

# Judicial (1895) Department.

ORDINARY MS.

G.O., No. 1888

Dated 9<sup>th</sup> Sept. 1895

INDEXED.

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[Despatch Abstract.]

## WITHDRAWAL OF MAGISTERIAL POWERS.

Requesting the Inspector-General of Registration to arrange for the transfer of M.R.RY. N.Narasimha Chari, Sub-Registrar, Union Chairman and Special Third-class Magistrate of Tiruppuvanam, Madura district, whose conduct and temperament are such as to disqualify him from exercising magisterial powers at any rate in his present station, and to replace him, if possible, by an officer qualified for the appointment of Special Magistrate, and directing the District Magistrate to select another individual to preside over the Union Panchayat as it is undesirable that the posts of Special Magistrate and Union Chairman should be held by one person.

# BACK PAPERS.

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

# FURTHER PAPERS.

| G.O. | No.  | Department. | Date. | G.O. | No. | Department. | Date. |
|------|------|-------------|-------|------|-----|-------------|-------|
|      | 4644 |             | 1895  |      |     |             |       |

Pol. No. 762 of 1895  
 Enc. 8 files.

Madura District Magistrate's Office  
 14 August 1895

From

J. Swigg Esquire  
 Acting District Magistrate  
 Madura

To

The Chief Secretary to Government,  
 Judicial Department,  
 Madras.

Sir,

I have the honor to bring to notice the  
 Conduct of the Special 3<sup>rd</sup> Class Magistrate  
 of Tiruppuvanam, M.R. N. Karasimha Chari  
 Aiyer, who is also Sub Registrar and Chairman  
 of the Union. There is constant trouble between  
 this officer and the Police, and he has displayed  
 a hastiness and a want of dignity and dis-  
 cretion that, I venture to submit, render him  
 unfit any longer to be entrusted with magis-  
 trarial powers.

2. I would first invite attention to the judg-  
 ment of the Deputy Magistrate, Madura Division,  
 in

Enc. I

in appeal No 22 of 1894, and to the Special Magistrate's letter to the Divisional Magistrate with reference to that judgment, dated 4<sup>th</sup> April 1894. In his proceedings, dated 19<sup>th</sup> April 1894, the District Magistrate remarked "It is open to question whether it would be safe to allow the Special Magistrate to exercise any magisterial powers at all".

3. Next, I would invite a perusal of various Complaints made by the Special Magistrate against the Police, with Connected papers.

(a) Dated 21<sup>st</sup> January 1895

(b) " 8<sup>th</sup> March 1895

(c) " 18<sup>th</sup> March 1895

(d) " 7<sup>th</sup> April 1895

(e) " 18<sup>th</sup> May 1895

Enc! II.

Enc! III.

Enc! IV

V

VI

VII

VIII

In case (a) the Special Magistrate had gone to the Station and interfered in a most unwarrantable manner with the Police, who were investigating a sheep-theft case, accusing them

them of taking bribe to hush up the case, and then Complained of the treatment he met with. In reporting on the matter, in his letter No 637, dated 1<sup>st</sup> May 1895, the Superintendent of Police, while stating that he had transferred the Constables Complained against, made some not undeserved remarks upon the Conduct of the Magistrate in this and other cases.

Cases (b), (c) and (d) serve to further illustrate the manner in which the Special Magistrate bears himself towards the Police.

In case (e), the Special Magistrate Complained, in his letter No 21, against the Police and others for cockfighting, and further charged two Constables under Sections 183, 186 and 189 I.P.C. The Police, on the other hand, made a Counter Complaint against the Special Magistrate. The Head Assistant Magistrate, who enquired into these cases, found that the Special Magistrate had acted illegally and hastily.

hastily and acquitted the persons complained of by him. At the same time, he found that the Counter Complaint by the Police was entirely false. A perusal of the Judgment of the Head Assistant Magistrate in C.C. 54 of 1895, with letter No 21 of the Special Magistrate will, I think, make it evident that the latter officer by his hastiness and irritability and want of discretion, is bringing his office into Contempt. In this, as in other cases, the misbehaviour of the Police has been caused by the misconduct of the Magistrate, that is to say, that they would never have dreamed of acting as they did if the Magistrate had not acted in such a way as to destroy all respect for himself.

Steps will, of course, be taken to punish the Constables, but I would ask whether sufficient Cause has not been shown, in the papers above alluded to, for the withdrawal of magisterial powers from the

the Special 3<sup>rd</sup> Class Magistrate. In order to prevent the necessity for withdrawing the Union of Tiruppuvanam from the operation of Act III of 1889, it would be well if the Sub Registrar could be transferred and replaced by an officer capable of exercising magisterial powers with discretion.

I have the honor to be,  
Sir,  
Your most obed<sup>t</sup> Serv<sup>t</sup>

Om  
12/1

W. W. W.  
Acting District Magistrate

Judicial Deptt.  
CURRENT NO 3930.

Sp. 756: 239 94 Se  
Sp. 768: 127 93 R  
Sp. 918: 11 5 91

From

The District Magistrate  
Madura

Hm

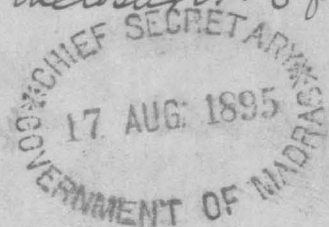
For orders.

As to whether the Magb. powers of the  
Sub Registrar spl. magistrate may be withdrawn?

Ref. No. 762 of 1895  
mg

Dated 14 August 1895

Recd 17<sup>th</sup> 3 do  
Ref - Enclosures 8 pls



Reporting on the Conduct of  
the Special 3<sup>rd</sup> Class Magis-  
trate of Tiruppuvanam;  
M.R.R. N. Karasimha Chari.

MR 20/8 who is also Sub Registrar  
MS 21/8 & Chairman of the Union -

[mer]

Judicial Deptt.

C.No. 3930.

FOR ORDERS

In this current the  
District Magistrate of Madura recommen-  
ded to withdraw magisterial powers from N.  
Narasimha Chari Sub-Registrar, Union  
Chairman and Special 3rd Class Magis-  
trate of Tiruppuvanam. Several instances  
of want of tact and discretion on the  
part of this officer are referred to  
in Dt. Magistrate's letter which however  
is not complete in itself without a  
reference to the enclosures which accom-  
pany it.

2. In the first case the Sub-  
Magistrate convicted a Chetty under  
clause 5 of sec. 3 of the Town Nuisance  
Act of obstructing a public thoroughfare  
by permitting his bullocks to be picket-  
ted in a street in order to feed upon  
a heap of straw deposited in a bin of  
loose stones placed at the side of the  
street. The Chetty was fined Rs. 35, but  
on appeal the conviction was reversed  
on the ground that there was not an  
of evidence to show that the appellant

was

was cognizant of the acts committed by his servant. The Dy. Magistrate who heard the appeal passed some severe strictures upon the Sub-Magistrate's conduct pointing out that in his capacity as Union Chairman he was virtually <sup>both</sup> the prosecutor and Judge inasmuch as the case was instituted by the Union clerk, that he maliciously issued a warrant for the apprehension of the appellant and that his conduct was further open to suspicion as he was charged with having asked the appellant for a loan of money. The Sub-Magistrate wrote a long and controversial letter discussing this appeal judgment to the Dt. Magistrate which <sup>does</sup> ~~is~~ to some extent justify his conduct. This was recorded by the Dt. Magistrate with the remark that the Sub-Magistrate's conduct in attempting to discuss the appeal judgment of his superior was reprehensible and that it was open to question whether it would be safe to allow him to exercise any magisterial powers at all. This incident took place in the early part of 1894 and nothing further is alleged against the Sub-Magistrate until January 1895.

3. On the 21st of January the

Sub-Magistrate

Sub-Magistrate, though only invested with powers authorizing him to try certain petty nuisance cases took upon himself to pay a formal visit to the local Police Station. He called for the visitors book, but the head constable in charge of the station said that it was not available. The Sub-Magistrate then called for writing materials, began to make inspection notes when the head constable grew indignant and after some altercation told the Sub-Registrar that he had no business to come to the station. The Sub-Magistrate complained to the <sup>Magistrate</sup> ~~the~~ <sup>mentioning</sup> amongst other things that the constables in the station were not in their proper uniform. A personal enquiry was held by the local Police Inspector and the Supt. came to the conclusion that the Magte. probably went into the station with the object of making a display of his authority and causing annoyance to the Police with whom he had always been quarrelling and because a short time ago they had refused to take up a case of his as his complaint was not cognizable. In this letter the Supt. also stated that the Sub-Magistrate had previously complained to him that

the

Police failed to handcuff and bring before him a respectable man concerned in a petty case with whom subsequent enquiry showed that the Magte. was on bad terms; Further that in a case of bribery brought against the Police in Jany. 1895, the Sub-Registrar was a witness but the evidence produced was so conflicting, incredible and improbable that the petition was dismissed.

4. On the 8th March 95 the Sub-Magte. again complained to the Supt. of Police. This time his story was that the Police Constables were amusing themselves in the station house singing together <sup>in a</sup> chorus and that upon his entry into the station and enquiring who was in charge of it and what the names of the constables present were, he was met with a contemptuous reply and a refusal to give the information he wished.

5. Again on the 7th April the Sub-Magte. made another complaint against the Police, viz., that a constable refused at his request to ask a certain individual who had encroached upon a public street by erecting a pandai whether he had any license for such erection. The constable, it was

alleged, said in a fierce authoritative voice "You have no business to call and I have no business to answer you" and left the spot. The Sub-Magistrate's letter concluded with the remark "Such sort of behaviour on the part of a constable must be severely dealt with and nothing short of dismissal will be an adequate punishment for his offence"

The Supt. of Police enquired into the matter and came to the conclusion that it was impossible to place much reliance on the Magistrate's complaint, as all the charges which he had brought against the Police had turned out to be frivolous. A constable, he said, would not behave to the Special Magistrate as alleged if the latter kept up the dignity of his position

6. Again on the 18th May 95, the Sub-Magistrate came into collision with the Police. On this occasion he saw some cockfighting going on in a private tope and, without stopping to think, at once forced his way into the crowd ordering the Union Maistry to take possession of the cocks and arrest <sup>A</sup>persons who were <sub>B</sub>in possession of them. Several of the constables were present there and as usual a wrangle began which terminated

in one of the constables' snatching a cock from the Union Maistry's hands and taking his departure. The Sub-Magte. ended his complaint "If these men be not criminally prosecuted I dare say the honor and prestige of the Magistracy will be at stake". His complaint was immediately met by a counter complaint on the part of the Police <sup>detay</sup> that he <sup>had</sup> knocked off <sup>the</sup> a turban of a constable when he was engaged in drilling. This formed the defence in the cockfighting case which was tried by the Head Asst. Magte. who found that no offence had been committed inasmuch as the cockfighting took place upon private ground, but that the defence set up by the constables was wholly false.

7 It is submitted that <sup>these</sup> cases taken together show that the Sub-Registrar is unfit to continue to hold magisterial powers. His actions are characterized by want of tact and discretion and he is hasty, irritable and quarrelsome to a degree. His appointment as a Magte. is open to <sup>the</sup> further objection that as Chairman of the local Union he must not unfrequently

unfrequently be in <sup>the</sup> position of <sup>a</sup> prosecutor and Judge. The Dt. Magte. recommends that to prevent the necessity for withdrawing the <sup>from</sup> Sub-Registrar from operation of Act III of 89, it would be well if the Sub-Registrar could be transferred and replaced by another officer. It is however questionable whether it is desirable that the new Sub-Registrar should be <sup>Special</sup> Magistrate as well as Union Chairman. Perhaps therefore <sup>it is</sup> if <sup>Hon. Member</sup> decided to withdraw the present Sub-Registrar's magisterial powers, the Dt. Magte. might be instructed if possible to appoint another officer to be Union Chairman <sup>by</sup> I.G. of Registration being at the same time requested to arrange for a transfer of the present Sub-Registrar whose continuance in Tiruppuvanam can hardly be desirable.

B.

24 - 8/11

K. S.

The man had better be transferred I think - he doubt the I.G. of Reg. will be able to arrange this. Then the D.M. may be told to find someone else ~~as~~ if he can as Union Chairman & the new Sub Reg. may, if qualified, be given Magt. powers

28/8/95

How far the special Magte may be technically right in his numerous quarrels with the police & in his trial of the cases referred to, <sup>it is</sup> need not be discussed. For it is quite clear that his conduct & temperament are such as to disqualify him from exercising

Withdrawal of Magisterial Powers.

magisterial powers, at any rate in his present station; and as recommended the powers may be withdrawn. It is assumed that the D. M. has taken steps to furnish the constables who behaved disrespectfully.

2. As to future arrangements the course suggested at B. in Mr Davidson's note ~~is~~ may be adopted.

*SR*  
*8/8*

*H.M.*

(FOR ORDERS)

[G.]  
[24.]  
500-23-7-95.

*judl* DEPARTMENT.

Papers to be read in proceedings:—

|                   |        |         |                       |
|-------------------|--------|---------|-----------------------|
| Again G.O., dated | 189    | , No.   |                       |
| Again G.O., dated | 189    | , No.   |                       |
| Current No.       | of 189 | , dated | , from                |
| " "               | " 189  | , "     | " "                   |
| " "               | 29 30  | " 1895  | " 14.8, " D.M. Madras |

ORDER. 89<sup>th</sup> September 1895, N21888.

The Dist. Magistrate's letter makes it quite clear that the Sub. Registrar's conduct & temperament are such as to disqualify him from exercising magisterial powers at any rate in his present station. The D.S. of Regt. will accept be requested to arrange for his transfer from *2nd Tiruppuram*, if possible, to replace him by ~~any~~ officer qualified for the appointment of Special Magistrate.

2. As it is undesirable that the post of Special Magistrate & Union Chairman should be held by <sup>person</sup> ~~an individual~~, the Dist. Magistrate should endeavour to select another individual to preside over the Union Panchayat.

*The D.S. of Regt. (Aro)*  
*The D.M. (Aro)*  
*The D.M. (Aro)*  
*Desp 8*  
*16/9 7-8-95*

*Mr. W. Forbes*  
*from order*

*ms/*  
*me*  
*W. H.*

When given for copying \_\_\_\_\_  
When copied \_\_\_\_\_  
When examined 1 189  
When signed \_\_\_\_\_

READ AGAIN G.O., No. \_\_\_\_\_  
189 DATED \_\_\_\_\_

CURRENT No. \_\_\_\_\_

ENCLOSURES TO C. No. \_\_\_\_\_

ORDER OF GOVERNMENT . . . . . A A A A A A A

LETTER OF GOVERNMENT.

STATEMENT WITH DITTO.

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