

H. No. 141

HEALTH DEPARTMENT.

Municipal Office,

Madras, 5th May 1892

From

Lieut Col. G. M. J. Moore,

President Municipal Commission,

To

The Chief Secretary to Government,
Local and Municipal Department,

Fort St. George,

SIR,

Cue:

In forwarding the accompanying extract from the Proceedings of a meeting of the Standing Committee held on 29th April 1892, I have the honor to state that in February last one Moidin Bava buried his father's corpse in a garden in Audiappa Moodelly street.

2. He was at once prosecuted. When the case came on for hearing on 18th March he stated to the Magistrate - Mr. Sultar Mohideen - that the ground was licensed for the purpose of Burial about 60 years ago.

3. The Magistrate adjourned the case till 25th March for production of the certificate.

4. On the 25th March the defence was unable to produce
with the result

fine one Rupee

for contempt of court

ch
order
Taps
24
3/7/92
10 June

5. This will show how the Municipality is assisted in its attempts to punish parties guilty of a most serious offence.

6. It is practically inviting all classes to infringe the law and pay one Rupee for burying in their private compounds.

7. The only course the Municipality could take would be to move the High Court for enhancement of sentence, but as Messrs Barclay, Morgan & Co pointed out that would be a very costly step.

I have the honor to be,

Sir,

Your Most Obedient Servant,

W. Moore
Lieut. Col.
President.

Extract from the Proceedings of the
Standing Committee held on 29th April 1892.

* * *

9. Read letter from W. E. Barclay,
moving High Court to enhance sentence
passed on Mokidiin Bava. - - - dated 13th April 1892, requesting
to know if he can apply to
the Magistrate for a copy

of the record to instruct Counsel to move
the High Court re. case against Mokidiin
Bava for getting enhanced sentence passed
upon him.

Resolved that the matter be reported
to Government.

* * *

Health Department,
Municipal Office,
Madras 5th May 1892

(True Extract)

W. Moore

Chairman

President

Municipal Co. Secy.

10 June

for Mr. Moore to forward

8

I think it is better, but that policy has
 long been followed even by the British - I
 don't think it is a very good thing to
 have any kind of a law - J.H.F.

I am not sure that it is a
 case in which race representation
 should be considered at all

Then we have to understand that
 a piece of paper in the standard
 printed out awarded by the High Court
 for the cases which do not come under the
 Penal Code, without reference to their
 merits - J.H.F.

Now would I should
 say over the whole of it. Certainly not.
 The matter may be left to increase
 the expense if they think fit, but
 they will probably be satisfied
 if we pass an order as suggested
 by me.

I know that Mr. James Smith
 like every one else that Sultan
 Mohideen is a very good man.
 It would be rather difficult to find
 a better person elsewhere. The High
 Court would hardly take him back
 as a ^{best} man.
 I think Mr. James may however
 be asked his opinion.

M.S.
 14 June

This paper should be transferred
 from the subject to the subject

I think Sultan Mohideen
 is the best person for
 the Bench. He is a very
 intelligent man & the mild
 report proposed by Sir H. St. John
 is quite insufficient in my
 estimation. However
 H.S. the Government should
 appointing another person
 to go to the existing vacancy
 I don't think then H.S. 2
 Henderson on the Bench
 should be in the City. He
 should be in the country
 J.H.F.

5/6/92

I quite agree that this is a bad case, but I
 hardly think that such a severe course should
 be adopted as proposed by the hon. Mr.
 Garton for one act of injudicious clemency.
 But I think the Municipality should
 take steps to have the sentence revised.
 What will the expense be?
 The other Municipal Magistrate is only
 acting for 6 months, and during his
 last 3 months ^{if continued after the first 3} he will be the only
 one Mahomedan Magistrate on the bench
 as the man under remark will be going on 3 months leave.
 I have however no objection to consulting
 the Chief Presidency Magistrate as to the
 opinion he holds of this Sultan Mohideen.

14
 10 June

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1892-93

Madras Municipality.

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1192m

For Orders

H-912

14-5-92

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1/2

12/5/92

Municipal Commission,

MADRAS.

The President,

The Chief Secretary to Govt.

Local & Hunt Dept.

Fort St. George.

No. 141

Dated 5th
Despd. 6th
Recd. May 1892

Enc.

SUBJECT.

Forwarding, with remarks,
an extract from the proceedings
of a meeting of the Standing
Committee held on 29th April 192
about a fine of Rs 1/- imposed by
Police Magistrate W. Sultan
on one Bindu Bava
for burying a dead body in an
unlicensed place.

This is certainly a very bad case and
however both we may be to dictate
to Magistrates I think we ought
to notice it.

I would communicate the President's
letter to the Chief Pres. Mag. for
the information of Suban Mohideen
with the remarks that in the opinion
of Govt. sentences of this kind are
likely to defeat the object of the law.

23 May

Circulated to Hon. Mr. Justice & Mr. The Govt.
The Draft was put on before I saw
what Mr. had written

28 May

See inside
H. J.

C.S. min
Order. The Govt. has directed
the order to be sent to the
24th May

Communicated to the Chief Presidency
Magistrate with the remark that in the
opinion of Govt. sentences of the kind
referred to are likely to defeat the object
of the law.

From orders

26.5

1/2
25/5/92

To the Chief Presidency Magistrate
Shro' the Judicial Deptt
President M.C. Madras.
11/5-11/5

1892
To
No. 2
2547

Local & Municipal Dept

CURRENT NO. 1192 m

Confidential.

From

The President Muni Comm.
Madras.

Judicial Dept.

CURRENT NO. 2547

Quoted Two

R. 15/6/92

No. 141

Dated 5th May 1892

Received

Enclosures 1

SUBJECT.

Forwarding with remarks an extract from the Proceedings of a meeting of the Standing Committee held on 29th April 1892 about a fine of Rs 1 imposed by Police Magistrate Mr. Sultan Mohi-udin on one Mordin Bana for burying a dead body in an unlicensed place.

For

(with an endorsement)

CONFIDENTIAL. No 222

No 437

Transferred to the Judicial Deptt

Donal

as assistant secretary

1. D.
15/6/92
Fort St George
15th June 1892

Note. C.S. will see this in the Judicial Deptt.

To the Judicial Deptt.

Note for Hon. Mr. H.L. Stokes M.C.

The D.O. & Mr. Jones ^{will be} ^(separately) despatched but with reference to the Hon. Mr. Garstin's remarks below it is proposed to issue the following G.O.:—
Order 12 July 92
The Govt. fully concurs with the remarks of the President & he should take steps to have the sentence revised by the High Court.

5 July. 8 July.
To the Pres. of the Muni. of Madras thr. the L. & M. Dept.
Respd 12/7.

Mr. Jones will probably say that Sultan Mohi-udin's work does not come under his review

U.S.

O.R. Jones log
with 2 encls. due
ret'd. to Govt.

C.S.
21/6

Note It is understood that as the L. & M. Dept. has taken no action in regard to advising the Commissioners to have the sentence revised, no steps in this direction need be taken by Judicial

In adv. O.R. to Govt. by J.D. 2
think. L.H.
3/7

Fort St. George
12th July 1892

My dear Mr. Jones,

I am directed to forward to you the accompanying letter (with enclosure) received from the President of the Municipality with the request that you will be so good as to favour Government with your opinion on the capabilities of Mr. Sultan Mohi-udin as a Presidency Magistrate (from orders)

Yours sincerely

22/6
23 June

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[Faint, mostly illegible handwritten text on the right page of the spread.]

[Faint, mostly illegible handwritten text on the bottom right page of the spread.]

24/7

READ AGAIN ORDER OF GOVERNMENT, DATED 18 No.

ENCLOSURES

CURRENT No.

STATEMENT WITH DITTO.

ORDER, &C., OF GOVERNMENT--A.

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Letter only.
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1892...

Judicial DEPARTMENT.

G.O. DATED 12. 7. 92

No. 1279

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Confidential.

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Despatched

[Despatch Abstract.]

Burying Case of Mt. Mir Sultan
Muhammad Ali Sahib