

# MADRAS RECORD OFFICE.

Government of Madras.

*Judicial* DEPARTMENT.

G.O. No.

1192

Press  
Mis.

269-270

Dated

28-6-7

1862  
19

Not to be folded or roughly handled

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*Proceedings of the Madras Government, Judicial Department,  
28th July 1862.*

No. 269. Read the following letter from C. F. CHAMIER, Esq., Registrar of the Sudder Court; to A. J. ARBUTHNOT, Esq., Acting Chief Secretary to Government, Fort Saint George, dated 19th July 1862, No. 86.

I am directed to state, with reference to the subject of the Order of Government, dated 16th May 1862, No. 792, that the Court do not see any necessity for extending to Judicial Officers removable without the sanction of Government the provisions of Act XXXVII of 1850, for regulating enquiries into the behaviour of public servants. The Court remark that the enquiry made before dismissal is liable to scrutiny by several authorities, and although there may be less formality of procedure in regard to complaints against District Moonsiffs and Officers of lower rank in the Judicial branch of the service, they have not seen that there has been a failure of justice in consequence. They consider the present system secures a wholesome check on the conduct of District Moonsiffs, who are far removed from the observation of the Judge, and would not alter it.

No. 270. To the Secretary to the Government of India, Home Department, dated Fort Saint George, 28th July 1862, No. 1,192.

I am directed to acknowledge the receipt of Mr. Monteath's letter of the 5th May last, requesting the opinion of this Government as to the expediency of extending to District Moonsiffs the provision of Act XXXVII of 1850.

2. In reply I am directed to transmit for the consideration of His Excellency the Governor General in Council the annexed copy of a letter\* from the

\*Dated 19th July 1862, No. 86. Registrar of the Court of Sudder Udalt, stating that the Judges, to whom the question was referred, do not see any necessity for extending the provision of the Act in question to Judicial Officers removable without the sanction of Government.

3. The Judges remark that the enquiry, which is now held before the dismissal of a Subordinate Judicial Officer, is liable to scrutiny by several authorities, and they consider that the present system secures a wholesome check on the conduct of District Moonsiffs, and would not alter it.

4. The Governor in Council does not concur in this opinion. The office of District Moonsiff is one of responsibility, and the increase which has lately been made to the salary attached to it has been sanctioned with the avowed object of raising the position of the Moonsiff to a level with their responsibilities. It would, the Governor in Council thinks, be a further, and in his opinion a right, step in the same direction, that no Officer of this grade should be removed from office except on the result of a formal enquiry, such as is contemplated by Act XXXVII of 1850, and he proposes to introduce a Bill for this purpose when the local legislature re-assembles.

(Signed) A. J. ARBUTHNOT,  
*Acting Chief Secretary.*

*Judicial Department.*

No. 1192.

To

The Secretary to the Government  
of India.

*Home Department.*

Sir,

I am directed to acknowledge the receipt of Mr. Montleath's letter of the 5<sup>th</sup> May last, requesting the opinion of the Government as to the expediency of extending to District Moonsiffs the provision of Act XXXVII, of 1850.

In reply I am directed to transmit for the consideration of His Excellency the Governor General in Council the annexed copy of a letter from the Registrar of

tes 19<sup>th</sup> July '62  
H<sup>o</sup> 85

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