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16

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(3) Initials of the Referencer

C.R.

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No.

1120

Press

~~Mis.~~

Dated

15.8.

18/1

Not to be folded or roughly handled

15th August 1871.

No. 79. Read the following letter from the Acting Sub-Secretary to the Board of Revenue, to the Acting Chief Secretary to Government, Fort St. George, dated Madras, 12th July 1871, No. 2891:—

With reference to the Order of Government in the Judicial Department, dated 20th January 1871, No. 84, in which the Board is directed in communication with the Advocate-General, to prepare a circular order prescribing the description of belts and badges to be worn by all persons in the employment of Government, I am to draw your attention to the fact that that order appears to have been communicated to the Board also.

2. As Collectors report that they cannot submit the returns called for by the Board, except for the departments under their control, I am directed to request that orders may be issued to the Heads of all Departments to furnish the Board with returns similar to those called for from Collectors in the Board's Circular Memorandum, No. 517 of 1871, a copy of which is enclosed.

No. 517.

CIRCULAR MEMORANDUM.

With reference to the enclosed Government Order, dated 20th January 1871, No. 84, Judicial Department, Collectors are requested to report, as soon as possible, how many badges are now in use in their districts which are not *exactly* of the patterns described in Circular Order of the 28th November 1859 (page 256 of the volume for that year).

2. This information is required for all departments.

(By order.)

(Signed)

MADRAS,
18th April 1871.

Sub-Secretary.

No. 80. ORDER THEREON, 15th August 1871, No. 1130.

Ordered accordingly that copies of the Proceedings of Government, 20th January 1871, No. 84, and of the Circular Order of the Board of Revenue, 28th November 1859, referred to in the foregoing paper, be communicated to the several Heads of Departments, with a request that they furnish the Board with returns similar to those called for from Collectors in the Board's Circular Memorandum, No. 517 of 1871.

(True Extract.)

S. LILLIS,

Chief Secretary.

To

Proceedings of Government, Judicial Department, dated 20th January 1871.

Read again the following letter from the Officiating Magistrate of Malabar, to the Acting Chief Secretary to Government, Fort St. George, dated Calicut, 8th March 1870, No. 34.

"I have the honour to submit a memorial from Messrs. Richmond and Co., appealing against the order of the Sub-Collector and Joint Magistrate forbidding the use of belts over the shoulders by peons in the employ of private firms, &c.

2. On referring to the records in this office, I find that the Sub-Collector passed the order complained of with the approval of the late Magistrate Mr. Ballard.

True copy of correspondence enclosed.
From Sub-Collector to Collector of
20th October 1868.
To Sub-Collector, 23rd October 1868. It was passed with the view of preventing the wearing of the belts across the shoulder, and left it perfectly open to Messrs. Richmond and Co. to secure all the advantages enumerated in paragraph 3 of their memorial by directing their peons to wear the badges round the waist or on their arm, as the peons of the Railway Company do; but they seem to contend for their full right to allow their peons to wear belts across their shoulders in the same manner as the peons in the service of Government wear them. I am strongly of opinion that this practice should not be allowed, as it may give rise to great abuse, the generality of the people not being able to distinguish peons in the employ of private firms from those in the service of Government. At the same time I am of opinion that persons disobeying the order prohibiting the use of belts over the shoulders are not amenable to punishment under any existing law. Section 171 of the Penal Code requires a particular intention or knowledge to be proved, and Act XVIII. of 1835, on which the order of Government dated 25th January 1855 was passed, was repealed by Act VII. of 1862.

3. Should Government be averse to support the action of the Magistracy in this matter by legislation, I have the honour to suggest that some distinguishing badge and belt should invariably be used by Government peons. To imitate this, after due notice of its being the Government pattern, would, I think, imply contemplated fraud, and as such would render the person offending liable to punishment under Section 171 of the Indian Penal Code.

To
THE RIGHT HONOURABLE FRANCIS NAPIER, BARON NAPIER
OF MENCHISTOUN, Governor in Council, Fort St. George.

YOUR LORDSHIP,
We have the honour to append copy of Circular Order No. 18, of July 1869, Tellicherry, by W. Logan, Esq., Sub-Collector, addressed to all Sub-Magistrates of his district, prohibiting the use of private firms of shoulder belts.

2. Your Lordship must doubtless be well aware that this custom is, and has been, general with mercantile firms throughout the whole Presidency from time immemorial, and we submit, therefore, that it is very injurious to select the merchants of Tellicherry alone on whom to impose such a restriction.

3. It is very necessary that private office peons should bear some distinguishing badge, to show that they are the accredited servants of the House they represent, such as taking cheques to a Bank, taking or receiving letters from Post Office and telegrams to and from the Telegraph Office, and escorting money upcountry, and many other important missions which are needless to recapitulate here. With regard to the Sub-Collector's remark, that the practice has been prohi-

bited more than once by the Governor in Council, we are totally ignorant of, nor can we get any information bearing on, the subject; and, as to its being prohibited under Section 171 of the Indian Penal Code, we have no hesitation in denying the assumption.

4. We have heard that a similar order was issued some years ago, but, on action being taken, was found untenable and withdrawn. In the present instance, not wishing to come into collision with our Sub-Collector, we complied with the order until we could refer the matter to your Excellency in Council. We may mention that we placed the matter at once in our Solicitor's hands with that view, but, owing to his demise, it has been unfortunately delayed until now.

We have, therefore, now the honour to bring the matter before your Excellency in Council, feeling assured the same will meet with due consideration, and that you will be pleased to afford us the redress we ask for.

TELLICHERRY,
24th February 1870.

We have the honour to be,
Your Lordship's most obedient servants,
(Signed) RICHMOND and Co.

Order, 20th January 1871, No. 84.

In their memorial submitted with the foregoing letter, Messrs. Richmond and Co., Merchants of Tellicherry, appeal against an order issued by Mr. Logan, the Joint Magistrate of Malabar, on the subject of the practice of private individuals dressing their servants with belts worn over the shoulders like peons in the public employ.

2. The order in question, which, it is observed, was issued with the concurrence of the Magistrate of the District, and is apparently based on the orders of

Ext. Mins. of Cons., 14th Dec. 1844,
Rev. Dept.
G. O., 25th Jan. 1855, Judi. Dept.
" 11th April 1860. " " Government noted in the same order, is to the effect that the practice (of private peons using shoulder belts) seems to be expressly prohibited by Section 171 of the Indian Penal Code; that "all Sub-Magistrates shall see that the intention of Government and the provisions of the law in this matter are properly carried into effect;" and that "they should direct the Police of their respective divisions to arrest any persons whom they may discover in the act of wearing such belts, and to prosecute them before the proper authorities."

3. The Officiating Magistrate is strongly of opinion that the practice referred to should not be allowed, but he states that, in his view, persons disobeying the Joint Magistrate's order are not amenable to punishment. It appears to the Government that the order in question is simply an administrative order, in which the Joint Magistrate draws the attention of his subordinates to what he conceives to be an offence, and instructs them how to act for its punishment and suppression; and they see no reason to doubt that the intention of the Joint Magistrate was that persons arrested in accordance with his instructions should be prosecuted, not for disobeying that order, but for infringing Section 171 of the Penal Code. That Section provides that "whoever, not belonging to a certain class of public servants, wears a garb or carries any token resembling any garb or token used by that class of public servants, with the intention that it may be believed, or with the knowledge that it is likely to be believed, that he belongs to that class of public servants, shall be punished," &c.

4. It is well known that persons in Government employ invariably wear their belts and badges over the right shoulder, and any person wearing such a badge

in such a manner can hardly plead ignorance that he is likely to be mistaken for a Government peon; and such act, supposing it to be clearly proved to the satisfaction of the trying Magistrate, would assuredly constitute an offence under Section 171 of the Penal Code.

5. The Government are of opinion that, although in places like Madras and other large towns, the wearing of belts by private peons in the same manner as those of a Government peon is not liable to be so mistaken, there are many parts of the country in the interior where its prohibition is necessary for the protection of the people.

6. It is observed that in the Standing Orders of the Board of Revenue (No. 351) certain rules are prescribed regarding the belts and badges to be used by peons attached to the Revenue, Judicial, and Public Works Departments. With reference to these rules, and adverting to the suggestion made by the Officiating Magistrate in the last paragraph of his letter, the Government resolve, in order to obviate all doubt hereafter, to direct that the Board will, in communication with the Advocate-General, prepare and submit to Government, for the purpose of being published in the Official Gazette, an order prescribing the description of belts and badges to be worn by all peons in the employment of Government and the manner of wearing the same. They are of opinion that, after the publication of such an order, any person wearing the garb of a Government peon would be liable to prosecution, and it would be for the Magistrate trying the case to determine whether an offence against Section 171 of the Indian Penal Code had been committed or not.

7. A copy of these Proceedings will be forwarded to all District Magistrates for their information, and a copy will also be sent to Messrs. Richmond and Co., with reference to their memorial.

(True Extract.)

R. S. ELLIS,
Chief Secretary.

Circular Orders of the Board of Revenue.

7th December 1857.

I am directed by the Board of Revenue to circulate, for your information and guidance, the following Rules, approved and sanctioned by Government, under date the 15th October 1857, No. 1055, B. D., for the issue of cloth belts to the peons of the various departments throughout the Presidency.

RULES.

Rule 1.—Cloth belts shall be supplied only to peons of the superior classes, such as Jemadars, Duffadars, and Deloyets, upon the establishments of Collectors and their Assistants; District, Executive, and Assistant Engineers; Civil and Sessions and Subordinate Judges; Principal Sudder

Ameens; the Chief Engineer, Civil Architect, and Garrison Engineer; and for those attached to the several Civil Offices at the Presidency.

Rule 2.—The belts of the Deloyets of the Revenue Department shall be made of ordinary dark blue cloth with red edging, those of the Judicial Department of buff cloth with red edging, and those of the Public Works Department of green cloth with red edging.

Rule 3.—The belts of Jemadars and Duffadars shall be made of superfine scarlet with gold lace edging, those of the Jemadars having two stripes and those of the Duffadars one as a distinction.

Chevron.

Rule 4.—The length of each belt shall be 62 feet, and the breadth 4 inches, the edging or the Deloyets' belts being three-quarters of an inch broad.

Rule 5.—Cloth belts shall not be renewed oftener than once in two years, and then only when renewal may be necessary.

Rule 6.—Taluq Peons shall be supplied with leather or Cheeta skin belts.

Rule 7.—All Peons shall be numbered.

Rule 8.—Peons of the lower class on the Western Coasts shall be supplied with belts of broad cotton web.

Rule 9.—Applications for belts shall be submitted in the following form, and a return will be furnished biennially by Heads of Offices showing the number of belts issued during the preceding two years:—

STATEMENT showing the number and description of Peons requiring Belts in the District of

District or Department.	Description of Peons.	No.	Time of last issue.	No. of Belts required.	Remarks.

Rule 10.—The Board of Revenue shall submit to Government a biennial statement showing the number of cloth and leather belts supplied to each department, and the total number compared with that of the preceding two years.

2. I am also desired to inform you that Government have authorized the adoption of the designs entered in the margin for silver badges for Duffadars and Deloyets of the Revenue, Judicial, and Public Works Departments. The badges will be made only as they may be actually wanted, and indented for.

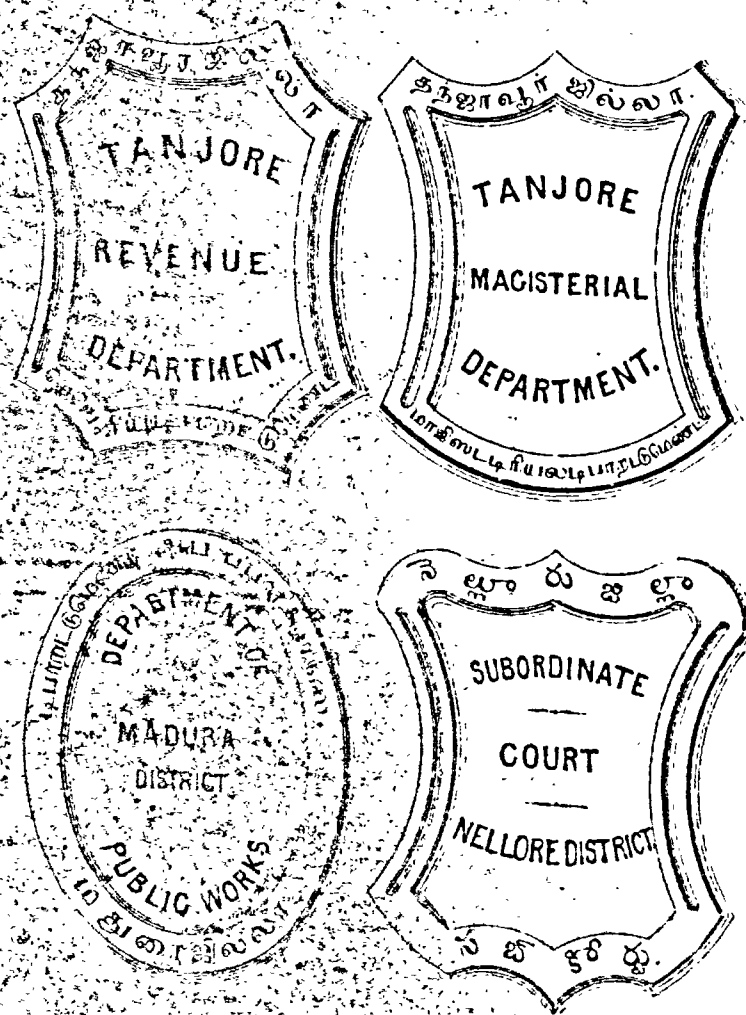
3. The Taluq Peons will, as hitherto, be supplied with brass badges. The inscriptions on the plates will be in English and the Vernacular language of the district.

23rd November 1857.

With reference to paragraph 2 of the Board's Circular Order of 7th December

I am directed by the Board of Revenue to forward to you the accompanying patterns for peons' badges.

badges approved by Government, and to request that, in submitting future indents, you will provide for badges of the proper pattern in brass, and state whether they can be well and reasonably executed in your district, or whether you wish to be furnished with them from the Mint:—



JUDICIAL DEPARTMENT.

No. 1121.

To

THE HON. SIR C. H. SCOTLAND, *Kt.*,
Chief Justice of the High Court of Judicature, Madras.

HONOURABLE SIR,

In sending the accompanying Proceedings of Government of this day's date, No. 1120, and the papers referred to therein on the subject of belts and badges to be worn by peons in the employment of Government, I am directed to request that the Honourable the Judges of the High Court will be good enough to cause the several Courts under their control to be instructed to furnish the Board of Revenue with returns similar to those called for from Collectors in the Board's Circular Memorandum, No. 517 of 1871.

I have the honour to be,
Honourable Sir,
Your most obedient servant,

Captain, R. E.,

*Under Secretary, P. W. D.,
for Chief Secretary.*

OOTACAMUND,
15th August 1871.

Exd. J. Wright.

Colt. of 11871 Madras.

JUDICIAL.

To

Dated August, 15th.

Recd.

G. O., 15th August 1871, No. 1120

AUGUST.

Nos. 79-81.

Directing the several Heads of Departments to furnish the Board of Revenue with returns showing how many badges are now in use in their departments not exactly of the patterns described in the Board's Circular of 28th November 1859.

The Right Reverend the Bishop of Madras.....	.....
Venerable Archdeacon of Madras.....	.....
Senior Chaplain of the Church of Scotland.....	.....

Master Assistant Madras

Munis	Superintendent Marine for information and guidance and for communication to the Subordinate Officers.	.....	.....	.....	.....	31
Financial	Mint Master	.....	.....	.....	.....	
	Assay Master	.....	.....	.....	.....	
	Deputy Auditor and Accountant General	.....	.....	.....	.....	6
	Civil Paymaster	.....	.....	.....	.....	
	Secretary Government Savings Bank	.....	.....	.....	.....	
	Commissioner of the Department of Issue of Paper Currency	.....	.....	.....	.....	6

Railways	Consulting Engineer for Railways	.....	.....	.....	.....	
Educational	Director of Public Instruction	.....	.....	.....	.....	11
	Commissioner of the Unconquered Service Examination	.....	.....	.....	.....	1

Revenue	Revenue Board for information and for communication to the Subordinate Officers	.....	.....	.....	.....	
	Director of Revenue Settlement	.....	do.	.....	.....	
	Superintendent of Revenue Survey	.....	do.	.....	.....	
	Commissioner of Inam	.....	do.	.....	.....	
	Conservator of Forests	.....	.....	.....	.....	
	Reporter of External Commerce	.....	.....	.....	.....	
	Commissioners of Income Tax	.....	.....	.....	.....	
	Superintendent Government Gardens, Ootacamund	.....	.....	.....	.....	
	Superintendent of Stamps	.....	.....	.....	.....	

Pub. Works	Chief Engineer, Department Public Works	.....	do.	.....	.....	
	Commandant of Engineers	.....	.....	.....	.....	
	Consulting Engineer, Irrigation and Canal Company	.....	.....	.....	.....	

Military	Controller of Military Finance	.....	do.	.....	.....	
	Adjutant General of the Army	.....	do.	.....	.....	
	Quarter Master General of the Army	.....	do.	.....	.....	
	Deputy Adjutant General Her Majesty's Forces	.....	do.	.....	.....	
	Deputy Quarter Master General	.....	do.	.....	.....	
	Inspector General of Ordnance and Magazines	.....	do.	.....	.....	
	Superintendent Gun Carriage Manufactory	.....	.....	.....	.....	
	Superintendent Gun Powder	.....	do.	.....	.....	
	Military Accountant	.....	.....	.....	.....	
	Paymaster Presidency	.....	.....	.....	.....	
	Examiner of Medical Accounts	.....	.....	.....	.....	
	Brigade Major	.....	.....	.....	.....	
	Fort Adjutant	.....	.....	.....	.....	
	Commissary General	.....	do.	.....	.....	
	Examiner of Commissariat Accounts	.....	.....	.....	.....	
	Judge Advocate General	.....	.....	.....	.....	
	Superintendent of Family Payments and Pensions	.....	.....	.....	.....	
	Superintendent and Agent for Army Clothing	.....	.....	.....	.....	
	Military Secretary to His Excellency the Commander-in-Chief	.....	.....	.....	.....	
	Quartermaster, Presidency	.....	.....	.....	.....	

No. 517.

CIRCULAR MEMORANDUM.

With reference to the enclosed Government Order, dated 20th January 1871, No. 84, Judicial Department, Collectors are requested to report as soon as possible how many badges are now in use in their districts which are not *exactly* of the patterns described in Circular Order of the 28th November 1859, (page 256 of the volume for that year).

2. This information is required for *all* departments.

(By Order.)

REVENUE BOARD OFFICE,
Madras,
18th April 1871.

(Signed) J. B. PENNINGTON,
Acting Sub-Secretary.

(True Copy.)

(Signed) J. T. MAYNE,
First Assistant.

To all Collectors,
with Government Order, 20th January 1871, No. 84, Judicial Department.

Exd. T. Cartledge.

No. 517.

From F. BRANDT, Esq., Acting Sub-Secretary to the Board of Revenue,
To the Acting Chief Secretary to Government, Judicial Department.

SIR,

With reference to the Order of Government, in the Judicial Department, dated 26th January 1871, No. 84, in which the Board are directed, in communication with the Advocate General, to prepare and submit to Government an order prescribing the description of belts and badges to be worn by all Peons in the employment of Government, I am to draw your attention to the fact that that order appears to have been communicated to the Board alone.

As Collectors report that they cannot submit the returns called for by the Board, except for the Departments under their control, I am directed to request that orders may be issued to the heads of all Departments to furnish the Board with returns similar to those called for from Collectors in the Board's Circular Memorandum, No. 517 of 1871, a copy of which is enclosed.

REVENUE BOARD OFFICE,

Madras,

12th July 1871.

I have the honour to be,

Sir,

Your most obedient servant.

F. Brandt.

Acting Sub-Secretary.

To the Acting Chief Secretary to Government, Judicial Department,
with copy of Memorandum, 18th April 1871, No. 517.

Copy to the Acting Secretary to Government, Revenue Department, with do.

Ed. T. Cartledge.

Concluded in the J. of the B. of Rev. to the Secy to Govt. of 12 July 1871. 4/10/71
Board of Revenue,
MADRAS.

No. 517.

CIRCULAR MEMORANDUM.

Dated 18th April 1871.

Received

500

Encl.

Peons' Badges.—Collectors requested to report how many Badges are now in use in their Districts which are not exactly of patterns described in Board's Circular Order of 28th November 1859.

8.1871/10

Procedural
~~1871~~ 1871. Rept.
 Board of Revenue,
 MADRAS.

LETTER, 12TH JULY 1871, No. 2,891.
 Dated 22 July 1871
 Received 24

JULY.
 No. 2,891.

From Judges.—Government requested
 issue orders to heads of all Departments to fu-
 nish Board with returns showing number and
 description of, now in use.

sent to Board

Estimated 15 August 1871

Order accordingly that copies of the
 the Proportional to the 1871, 1871
 of the Revenue Board of the Board
 of Revenue, in the year 1871, be com-
 mitted to the Board, be com-
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 23-8-27
 19-1-11

Govt. of (1871) Madras.

Judicial

Dated Aug. 15.

Recd.

Encl.

G. O. 15 Aug. 1871, No. 122.

Nos. 79. 81.

Directing the several heads of
 the Govt. to furnish the Board with
 returns showing how many judges
 are now in use in their Depts.,
 and exactly of the patterns des-
 cribed in the Board's Circular
 of 28th Feb. 1857.