

- (1) பக்கங்களின் எண்ணிக்கை 24
 (2) புதுக்கித் திருப்பிய நாள் நவம்பர் 1985
 (3) ஆதாரங் குறிப்பவர் சுருக்கொப்பம்

தமிழ்நாடு ஆவணக் காப்பகம்.

தமிழ்நாடு அரசு

Judicial துறை

அரசாணை எண். மு. கோப்புத் தாள் எண்.	152. (101-102)	அச்சகம் பலவகை
நாள் :	25.1.1881	199

சுயந்
மடிக்கவோ கண்டபடி கையாளவோ கூடாது.

செப்பிபவற் பெயர் K.யு.க
செப்பிபவற்கு எடுத்த
கொண்டிட்ட நாள் 1898
செப்பிபவற் முத்த நாள் 1898
சுப்பார்க்கும் சூராய்ச்சி
மு. பா. எ. உதவியாளர்
கையொப்பம் கையொப்பம்

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GOVERNMENT OF MADRAS.  
JUDICIAL DEPARTMENT.

25th January 1881, No. 152.

Magisterial Powers.

Read the following paper:—

No. 101. *Proceedings of the Board of Revenue, dated 8th October 1880, No. 1474.*  
Read letter from the Collector of Bellary, to the Secretary to the Board of Revenue,  
dated 17th August 1880, No. 3245.

Para. 3. The Board take this opportunity of requesting the instructions of Government as to whether in cases in which a Taluk Sheristadar is reduced to an appointment in which the exercise of Magisterial powers is not required for reasons unconnected with the performance of his Magisterial duties, or in cases where a Revenue Officer exercising Magisterial powers is transferred or promoted to such an appointment (e.g., a Tahsildar appointed as Sub-division or Huzur Sheristadar), the sanction of Government is necessary for divesting him of his Magisterial powers. Paragraph 6 of G.O., dated 24th July 1874, No. 920, Revenue Department, is clear as regards a Taluk Sheristadar dismissed from his office, but the orders noted in the margin, referring to cases of officers acting in a higher grade and reverting to a lower one, appear to be conflicting. G.O., dated 24th September 1874, No. 1794, Judicial Department, ruled that when a Taluk Magistrate, who has been temporarily appointed as Acting Deputy Magistrate in charge of a Division of a District, is divested of the charge of such division, he is also divested of his first-class powers; but in G.O., dated 14th June 1880, No. 1407, Judicial Department, passed in the case of a Taluk Sheristadar, who had been invested with second-class powers while acting as a Tahsildar and who reverted to his appointment, the Government remarked that as the officer in question had never ceased to be a Magistrate his powers are those with which he was last formally invested and that when it is thought desirable that an officer invested with second-class powers should revert to third-class powers on his reverting to a less responsible post, application should be made for a fresh notification. The Board are of opinion that a reference to Government should be made whenever a Revenue Officer forfeits his position as Magistrate by dismissal, reduction, transfer or promotion.

(A true Copy and Extract.)

(Signed) C. GALTON,  
Secretary.

Transferred to the Judicial Department.

FORT ST. GEORGE,  
11th November 1880.

(Signed) C. G. MASTER,  
Secretary to Government.

No. 102. ORDER THEREON, 25th January 1881, No. 152.

The Government are advised by the Advocate-General that it will be the safest course to adopt the Board's suggestion in paragraph 3 of their Proceedings, 8th October last, No. 1474. This will accordingly be done.

(True Extract.)

R. DAVIDSON,  
Chief Secretary.

To the Board of Revenue.  
„ Revenue Department.

Exd. T. O'Connor.

Govt. of 1881 Madras.  
JUDICIAL.

To  
THE BOARD OF REVENUE.  
&c., &c., &c.

Dated January, 25th.

Issued

Recd.

Ed.

G.O., 25th January 1881, No. 152.

JANUARY.  
Nos. 101-102.

*Magisterial Powers.*—A reference directed to be made to Government whenever a Revenue Officer forfeits his position as Magistrate by dismissal, resignation, transfer or promotion.

37/152  
No. 1,474.

PROCEEDINGS OF THE BOARD OF REVENUE, dated 8th October 1880.

Read the following letter from H. P. GORDON, Esq., Collector of Bellary, to C. A. GALTON, Esq., Secretary to the Board of Revenue, dated 17th August 1880, No. 3,245:—

I HAVE the honor to report that the Acting Sub-Collector has degraded P. Narrain Row, Taluk Sheristadar of Anantapur in this district, to the post of Head Gumastah of a taluk, and to request that the Board may be pleased to move Government to cancel the powers of a Third-Class Magistrate exercised by him.

2. The enclosed copy of the Sub-Collector's Proceedings will explain the cause of his degradation.

3. I concur in the propriety of the action taken by the Sub-Collector and should have myself removed him had not the Division in which the taluk lies in the meantime reverted to the Sub-division.

ENCLOSURE No. 1.—Copy of Proceedings of Sub-Collector.

SUBMITTED for the orders of Government with the Board's recommendation that the Sub-Collector's order reducing P. Narrain Row, the Taluk Sheristadar and Magistrate of Anantapur, to the post of a Taluk Head Gumastah be confirmed and his Magisterial powers cancelled by a notification in the *Fort St. George Gazette*.

2. The Taluk Sheristadar's misconduct having related to certain proceedings in his capacity as a Magistrate, the case should have been submitted for the orders of Government through the Board of Revenue and should not have been disposed of by the Sub-Collector.

3. The Board take this opportunity of requesting the instructions of Government as to whether in cases in which a Taluk Sheristadar is reduced to an appointment in which the exercise of Magisterial powers is not required for reasons unconnected with the performance of his Magisterial duties or in cases where a Revenue Officer exercising Magisterial powers is transferred or promoted to such an appointment (e.g., a Tahsildar appointed as Sub-division or Huzur Sheristadar), the sanction of Government is necessary for divesting him of his Magisterial powers. Paragraph 6 of G.O., dated 24th July 1874, No. 920, Revenue Department, is clear as regards a Taluk Sheristadar dismissed from his office, but

G.O., dated 24th September 1874, No. 1,794, Judicial Department.

G.O., dated 14th June 1880, No. 1,407, Judicial Department.

the orders noted in the margin, referring to cases of officers acting in a higher grade and reverting to a lower one, appear to be conflicting. G.O., dated 24th September 1874, No. 1,794, Judicial Department, ruled that when a Taluk Magistrate, who has been temporarily appointed as Acting Deputy Magistrate in charge of a Division of a District, is divested of the charge of such Division he is also divested of his first-class powers; but in G.O., dated 14th June 1880, No. 1,407, Judicial Department, passed in the case of a Taluk Sheristadar, who had been invested with second-class powers while acting as a Tahsildar and who reverted to his appointment, the Government remarked that as the officer in question had never ceased to be a Magistrate his powers are those with which he was last formally invested and that when it is thought desirable that an officer invested with second-class powers should revert to third-class powers on his reverting to a less responsible post, application should be made for a fresh notification. The Board are of opinion that a reference to Government should be made whenever a Revenue Officer forfeits his position as Magistrate by dismissal, reduction, transfer or promotion.

(A true Copy and Extract.)

  
Secretary.

To the Secretary to Government, Revenue Department, - do -  
with one original enclosure to be returned.

Copy to the Collector of Bellary.

Erd. A. Grubert.

45 Copies & true off

49150

I think the sanction of Government might be obtained in all cases in which persons have been invested with the powers of Magistrates and it is desired that they should no longer exercise such powers, whether owing to misconduct, change of appointment, or otherwise - <sup>such</sup> persons, having been formally invested with certain powers, ~~they~~ are prima facie entitled to exercise them until the powers have been taken away by competent authority - that is, the authority that conferred them. It seems to be advisable that this should be done generally with the same formality that the powers are conferred - otherwise the powers of Magistrates in

Madras  
1880  
1880.11.11 (Bury)

Board of Revenue

MADRAS.

TO THE SECRETARY TO GOVT,  
REVENUE DEPARTMENT.

Dated October 8th.

Printed in.

Received - 11/10/80

PROCEEDING, 8TH OCTOBER 1880, No. 1,474.

Copy 16/10/80  
OCTOBER  
No. 1,474.

P. Narain Rao, Taluk Sheristadar and Magistrate of Anantapur, Bellary District. - Resolving to Government that the Sub-Collector's order reducing - to the post of Taluk Head Gunstah be confirmed, and his Magisterial powers be cancelled; and inquiring whether the sanction of Government is necessary when a Taluk Sheristadar is reduced to an appointment in which the exercise of Magisterial duties is not required for reasons unconnected with the performance of his Magisterial duties, &c.

Transferred to the Judicial Department  
for Secy. to Govt.  
11/10/80

Certain cases may be very difficult  
of ascertainment with certainty.

P. W. Sullivan

Advocate General

Madras 15th January 1881.

My dear Mr. Forbes

I return the papers which  
you sent me with your letter  
and enclose my views upon  
the questions raised by the Board  
of Revenue

Yours sincerely  
P. W. Sullivan

15th Jan. 81

2/15/87

From

The Advertiser

8/15 Jan 1877

Despatch Papers  
14/1/81

Fort St. George

13 January 1881.

Dear Mr. O'Sullivan

In reference to B's Order  
of 8 Oct 1880 No 1474, I am  
desirous to obtain your advice  
as to the safest course you  
would recommend in  
reference to para 3.

In both the cases put  
by the Board at the head  
of the para in question, the  
powers would perhaps  
necessarily lapse. It appears  
not to have been customary  
hitherto in the second of  
them to make any formal  
divestment of powers, but  
in regard to the first, in-  
stances are on record where  
from

from reports of misconduct, the powers of a Magistrate have been cancelled under Sec 54 C.P.C.

The Board next refer to the G.O.s marginally noted which dealt with cases where officers prevented from appointments with enhanced powers to their substantive appointments where smaller powers were exercised and consider them conflicting. By Sec 56 C.P.C. officers invested with powers in any District transferred to an equal or higher office of same nature

in

24 Sept. 1874 No 1794  
14 June 1880 No 1407

9/152  
in another District continue to exercise former powers. This is the only section in the Code that at all relates to the matter.

I am enclosing the Board's Proceedings and the two Procs of Govt. therein referred to and shall feel obliged by you returning them with your reply

Yours very truly  
J. S. Forbes

Copy of the

12-1-80

LC post 152/81.

10/19  
Judicial DEPARTMENT.

No 3750 & 3975

From

Proc of the Board of Revenue 28 Oct. 1880  
No 1474. para 3, transferred by  
the Revenue Dept under Endt.  
of 11 November 1880.

— do — do — 24 Nov. 1880 No 1793  
transferred under Endowment  
in the Revenue Department  
of 29 November 1880.

Particulars of the  
services of the  
Revenue Dept  
under the  
Board of Revenue

FOR ORDERS.

The orders requested  
in para 3 of the Board's former  
Proceedings were, whether the  
sanction of Government is  
necessary to direct an officer  
of his Magisterial powers  
in the following cases.

- (a) Where the reduction is to an  
appointment in which the  
exercise of Magisterial powers  
is not required.
- (b) Where the Revenue Officer  
exercising

This order in 6/12/80  
is sent for perusal &  
advise - 7/1/81.

exercising Magisterial  
powers is transferred or  
promoted to a non-Magis-  
terial charge. e.g. a Tahildar  
appointed as Sub Division  
or Angur Sarichitadar.

In both cases sent by  
the Board, the powers would  
necessarily lapse, and it  
appears not to have been  
customary hitherto in the  
second of them to make  
any formal reference for  
a formal disinvestment, but  
in regard to (a) instances  
are on record where reports  
of misconduct have been  
made and the powers of  
a Magistrate cancelled  
under the provisions of  
Section 54 C.P.C.

The

11/13  
The Board further  
refer to G.O. 24 Sept. 1874  
No 1794 and 14 June 1880 No 1407,  
which dealt with the cases  
of officers reverting from  
appointments with enhanced  
powers to substantive appoint-  
ments where smaller  
powers were exercised, and  
consider them conflicting

Orders are requested.

P.T. 16/10/74  
16/10/74

By Sec 56 C.P.C. Officers  
invested with powers  
in any district of trans-  
ferred to an equal or higher  
office of same nature in  
another district, continue  
to exercise former powers.  
This is the only <sup>with</sup> sec. at  
all related to the matter  
P.T. 16/10/74

the meeting

FOR ORDERS.

Read nos: 3750 & 3975-  
# 25<sup>th</sup> Jan 1881, no 152

Say/ The Govt are advised  
by the adms. Genl. that it  
will be the safest course  
to adopt the Bd's suggestion  
in para 3 of their Prop  
for Oct 1880, no 1474  
This will accordingly be  
done. # 19/1-1.

Unld: of Res: 11 } Sept 14/1  
a Res: Opt: 11 }

Trans 3 of 2-0-45

1/1/1881

1/1/1881

1/1/1881

1/1/1881

1/1/1881

217-12-80

When received

70-22-2-11  
Govt. of 1881/33 adms.

12/5 Just

to  
G.O. 25 Jan 1881, No. 152  
Nos. 101-102

Major H. Powers. A  
reference directed to be made  
to fact whenever a Res.  
offr proposes his position  
as length by dismissal,  
reduction, transfer or  
promotion.

1-7-1881 ✓

✓

James

5 +

1/1

217-12-80