

Local & Munl. (1896) Department.

MISCELLANEOUS.

G.O., No. 1466 m.

DATED 2. 9-96.

INDEXED.

[Despatch Abstract.]

Special Magistrates

Stating that it is inadvisable that Chairmen of Munl. Councils, should also be special Magistrates and requesting Mr. Sivaswami Odaiyar, Chairman of Munl. Council, Humberkonam to elect which of the two offices he wishes to retain and resign the other.

BACK PAPERS.

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

FURTHER PAPERS.

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

[L. & M.]
[200-5-8-96]

Local & Munl. (1896) Department.

CURRENT No. 2362

C.S.
misc

Order No. 1466 Muni d. 2/9/96

The Government considers it inadvisable that Chairmen of municipal councils should also be special magistrates. Mr. Ry. Sivaswami Odaiyar will therefore be requested to elect which of the two offices he wishes to retain, and to resign the other.

From

M.R.Ry.V. Krishna Aiyar & others
Kumbakonam

No.

Dated 10-8-96

Received 17-8-96

Registered 18-8-96

Enclosures

Spare copies

SUBJECT.

Stating that M.R.Ry.T.S.Sivaswami Udyar one of the Special Magistrates of the Kumbakonam town has been elected as Chairman of the Kumbakonam Municipality and praying that he may be called upon to resign one of the offices.

Note
These are G.O. No. 1684 Jnd. d. 11-10-89
and G.O. No. 1355 Jnd. d. 14-10-89.

To
The Chairman, M.C., Kumbakonam. This
is for the Chairman of the M.C. of Tainjore.
Collective letter. 12/8/96

20/8

3/10

2/2/98

G.O.	No.	Department.	Date.
60.	1355	Musl.	12 th Oct 89.
"	606	m	11/5-94.
"	694	m.	2-6-94
"	1200	m	26-7-95
"	864	m	21-5-96

[illegible]

Mucobacteriaceae

10th August 1896

From

The undersigned Residents of
Kumbakonam

To. J. F. Price, Esquire. L. c. s.

Chief Secretary to the Govt.
of Madras
(Local & Municipal Dept.)

Si

We beg to bring to the notice of Government that Mr. J. S. Sivasami Iyengar Aiyar, one of the Special Magistrates of this Town and a Municipal Councillor, has recently been elected to the office of Chairman of the Municipal Council of this place. As the officer in whom the entire executive power of the Municipal Council is vested, it is the duty of Mr. Sivasami Iyengar to carry out

all prosecutions in respect of
offences under the Municipal Act
& by-laws framed thereunder and
of offences under the Town Nuisances
Act, which may be sanctioned by
the Council. These cases are generally
tried by the Bench of Magistrates
of which he is a member, and he
therefore becomes both prosecutor &
Judge. As observed by Lord Esher,
Master of the Rolls, apart from
pecuniary interest, "there are other"
relations to the matter of a person
"who is to be one of the judges, which"
"may incapacitate him from acting"
"as a judge, and the crucial question"
"is, whether in substance and in fact,"
"one of the judges has also been"
"an accuser. The question is not"
"whether in fact he was or was not"
"not biased". Allison. vs. The

General Council of Medical Education.
1894. L. R. B. 751. See also In Re
Rodrigues, L. R. B. 20 Bombay 502.

The anomaly resulting from the
combination of these officers in one
and the same individual, seems
to have been brought to the notice
of the Government of Madras in 1889
and on the 1st October 1889, the
Government passed the following
order. "His Excellency in Council
considers that it is inadvisable
that the Chairman of Municipalities
should also be Special Magistrates,
and certain officers who held
both the offices there, were
required "to elect which of
them they wished to retain and
to resign the other." G.O. No. 1684
Judicial, dated 1st October 1889.

This order was communicated to the
officers concerned (G.O. 1355. In
Min. dated 12.10.89), one of them
being Mr. P. Janilaisami Sundalai
late chairman of this place, & Mr.
J. a. Magapillai, the present chairman
of Mayavaram being another. Both
these gentlemen immediately resigned
their offices as Special Magistrates.

The reasons which existed
in 1889 & which induced the
Government to pass the G.O. above
quoted, have not ceased to
exist now, and the continuation
of both the officers in the
Sivasami Udyan is therefore in-
advisable & undesirable.

As Mr. Sivasami Udyan has
not elected to resign one of
the officers, though, as we
presume, he is aware of

the G.O. above quoted, we
beg that you will advise the
Government to call upon Mr. Siva-
sami Udyan, to elect which of
the 2 officers he wishes to
retain & to resign the other.

We beg to remain

Yours most obedient servants

Kishorlal
High Court Valer

Ch. Srinivasalingar, B.A.
High Court Valer

Mr. S. Srinivasalingar, B.A.
First Grade Pleader

A. Srinivasa Iyer
Medical Practitioner

Ch. Srinivasalingar, B.A.
Merchant

S. Srinivasalingar, B.A.
First Grade Pleader

S. Srinivasalingar, B.A.
First Grade Pleader

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READ AGAIN G.O., No. _____ DATED _____
 1896

CURRENT No. _____

ENCLOSURES TO C. No. _____

ORDER OF GOVERNMENT A A A A A A A

LETTER OF GOVERNMENT. _____

STATEMENT WITH DITTO. _____

PAPERS NOT FILED UP, BEING MEANT FOR DESPATCH
 IN ORIGINAL.

CHIEF SECRETARY
 13 AUG. 1896
 GOVERNMENT OF MADRAS

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