

MADRAS RECORD OFFICE.

Government of Madras.

Indrail DEPARTMENT.

G.O. No.	1147	Press
	<i>[Signature]</i>	~~His.~~
Dated	8-7-19	1867

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Not to be folded or roughly handled

*Proceedings of the Madras Government, Judicial Department,
18th July 1867.*

No. 212. Proceedings of Government, dated 18th July 1867, No. 1147.

It has been frequently brought to the notice of Government that the Collectors of Districts are seriously impeded in the discharge of the ordinary miscellaneous duties of their offices by the labor imposed upon them in the exercise of their authority as sole Magistrates having the full powers of a Magistrate within their Divisions.

2. The Government observe that there is no legal impediment to the highest Magisterial powers being conferred on any Covenanted Civil Servant, as Section 23 of the Criminal Procedure Code empowers the local Government to invest "any person" with the powers of a Magistrate. This comprehensive authority has, however, been hitherto restricted in practice by the Order of Government, dated the 8th November 1864, which provides that the full powers of a Magistrate shall be conferred on those Covenanted Assistants only who shall have passed the second standard examination, and shall, previously to passing such examination, have exercised, for a period of six months, the powers of a Subordinate Magistrate of the 1st Class.

3. The Governor in Council is of opinion that it would, in many cases, conduce greatly to the relief of the Chief Magistrates of Districts, and to the more prompt administration of criminal justice, if the rules laid down by Government, in their Order above referred to, were suspended or abrogated.

4. The Governor in Council is, accordingly, prepared to confer full Magisterial powers on Covenanted Assistants who may be recommended by the Magistrate of the District under whom they are placed as qualified for the discharge of such jurisdiction, and who have previously exercised the powers of a Subordinate Magistrate of the 1st Class for not less than six months.

5. In cases in which sufficient grounds may be shown, the Governor in Council is prepared to relax the rule which requires that an Assistant shall have passed the first standard examination before he can be invested with the powers of a Subordinate Magistrate of the 1st Class, provided that the Magistrate shall be of opinion that the Assistant has shown himself to be qualified for increased Magisterial powers.

(True Extract).

Acting Chief Secretary.

To the Magistrate of
" Revenue Department.

Exd. J. H. Burns.

It is notorious, I believe, that several of our District Magistrates are considerably impeded in the discharge of their ordinary miscellaneous duties, by the quantity of magisterial work devolving on them in their capacity of sole magistrate of their division having power to exercise the full powers of a magistrate.

This impediment might be diminished if more of the Commanter's ~~Officers~~ ^{Officers} were played under them, had passed by the Second Standard Examination, so as to enable the Govt to confer on the latter the full powers of a magistrate & thus relieve the principal magistrate of what in numerous cases he must himself perform.

There is no legal impediment to the highest magisterial powers being conferred on any Commanter's Civil Servant, whether he has or has not passed by a prescribed Standard, as Section

23 of the Code Criminal procedure permit the local Government to "invest any person" with them.

The Comptroller General authorizing their power by the existing law, has, however, in practice, been restricted by the order of Govt. 8 Nov 1864, which determined that the full powers of a Magistrate should be assigned only to those Covenanted Assistants who had passed the Second Standard Examination, & had previously exercised for a period of six months the jurisdiction of a Sub Magistrate of the First Class.

It occurs to me that it will be resolved in many districts, of much administrative convenience, if Govt. as a special measure, depart from the rule of the 8 Nov 1864, and confer full Magisterial powers on those Assistants who may be recommended by the District Magistrate as qualified to discharge them & who have previously exercised First Class Sub Magistrate jurisdiction for a period not less than six months.

They then can be placed in a position to be a source of the same effect as the Comptroller General's order in order to have no objection to the proposed extension of Assistant Magistrate.

11 Dec 67. W.M.

Judicial Department.

PROCEEDINGS of the MADRAS GOVERNMENT.

Dated 18 July 1867 No 1147.

Collectors of Districts

It has been frequently brought to the notice of Government that the District Magistrates are seriously impeded in the discharge of the ordinary miscellaneous duties of their offices by the labor imposed upon them in the exercise of their authority as sole Magistrates, having the full powers of a Magistrate within their Divisions.

The Govt. deems that there is no legal impediment to the highest Magisterial powers being conferred on any Covenanted Civil Servant as Section 23 of the Criminal Procedure Code empowers the local Govt. to invest any person with the powers of a Magistrate. This Comptroller General's authority has however been hitherto restricted in practice by the Order of Government dated

W.M.

dated the 8 November 1844, which provides that the full powers of a Magistrate shall be conferred on those Covenantal Apprentices only who shall have passed the second standard examination and shall, previously to passing such examination, have exercised, for a period of six months, the powers of a subordinate Magistrate of the 1st class.

3. The Governor in Council is of opinion that it would, in many cases, conduce greatly to the relief of the Chief Magistrates of Districts and to the more prompt administration of Criminal justice if the rules laid down by Govt. in their order above referred to, were suspended or abrogated.

4. The Governor in Council is accordingly prepared to confer full magisterial powers on Covenantal Apprentices who may be recommended by the Magistrate of the District under whom they are placed, as qualified for the discharge of such jurisdiction and who have previously exercised the powers of a subordinate Magistrate

Magistrate of the 1st class for not less than six months.

5. In cases in which sufficient grounds may be shown, the Governor in Council is prepared to relax the rule which requires that an Apprentice shall have passed the 1st Standard examination before he can be invested with the powers of a subordinate Magistrate of the 1st class, provided that the Magistrate shall be of opinion that the Applicant has shown himself to be qualified for increased

magisterial powers.

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To the Magistrate of all Districts despatch
" Criminal Department despatch

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Official 1867. Department.

No. 1147

PROCEEDINGS OF GOVERNMENT.

Off. 1088. 1752-222

Dated 12 July 1867.

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