

Judicial (1895) Department.

ORDINARY MS.

G.O., No. 342

Dated 15th Feb. 1895.

INDEXED.

[Despatch Abstract.]

EXAMINATION OF CANTONMENT MAGISTRATES

Magistrate
Communicating to the Cantonment of St. Thomas' Mount and Pallavaram
through the District Magistrate of Chingleput, Proceedings, Military
Department, communicating revised rules for the -- and candidates for
appointment as Cantonment Magistrates in Burma, sanctioned with certain
amendments by the Government of India.

Cantonment Magistrates in Burma.—Revised rules for the examination of Cantonment Magistrates and candidates for appointment as —, sanctioned, with certain amendments, by the Government of India.

S.O. 3112. 17. Decr 1894 *by the*

Order 15th Feb 185 no 342
Mis

Com^d to the Cantonment

Magistrate of St Thomas' Mount and
Pallavaram through the Dm. of Chingleput.

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To
The Cant. May. of St Thomas Mt.
Thro' the D.M. of Thimphu
with 3. sec.
18/2/95

MILITARY DEPARTMENT, 5TH FEBRUARY 1895, No. 651.

GOVERNMENT OF MADRAS.
MILITARY DEPARTMENT.

Appointments—Civil.

Read the following papers:—

No. 42. From J. P. HEWETT, Esq., C.I.E., Offg. Secretary to the Government of India, to the Chief Commissioner of Burma; dated Calcutta, the January 1895, No. 44.

Home Department—Judicial.

I am directed to acknowledge the receipt of Mr. White's letter No. 423—2 E-11, dated the 13th October last, submitting, for the approval of the Government of India, a copy of the revised rules for the examination of Cantonment Magistrates and candidates for appointment as Cantonment Magistrates in Burma. You also recommend that Captain Acton, Cantonment Magistrate of Rangoon, and Captain Bernard, Cantonment Magistrate of Mandalay, may be exempted from the operation of the new rules on the ground that, as they were declared by the Officiating Chief Commissioner on the publication of the revised rules in 1893 to have fully passed the examination, it would be hard upon them if they were now required to pass a further examination. If, however, this cannot be allowed, you recommend that, so far as these officers are concerned, the fact that they have not passed in Burmese may not be allowed to affect their allowances for one year from the date of the publication of the rules.

2. In reply I am to convey the sanction of the Government of India to the issue of the rules with the following emendations which have been made in order to bring them into accord with Home Department Resolutions No. 7—1095-1106, dated the 10th August 1889, and No. 15-Judl.—1268-77, dated the 23rd November 1894:—

- (a) the addition to rule 1 of the words "The lower standard of examination is equivalent to the preliminary examination for entrance to the Imperial Cantonment Magistrates' Department as laid down in the Resolution of the Government of India, Home Department, Judicial, No. 15—1268-77, dated the 23rd November 1894;"
- (b) the substitution of the following for rule 2 "A military officer who has not passed the preliminary examination or the examination by the lower standard will not be appointed to act as a Cantonment Magistrate for a period of more than three months unless under exceptional circumstances;"
- (c) the substitution of the words "after joining" for the words "from the date of" in rule 3; and
- (d) the cancellation of the words "shall be the" in the first line of rule 7 and the addition of the words "have been specially sanctioned by the Government of India" after the word "Burmese" in the same line.

A copy of the rules as amended is enclosed.

3. With reference to the proposals in behalf of Captains Acton and Bernard I am to say that, as Captain Acton's services are about to be replaced at the disposal of the Military Department, no orders respecting him appear to be required. But Captain Bernard will, as you observe, in all probability remain for some time at Mandalay, and this fact in the opinion of the Governor-General in

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Council, emphasizes the need for his showing a competent knowledge of Burmese. It seems to His Excellency in Council that, as he has been Cantonment Magistrate of Mandalay for more than a year, he ought to have acquired some knowledge of the language and that there will be no hardship in requiring him to pass in it. I am, therefore, to express the regret of the Government of India that they are unable to authorize the exemption of Captain Bernard from the operation of the new rules. The Governor-General in Council, however, accepts the alternative recommendation made by you that the failure of this officer to pass in Burmese need not affect his allowances for a year after the publication of the rules.

General Department Notification No. dated

The following rules for regulating the examination of Cantonment Magistrates and of Military officers seeking employment as Cantonment Magistrates in Burma are published for general information in supersession of those published in General Department Notification No. 308, dated the 22nd December 1893.

1. There shall be two standards of examination under these rules called respectively the lower and higher standard. The lower standard of examination is equivalent to the preliminary examination for entrance to the Imperial Cantonment Magistrates' Department as laid down in the Resolution of the Government of India, Home Department, Judicial No. 15—1268-77, dated the 23rd November 1894.

2. A Military officer who has not passed the preliminary examination or the examination by the lower standard will not be appointed to act as a Cantonment Magistrate for a period of more than three months unless under exceptional circumstances.

3. A Military officer appointed to be a Cantonment Magistrate shall be required to pass the examination by the higher standard. An officer required to pass the examination under this rule shall be liable to forfeit his appointment as Cantonment Magistrate and to be remanded to military duty if he fails to pass by the higher standard within eighteen months after joining his appointment.

4. The examination by the lower standard shall consist of two papers of questions, namely:—

- (a) one paper, to be called the special paper, of six questions on the Cantonment Act and Rules;
- (b) one paper, to be called the general paper, of twelve questions on the following subjects:—

The Indian Penal Code.
The Code of Criminal Procedure, 1882, with subsequent amending Acts.
The Indian Evidence Act.
The Provincial Small Cause Courts Act, 1887.
The chapters and sections of the Code of Civil Procedure mentioned in the first schedule of Act X of 1888.
The Police Act, 1861.

5. The marks allotted to each paper in the examination by the lower standard and the minimum number of marks required to qualify for passing shall be as follows:—

								Maximum number of marks.	Minimum required to pass.
Special paper	...	...	...	...	...	...	...	48	16
General „	...	...	...	...	...	...	...	72	36
Total	...	...	...	...	...	...	...	120	52

6. The examination by the higher standard shall consist of an examination in Burmese and of an examination in law.

7. The following tests for examination in Burmese have been specially sanctioned by the Government of India:—

(i) *Reading and Translation.*—The candidate shall be required, within a limited time, to read an easy manuscript written in the Burmese language and to give an intelligible written translation thereof in English.

(ii) *Translation from English into Burmese.*—The candidate shall be required to dictate in Burmese, with fair accuracy, a paper containing easy English sentences.

(iii) *Conversation.*—The candidate shall be tested in conversation with natives of Burma in such manner and to such extent as shall suffice to satisfy the examiners that he is able to understand Burmans and to make himself understood by them both in common conversation and in the usual course of office business.

The examination shall be of the same nature and difficulty as the examination in Burmese by the lower standard under the rules published in this Department Notification No. 201, dated the 11th August 1892.

8. The examination in law by the higher standard shall consist of two papers of questions, namely:—

- (a) one paper, to be called the special paper, of six questions on the Cantonment Act and Rules;
- (b) one paper, to be called the general paper, of twelve questions on the following subjects:—

The Code of Criminal Procedure, 1882.
The Indian Penal Code, 1860.
The Police Act, 1861.
The Cattle Trespass Act, 1870.
The Whipping Act, 1864.
The Arms Act, 1878, and Rules thereunder.
The Burma Military Police Act, 1887.
The Upper Burma Criminal Justice Regulation, 1892.
The Code of Civil Procedure, 1882.
The Indian Evidence Act, 1872.
The Contract Act, 1872.
The Specific Relief Act, 1877.
The Limitation Act, 1877, and Rules.
The Registration Act, 1877, and Rules.
The Lower Burma Courts Act, 1889.
The Upper Burma Civil Justice Regulation, 1886.
The Transfer of Property Act, 1882, section 54, paras. 2 and 3, and sections 59, 107 and 123.
The Upper Burma Laws Act, 1886.
The Upper Burma Stamps and Limitation Regulation, 1887.
The Judicial Commissioners' printed circulars and rulings.
The Opium Act, 1878, and Rules.
The Stamp Act, 1879, and Rules.
The Burma Boundaries Act, 1880.
The Excise Act, 1881, and Rules.
The Burma Municipal Act, 1884.
The Upper Burma Municipal Regulation, 1887.
The Court-fees Act, 1870.
The Negotiable Instruments Act, 1881.

9. The marks allotted to each branch of the examination by the higher standard and the minimum number of marks required to qualify for passing shall be as follows:—

								Maximum.	Minimum required for passing.
Burmese—									
Reading and Translation	...	...	...	...	...	...	...	36	18
Translation into Burmese	...	...	...	...	...	...	...	24	12
Conversation	...	...	...	...	...	...	...	60	30
Total	...	...	...	...	...	...	...	120	60
Law—									
Special paper	...	...	...	...	...	...	...	48	30
General „	...	...	...	...	...	...	...	72	54
Total	...	...	...	...	...	...	...	120	84

The examinations in Burmese and law may be passed at different times.

10. Candidates shall be allowed the use of unannotated editions of the Acts, Regulations, Rules, &c., which form the subjects of the examination in the general papers in the examination in law by the higher and lower standards. The use of books shall not be allowed for answering the special papers in either standard.

11. The number of marks allotted to each question shall be marked on the examination papers.

12. The examinations shall be conducted by the Central Examination Committee appointed under the Departmental Examination rules, published in this Department Notification No. 201, dated the 11th August 1892, and, subject to the modifications hereinbefore made, the said rules shall, as far as may be, apply to examinations under these rules.

No.

Copy forwarded to the ^{Military} _{Finance} Department for information.

(By order.)

(Signed) H. LUSON,
Under-Secy. to the Govt. of India.

No. 270-A.

Appointments—Civil.

Copy of the foregoing, with copy of the rules, forwarded to the Secretary to the Government of Madras, Military Department, in continuation of No. 3151-A., dated 28th November 1894.

(By order.)

FORT WILLIAM,
21st January 1895.

(Signed) P. J. MAITLAND,
Dy. Secy. to the Govt. of India.

No. 43, ORDER THEREON, 5th February 1895, No. 651.

Communicated to His Excellency the Commander-in-Chief in continuation of Proceedings of Government, No. 7902, dated 28th December 1894.

(True Extract.)

G. L. Woodcock

Colonel,

Offg. Secretary to Government.

To the Adjutant-General.

,, Judicial Department, for information.

Ed Shaik Karim.

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READ AGAIN G.O., No.
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ENCLOSURE TO G. No.

ORDER OF GOVERNMENT

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LETTER OF GOVERNMENT.

STATEMENT WITH DITTO.

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