

Judicial ¹⁸⁷³
(193) Department.

Ordz SERIES.

G.O. No. 1388

DATED 28. 8. 73.

Confidential

[Despatch Abstract.]

Letter from the Collector of Sea
Customs, Madras - requesting
to send an order to the Superintendent
in charge, Telegraph Check Office,
Calcutta to send him copies of
certain messages -

The following Resolution of the Govt.
of India is published for information with reference
to section 11 of the Telegraph Act.

Proceedings of the Right Honorable the Governor
General of India in Council, Home Department,
Police. N. 662 dated Fort William, the 21st Decr 72

Memorandum

The undersigned is directed to acknowledge
the receipt of the Communication from the Public
Works Department, N. 344 T, dated the 10th Decr.,
forwarding for consideration copy of a letter
from the Director General of Telegraphs in
India on the subject of the inspection of
Telegrams by Government Officers, and in reply
to state that under the terms of section 11 of
Act VIII of 1860 it is not sufficient that a Local
Government should give a general order
directing or authorizing Telegraph Officers
to divulge such messages as may be required
by certain Executive Officers. The message
which is required to be divulged must be
specified in each instance by the Secretary
to the Government, or by such other officer as
the Governor General in Council may have
authorized in that behalf.

2. It is to be observed that the section
of the Act above quoted is not addressed
to the purpose of giving the Government
the

the power of examining telegrams, but to that of imposing severe penalties on the officers of the Telegraph Department if they divulge a message. A sufficient order may relieve them from the penalty, but they are not bound by this clause to obey any such order, and, running the risk they do, they are clearly entitled to be placed beyond the reach of doubt that the order given shall apply to the message divulged.

3. To be sufficient an order should specify the message with reasonable particularity, by giving the name of the sender, the name of the addressee, the time & place of its transmission, or such of these or of other particulars as can be discovered, and will tend to satisfy the Telegraph Clerk that the message intended is really that which he has got in his hands. If he is satisfied on this head, he may safely divulge the message. But he alone knows the whole case and must judge of the sufficiency of the order.

Signed W. Wellisley.

Offy Under Secy to the Govt of India

True

/ True Copy /

Signed J. Burke

Superintd. of Telegraphs

Madras Division

/ True Copy /

J. Hunter Blair

Collector of Sea Customs

T. W. M.

N^o 1348



From The Superintendent
Madras Division

To The Collector Madras.

Dated Madras the 26th of Aug^r 1873.

Sir,

With reference to the telegram copied

From Ootacamund To Madras.

From Chief Secretary } To Superintendent
to Govt Madras } Telegraph Depart^t
Class. L^t 286. Words 11 Date 26-9-15

Please inform Collector Madras
requirements of rules
26th August 1873

in the margin
I have the honor
to enclose a copy
of Home Department
(Government of India)
Resolution N^o 662
dated 21st December 1872

From this Resolution you will see that, under section
XI of the Telegraph Act, no message can be
divulged unless it is specified in an order issued
by a Secretary to Government or other officer
whom the Governor General in Council may
have authorized to give such order. A general
order will not suffice.

I have the honor to be &c
Signed J. Brooks.

Supt. of Telegraphs.
Madras Division

/ True Copy. /

Walter Main

Collector Sea Customs

Walter Main

D. O.

Govt. Telegraph Dept.
Office of Supt., Madras Division
26 Aug^t 1873.

The Collector

Madras.

Sir, With reference to your D. O. of today I beg to state that under section II of the Telegraph Act (Act ~~VIII~~ of 1860) I cannot take any step in connection with the divulging of any Telegrams without a definite order from a Secretary to Govt. or other officer whom the Governor General in Council may have authorized to give such order.

If an order from the Chief Secretary to the Govt. of Madras directs me to shew you a certain message I cannot on the authority of that order, shew the message to any person whom you may depute for the purpose. The Telegraph Act does not provide for copies of Telegrams being issued to officers authorized to

See

see them -

Message (Telegram) drafts are not kept in Madras for more than five days - If you require to see any telegram transmitted between the 17th to 21st instant or previously to the former date, it will be necessary for you to ask a Secretary to Govt. to issue the necessary order to the Supt. in charge of the Telegraph Check office Calcutta -

yours &c.
(signed) J. Bourke

(True Copy)

J. Hunter Blair Esq.
Coll. Sea Customs

Private & Confidential
No. 947.

Sea Customs House
Madras 26th Aug. 1873.

From J. Hunter Blair Esq.
Collector of Sea Customs

To The Honorable W. Audleston
Chief Secretary to Govt.

Sir, I have the honor to forward copies of letters from the Superintendent of Telegraphs and beg that you will be good enough to send an order to the Superintendent in charge of the Telegraph Check office Calcutta to send me copies of the following messages specified as required by para 3 of the resolution of the Government of India.

Specification of messages from
Point Pedro through Jaffna Ceylon.

- (1) Name of sender - Poonea Chittambaram
or other persons at
Point Pedro or
his behalf.
- (2) Name of addressee. Sivalinga Pillai
or Antoni Tomap or frames
Madras.
- (3) The time — All messages between
17th July and
20th Aug^r 1843.
- (4) Place of its transmission. From Laffua
to Madras —
- (5) Other particulars - Regarding the
clearance of Dhoney
Annalatchum; instruct-
ing not to admit
that Vyravey is
the Gunastah of the
Sender or one Poonea
Chittambaram; also
regarding certain
Palungras landed
from the Dhoney, & fine
inflicted by the Collector
of Sea Customs &c.

Specification of message from Madras
to Point Pedro -

- (1) Name of sender - Sivalingam, Antoni
Tomass or frames at Madras
- (2) Name of addressee - Poonea Chittambaram
or other persons on his be-
half at Point Pedro,
through Laffua, Ceylon.
- (3) Time — All messages sent between
17th July and 20th Aug^r 1843.
- (4) Place of transmission - From Madras to Point
Pedro.
- (5) Other particulars — Same as those given
for message from Point
Pedro -

I have the honor to be
Sir

Your most obed^t Serv^t

Stanley Blair

Col^l Sea Customs &c.

Wm

