Hon'ble the Chief Commissioner,
North West Frontier Province.

Dated Peshawar, 15 May 1930.

SIR,

I have the honour to submit the Annual Report on the Administration of Criminal Justice in the North West Frontier Province during the year 1929, together with the statistical tables prescribed by the Government of India.

I have the honour to be,

Sir,

Your most obedient servant,

J. H. R. FRASER,

Judicial Commissioner,

North West Frontier Province.

TABLE OF CONTENTS

(Maximum limit of report—12 pages.)

REPORT.

	PARA.
<i>General review of offences.</i>	
General review of offences reported and admitted as true ...	1
Offences admitted to have occurred ...	2
<i>Offences under the Indian Penal Code.</i>	
Offences under the Indian Penal Code ...	2
Serious offences under the Indian Penal Code ...	4—9
Crime committed by trans-border offenders ...	10
<i>Local and special laws.</i>	
Offences under local and special laws ...	11
Miscellaneous proceedings under the Criminal Procedure Code and compensation under section 250 ...	12
<i>General result of criminal trials.</i>	
General result of criminal trials ...	13
Trials and proceedings under the Frontier Crimes Regulation ...	14
Witnesses ...	15
Method of disposal ...	16
<i>Punishments.</i>	
Punishments, fines, Juvenile offenders, Whippings ...	17
<i>Appeals and revisions.</i>	
Appeals and revisions ...	18
<i>Sessions Courts.</i>	
Work of sessions courts ...	19
<i>Judicial Commissioner's Court.</i>	
Work of Judicial Commissioner's Court ...	20
General ...	21

JUDICIAL STATEMENTS.

- No. 1.—(Table No. 25 new).—Statement showing the number of judicial divisions and the number of officers exercising appellate or original jurisdiction in the North West Frontier Province on the last day of the year 1929.
- No. 2.—Statement of offences reported and of persons tried, convicted and acquitted of each class of offence in the North West Frontier Province in the year 1929.
- No. 3.—Statement of miscellaneous proceedings under the Criminal Procedure Code in the North West Frontier Province during the year 1929.
- No. 4.—Statement showing the general result of criminal trials in the tribunals of various classes in the North West Frontier Province in the year 1929.
- No. 5.—Statement showing the punishments inflicted by the various criminal tribunals in the North West Frontier Province in the year 1929.
- No. 5-A.—Statement showing the particulars of whippings inflicted by the criminal tribunals in the North West Frontier Province during the year 1929.
- No. 6.—Statement showing the result of appeals and revisions in criminal cases in the North West Frontier Province in the year 1929.
- No. 13.—Statement showing the use of jurors and assessors in criminal courts in the North West Frontier Province in the year 1929.
- No. 26.—Statement showing the number of criminal cases decided in the courts in the North West Frontier Province in the year 1929.

PROVINCIAL APPENDIX A.

Statement of serious offences under the Indian Penal Code admitted to have occurred during 1929 in each district of the North West Frontier Province.

PROVINCIAL APPENDIX B.

Statement showing the inspection of subordinate courts in the North West Frontier Province during the year 1929.

Report on the Administration of Criminal Justice in the North West Frontier Province for the year 1929

1. General review of offences —

The following table compares the offences reported and admitted to have occurred during the last two years :—

District	Offences reported		Complaints dismissed in <i>limine</i>		Cases struck off as false		Offences admitted to have occurred	
	1928	1929	1928	1929	1928	1929	1928	1929
Peshawar ...	13,055	15,189	959	661	335	264	11,761	14,264
Hazara ...	4,567	5,314	919	1,181	186	151	3,462	3,982
Kohat ...	3,219	2,727	344	301	92	80	2,788	2,346
Bannu ...	5,856	7,684	1,370	1,407	233	286	4,253	5,991
Dera Ismail Khan	2,752	2,614	389	350	149	82	2,214	2,182
Total ...	29,449	33,528	3,981	3,900	995	863	24,473	28,765

The total of reported offences was 33,528, a record for the Province. It divides itself into two parts, offences under the Indian Penal Code—14,900; those under Local and Special Laws—18,628. The corresponding figures for the previous year were 14,160 and 15,289. It will be seen, therefore, that by far the larger part of the increase occurs under the latter heading. This is not a very serious stricture on the year's working, for as has been repeatedly pointed out in these reports, offences under Local and Special Laws are often of a trivial description involving no moral turpitude, and in some cases are not offences at all but measures for the prevention of crime. At the same time the year 1929 must be regarded as distinctly more criminal than its predecessor in view of the increased number of offences under the Indian Penal Code. It is only in one year (1921) that as many offences under the

Code have been reported during the last 15 years.

The following table shows the increase by districts :—

Districts	Offences under Indian Penal Code	Serious offences under Indian Penal Code	Offences under Local and Special Laws	Total
Peshawar ...	+690	+568	+1,444	+2,134
Hazara ...	+802	+15	+445	+747
Kohat ...	-174	-85	-318	-492
Bannu ...	+22	-26	+1,806	+1,828
Dera Ismail Khan ...	-100	...	-88	-138
Total ...	+740	+472	+3,839	+4,079

Although Peshawar and Hazara both help to swell the increase under offences generally, it is Peshawar alone which is responsible for the rise in serious crime. In this respect the other four districts have either remained stationary or shown an improvement. The explanation offered by the District Magistrate, Peshawar, will be noticed later.

2. Offences admitted to have occurred—

Twenty-eight thousand seven hundred and sixty-five offences were admitted to have occurred as against 24,478 in the preceding year. Three thousand and nine hundred complaints were dismissed *in limine* under section 203 Criminal Procedure Code. In this respect there is a striking variation amongst districts. In Hazara nearly 1 in every 5 was so dismissed, while in Peshawar the dismissals were only 1 in 23. It is not suggested that the system is overdone in Hazara. So it is obvious that

might be employed much more freely in Peshawar. The District Magistrate is requested to impress this upon the subordinate magistracy. It is satisfactory to note that in spite of the increased volume of work only 261 cases were referred to the Police under section 202, Criminal Procedure Code as against 267 in 1928.

The number of cases returned as true constitutes 85 per cent. of the total reported as against 83 per cent. in 1928.

3. Offences under the Indian Penal Code—

It has already been mentioned that there was a rise of 740 reported cases under the Indian Penal Code in the year under review and that, therefore, the year 1929 must be regarded as distinctly more criminal than its predecessor. Offences brought to trial advanced to 10,247 of which 35 per cent. as against 30 per cent. in 1928 ended in conviction. Offences reported, admitted to have occurred and brought to trial during the past two years are compared in the following table:—

Districts	Year	Offences reported	Offences admitted to have occurred	Offences brought to trial	Cases ending in conviction	Percentage of convictions to offences	
						Admitted to have occurred	Brought to trial
Peshawar	1928	5,738	4,731	4,034	1,351	29	33
	1929	6,428	5,503	4,544	1,782	32	39
Hazara	1928	2,979	1,896	1,967	468	25	24
	1929	3,281	1,992	1,737	559	28	32
Kohat	1928	1,599	1,221	1,132	360	29	32
	1929	1,425	1,084	1,151	462	42	40
Bannu	1928	1,916	1,368	1,422	426	31	30
	1929	1,938	1,373	1,464	479	35	33
Dera Ismail Khan	1928	1,928	1,416	1,278	310	22	24
	1929	1,828	1,411	1,351	277	20	21
Total	1928	14,160	10,630	9,833	2,915	26	30
	1929	14,900	11,363	10,247	3,559	31	35

4. Serious offences under the Indian Penal Code—

A statement is attached as Provincial Appendix "A" showing serious offences under the Indian Penal Code admitted to have occurred in each district of the Province during 1929. The number rose from 4,004 to 4,476. The increase is not very serious and does not indicate any general weakening of the forces of law and order, for the average of the preceding ten years was 4,728. It is to be found in attempted murder +32, culpable homicide +30, hurt with aggravation +96, theft +160, robbery +14, dacoity +18, mischief with aggravation +79, and criminal trespass +61. It occurs almost entirely in the Peshawar District.

Each District will now be noticed separately.

5. Peshawar—

This district, as already stated, is almost entirely responsible for inflating the volume of serious crime. This rose from 1,763 to 2,331. The principal increases are in attempted murder +29, other cases of personal violence +65, hurt +96 theft +200, robbery and dacoity +36, and criminal trespass +137. Murders remained stationary at 243.

The District Magistrate ascribes the considerable increase in crime against property partly to more accurate registration on the part of the police and partly to acute distress caused in certain rural areas by the disastrous floods of the summer months. "Many persons", he says, "were left practically destitute and although strenuous efforts were made to relieve deserving cases, it is probable that many persons were driven to crime by positive want". I am doubtful whether these two causes supply a complete explanation of the disturbed conditions which prevailed in the Peshawar District. It is, I think, not impossible to trace some connection with the intensive political propaganda, to which parts of the District were being subjected towards the end of the year.

6. Hazara—

Serious offences under the Indian Penal Code rose slightly from 683 to 698. The principal increases were in hurt +19, mischief +72. Offences against life under sections 302—307 dropped from 70 to 63. There were two

cases of dacoity with murder, one at Bir and, the other at Gittidas. In the former 15 persons were sent up for trial and were eventually all acquitted on appeal; the latter case was still under enquiry at the end of the year.

7. Kohat—

Reported offences under the Indian Penal Code were 1,425, *i.e.* 174 less than in 1928. Serious offence dropped from 524 to 439, a very satisfactory feature of the year's working. There were slight increases under the heads, murder and culpable homicide. On the other hand, riots, attempted murder, robbery and kidnapping all contributed to bring about the total decrease of 85.

Tribesmen from across the border did not add materially to the volume of serious crime. Only 13 of them were concerned out of a total of 160 such criminals.

In the kidnapping cases 16 persons were involved and were recovered without payment of ransom.

8. Bannu—

Serious crime dropped from 556 to 530. Offences against human life rose from 110 to 138, and there was an increase of 12 in robberies. On the other hand, thefts dropped by 34 cases and criminal trespass by 30. No serious offence was committed by transborder people. The District Magistrate has not attempted to explain the considerable increase in offences against human life beyond suggesting that the decision of several old cases during the year might be responsible. He remarks that the 12 cases of robbery were mainly the work of individual offenders as distinct from organized gangs.

During the year the number of outlaws was reduced from 109 to 88.

9. Dera Ismail Khan—

The condition of this district has improved out of all knowledge since 1921 when serious offences were reported as 1,014. In 1929 they numbered only 478, the same figure as in 1928. Robberies dropped from 18 to 8. The kidnapping cases were of a more or less private character. The number of district outlaws was reduced from 23 to 21.

10. Crime committed by transborder offenders—

The following table shows the share which transborder

offenders took in the commission of the more serious forms of crime during 1929 :—

District	Murders		Attempts		Culpable homicide		Kidnapping		Dacoity		Robbery		Beggary		Number of persons absconded
	Trans-border people	British subject	Trans-border people	British subjects	Trans-border people	British subjects	Trans-border people	British subject	Trans-border people	British subject	Trans-border people	British subject	Trans-border people	British subject	
Peshawar ...	14	229	...	97	1	38	4	65	10	22	7	63	20	583	61
Hazara ...	3	39	...	5	...	16	1	17	4	5	...	6	...	144	8
Kohat ...	...	56	2	26	...	13	1	17	...	...	1	11	...	...	27
Bannu ...	...	81	...	38	...	19	...	24	...	7	...	30	...	90	1
Dera Ismail Khan...	1	19	...	7	1	4	...	19	...	...	1	18	5	204	...
Total ...	20	424	2	173	2	90	6	142	14	36	9	128	25	1,020	97

Out of 2,091 persons accused in such cases only 78 came from across the border. This was a smaller number than in 1928, in which the corresponding figures were 2,013 and 91. The smaller part which tribesmen from across the border played in the internal crime of the district is distinctly satisfactory.

11. Local and special laws—

As already remarked, it is the very considerable increase in this form of offence which is responsible for aggravating the total reported figures for the year. The number rose from 15,289 in 1928 to 18,628 in the year under report. It is interesting to compare the latter figure with that which appeared in the early days of the administration of the Province. In the year 1903 offences under this head were shown as 7,454. They have, therefore, now more than doubled, and it is becoming questionable whether the provisions of certain Acts are not being used to excess. Increases are chiefly noticeable under the security sections of the Criminal Procedure Code (+718), Hackney and Stage Carriages Act (+803), Municipalities Act (+579), Motor Vehicles Act (+711), and Police Act (+839). There were decreases under the heads Cattle Trespass Act, Excise Act and Railways Act, but they were inconsiderable as compared with the increases. The total number of prosecutions under the Hackney and stage Carriages Act and the Motor Vehicles Act was 4,104, and 1,668 respectively.

Bannu district displayed considerable energy in trying

to improve the amenity of the roads and the safety of the travelling public by instituting 1,505 cases under the former and 1,148 under the latter Act. I am doubtful whether there will be any permanent improvement in the regulation of vehicular traffic until some system of endorsement of licenses is introduced and enforced by the Magistrates. At present it is possible for drivers to be prosecuted, an almost indefinite number of times in any one year without suffering any more serious punishment than a moderate fine. The suggestion is commended to District Magistrates for consideration.

In Hazara offences under the Forest Regulation increased by 111.

The decrease in Kohat is due to the sudden drop in prosecutions under section 41 of the Frontier Crimes Regulation, which fell from 513 to 104.

12. Miscellaneous proceedings under the Criminal Procedure Code—

Proceedings under the security sections of the Criminal Procedure Code are compared in the following table :—

Proceedings	Year	Total number of persons										Total number of persons	
		Peshawar		Hazara		Kohat		Bannu		Dera Ismail Khad		Disposed of	Bound over
		Disposed of	Bound over	Disposed of	Bound over	Disposed of	Bound over	Disposed of	Bound over	Disposed of	Bound over		
Breach of peace (chapter VIII, Criminal Procedure Code).	1928	2,398	1,121	866	272	184	35	1,308	544	263	74	5,014	2,040
	1929	4,198	1,502	1,100	517	845	60	1,504	635	471	160	7,618	2,874
Security for good behaviour (section 110, Criminal Procedure Code).	1928	325	228	119	82	84	17	155	108	148	99	781	534
	1929	419	222	124	69	79	50	219	162	123	78	964	581

Reported offences under the security sections rose from 3,335 to 4,053. This is a corollary to the decreased use of the corresponding sections of the Frontier Crimes Regulation, in which the figures fell under section 41 from 1,014 to 759. 8,582 persons were before the courts for trial, of whom 3,455 were bound over. The percentage of persons bound over to those summoned (40 per cent.) was practically the same as in the previous year, and indicates as pointed out in last year's report, that the courts do not exercise sufficient discretion before embarking on these proceedings, and thereby waste their own time and that of the public.

The number of persons called upon to furnish security under section 110 rose from 781 to 964.

Compensation under section 250 was awarded in 150 cases as against 177 in the previous year, and amounted to Rs. 3,848 as against Rs. 3,977. In spite of repeated admonitions from this court, Magistrates remained reluctant to enforce what must be regarded as a useful means of preventing abuse of the courts. Mr. Pipon, Judicial Commissioner, in his report for the year 1922, when commenting on the desirability of applying the provisions of this section, remarked that it was as difficult to prove a complaint false as it was to prove it true. It is, I think, clear, however, that section 250 does not require definite proof of falsity, but merely a conviction in the mind of the Magistrate, and Magistrates must be in a position to arrive at this conviction in very many cases in which they now refrain from utilising the provisions of the section.

13. General result of Criminal trials—

In consequence of the rise in reported offences the number of persons before the courts for trial during the year was 51,206 as against 45,417. Out of these the trials of 27,216 persons were completed; 52 per cent. of them were discharged or acquitted and 48 per cent. were convicted, 74 died, escaped or were transferred to other Provinces, 2,454 remained under trial at the close of the year.

The conviction for offences under the Indian Penal Code was 27 per cent. of persons brought to trial as against 23 per cent. in the preceding two years. There is thus some improvement, to which all districts contribute. In last year's report Mr. Jolly attributed the small percentage of convictions in the case of more serious offences to the

Pathans' inveterate habit of implicating innocent members of the real offender's family or faction. He pointed out further that this consideration did not apply with the same force to petty offences under the Code, such as hurt, assault etc. The percentage of convictions in such cases is extremely small. It remained at 16 this year as in 1928. The lowness of the figure is no doubt partially due to the greater possibility of arriving at compromises in such petty cases.

As regards convictions in the Peshawar District the District Magistrate remarks regarding the courts of Honorary Magistrates which have replaced the rural benches as follows :—"In fact with a single exception of Nowshera the new system of Magistrates sitting singly shows a remarkable increase over the old benches in the percentage of conviction to cases disposed of. The change has to that extent justified itself and has also in the main produced greater despatch in disposal."

While these remarks may be generally true, there are obvious exceptions to them. For instance, in the case of two Honorary Magistrates the percentage of convictions was 5 and 8. The number of cases pending over three months at the end of the year in the court of one Honorary Magistrate represented one third of the total of such cases pending in the whole district.

The average duration of trials was the same as in the previous year, namely, 14 days.

14. Trials and proceedings under the Frontier Crimes Regulation—

Offences reported under the Frontier Crimes Regulation numbered 2,312 as against 2,270 in 1928. 4,036 persons were brought to trial of whom 2,951 or 73 per cent. were convicted.

Cases tried by councils of elders under section 11 numbered 605 as against 574. Of these 561 were disposed of and 351 or 63 per cent. ended in conviction. It is interesting to remember that trial by *jirga* still continues in certain parts of the Punjab. In that Province during 1928, 580 cases under the Indian Penal Code involving 1,069 persons were referred to *jirgas*. 280 persons were convicted, a percentage of 26. The percentage of persons convicted to those tried under section 11 in this Province was 45 in 1929. None of the District Reports comment

upon the working of the *jirgas*.

Cases under section 35 rose from 324 to 524, and the number of persons brought to trial from 610 to 1,148. Of the latter 1,063 were convicted. The District Magistrate, Peshawar which district is principally responsible, explains the increase as the result of the greater employment of the Naubati Chowkidari system in consequence of the activities of outlaws and the increased occurrence of highway robberies.

There was considerably less employment of the provisions of section 41, the figure of cases dropping from 1,014 to 759 and the persons from 1,878 to 1,460. The incidence, however, was not similar in all districts. An increase of 118 cases in Peshawar and smaller increases in three other districts were more than counterbalanced by a very considerable decrease of 409 cases in Kohat, where they fell from 513 to 104.

15. Witnesses—

The number of witnesses examined rose from 51,875 to 52,622. In last year's report it was observed that the rules regarding the payment of diet money and travelling allowance to witnesses were not observed regularly. In the beginning of the year under report a circular letter was addressed to all courts drawing their attention to these rules and pointing out that it was essential to pay such charges especially in cases prosecuted by the Crown, for failure to do so would tend to increase the notorious disinclination of witnesses to appear in the courts.

16. Methods of disposal—

In consequence of the increased number of institutions the courts were called upon to dispose of and did dispose of a larger volume of business. The total number of cases decided was 27,216 or 4,122 more than in 1928. The increases naturally occurred in Peshawar and Bannu. In the latter district the staff found it difficult to keep up with the increased volume of work, and trials were tending to become unduly protracted. A proposal was made to the Local Government for the temporary appointment of a fully powered Magistrate and is still under consideration.

District Magistrates disposed of only 7 cases under

their ordinary powers. It must be remembered, however, that they are almost entirely responsible for trials under section 11 of the Frontier Crimes Regulation, which occupy a considerable portion of their time. This business combined with their political duties precludes them from taking that part in the original criminal administration of the district which is expected of District Magistrates in the Punjab and other parts of India.

Stipendiary Magistrates disposed of 74 per cent. of the total business, Honorary Magistrates (sitting singly or in benches) of 20 per cent.

There has been a slight improvement in the work of the City Bench at Dera Ismail Khan, which has formed the subject of unfavourable comment in the reports of the last two years. It disposed of 100 cases as against 78 in the preceding year, but only 12 ended in conviction.

Reference has already been made to the Honorary Magistrates of the Peshawar District who have replaced the former rural benches. The District Magistrate Peshawar, comments favourably on the useful work done by Khan Bahadur Abdul Hamid Khan, Honorary Magistrate in Peshawar City. With this comment I heartily concur.

Favourable notice is also given by the District Magistrate, Dera Ismail Khan, to the work of Rai Sahib Hukam Chand, retired Extra Assistant Commissioner, an Honorary Magistrate of the 1st Class, who is said to have materially aided the district administration.

17. Punishments—

The capital sentence was awarded by the Sessions Judges to 223 persons. It was confirmed by this Court in the case of 20 and commuted in the case of 3. The sentences of 3 out of the 20 were commuted to transportation for life by the Local Government.

Three thousand four hundred and twenty-one persons, as against 3,025 were sentenced to various terms of imprisonment, out of whom 36 were imprisoned in default of security for good behaviour.

Solitary confinement was awarded in 490 cases as against 679 in the preceding year. The decrease is considerable and indicates that Magistrates do not regard with favour this form of enhancement of punishment.

Short term sentences of less than 15 days dropped slightly from 151 to 148. The improvement is satisfactory.

and is possibly the result of the constant way in which the matter is brought to the attention of Magistrates by the inclusion of the figures in the monthly returns submitted to this court.

Persons sentenced to fines of varying amounts were 14,616 as against 11,236 in 1928. The total amount of fine imposed was Rs. 248,607. Out of this Rs. 187,275 was realised. This represents 75 per cent. and is a distinct falling away from the realisation of the previous year, 84 per cent. Peshawar is responsible for the decrease, the percentage there having dropped from 83 to 72.

Forty-three juvenile offenders were sentenced to whipping (25 from Peshawar) as against 47 in 1928. Four were dealt with under section 562 Criminal Procedure Code; one was sent to the Reformatory School at Delhi.

Sentences of whipping were inflicted in 79 cases as against 106 cases in the previous year. This represents a percentage of 4 of the cases in which whipping might have been awarded. More than half the number represents whipping of juvenile offenders.

18. Appeals—

In spite of an increase in trials there was a considerable decrease in appellate work. Appellants numbered 2,794 as against 2,891 in 1928. They were distributed as under:—

Before District Magistrates	...	974
Before Sessions Courts	...	1,444
Before Judicial Commissioner's Court	...	376

The appeals of 2,549 persons were disposed of at an average duration of 26 days. The duration in courts of District Magistrates was 25 days as against 22. The percentage of interference in these courts was 42.

19. Sessions Courts—

The outturn of Sessions Courts for the last 2 years is given in the following table:—

Sessions court	Sessions cases		Criminal appeals		Criminal revisions	
	1928	1929	1928	1929	1928	1929
Peshawar	147	181	566	600	172	174
Derajat ...	98	101	489	484	98	96

There was very little change as compared with the previous year in any of the three branches of the work. The average duration of the two courts in Sessions trials was 44 days as against 40. It dropped in the Peshawar Division from 42 to 37 days and rose in the Derajat Division from 37 to 53 days.

The average duration of Criminal appeals fell from 28 to 26. The percentage of interference was 46 as against 41 in the previous year.

In the Derajat an additional judge worked for $2\frac{1}{2}$ months of the year and in Peshawar a second Additional Judge for $4\frac{1}{2}$ months.

Rai Bahadur Sardar Lehna Singh, M. B. E., Sessions Judge, Derajat, finally retired from Government service in September 1929. Beginning his career as a Munsiff, he was appointed to the Political Department of the Government of India in 1923 and has been holding the post of Divisional and Sessions Judge, Derajat, continuously since January 1924. The patience and industry which he devoted to his work in the trying climatic conditions of the Derajat have been noticed in the Criminal Administration Reports for the last four years. I take this opportunity of repeating those comments and of expressing my regret at the loss of an officer who has served Government most meritoriously for over 30 years.

20. Judicial Commissioner's Court—

The volume of business which came before the court in 1929, which is shown in the table below, was slightly less than in the two preceding years :—

Year	Murder references		Criminal appeals		Criminal revisions	
	Cases	Persons	Cases	Persons	Cases	Persons
1927 ...	43	52	248	306	213	373
1928 ...	40	39	263	354	199	353
1929 ...	26	27	226	315	250	458

Murder references were disposed of at an average duration of 17 days, and criminal appeals of 23 days. 113 appeals and 239 revisions were heard by Judges

sitting singly, and 113 appeals and 11 revisions came before a Bench.

Mr. E. H. P. Jolly, I. C. S., of the Bombay Commission, officiated as Judicial Commissioner during my absence on leave for 8 months. Khan Bahadur Saad-ud-Din continued to sit as Additional Judicial Commissioner throughout the year.

21. General—

(1) The number of courts inspected during the year was slightly less than in 1928. The year's inspection work is given in a statement attached as Provincial Appendix "B". There is, I am afraid, some tendency on the part of the courts inspected to pay scant attention to the criticisms made upon their working, whereby the inspection loses all practical value. It is common to find in inspection notes the remark that a fault objected to on a previous occasion is still being repeated. On more than one occasion copies of inspection notes were not even available in the court inspected. All officers who inspect courts must take special care to ensure that their criticisms are made known to the officials and Magistrates at the time of inspection and that their written inspection note is at least read by those concerned.

(2) Reference has been made above to certain changes in the constitution of the Honorary Magistracy of the Peshawar District. In place of five rural benches of Magistrates, which were abolished, there are now seven Honorary Magistrates sitting singly in various parts of the District and exercising second class powers. It is as yet too early to say whether the latter will prove to be any improvement on the bodies whom they superseded. In any case I consider it essential that their scope should be limited to the disposal of petty criminal business and that their magisterial powers should not be raised merely with a view to enhancing their local prestige. It is the duty of the paid magistracy to entertain the important criminal business of the courts and they are better qualified to deal with it.

(3) The provisions of section 81 of the Court Fees Act, to which attention has been drawn for the last two years, still continue to be ignored by Magistrates. In the Bannu District alone some attempt was made to enforce them.

(4) There was in the Punjab in 1928 an almost universal complaint of the misuse of applications for transfer of

cases. These appeared to be used as a regular routine for prolonging trials, especially when there seemed to be a likelihood of conviction. No such complaint fortunately is made in this Province. Transfer applications are extremely rare.

(5) In my report for the year 1926 it was noticed that amendments introduced in 1923 in section 162, Criminal Procedure Code, had not yet become known to the public generally, and that no attempt had been made to utilize the provisions of the amended section. These remarks no longer apply. Fairly frequent use is made of section 162, Criminal Procedure Code, in Sessions cases at any rate, and it is quite common to find witnesses contradicted by statements which they have made to the Police.

J. H. R. FRASER,
Judicial Commissioner,
North West Frontier Province.

PROVINCIAL APPENDIX B

Serial No.	Officer	Number of courts inspected
1	Judicial Commissioner	10
2	Additional Judicial Commissioner	5
3	Sessions Judge, Peshawar	6
4	Additional Sessions Judge, Peshawar	4
5	Sessions Judge, Dera Ismail Khan	7
6	District Magistrate, Peshawar	7
7	District Magistrate, Hazara	5
8	District Magistrate, Kohat	2
9	District Judge (Additional District Magistrate) Kohat	2
10	Treasury Officer, Kohat	1
11	Assistant Commissioner (Additional District Magistrate) Hangu	2
12	District Magistrate, Bannu	5
13	District Judge, (Additional District Magistrate) Bannu	2
14	Judicial Extra Assistant Commissioner, Bannu	2
15	District Magistrate, Dera Ismail Khan	4
16	District Judge (Additional District Magistrate) Dera Ismail Khan	2
17	Assistant Commissioner, Dera Ismail Khan	3
18	Honorary Magistrate, Dera Ismail Khan	1
	Total	70

Table No. 25 (Old No. 1)

Statement showing the number of Judicial Divisions and number of officers exercising appellate or original jurisdiction in the North West Frontier Province on 31 December 1929

Province 1	Judges of Chief Court of Province. 2	Criminal							Remarks 10
		Number of Sessions Divisions 3	Number of districts 4	Sessions Judges 5	District magistrates 6	Additional District magistrates exercising section 30 powers 7	Other magistrates		
							Stipendiary 8	Honorary 9	
North West Frontier Province...	2	2	5	4	5	23	88	28	

(Imperial)

JUDICIAL STATEMENTS

Statement of offences reported and of persons tried, convicted
Provinces

Description of offence	Number of offences reported	Number of cases returned as true	Number of cases brought to trial during the year
1	2	3	4
Offences against the State, chapter VI of the Indian Penal Code	...	...	...
Offences relating to the Army and Navy, chapter VII	1	1	1
Offences against the public tranquility, chapter VIII	278	277	243
Offences by or relating to public servants, chapter IX	24	15	16
Contempts of the lawful authority of public servants, chapter X	374	365	396
False evidence and offences against public justice, chapter XI	125	169	133
Offences relating to coin and Government stamps chapter XII	9	8	7
Offences relating to weights and measures, chapter XIII	6	6	7
Offences affecting the public health, safety, convenience decency and morals, chapter XIV	134	121	103
Offences relating to religion, chapter XV	26	19	14
Offences affecting life	857	754	932
Causing of miscarriage, injuries to unborn children, exposure of infants and the concealment of births	22	12	8
Hurt	3,956	3,243	3,264
Wrongful restraint and wrongful confinement	189	110	116
Criminal force and assault	407	308	306
Kidnapping, forcible abduction, slavery and forced labour	288	149	184
Rape	42	28	31
Unnatural offence	64	53	50

Offences affecting the human body
chapter XVI

No. 2—CRIMINAL

and acquitted of each class of offence in the North West Frontier
the year 1929

Number of person					Remarks
Under trial during the year, including pending from previous year	Acquitted or discharged	Convicted	Died escaped or transferred to another Province	Remaining under trial	
5	6	7	8	9	10
...	
3	...	3	...	...
1,328	667	552	...	169	
17	4	9	...	4	
679	291	808	3	77	
183	79	97	...	6	
12	6	3	...	3	
10	4	4	...	2	
130	50	76	...	4	
31	14	13	...	4	
2,040	971	746	23	300	
17	14	3	...	...
6,250	4,331	1,298	22	519	
313	240	33	...	40	
722	523	152	3	44	
455	269	131	4	61	
58	30	24	...	4	
78	19	56	...	3	

(Imperial)

JUDICIAL STATEMENT

Statement of offences reported and of person tried, convicted
Province is

Description of offence		Number of offences reported	Number of cases returned as true	Number of cases brought to trial during the year
1		2	3	4
Offences against property, chapter XVII	Theft ...	1,653	1,148	810
	Extortion ...	24	14	14
	Robbery and dacoity ...	281	184	159
	Criminal misappropriation of property ...	139	118	119
	Criminal breach of trust ...	561	344	324
	Receiving of stolen property ...	294	211	228
	Cheating ...	264	186	187
	Fraudulent deeds and disposition of property	45	20	23
	Mischief ...	758	539	483
	Criminal trespass ...	2,960	2,225	1,467
Offences relating to documents and to trade or property marks, chapter XVIII ...	35	24	24	
Criminal breach of contracts of service, chapter XIX...	...	...	...
Offences relating to marriage, chapter XX ...	754	571	618	
Defamation, chapter XXI ...	28	25	87	
Criminal intimidation, insult and annoyance, chapter XXII ...	302	226	237	
Total (Indian Penal Code) ...	14,800	11,863	10,515	
Offences under special and local laws ...	18,628	17,402	17,456	
Grand total ..	33,528	28,765	27,970	

No. 2—CRIMINAL—continued

and acquitted of each class of offence in the North West Frontier
the year 1929—continued

Number of persons					Remarks
Under trial during the year including pending from previous year	Acquitted or discharged	Convicted	Died escaped or transferred to another Province	Remaining under trial	
5	6	7	8	9	10
1,595	907	505	4	179	
34	29	4	1	...	
475	280	189	1	85	
213	172	23	...	18	
433	230	160	2	41	
367	129	200	1	37	
295	214	52	1	28	
38	27	6	...	5	
1,273	1,063	137	...	73	
3,893	2,593	516	4	280	
45	29	10	1	5	
...	
1,504	1,320	105	2	77	
173	99	59	...	15	
432	383	24	...	20	
22,585	14,992	5,448	72	2,073	
27,982	10,303	17,296	2	381	
50,567	25,295	22,744	74	2,454	

(Imperial)

JUDICIAL STATEMENT

Statement of offences reported and of persons tried, convicted
Province in

Description of offence	1 Number of offences reported	2 Number of cases returned as true	3 Number of cases brought to trial during the year
<i>Offences under Local and Special Laws</i>			
Proceedings under the Code of Criminal Procedure ...	4,053	3,474	3,421
Breach of Laws relating to —			
Arms, ammunition and military stores	...	...	...
Canals ... Act XI of 1878	370	355	383
Cantonments, military ... VIII of 1873	003	528	544
Cattle trespass ... III of 1880	325	325	325
City Caudidars ... I of 1871	195	144	143
Code of Civil Procedure ... XX of 1856	199	199	194
Companies Act ... V of 1908	...	...	...
Contract workmen ... VI of 1882	192	192	192
Customs Act ... XIII of 1859	5	5	5
of 1867	4	4	4
Criminal tribes and eunuchs ... XXVII of 1871	79	79	79
Cruelty to animals ... XI of 1890	271	266	254
Emigration ... VII of 1871	...	...	...
Excise on spirits and drugs ... XII of 1896	45	44	50
Factories ... XV of 1881	...	...	...
Farcy and glanders ... XIII of 1899	...	...	...
Ferries ... XVII of 1878	5	5	7
Frontier Constabulary Act ...	6	6	6
Forest ... VII of 1878 & ...	412	411	345
Gambling ... II of 1879	69	64	74
Hackney and stage carriages ... III of 1897	4,104	4,092	4,126
Habitual offenders Act ... XVI of 1861 & ...	64	64	69
Marriages, christian ... XIV of 1879	...	...	...
Municipalities ... XV of 1872	1,805	1,296	1,299
of 1918	...	...	...
Murderous outrages ... IV of 1873 & ...	...	...	...
Motor vehicles Act ... XX of 1891	...	...	...
Opium ... XXIII of 1867 & ...	1,668	1,663	1,648
Pleaders ... IX of 1872	57	55	57
Police ... I of 1878	...	...	...
Post Office ... XVIII of 1879	1,734	1,734	1,731
of 1861	5	5	4
of 1898	...	...	...

No. 2—CRIMINAL—continued

and acquitted of each class of offence in the North West Frontier
the year 1929—continued

Name of persons					
5	6	7	8	9	10
Under trial during the year, including pending from previous year	Acquitted or discharged	Convicted	Died, escaped or transferred to another province	Remaining under trial	Remarks
8,582	5,055	3,455	...	72	
443	97	324	...	...
1,394	965	874	1	21	
932	321	611	1	54	
427	383	36	...	...
383	97	324	...	8	
...	...	...	...	12	
192	2	190	...	...
8	2	6	...	...
7	1	6	...	...
108	24	75	...	...
272	28	244	...	9	
...	
62	18	39	...	...
...	...	...	...	5	
...	
29	25	4	...	...
6	1	4	...	...
494	163	300	...	1	
449	95	320	...	31	
4,171	594	3,539	...	34	
09	6	56	...	38	
...	...	...	...	7	
1,336	379	1,000	...	...
...	...	...	...	7	
...	
1,789	380	1,372	...	37	
68	14	46	...	6	
...	
1,781	54	1,725	...	...
4	...	4	...	2	
...	
...	

No. 2—CRIMINAL—continued

and acquitted of each class of offence in the North West Frontier
in the year 1929—continued

Number of persons

Under trial during the year, including pending from previous year	Acquitted or discharged	Convicted	Died, escaped or transferred to another Province	Remaining under trial	Remark
5	6	7	8	9	10
23	3	20	...	...
315	150	146	...	19	
5	3	2	...	...
586	373	212	...	1	
7	...	7	...	...
1	...	1	...	...
...	
2	...	2	...	...
...	
3	1	1	...	1	
...	
2,3946	9,234	14,345	2	365	
26	...	26	...	...
87	16	21	...	...
27	11	15	...	1	
272	233	24	...	15	
9	...	9	...	...
1	...	1	...	...
1,148	85	1,063	...	...
58	12	46	...	...
16	7	9	...	...
117	80	87	...	...
1,460	252	1,208	...	...
22	3	19	...	...
843	420	423	...	...
4,086	1,069	2,951	...	16	
27,952	10,303	17,296	2	381	

(Imperial)

JUDICIAL STATEMENT No. 3—(CRIMINAL)

Statement of miscellaneous proceedings under the Criminal Procedure Code in the North West Frontier Province during the year 1929

Nature of proceedings 1	Total number of cases before the Court during the year 2	Number of persons concerned 3	Number of persons discharged 4	Number of persons convicted 5	Remaining under-trial 6
(1) Proceedings against witnesses under Chapter VIC and section 485	2	2	2	..	..
(2) Proceedings under Chapter VIII to prevent breach of the peace, and sections 40, 41 and 46, Frontier Crimes Regulation ...	3,266	9,419	5,874	3,992	65
(3) Proceedings under Chapter VIII, Security for good behaviour ...	950	1,000	380	602	18
(4) Proceedings against local nuisances, Chapter X ...	7	7	7	..	..
(5) Possession, Chapter XII ...	36	80	49	29	2
(6) Frivolous or vexatious accusations summarily dealt with under Chapter XX, section 250 ...	150	207	..	207	..
(7) Non-attendance of Jurors or Assessors, Chapter XXIII, section 332 ...	..	..	..	..	..
(8) Maintenance, Chapter XXXVI ...	102	103	71	31	1
(9) Forfeiture of bail or recognizance under Chapter XLII ...	103	188	76	107	5
(10) Proceedings under Chapter XLVI, section 563, against convicted offenders released under section 562 ...	122	123	..	123	..
Total ...	4,738	11,129	5,959	5,091	79

(Imperial)

JUDICIAL STATEMENT No. 4—(CRIMINAL)

Statement showing the general result of criminal trials in the tribunals of various classes in the North West Frontier Province in the year 1929

Class of Courts 1	Total number of persons under trial 2	Persons whose cases were disposed of					
		Died escaped or transferred to another province 3	Discharged or acquitted 4	Convicted			
				On regular trial			
				Sentence passed 5	Released on probation, section 562, criminal Procedure Code 6	Youthful offenders dealt with under section 31, Act VIII of 1897	
Discharged after admonition 7	Delivered to parent or guardian, etc. 8						
Village officers ...	...	...	...	...	...	...	...
Subordinate Magistrates {	Special Magistrates under section 14 ...	931	1	670	219	...	...
	Honorary magistrates sitting singly... 7,357	26	3,782	2,695	11	...	...
	Stipendiary magistrates sitting singly... 38,012	34	18,808	12,349	115	6	...
	Benches of magistrate sitting singly... 2,105	2	924	443	...	...	...
District and Divisional magistrates—Cases referred under sections 347, 349. C. P. C. ...	...	...	...	...	...	...	...
Chief Magistrates of Districts ...	2,123	11	903	1,096	...	...	...
Courts of Sessions ...	647	...	204	259	...	...	...
Superior Courts ...	31	...	4	23	...	...	...
Total ...	51,206	74	25,295	17,083	126	6	...

(Imperial)

JUDICIAL STATEMENT No. 4—(CRIMINAL)—concluded

Statement showing the general result of criminals trials in the tribunals of various classes in the North West Frontier Province in the year 1929—concluded

Class of Courts	Persons whose cases were disposed of					Persons remaining under trial at the end of the year	Number of cases disposed of during the year	Average number of days during which each case lasted	Number of witnesses examined	Remarks
	Convicted									
	On summary trial									
	Stuntee passed	Released on probation, section 562, Criminal Procedure Code	Youthful offenders dealt with under section 31, Act VIII of 1897	Discharged after admonition	Delivered to parent or guardian etc.						Committed or referred
9	10	11	12	13	14	15	16	17	18	
Village officers	...	...	...	...	...	...	...	...	...	...
Subordinate Magistrates	Special magistrates under section 14...	...	...	...	...	41	337	13	607	
	Honorary magistrate sitting singly ...	212	2	...	...	41	3,857	12	8,330	
	Stipendiary magistrates sitting singly	4,558	10	40	...	495	1,597	20,203	14	39,665
	Benches of magistrates sitting singly	704	...	...	...	...	33	1,628	8	1,194
District and divisional magistrates—Cases referred under sections 347, 349, C. P. C.	...	...	...	...	...	...	...	...	...	...
Chief magistrates of districts	3	...	...	...	...	110	899	24	215	
Courts of sessions	...	...	...	...	103	81	266	44	2,611	
Superior courts	...	...	...	...	...	4	26	17	...	
Total	5,477	12	40	...	639	2,454	27,216	14	52,623	

(Imperial)

JUDICIAL STATEMENT No. 5—(CRIMINAL)

Statement showing the punishments inflicted by the various criminal tribunals in the North West Frontier Province in the year 1929

Class of tribunals 1	Persons sentenced to				
	2 Death	3 Transportation	4 Penal servitude	Imprisonment	
				5 Rigorous	6 Simple
Village officers ...	...	...	...	...	...
Subordinate magistrates	Special magistrates under section 14 ...	...	...	9	4
	Honorary magistrates sitting singly ...	...	...	360	12
	Stipendiary magistrates sitting singly ...	...	...	2,482	102
	Benches of magistrates ...	...	...	28	...
District and divisional magistrates—Cases referred under sections 347, 349, C. P. C. ...	...	...	...	...	...
Chief Magistrates of District ...	...	...	...	273	1
Courts of sessions ...	...	133	...	109	5
Superior courts ...	...	20	3	...	...
Total ...	20	136	...	3,261	124

(Imperial)

JUDICIAL STATEMENT

Statement showing the punishments inflicted by the various criminal

Class of tribunals	Persons sentenced to—concl'd.			Persons ordered to find or give security or recognizance to keep the peace, or sureties for good behaviour	Persons imprisoned in default of security for good behaviour	Rs. 10 and under	Rs. 50 and under	
	7 Forfeiture of property	8 Fine	9 Whipping					
1	7	8	9	10	11	12	13	
Village officers	...	...	...	...	...	...	...
Subordinate magistrates	Special magistrates under section 14	...	212	...	...	140	61
	Honorary magistrates sitting singly	...	2,350	3	420	1,501	440	
	Stipendiary magistrates sitting singly...	...	10,675	76	4,193	31	8,046	1,918
	Benches of magistrates	...	1,128	1,097	29
District and divisional magistrates— Cases referred under sections 347, 349, C. P. C.	...	...	...	...	...	...	...
Chief magistrates of district	...	243	...	557	...	157	24	
Courts of sessions	...	8	...	5	5	...	...
Superior courts	...	...	...	...	...	...	...
Total	...	14,616	79	5,175	36	11,241	2,485	

tribunals in the North West Frontier Province in the year 1929—contd.

Detail of punishment

Fine				Imprisonment					
Rs. 100 and under	Rs. 500 and under	Rs. 1,000 and under	Above Rs. 1,000	Total amount of fines imposed during the year	Total amount of fines realized during the year	Amount paid by way of compensation	Fifteen days and under	Six months and under	Two years and under
14	15	16	17	18	19	20	21	22	23
...
8	...	...	...	2,637	2,670	89	3	10	...
78	21	1	...	33,529	24,597	1,597	17	228	107
509	184	16	1	1,77,321	1,27,905	12,050	118	1,071	932
2	...	...	...	3,693	3,475	135	3	25	...
...
3	42	13	4	29,927	27,732	2,780	3	11	60
4	4	...	...	1,500	896	211	4	17	26
...
604	251	30	5	2,48,607	1,87,275	16,862	148	1,362	1,125

(Imperial)

JUDICIAL STATEMENT No. 5—(CRIMINAL)—concluded

Statement showing the punishments inflicted by the various criminal tribunals in the North West Frontier Province in the year 1929—concl'd.

Class of tribunals	Detail of punishment—concl'd.					Number of boys whose sentences were commuted to detention in a Reformatory School
	Imprisonment—concl'd.		Whipped			
	Seven years and under	Above seven years	Ten stripes and under	Twenty stripes and under	Thirty stripes and under	
1	24	25	26	27	28	29
Village officers ...	...	...	...	...	...	...
Subordinate magistrates {	Special magistrates under section 14 ...	...	...	...	...	...
	Honorary magistrates sitting singly	20	...	1	2	...
	Stipendiary magistrates sitting singly ...	373	121	26	43	7
	Benches of magistrates ...	...	...	...	...	...
District and divisional magistrates—Cases referred under sections 347, 349, C.P.C.	...	...	...	...	...	...
Chief magistrates of district ...	122	78	...	...	...	...
Court of sessions ...	53	19	...	...	...	...
Superior courts ...	...	...	...	...	...	...
Total ...	563	218	27	45	7	1

(Imperial)

JUDICIAL STATEMENT No. 5-A—CRIMINAL

STATEMENT SHOWING PARTICULARS OF WHIPPINGS
INFLECTED BY THE CRIMINAL TRIBUNALS OF
THE NORTH WEST FRONTIER PROVINCE
DURING THE YEAR 1929

PART I

Showing whippings inflicted under sections 3 and 4, Act IV of 1909,
in lieu of other punishment

Offences for which awarded	Number of stripes awarded			Total	
	5 to 10 stripes	11 to 20 stripes	21 to 30 stripes		
1	2	3	3	5	
In lieu of other punishments—					
<i>Section 3 of Act IV of 1909</i>					
1. Theft as defined in	{ S. 324, I. P. C. ...	...	1	1	2
	{ S. 378, " ...	...	...	...	...
	{ S. 379, " ...	1	6	1	8
	{ S. 380, " ...	2	2	...	4
2. Lurking house-trespass as defined in section 443	...	...	...	...	...
3. Lurking house-trespass by night as defined in section 381	...	1	...	...	1
4. Housebreaking as defined in section 411	...	...	1	1	2
6. Housebreaking by night as defined in section 457	...	...	1	1	2
<i>Section 4 of Act IV of 1909</i>					
1. Abetment, commission or attempt to commit rape as defined in section 454	...	1	...	...	1
2. Compelling or inducing any person by fear of bodily injury to submit to an unnatural offence as defined in section 377	...	...	1	...	1
2. Voluntarily causing hurt in committing or attempting to commit, robbery as defined in section 390	...	...	...	...	...
4. Dacoity as defined in section 391	...	...	...	...	...
6. Section 19, Act XXVII of 1871	...	...	...	...	...
6. Section 52, Prisons Act, 1894	...	...	...	...	...
Total	...	5	12	4	21
On first conviction	...	5	12	4	21
On re-conviction	...	...	...	...	...

(Imperial)

DISTRICT STATEMENT No. 5-A—CRIMINAL—continued

PART II

Showing whippings inflicted in addition to other punishments,
section 4, Act IV of 1909

Offences for which awarded	Number of persons awarded			Total
	5 to 10 stripes	11 to 20 stripes	21 to 30 stripes	
1	2	3	4	5
1. Abetment, commission or attempt to commit rape as defined in section 375, Indian Penal Code	...	1	...	1
2. Compelling or inducing any person by fear of bodily injury to submit to an unnatural offence as defined in section 377, Indian Penal Code	...	6	...	6
3. Voluntarily causing hurt in committing or attempting to commit robbery as defined in section 390, Indian Penal Code
4. Dacoity as defined in section 392
<i>Section 6, Frontier Regulations</i>				
5. Culpable homicide, section 304
6. Attempt at murder section 307
7. Hurt, section 324
8. " " 325
9. " " 326
10. " " 376
11. Unnatural offence, section 377	...	1	1	2
12. Theft, section 379	...	2	1	3
13. Robbery section 392	...	2	1	3
14. Attempt to commit robbery, section 393
15. Robbery, section 394
16. Dacoity, " 395
17. Murder in dacoity, section 396
18. Robbery or dacoity with attempt to cause death or grievous hurt section 397
19. Attempt to commit robbery or dacoity when armed with deadly weapons, section 398
20. Making preparations to commit dacoity, section 399

(Imperial)

DISTRICT STATEMENT No. 5-A—CRIMINAL—continued

PART II—concluded

Showing whipping inflicted in additions to other punishments,
under section 4, Act IV of 1909—concluded

Offences for which awarded	Number of persons awarded			Total
	5 to 10 stripes	11 to 20 stripes	21 to 30 stripes	
1	2	3	4	5
21. Mischief, section 427
22. " " 428
23. " " 429
24. " " 435
25. " " 436
26. House-trespass, section 443
27. " " 449
28. " " 450
29. " " 451
30. " " 452
31. Lurking house-trespass, section 453
32. " " " 454
33. " " " 455
34. " " " 456
35. " " " 457
36. " " " 458
37. " " " 459
38. " " " 460
Total	...	12	3	15
On first conviction	...	12	3	15
On re-conviction

(Imperial)

DISTRICT STATEMENT No. 5-A—CRIMINAL—*continued*
PART III

*Showing whippings inflicted under section 5, Act IV of 1919,
on juveniles in lieu of other punishments*

Offences for which awarded		Number of persons awarded			Total
		5 to 10 stripes	11 to 20 stripes	21 to 30 stripes	
1		2	3	4	5
Under section 324, I. P. C.	...	3	2	...	5
" " 326 "	...	...	2	...	2
" " 350 "	...	3	...	...	3
" " 376 "	...	...	2	...	2
" " 377 "	...	2	2	...	4
" " 379 "	...	3	5	...	8
" " 381 "	...	...	1	...	1
" " 382 "	...	1	...	...	1
" " 411 "	...	2	2	...	4
" " 454 "	...	4	5	...	9
" " 457 "	...	3	...	...	3
" " 61, Excise Act	...	1	...	...	1
Total	...	22	21	...	43
On first conviction	...	22	21	...	43
On re-conviction	...	...	...	...	...

JUDICIAL STATEMENT No. 5-A—CRIMINAL—concluded

PART IV

Showing the relative number of times whipping was awarded as compared with other punishments in cases in which whipping might have been awarded

Punishment 1	Number 2	Remarks 3
1. Total number of whippings awarded	79	
2. Total number of other punishments in cases in which whipping might have been awarded	1,847	
3. Total number of all punishments in cases in which whipping might have been awarded (total of headings 1 and 2)	1,926	
4. Percentage of whippings on total number of all punishments (percentage of heading 1 on heading 3)	4.1	

(Imperial)

JUDICIAL STATEMENT No. 6—CRIMINAL

Statement showing the results of appeal and revision in Criminal cases in the North West Frontier Province
in the year 1929

Tribunals	Number of persons												Average number of days during which each appeal lasted	Remarks
	2	3	4	5	6	7	8	9	10	11	12	13		
1	Total number of appellants and applicants for revision before the Court	Died, escaped, transferred to another Province	Appeals or applications rejected	Sentence or order confirmed	Sentence enhanced	Sentence reduced or otherwise altered	Sentence reversed	Proceedings quashed	New trial or further enquiry ordered	Referred for revision to the High Court	Pending trial			
<i>Appeal.</i>														
To Chief Magistrates of districts ...	974	...	264	232	1	94	274	12	15	...	32	25		
To Courts of Session ...	1,444	2	348	355	...	274	305	...	11	...	149	26		
To superior courts {	359	...	82	116	...	37	64	1	...	...	59	25		
by Government from judgments of acquittal	17	1	...	11	2	...	...	1	...	...	2	21		
Total ...	2,794	3	691	764	3	405	643	14	26	...	242	26		
<i>Revision.</i>														
By Chief Magistrates of districts ...	398	...	272	...	...	...	...	...	72	36	18	...		
By Courts of Sessions ...	387	...	253	...	...	...	...	...	23	11	63	...		
By Superior Courts ...	479	...	266	45	13	27	80	5	20	...	26	...		
Total ...	1,214	...	791	45	10	27	80	5	112	47	97	...		
Grand total ...	...	...	...	...	...	...	...	...	...	...	...	...

Statement showing the use of juries and assessors in the Criminal Courts in the North West Frontier Province in the year 1929.

1 Class of courts in which jurors or assessors are employed	2 Established or average number of jury or assessors in each case and prescribed qualifications	3 Number of accused persons in jury trials				4 Number of accused persons in trials with assessors				11 Remarks
		5 Tried	6 As to whom the judge			7 Tried	8 As to whom the judge			
			9 Approved verdict	10 Did not approve of verdict	11 Made reference under section 307, Criminal Procedure Code		12 Agreed with all the assessors	13 Differed from one or more, but not from all the assessors	14 Differed from all the assessors	
Magistrates' courts under chapter X, Criminal Procedure Code ... Jurors	...	...	...	...	...	...	...	...	...	...
Courts of sessions { Jurors ... Assessors ...	5	...	...	...	...	...	...	...	...	...
	4	...	...	...	...	489	303	104	82	...
High Court, original (criminal) jurisdiction ... Jurors	...	...	...	...	...	...	...	...	...	...

Table No. 26 (Criminal)

Statement showing the number of criminal cases decided in the courts in the North West Frontier Province for the year 1929

Name of province	Total number of cases decided				Remarks
	Original		Appeals		
	Regular	Miscellaneous	Regular	Miscellaneous	
1	2	3	4	5	6
North West Frontier Province...	27,216	9,054	1,886	387	
Total ...	27,216	9,054	1,886	387	



