

Judicial (1895) Department.

ORDINARY MS.

G.O., No. 1049

Dated 17th May 1895

INDEXED.

[Despatch Abstract.]

SUB-JUDGES COURT AT OOTACAMUND.

Communicating to the Honourable the Judges of the High Court, Proceedings, Revenue Department, declining, with remarks, to sanction the entertainment of a second gardener to look after the garden of the-----.

BACK PAPERS.

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

FURTHER PAPERS.

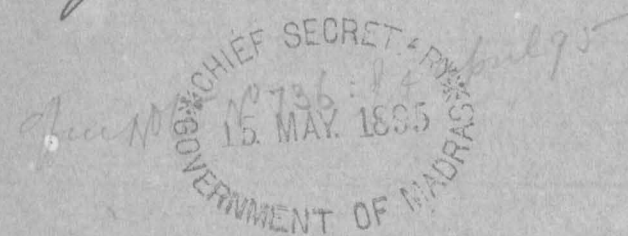
G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.
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F
21-5,000-4-3-1893.

Judicial Dept
CURRENT NO. 2458
Govt. of 1893 Madras.
REVENUE.

To

The Govt. Secy -



Dated

Recd. 15th May 1895 Encl. 4

Mis. R. G.O., 7 May 1893, No. 1878.

SUBJECT.

Declining ^{to sanction} with remarks
the entertainment of a second
gardener to look after the garden
of the Sub Judge's Court at
Ootacamund.

17/5.

mis

S.O. 2937: 3.12.94

Encl. No 895/94

+ 736/95 (S.N.)

Pr.

order of 17th May 1895 No. 1049
Encl.

Comm. to the Hon. the Judges
of the High Court in encl.
of S.O. 3. Dec '94, No. 2937.

17.5.95

17/5/95
To the Hon. Mr. J. ...
20/5/95
DESLACHED
20 MAY 95

PROCEEDINGS OF THE MADRAS GOVERNMENT.

Read again the following

G. O. dated 12th December 1894. N^o 4901, communicating to the Board of Revenue for the necessary action G. O. Judicial Department, dated 3rd Decr 1894, N^o 2937.

Read again G. O. dated 4th March 1895 N^o 456 R.

Read also Office note from the Judicial Department, dated 4 April 1895 N^o 736 and End^t of the same Dept N^o 895 dt 24 April 1895.

Order thereon, 7 May 1895 N^o 1818.

The Government is not prepared to sanction the entertain-ment of a second gardener.

2. As pointed ^{out} by Mr. Jamieson there is too much ground laid out in flower beds in the gardens attached to the public offices. Most of these might be done away with and grass sown instead with shrubs and plants where this is done a single gardener should be able to keep the grounds in order with the aid of a mowing machine.

The

The collector will be requested
to submit an estimate of the initial
cost of carrying out these improvements.

Subtract

W. H. W. W.
to Lieut. Col. G. H. W.

Es.
The Board of Genl. (L.P.)
with 2 Genl. M.D.
Indicating the position of

When given for copying _____
When copied _____
When examined _____
When signed _____

189

READ AGAIN G.O., No.
189

DATED

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

N.B.—

A = Copy in full.
B = Not to be copied.
F = Copy abstract only.
Q = Copy heading only.

No.

FROM

J. P. HEWETT, ESQ., C.I.E.,
Offg. Secretary to the Government of India,

To

THE CHIEF SECRETARY TO THE GOVERNMENT OF MADRAS

Home Department.
Judicial.

Simla, the April 1895.

SIR,

I AM directed to acknowledge the receipt of your letter No. 2933, Judicial, dated the 1st December 1894, requesting sanction to a rule framed by the Madras High Court under the Destruction of Records Act, 1879, with the object of permanently preserving draft judgments in suits and appeals disposed of by Civil Courts.

2. In reply I am to invite the attention of His Excellency the Governor in Council to paragraph 2, clause (3) of the letter from this Department, No. 965, dated 11th July 1882. Act III of 1879 is "An Act to authorize the destruction of useless records": and section 2 of it, cited in your letter, provides that "the High Court may.....make rules respecting the disposal, by destruction or otherwise, of such records, etc., etc., as the High Court may consider useless or unworthy of being permanently preserved." The Act does not, in the opinion of the Governor General in Council, empower him to sanction the addition to the rules made under this section of a rule which directs that draft judgments shall be collected and arranged and shall be bound in books which shall be retained permanently.

3. It would not appear that any special legal authority is necessary to enable the High Court to direct the Courts subordinate to it to preserve certain documents. At the same time I am to remark that a draft judgment is usually considered to be the private property of the Judge, and the Government of India doubt the expediency of making any rule regarding the preservation of such papers. It appears to them that inasmuch as draft judgments may not represent any mature conclusions, and even be discrepant from those finally arrived at it would be as well to destroy them as soon as the actual judgment has been signed. The only authoritative and effective document is the copy of the judgment "dated and signed by the Judge in open Court at the time of pronouncing it" (section 202, Code of Civil Procedure).

4. It is possible, however, that the proposed rule is intended to refer only to draft judgments finally settled by the Judge and given out by him to be copied fair. It may be useful to provide for the retention of these drafts in order that they may be referred to in the event of any copyist's errors being detected in the signed copy, and if a rule of this restricted scope is considered desirable, the Government of India would have no objection to it.

I have the honour to be,

SIR,

Your most obedient Servant,

J. P. HEWETT,

Offg. Secretary to the Government of India.

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Ind. fo 1050 d 18-5-95 sub