

Jud- DEPARTMENT.

Paper taken out of the Records from the charge of the Referencer.

Press
Miscellaneous No. 346 dated 15-2-95-190
Routine

Date taken out.	FOR WHAT PURPOSE.			Initials of clerk taking the paper or of attender.	Date returned.	Initials of attender.
	Department.	C. No.	Year.			
15-6-01	Jud	2210	01	df	10-10-01	df
17-9-02	Reg	from 004				
	9/15/9/02	12		df	23/1/03	df
	Canton Magle					
18-10-07	Jud	4437	for	df	8/3/07	df
1-3-07	Jud	Ref				
24/3/10		1620/10	df	df	28-4-10	df
23-6-14	mmo	2561	1/4	df	13/3/15	df
28-4-16	mmo	1460	16	df		

Judicial (1895) Department.

ORDINARY MS.

G.O., No. 346

Dated 15th Feb. 1895.

INDEXED.

[Despatch Abstract.]

CANTONMENT MAGISTRATE, ST. THOMAS' MOUNT.

Requesting the -- to intimate to Government before the commencement of the leave season whether he is likely to apply for leave for a period exceeding three months during the course of it.

BACK PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.
80R C	264 1414		5-3-95 1896				

[4/9]
2,000-23-1

No. 99

DEPARTMENT.

From

J. P. Hewell Esq.

Submitted for perusal orders.

Cs.
For order.

No. 32 D.

Dated 7.2.95

Received 11/2

Enclosures

SUBJECT.

Soliciting demi-official intimation, before the commencement of the leave season, as to the Cantonment masters likely to take leave during it, for whom substitutes will be reqd.

MK 2/12/95.

Communicated to the Cantonment Master St. Thomas' Mount for information and guidance.
15 Feb 1895 No 346
Q. The Cantonment Master St. Thomas' Mount will be requested to intimate to Govt before the commencement of the leave season whether he is likely to apply for leave during the leave season for a period exceeding three months. This information which should be submitted every year is required in order to enable the Govt of India to make timely arrangements for providing a substitute.

D. 12.2.95
The C.M., St Thomas' Mount.
Note for C.
There seems no need to enclose the letter; the Govt will suffice.

Lower

No.

Extract from the Proceedings of the Government of India in the Home Department (Judicial),—under date, Simla, the July 1894.

READ—

Home Department Circular letter No. ^{15-Judicial}₈₁₀₋₈₁₆, dated the 12th July 1893.

Reply from the Government of Madras, No. 2034, dated the 3rd October 1893, to Military Department.

- " " the Government of Bombay, No. 6885, dated the 2nd November 1893.
- " " the Government of Bengal, No. 3632-A., dated the 10th August 1893.
- " " the Government of the North-Western Provinces and Oudh, No. 2297, dated the 8th August 1893.
- " " the Government of the Punjab, No. 6-C., dated the 18th October 1893.
- " " the Chief Commissioner of the Central Provinces, No. 5901, dated the 5th August 1893.
- " " the Chief Commissioner of Burma, No. 740-4-C.-5, dated the 25th July 1893.

RESOLUTION.

IN the Circular letter quoted in the preamble it was suggested by the Government of India that Cantonments which have special Cantonment Magistrates should be divided into two classes, *viz.*, important (those with a civil population of 10,000 or more) and minor Cantonments (those with a civil population of less than 10,000), with a view to the appointment of the most experienced officers to the posts considered most onerous and responsible. It was also stated that one of the essential features of the new scheme to improve the service of Cantonment Magistrates, which has lately been introduced, is the establishment of a general service to form the recruiting ground for a large portion of the Judge Advocate-General's Department. The Local Governments concerned were asked whether, in order to give effect to the objects mentioned, they would agree to the transfer of Cantonment Magistrates being made irrespective of Presidency and Province, and to the selection and appointment of these officers being left to the Government of India.

2. The Governor General in Council is glad to observe that the suggested classification of Cantonments has been everywhere accepted, except as regards certain Cantonments under the Foreign Department where the circumstances are peculiar; the Cantonments to which it will be applied are shewn in the annexed list.

3. The proposal that the selection and appointment of Cantonment Magistrates for these Cantonments should be left to the Government of India is also generally accepted. The Government of Madras point out that the formal appointment as Magistrate must (under section 12 of the Code of Criminal Procedure, 1882, and section 7 of the Cantonments Act, 1889) remain with the Local Government; the Government of Bombay would add a proviso that as many places on the general cadre of Cantonment Magistracies as there are sole charge Cantonment Magistracies in the Bombay Command should be filled by officers of the Bombay Army, if properly qualified; and His Honour the Lieutenant-Governor of the Punjab urges that privilege leave vacancies should be filled locally as at present. The Governor General in Council is pleased to direct that in future the Government of India will nominate officers to the Department. The services of the officers selected from time to time will be placed at the disposal of the Local Governments, who will then empower them in accordance with the Acts quoted. In making selections the Government of India will endeavour to secure that officers having local experience in each Province and Presidency shall be duly represented, as far as possible, in the Cantonments therein situated. Vacancies for not more than three months may be filled up as at present by the Local Governments without reference to the Government of India.

4. Some exception has been taken to the proposed transfer of officers between different Presidencies and Provinces. The Governments of the North-Western Provinces and Oudh and of the Punjab, under which the majority of the Cantonments are, seem to anticipate administrative inconvenience if this proposal is accepted. Sir Charles Crosthwaite considers that in the larger Cities and Cantonments in his Province it is essential to have officers of long experience and knowledge on the spot who would be capable of dealing with the people in emergencies such as occasionally arise in those places; His Honour thinks that if military officers appointed as Cantonment Magistrates are no longer to be subject to transfer and removal under the orders of the Local Government, and are to be changed from one Province to another, they will begin to consider themselves independent of the authority of the District Magistrate to whom they are by law subordinate; and that probably officers who have been found wanting in one Province will be transferred to another and appointed to stations without any regard to their knowledge of the language and the customs of the people, or to their special fitness for the requirements of the stations to which they may be posted. Sir Dennis Fitzpatrick desires that only officers of at least five years' experience as Cantonment Magistrate, who have passed all the necessary examinations and who have been habitually conducting the business of their courts in the Hindustani language within the two previous years, should be transferred from other parts of India to the Punjab. His Honour the Lieutenant-Governor of Bengal also deprecates the transfer of an officer from one Presidency to another with which he is unacquainted.

5. It seems to the Governor General in Council that the object of the proposal has been somewhat misapprehended. When it was suggested that an important Cantonment should be understood to mean one the charge of which should, unless for exceptional reasons, be held by an officer of at least five years' experience as a Cantonment Magistrate who has passed all the necessary examinations, while a minor Cantonment might be held by a Cantonment Magistrate of less experience, provided no other officers were available, it was not intended that a hard and fast rule should be laid down. One of the main objects of the changes proposed is to secure the most experienced officers for the most onerous and responsible charges, as well as to give more officers an opportunity of gaining experience in important Cantonments so as to qualify for selection for the Judge Advocate-General's Department. The Government of India in no way wish to waste local knowledge and experience by frequent transfers to distant parts of India. Ordinarily, an officer of over five years' experience and in charge of an important Cantonment would not be transferred to another Province; but it seems obvious that in many cases there will be a distinct administrative advantage in transferring an officer who has gained considerable experience in a minor Cantonment to a Cantonment in another Province where there are only officers of little or no experience available. Cases such as those mentioned by His Honour the Lieutenant-Governor of the Punjab, of Cantonment Magistrates in charge of important Cantonments who have less than five years' experience, but have acquired a considerable knowledge of the laws, language, and customs of the Province in which they are serving, would usually be treated as exceptional; such officers would not be transferred when it would, on the whole, be advantageous that they should not be moved. The Government of India do not propose to transfer any officer without consulting the Local Governments concerned, or without communicating the confidential reports concerning his character and capacity. If it is shown that it will be a distinct administrative advantage not to make a proposed transfer, the rule will be relaxed. Subject to the rule as to the qualification of five years' experience for an important Cantonment Magistracy, the Government of India will not limit the power of Local Governments to transfer Cantonment Magistrates within the Provinces as before; but if it is desired to make an exception to the five years' rule, a previous reference should be made to the Government of India.

6. With these reservations the proposal to make transfers irrespective of Presidency and Province, which is essential to the scheme of an Imperial Department of Cantonment Magistrates leading up to the Judge Advocate-General's Department,

appears, in the opinion of the Governor General in Council, to be likely to prove of advantage to the administration, and His Excellency in Council desires that it should be tried.

7. It is therefore decided that the officers serving in the Cantonment Magistracies in the appended list be formed into an Imperial service under the Home Department of the Government of India, to which applications for leave of absence for more than three months should be made through the Local Government, and to which all communications concerning vacancies of more than that period should be addressed. Further orders will be issued on some subsidiary matters, such as the qualifying examination to be passed by candidates for appointment to the Department.

ORDER.—Ordered that this Resolution be communicated to the Local Governments and Administrations marginally noted, for information and guidance, and to the Foreign and Military Departments and the Department of Finance and Commerce, for information, and that it be published in the Supplement to the *Gazette of India*.

Madras.
Bombay.
Bengal.
North-Western Provinces and Oudh.
Punjab.
Central Provinces.
Burma.

[True Extract.]

J. P. HEWETT,

Offg. Secretary to the Government of India.

Important Cantonment Magistracies.

Name.	Population.	Local Government.
1. Umballa ...	51,016	Punjab.
2. Meerut ...	45,734	North-Western Provinces and Oudh.
3. Kamptee ...	37,904	Central Provinces.
4. Rawal Pindi ...	37,870	Punjab.
5. Poona—Kirkee ...	32,620	Bombay.
6. Mhow ...	31,773	Foreign Department.
7. Ferozepore ...	25,187	Punjab.
8. Agra ...	21,469	North-Western Provinces and Oudh.
9. Sialkot ...	21,122	Punjab.
10. Pesháwar ...	21,112	Ditto.
11. Lucknow ...	20,794	North-Western Provinces and Oudh.
12. Cawnpore ...	19,000	Ditto ditto.
13. Mandalay ...	18,744	Burma.
14. Meean Meer ...	17,257	Punjab.
15. Jullundur ...	15,827	Ditto.
16. Neemuch ...	15,291	Foreign Department.
17. Barrackpore and Dum-Dum ...	14,911	Bengal.
18. Rangoon ...	14,556	Burma.
19. Dinapore ...	14,153	Bengal.
20. St. Thomas' Mount ...	13,137	Madras.
21. Nowgong ...	10,902	Foreign Department.
22. Belgaum ...	10,733	Bombay.
23. Bareilly ...	10,557	North-Western Provinces and Oudh.
24. Allahabad ...	10,540	Ditto ditto.
25. Mooltan ...	10,297	Punjab.

Minor Cantonment Magistracies.

26. Deesa ...	9,660	Bombay.
27. Fyzabad ...	6,235	North-Western Provinces and Oudh.
28. Benares ...	5,689	Ditto ditto.
29. Ránikhet ...	4,500	Ditto ditto.
30. Jhansi ...	3,730	Ditto ditto.
31. Roorkee ...	2,370	Ditto ditto.
32. Chakráta ...	1,511	Ditto ditto.

D.O. No 99



Calcutta, the 11th February 1895.

SECRETARY
11 FEB 1895
GOVERNMENT OF MADRAS

My dear Mr. Price,

Under the concluding paragraph of the Resolution No. 9 Judl./774-784, dated the 18th July last, applications of Cantonment Magistrates for leave of absence for more than three months have to be submitted through the Local Government to the Home Department. In order to enable the Government of India to make timely arrangements to provide officers to take the place of those intending to take leave it would I am to say, be convenient if before the commencement of the leave season, demi-official intimation could be given to this Department as to the officers likely to take leave during it, for whom substitutes will be required, and I am to ask that if His Excellency the Governor in Council sees no objection this course may be followed.

Yours Sincerely,

J. P. Hewitt.

To

The Hon'ble J. F. Price, C.S.I.,

Chief Secy. to the Govt. of Madras.

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READ AGAIN G.O., No. _____ DATED _____
189 ,

CURRENT No. _____

ENCLOSURES TO G. No. _____

ORDER OF GOVERNMENT A A A A A A A

LETTER OF GOVERNMENT.

STATEMENT WITH DITTO.

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