

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No. 287	Press
7-8	Mis.
Dated 3. 3 -	11/8/58

Not to be folded or roughly handled

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Fort St. George, Judicial Consultation, 12th. March 1858.

No. 7. Read the following Extract from the Proceedings of the Foujdaree Udalut, under date the 19th February 1858.

Circular. To enable the Court of Foujdaree Udalut to exercise a closer supervision over the proceedings of the inferior tribunals, in the investigation and disposal of charges of abuse of authority against the native officials, the Judges direct that a *special report*, in the Form A, be forwarded to them, (accompanied with the observations of the Session Judge thereon,) in all cases of *Torture*, i. e., where the defendants, being public officers, are accused of employing personal violence or ill-treatment in the course of their official duties; and further, that the attention of the Judges be particularly drawn to every case of abuse of authority appearing in the Monthly Criminal Reports, and Quarterly Returns of the Magistracy, all which should, in the first instance, be carefully reviewed by the Session Judge, and his opinion thereon recorded.

Extract from the Proceedings of the Foujdaree Udalut, under date the 19th February 1858:

Read again Abstract Report of case No. 18 of 1857, on the file of the Acting Magistrate of Masulipatam, in which Nookala Venkiah, Village Moonsiff of Motoor, stands convicted of "abuse of authority," in having, without sufficient reason, placed hand-cuffs on parties whom, in the execution of his duty, he was forwarding to the head of Police; and has been fined Rupees five, under Clause 2nd, Section III, Regulation III of 1819.

Read also full report of the same case, as submitted by the Acting Magistrate to the Government on the 7th January 1858.

The Foujdaree Udalut observe that although a person of more resolution, experience and judgment, might have acted differently, and although the conduct of the complaining parties may not have been such as strictly to justify the measure adopted by the Moonsiff; yet, that in the proved and declared absence of all intentional fault on his part, he ought not to have been found guilty of such "abuse of authority" as is evidently contemplated by the Regulation under which he has been sentenced; and they therefore resolve to direct that the fine, if levied, be refunded to him.

(True Extracts.)

(Signed) C. F. CHAMIER,
Acting Register.

Extract from the Proceedings of the Foujdaree Udalut, under date the 19th February 1858, No. 6.

Read Extract from the Minutes of Consultation, under date the 30th January 1858.

1. The above Proceedings of the Government contain the particulars of a case of abuse of authority, disposed of by the Acting Magistrate of Masulipatam, and reported to the Government under their orders, dated the 10th June 1856, &c.

2. The Government remark that they fail to see any abuse of authority or irregularity on the part of the Moonsiff; and they accordingly suggest that the Foujdary Udalut should call for the record of the case and dispose of it; and the Government take the opportunity of explaining to the Foujdaree Udalut that their orders of the 10th June 1856, &c., were not intended in any way to interfere with the review, by the latter, of cases of abuse of authority in the Magistrate's Calendars.

3. With respect to the last remark, the Judges observe that they never supposed the orders in question to be intended to interfere with *their* proper and ordinary duties, as defined by the Legislature. With the view, however, of promoting the same ends as those the Government have in view, the Judges resolve to issue instructions to the Session Judges to transmit to the Foujdaree Udalut, accompanied with their own observations, special reports in all cases of *Torture* properly so termed, and to draw the attention of the Judges to any cases of abuse of authority of the more ordinary description appearing in the usual (abstract) Periodical Returns.

Fort St. George, Judicial Consultation, 9th March 1858.

4. In regard to the particular case under consideration, the Judges find that they have sufficient information on the face of the Acting Magistrate's Decision to enable them to pass orders thereon, as the facts are not disputed, the defendant simply pleading, as found upon his trial, that he acted as he did, from timidity and ignorance, and not from any malicious feeling towards the prosecutor. A copy of the remarks recorded by the Judges will be forwarded with these proceedings for the information of the Government.

(True Extract.)

(Signed) C. F. CHAMIER,
Acting Register.

To the Chief Secretary to Government.

No. 8.

ORDER THEREON, No. 281; dated 3rd March 1858.
To be recorded.

(Signed) T. PYCROFT,
Chief Secretary.

I have been thinking of
 writing to you for some
 time but have been so
 busy that I could not
 find time. I am now
 in the city and am
 very busy. I am
 well and hope you
 are the same. I
 am your friend
 J. H.

Ed. F. Curtledge.

My 14 to Court H. May 14
 Judicial 1858 Report
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 A To
 Extract from the
 Proceedings of the
 Fair Game Board
 Dates 19th } February
 Received 25 } 1858.
 No 322.
 1858
 This record
 of No 6
 of the
 Court
 is
 returned to Court
 from the printer of
 Consultation Date 30.
 January 1858, the Court
 acknowledge to other with
 copies of a circular and
 the remainder recorded by
 them on the case of "Adm
 of authority" disposed of
 by the acting magistrate
 of Newcastle.

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Mr 37 