

(1) Number of pages 68(2) Date of repair 18.2.40(3) Initials of the Referencer Supr

MADRAS RECORD OFFICE.

Government of Madras.

Medical

DEPARTMENT.

G.O. No. 84Press
MIS*Original*Dated 20.1.40

1871.

Not to be folded or roughly handled

Proceedings of the Madras Government, Judicial Department,

20th January 1871.

No. 41. Read the following letter from the Officiating Magistrate of Malabar, to the Acting Chief Secretary to Government, Fort Saint George, dated Calicut, 8th March 1870, No. 25:—

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.

Vide 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 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dated 25th January 1855 was passed, was repealed by No. 73, J. D. Act XVII. 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 MERCHISTOUN, Governor in Council,
Fort Saint George, Madras.

YOUR LORDSHIP,
We have the honour to send copy of Circular Order, No. 18, of July 1863, Tellicherry, by W. Logan, Esq., Sub-Collector, addressed to all Sub-Magistrates of his District, prohibiting the use by 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 invidious 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 report, that the practice has been prohibited more than once by the Governor in Council, we are totally ignorant of, nor can we get any

*Proceedings of the Madras Government, Judicial Department,
20th January 1871.*

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 illness, it has been unfortunately delayed until now.

5. 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.

TELICHERRY.

24th February 1870.

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

No. 42. ORDER THEREON, 20th January 1871, No. 81.

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 Government noted in the margin, 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 hesitates 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 peons 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

*Proceedings of the Madras Government, Judicial Department,
20th January 1871.*

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 adhering 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. L. L. S.
Chief Secretary.

To the Board of Revenue.
" Magistrate of
" Government Solicitor.
To Messrs. Richmond & Co.

Ed. J. H. Burns.

Malabar Magistrate's Office
Calicut 8 March 1870

25.

From,

A. Mc L. Webster Esq^r
Offs. Magistrate of Malabar.

To,

J. S. Moenchin Esq.
As Chief Secretary to Government.
Fort Saint George.

Sir,

I have the honor 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 Subcollector passed the order complained of with the approval of the late Magistrate Mr. Ballard. It was passed with the view of preventing the wearing of the belts across the shoulder, and left it perfectly open to Messrs Richmond & Co to secure all the advantages enumerated in para. 3 of their Memorial by directing their peons to wear the badges round the waist.

Vide copy of Correspondence
enclosed.
From Buffalo to
Cuba of 20 Oct 1887
to Buffalo 23rd --

End of 1871

JUDICIAL.

THE MAGISTRATE OF

Diet Dairy, 20th

Page 7

60 30th January, 1874. o. 84.

1997

97-10

[illegible]

Malabar Magistrate's Court.
 Calicut 23^d October 1863.

N^o 3163.

To,

The Joint Magistrate of
 Malabar.

Sir,

Adverting to your letter of the 20th instant. I have the honor to state that I entirely concur with you in opinion that the spirit of the G.O. you quote declining to sanction the use by private individuals of badges worn across the shoulder, taken in connection with section 171 of the Indian Penal Code, should guide and will support Magistrates in prohibiting badges so used.

I request therefore you will communicate with the Firms you mention requesting them to discontinue the above said manner of wearing badges by their servants and prevent others so wearing badges in future.

I have H^{rs}
 Signed S. A. Ballard
 Magistrate

(True copy)

Amey Mevans
 Offr. Magistrate.

R.R. 14. 7. 1863 1863-28
 do - 25th Jan 1863 1863-2
 do - 11th Feb 1863 1863-10

1871/19th Dec 1863

From

The Offr. Magr. of Malabar

To, The Secy. Secy. to the Government.

1871/19th Dec 1863

Date 28th March 1871

N^o 25

Recd. 23rd Nov 1863

Forward a memorial from the Malabar District and suggest that some distinguishing badge may be used by Govt. servants.

N^o 3163

Refund for the opinion of the Government General, as to whether the wearing of shoulder-bells by private persons, as likely to afford the means by which ignorant natives in the Province may be induced to apprehension, can be held to fall within the category of cases contemplated by Section 62 of the Code of Criminal Procedure.

Refund for the opinion of the Government General, as to whether the wearing of shoulder-bells by private persons, as likely to afford the means by which ignorant natives in the Province may be induced to apprehension, can be held to fall within the category of cases contemplated by Section 62 of the Code of Criminal Procedure.

Refund for the opinion of the Government General, as to whether the wearing of shoulder-bells by private persons, as likely to afford the means by which ignorant natives in the Province may be induced to apprehension, can be held to fall within the category of cases contemplated by Section 62 of the Code of Criminal Procedure.

Refund for the opinion of the Government General, as to whether the wearing of shoulder-bells by private persons, as likely to afford the means by which ignorant natives in the Province may be induced to apprehension, can be held to fall within the category of cases contemplated by Section 62 of the Code of Criminal Procedure.

Refund for the opinion of the Government General, as to whether the wearing of shoulder-bells by private persons, as likely to afford the means by which ignorant natives in the Province may be induced to apprehension, can be held to fall within the category of cases contemplated by Section 62 of the Code of Criminal Procedure.

Refund for the opinion of the Government General, as to whether the wearing of shoulder-bells by private persons, as likely to afford the means by which ignorant natives in the Province may be induced to apprehension, can be held to fall within the category of cases contemplated by Section 62 of the Code of Criminal Procedure.

Tellicherry 20 October 1860

N^o 108.

From

W. Logan Esq^r
Joint Magistrate of Malabar

To

G. A. Ballard Esq^r
Magistrate of Malabar

Sir,

I have the honor to request
the favor of your opinion on the following
points:

2. — Some time ago, Meppa Bandy
Ho, of this place, asked my permission to
allow their servants to wear a belt across
the shoulder with a badge on it bearing the
name of their firm. — and more recently
I have observed the servants of Meppa Rich-
mond Ho of this place wearing the belt
and a badge bearing the name of their
firm.

3. In Extract minutes of Consultation,
14th December 1844, published in the Circular
Order of the Board of Revenue dated 28th De-
cember 1844, the Governor in Council declined
to sanction the use, by private individuals,
of badges so worn i.e. belts over the shoulder
in consequence of its being repugnant to
the

See also G.O. N^o 424
dated 11th April 1860
(Judicial Department)

In a letter from the
Off^r Magistrate of Malabar
dated 25th Nov. 1860.

Copy of the
Magistrate's letter.

20/10/60

the spirit of Act 18 of 1835.

4. That Act 18 of 1835 was repealed by Act 17 of 1862 but a provision similar to that contained in it is made in Section 171 of the Indian Penal Code.

5. It seems to me therefore that the order of the Governor in Council should be still enforced.

6. Before communicating this opinion to the two firms named and requesting ^{now worn by their servants} them to remove the badges, I have the honor to request your opinion on the subject, as I have many times seen the servants of private firms in Madras wearing such badges.

7. I may mention that I have had no complaints to justify me in taking action under Section 171 of the Penal Code.

8. If these badges were worn only in large towns, where people are sufficiently wide awake to know who is, and who is not, a public servant, the question would be an unimportant one, but we have no guarantee that these badges are not worn elsewhere where the people are not

not so well informed.

9. There is no doubt a belt over the shoulder is the emblem of authority worn by the servants of Government, employed in the immediate collection of the Revenue and it seems to be necessary either that Government should change the badge or that private persons should be prohibited from using it.

I have &c
Signed W. Logan.
Joint Magistrate.

(True copy)

A. M. M. M. M.
Offs. Magistrate.

Circular Order No 18 /69.

To

All Sub Magistrates

It has come under my notice that in some places private persons unconnected in any way with Government are in the habit of dressing their Servants with belts worn over the shoulder after the manner of those worn by Revenue and Judicial persons in the Service of Government. This practice has been more than once prohibited by order of the Governor in Council with a view to prevent misconception as to who are and who are not the Servants of Government and the consequent danger that arises of the abuse of authority by persons falsely assuming an official character.

And the practice seems to me to be further expressly prohibited by Section 171 of the Indian Penal Code.

All Sub Magistrates are therefore requested to see that the intentions of Government and the provisions of the law in this matter are properly carried into effect.

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. The belts should be produced at the trial and it will be therefore necessary for the Police to retain possession of such belts until the parties are placed before the Courts.

The Sub Magistracy is reminded that any private individual may dress his Servants in any way he likes so long as they remain within his own private premises and it is only outside such premises that Servants dressed with the belt over the shoulder can be arrested.

Sub Magistrates are requested to carry this order into force at once and to report within a week what they may have done in pursuance thereof.

To Messrs Richmond & Co. Solicitors
Jellicoe & Co. July 1869. Signed W. Logan

In a letter from the
Offs. Magistrate of the
Belton & Co. & Co.
1870 No. 85.

Copy of Joint
Magistrates' letter.

1870 No. 85.

Jellicerry 7th July 1869

To W^m Logan Esq^r
Joint Magistrate

Sir,

Jellicerry

17

With reference to your Circular Order N^o 18 of 1869 addressed to all Sub Magistrates and sent to us especially for our information and which is prohibitory of the practice of private persons at large wearing belts across the shoulder and which practice you deem to be further expressly prohibited by section 171 of the Indian Penal Code we have the honor to inform you that we shall from the time of the receipt of your Order N^o 30 of yesterday give directions to our servants to lay aside their belts for the present. Such directions being given by us to our servants not as acknowledging your power to prohibit the discontinuance of the custom of so wearing the belt but simply to save ourselves and them from any antagonism to your Authority until we shall have ascertained by a representation to our right Honorable the Governor in Council whether your Order is of any effect, as it appears to us at present that the Section you quote and upon which you attempt to rely does not enable you to abrogate an usage which is, and always has been as common on this Coast as in other parts of the Presidency.

We are Sir,

Your obedient humble Servant
Signed/ Richmond Esq^r

N^o 17.

Malabar Joint Magistrate's Office
7th July 1869

From

W. Logan Esq^r
Joint Magistrate of Malabar

To

Messrs Richmond Esq^r
Jellicerry

Gentlemen

I have the honor in reply to yours of this days date to inform you that the course you now propose to adopt in addressing the Governor in Council on the subject as to whether you are entitled to dress your servants in belts worn over the shoulder is the course you should have adopted on receipt of my first letter on the subject, instead of disregarding as you have done my request to you to discontinue the practice. I have the honor to be Sir,

[illegible]

...and from
...and erecting
...and want also
...which we would
...With regard
...that the
...prohibited more
...in Council
...can we
...in the
...being prohibited
...of the Indian Penal
...in doing

...that a similar
...ago but on
...unintelligible
...present in
...to come into Act.
...Consider our Com.
...could
...in
...that we
...the
...the

...the
...for you
...the
...and
...that

21

...will be pleased to afford
...we ask for
...the honor to be
...most obliged friends

Yours truly
H. D. S.

Ch. J. S. 1/20

In a letter from the
29. Mungie of Nialahaw
at March 1870 No 15

22/11/41

the
of the
I think
"Consider
prevent
to support
from
and all
that
a time

many
I will
of the
can be
to
in
Some
as
The
these
could
consideration

the 'consideration' of the club, which

220 Lucy / 71
No 84

11/21/23 26/30

Geelbaird

excelsior from Nov
to Nov 14
May 1870

Dated 23rd
 June 1870
 From de mess
 letter from the
 off^{ce} of the Magistral
 of Merkabun
 to Gov^t dated
 3rd March 1870
 e 1025.

[illegible]

100

was an error. It was intended

the capacity of the Magistrate that

the Officer in question should not

be considered as a

consideration of the

Magistrate's jurisdiction

in the case of the

Magistrate's jurisdiction

in the case of the

Magistrate's jurisdiction

in the case of the

Magistrate's jurisdiction

in the case of the

Magistrate's jurisdiction

in the case of the

Magistrate's jurisdiction

in the case of the

Magistrate's jurisdiction

in the case of the

Magistrate's jurisdiction

in the case of the

Magistrate's jurisdiction

in the case of the

Magistrate's jurisdiction

Extract to the Session Judge

of a Petition for Committal

to the Magistrate by precept

within the day

Extract also to Petitioners

Pleaded on Appeal

to the

Magistrate

the

Magistrate

and

the

Magistrate

and

the

Magistrate

and

the

Magistrate

and

the

Magistrate

and

the

Horities." The Police are further em-
powered to detain the belts "until
the parties are placed before
the Court."

The Advocate General has
assumed that this order was
issued by the Privy Council under
sect. 62 of the Criminal Procedure Code.
and he gives it as his decision that
though the wording of the section is
in the criminal law, it is not the
order, still the order cannot be
enforced because "it is not di-
rected to the person in fault but
to all the subjects."

I do not know more on

what this assumption rests. It ap-
pears true that the C. O. is simply
an administrative order - in which
the Privy Council draws the attention
of his inferior officers to what he con-
siders to be an offence - and in-
structs them how to act for its
prevention & detection. But the
C. O. has in the Criminal Code
inserted in it it is there any ad-
vice to Sect. 62 of the Code - and
see no reason to doubt that the
attention of the Privy Council is that
persons arrested in accordance with
instructions should be kept in custody
not for displaying that order - but for

infringing Sect 171 of the Penal Code.
But Japan is too intelligent
an officer to believe that any
person could be furnished for such
displaying an order not addressed
to him.

In this view of the case, the
Advocate General's opinion is hardly
to be wondered at.

But the first time I take re.
means a letter the function allotted
to it is not a contravention of
Sect 171 of the Penal Code. Now that
Section runs - "Whereas, not belonging
to a certain class of public servants
bearing any job or carrying any other re."

2/ See thing any job or to them ^{with} ~~which~~
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." Now for the purpose of
satisfying to hear their talk & to be
on the right shoulder - could
any person wearing such a job
in such a manner can hardly
blend the ignorance that he
is likely to be mistaken for
a public servant, and to do so, sub-
stituting it to be clearly proved to the

In the feature of the buying Magistrates,
should, I should think, constitute
an offence under Sect 171 of the
Penal Code.

It should be striven
to prohibit the wearing of bangles
in Madras and other large towns.
But there are many parts of the
country where such prohibition
is necessary for the betterment of
the people. It is notorious that in
country villages the bangle and bangles of
a woman are Emblems of State an-
nity. and it is to strain the

conscience, or advantage of the
prestige that private persons dress the
servants in this sort. The em-
ployer has no idea or desire
that his servant should talk to him.
One advantage of it is that such
advantage is to be taken in
unquestionable - I do not mean that
money is expended but that service
is demanded. I believe in
improved wages & etc. etc.

Some years ago Mr. C. B. B.
Standing Order / prescribed certain
bangles & bangles for the different de-
partments - but I think the law was
not for the purpose of a standard of the
law.

In person. He can do ~~nothing~~ did not
Extend to the College person, I don't like.
I would with reference to the obsec-
ration of the Adm. Board's opinion, instruct
the Board ~~in communication with~~
~~the~~ to draw up an order, pre-
scribing the belts & ^{for all persons} the manner
of wearing the same. As for the cost, and
the power accord to the opinion of the
Adm. Board on it before he has thing
it to put. Any person wearing such
a frock would then be liable to be.
in contempt ^{and} it would be for the
proprietor trying the case to do later.
Since as he has an opinion as against
L. & M. Board Sec. Can understand or not.

100

In accordance with the
instructions of the South
Mr. Sim I rearticulate the
draft.

Mr. Linn appears to
object to the first portion
of the draft directing
the cancellation of the
Circular order issued by
the Joint Magistrate
The Advocate General

had the paper in the whole
of the paper and it
was in accordance with
his opinion that the
first part of the
was signed by the

Judicial Department

Memorandum

Letter from Offg. Magistrate
of Malabar } dated 8th March 1870 No. 25

The Offg. Magistrate
of Malabar forwards a Memorial
addressed to His Excellency the
Governor in Council by Messrs
Richmond & Co. Merchants at
Tellicherry, appealing against an
Order issued by Mr. Logan, the
Joint Magistrate of that District
forbidding the use of belts over
the shoulders by persons in the
employ of private firms.

2. Messrs Richmond & Co.
represent that this custom is
and has been general with mer-
cantile firms throughout the
whole Presidency from time
immemorial and they submit
therefore that it is very injurious

Send to London for
consideration of the
Magistrate of the
District — B.L.

to select the merchants of Tellicherry alone on whom to impose such a restriction.

3. The Joint Magistrates order seems to be based on Extract Minutes of Consultation, 14th December 1844, Revenue Department, and on G.O. 25th January 1855 and 11th April 1860, Judicial Department. Under these Orders of Government, the wearing of belts over the shoulders by Peons not in the employ of Government was disallowed on the grounds that the spirit of Act ~~XXIV~~ of 1835 / An Act for regulating the use of Chupras or badge by peons in private employ / prohibits the use, by private individuals of badges resembling or liable to be mistaken for those worn by the servants of Government, "that any badge worn in the same manner as those of the Government

* "Whoever, not belonging to a certain class of public servants, wears any 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 with imprisonment of either description for a term which may extend to three months, or with fine which may extend to Two Hundred Rupees, or with both."

Government, namely, on a belt over the shoulder is and must be liable to be so mistaken" by the great bulk of the people in the interior "and that the use of such insignia by private peons affords the means of committing much oppression".
4. Para 2 of the Order complained of - which it is stated was passed with the approval of the late Magistrate of Malabar Mr. Ballard -, 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".
By para 3 all Sub Magistrates are requested to see that the intentions of Government and the provisions of the law in this matter are properly carried into effect, and under para 4 "they should direct the Police of

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."

5. The Offg. Magistrate, Mr. Webster, is strongly of opinion that this practice should not be allowed". At the same time he considers 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, he states "requires a particular intention or knowledge to be proved," and Act ~~LVIII~~ of 1835 on which the Orders of Government above referred to were passed, was repealed by the Repealing Act ~~LVII~~ of 1862. Moreover, the Point

Point Magistrate himself mentions in his letter to the late Magistrate, Mr. Bullard, that he has had no complaints to justify him in taking action under section 171 of the Code.

6. Mr. Webster suggests in the event of Government being averse to support the action of the Magistracy in this matter by legislation "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," he thinks, "imply contemplated fraud and, as such, would render the person offending liable to punishment under section 171 of the Indian Penal Code."

7. It is observed that section 62 of the Code of Criminal

Criminal Procedure provides that it shall be lawful for any Magistrate, by a written order, to direct any person to abstain from a certain act
x x x x x whenever such Magistrate shall consider that such direction is likely to prevent, or tends to prevent obstruction, annoyance or injury, or risk of obstruction annoyance or injury to any persons lawfully employed.

8. The language of this section seems sufficiently wide to admit of its being held that the wearing of shoulder belts by private peons as affording the means by which such peons may cause annoyance or injury to ignorant natives in the interior, falls within the category of cases contemplated

* "The word 'injury' denotes any harm whatever illegally caused to any person in body, mind, reputation or property" (Section 44 of Indian Penal Code)
For the construction to be placed upon the terms "obstruction", "annoyance" and "any persons lawfully employed" see Nelson's Commentaries on the Procedure Code, pp 102-3.

* C.M.C 25 May 1855 N. 73, Judge Dept.

x x x "If his (the Magistrate of Malabar's) proceedings be objected to, the matter may be carried in appeal to the Sessions Court and eventually if necessary to the Court of Fardars Udalit, and the point finally set at rest."

* "Although an order passed by a Magistrate under Section 62 of the Code is not appealable, its legality can be tested by disobedience, which will lead to a prosecution under Section 188, Penal Code, and bring that question to an issue. The Madras High Court has also expressed a similar opinion."

contemplated by the Section. If so, it may be said in support of the Joint Magistrates Order that it was issued under the provisions of this Section. This may be pointed out to the Magistrate and Messrs Richmond. It may be informed that if they feel aggrieved by the Order in question they are at liberty to seek redress at law. This course will be in accord-

ance with that which the Government adopted in 1855 when the Madras Railway Company objected to their peons being required to wear badges on the arm or round the waist. It is also in accordance with a judicial ruling on Section 62 of the Procedure Code, of which there is a note at page 38 of Punsip's Code of

Signed R. S. Elias
Chief Secretary

928

The opinion of the Advocate General is that the Seller is bound by the Criminal Procedure Code could have justified the arrest made by the Joint Magistrate of Malabar if his order had been strictly complied with. The person who acted otherwise to it.

On the other hand the Advocate General is of opinion that the order of the Joint Magistrate is not binding on the Seller.

such an order in the
absence of a presumption
that the officer referred
to in Sec 171 of the
Indian Penal Code, of
whom no intention to
obey constituted the es-
sential element has been
established.

The Hon. Member
the Governor in Council
entirely agrees with Mr.
Cotton, and as it does
not appear that Mr.
Richardson is causing
the same to be construed
bells had any intention
of inducing the belief
that the latter were
public persons, he desires
to dissent from the conclusion
of the Joint Committee
Circular

19
Circular Order dated 6 July
1869, No. 10. X

4. With reference to the last
part of the Advocate General's
Opinion, and adhering to the
Standing Order of the Board
of Revenue on the subject of
Parsi' belts (No 351), the Ex-
cuse in Council resolves, also
to direct that the Board will
in communication with the
Advocate General, prepare &
submit to Govt, for the purpose
of being published in the
Gazette, an Order prescribing
the description of belts and
badges to be worn by all Parsis
in the employ of Government.
It is of opinion that after
the publication of such an
Order, any person wearing
the garb of a Govt. servant
be liable to prosecution, and
it would be for the satis-
faction of the Court to
determine whether the
a person being of the Indian
Penal Code had been com-
mitted or not. —

4. It will of course be at
the discretion of Col. & J. J.
to take steps for
preserving the distinctive
character of the badges
worn by Govt. servants, and
if necessary, to alter those
at present in use. If
such an expedient were
resorted to, imitations
by a private individual
of the newly adopted
badge would, as pointed
out by the Advocate Gen-
eral, afford strong ground
for inferring the intention.

5. A copy of these
Pro's will be forwarded
to all District Magistrates
for their information.

10/1/50

J. B. V.

I think that his
 work has been to
 be done in the
 future. N.
 O. A. N.
 The first of all
 the by the
 on the
 of the
 of the

Handwritten signature

1. *Chrysomelidae* (Coleoptera)

Food Department

PROCEEDINGS of the MADRAS GOVERNMENT.

Read the following letter.

The Age Magazine
of Malabar

Walter S. Davis 6/18/70
 C. W. Davis 2/3/71

In their Annual
 report with the long
 letter. Also Richard
 and Charles Smith of
 Ellicott, appeared
 in court, to give
 the first testimony
 which was on the subject
 of the practice of
 individuals leaving the
 service of the war
 at the time.

place in the public eye
and the Eastern question
which in 1878, was
discussed at the conference
of Berlin. The latter

[Faint handwritten text, likely bleed-through from the reverse side of the page.]

[illegible]

25.8.27 *EV*

17.10.28 *II*

Bot. of 11871 *Quadrans.*

last

the back of

West

Dated *Friday*

1871

Recd.

Nos.