M.R.O. 1—88/60—16-10-23

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No. 792 Press ~~Mis.~~

110-111

Dated 16.5.1862 th :

3/3

Not to be folded or roughly handled

Proceedings of the Madras Government, Judicial Department, 16th May 1862.

Read the following papers :—

No. 110. From A. M. MONTEATH, Esq., Under Secretary to the Government of India ; to J. D. SIM, Esq., Secretary to the Government of Fort Saint George, dated Fort William, the 5th May 1862, No. 2,283.

Home Dept.
Judicial.

I am directed to transmit the accompanying copy of a Despatch addressed by the Secretary of State to the Government of Bombay, No. 22, dated the 24th of March, and to request that His Excellency the Governor in Council may be moved to favor this Government with his opinion on the question referred to therein.

Despatch from the Right Honorable Sir CHARLES WOOD, Bart., M. P., Her Majesty's Secretary of State for India ; to His Excellency the Honorable the Governor in Council, Bombay, dated India Office, London, the 24th March 1862, No. 22.

With reference to the Proceedings in some cases which have recently come before me, I request your attention to the question whether persons holding Judicial Office should not, in cases in which the decision mainly depends on the credibility of oral testimony, have the benefit, as a general rule, of a formal investigation of the nature of that prescribed by Act XXXVII of 1850 before so severe a sentence as dismissal from the service is passed upon them.

2. The provisions of the above mentioned Act have express reference to enquiries into the conduct of public servants not removable without the sanction of Government, but the principles which they recognize, and the practice which they prescribe are as much applicable to the case of the Moonsiff as they are to that of the Principal Sudder Ameen ; and to subject the large class of Officers of the lower grade to dismissal from Office without such an enquiry, as is suggested in the above Act, cannot but tend to impair the general efficiency of the Native Judicial service.

3. I request that when you have considered the subject, you will communicate to me your views in regard to it.

(True Copy.)
(Signed) A. M. MONTEATH,
Under Secy. to the Govt. of India.

No. 111. ORDER THEREON, 16th May 1862, No. 792.
Referred to the Sudder Court.

(Signed) A. J. ARBUTHNOT,
Acting Chief Secretary.

Exd. F. Cartledge.

Gross & may
Ind[e] 1862 Dep[t]

From

The Under Secy to
the Gov[t] of India
Home Dt 228

Dep[t] 5th
Rep 13th May 1862.

Ind[e] 1st 6
Financial
Dep[t]

No 774

Transmits Copy of a
Despatch from the Secy of State
to the Govt of Bombay & requests
the Opinion of this Govt on
the question referred to therein
regarding the dismissal &c
the Service of persons holding
Judicial Office in cases in
which the decision mainly
depends on the credibility of oral
testimony

Edits an Order.

Ind[e] 1862. 8.

No 792. 16 May 1862.

Referred to the Sudder Court.

Mary 23 1862

The Sudder Court. Dep[t] 17th