

$$\left[ \frac{G}{11} \right]$$

Judicial (1895) Department.

ORDINARY MIS

G.O., No. 244

Confidential No. 19

DATED 5-2-95

[Despatch Abstract.]

## Bench Magistrates and the Congress

Requesting the Dist Magr, S. Arcot, to report the action he took on a petition said to have been presented to him complaining against a Municipal Councillor and bench magistrate collecting subscriptions for the Congress.

# BACK PAPERS.

| G.O. | No.  | Department. | Date. | G.O. | No. | Department. | Date. |
|------|------|-------------|-------|------|-----|-------------|-------|
|      | 278  | Pub         | 1890  |      |     |             |       |
|      | 189  | -           | 1891  |      |     |             |       |
|      | 2484 |             | 1894  |      |     |             |       |
|      |      |             | 31/11 |      |     |             |       |

# FURTHER PAPERS.

| G.O. | No. | Department. | Date. | G.O. | No. | Department. | Date. |
|------|-----|-------------|-------|------|-----|-------------|-------|
|      |     |             |       |      |     |             |       |
|      |     |             |       |      |     |             |       |
|      |     |             |       |      |     |             |       |

[G.  
20.  
100-21-12-94]

DEPARTMENT.

No.

From

Dated

189

## FOR ORDERS.

The petition was addressed  
to the D. M. - Perhaps the  
safest thing would be to  
know what he took of it;  
and if none why not.

W.D.  
27/1/95

JG  
31/1

Recirculated 6th Nov. 1894  
2/4

Cs.  
Order: 15 February 1895 No. 244  
The District Magistrate of South  
Ayrshire will be requested to  
state what notice he took  
of the petition referred to in  
item 1357 of the London Police,  
Abstract Intelligence dated  
15th December 1894. If no notice  
was taken, the reason should be reported.  
(from order)

D  
2-2 12/1/95

S.M., South Ayrshire: 25/1/95

Attention is <sup>also</sup> invited to govt  
which got informed the "Madura Mail" that Govt is not  
prepared to express any opinion  
on the attendance of British  
magistrates at meetings of the Congress.  
When the question is raised by  
some gentlemen last day that  
Govt is of course  
a "public servant" in the  
meaning of the Penal Code, inasmuch  
as he is a judge. He can hardly be  
styled a "Govt. servant"; for he  
receives no emoluments from Govt.  
In England a justice of the peace is  
not deterred from taking part in  
political movements though I imagine  
he never would take off the Commissioner  
if he took part in promoting a  
wild and dangerous agitation.

It does not appear to me that we need  
take any notice of this man collecting  
subscriptions for the Congress - or any other  
~~kind of political object~~ - but ~~never~~ he happens  
to be a Bench magistrate. And what  
think is wrong in this case - if true - is  
that he should  
threaten people that

if they do not contribute money to his collection,  
he would visit them with pains and  
penalties, viz. in his capacity of magistrate  
he could easily let institute a ~~new~~ <sup>new</sup>  
law. This is a species of black mailing  
and I think the ~~best~~ <sup>only thing</sup> he could do  
is to get the Collector to call on him for  
an explanation - and ask him whether  
it is true that he issued these threats -  
leaving all mention of the Congress out,  
as far as we are concerned. W  
2nd Jan

South American the Public Servants  
in the Penal Code - as also are  
Municipal Councilors - I submit  
that the political action of these  
institutions cannot be regulated as  
the thing were Govt servants - If a  
remedy is possible for such cases as  
that in question it should be found  
in the Penal Code - the British - 1861

proves that when officials undertake the collection of subscription for any object, meeting or agitation and in this they are apt, especially in the Imperial, to be more successful in making collections than non-officials; and this is particularly the case when the officials are Magistrates. No reasons are obvious & need not be set out. To the ordinary inhabitant of a Imperial Municipality a Magistrate is always & the fact of his not being paid does not affect the position in which he is placed. In either case he is a person who has the power of imposing very unpleasant duties as a public servant on those with whom he is not on good terms. The question therefore is should such a person take part in public collections? Now I think not. The fact that this particular collection was for the Congress is of no matter in essence.

is known with relation to the various symptoms of  
muscling or agitation and in the

Letter recorded in ga 37 march  
1791, no 39, Public, the Court of India

decided that every Epist. Reader  
who takes up an attitude on

political questions either irresolv-  
<sup>in</sup> with the proper performance of

duties as a public servant or  
which is liable to be misconstrued

It should be warned that he must  
either alter it or resign the office.

On page 430 of Abstract no. 43  
the Son. Mr. Bliss noted "It seems

to me that Bernice images should  
not go round with collection

boxes collecting for the congress  
or for anything else of a public

magistrates are officers of Govt., but they can apparently be dealt

$\left[ \frac{G.}{11} \right]$   
100-25-6-96.

re the smuggling of  
Bombay: