

Judicial (1895) Department.

ORDINARY MS.

G.O., No. 1050

Dated 18th May 1895

INDEXED.

[Despatch Abstract.]

DESTRUCTION OF RECORDS ACT, 1879.

Communicating to the Hon. the Judges of the High Court
letter from the Government of India stating that it has no objection
to the rule framed by the Madras High Court under the---with the
object of permanently preserving draft judgments in suits and appeals
disposed of by Civil Courts.

BACK PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.
90	2932		3-112-94				

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Judicial Dept.

CURRENT NO. 2347

From, The Govt of India
Home Dept (Jud)

778: 25-VII-1895

No. 680.

Dated 30th April
Recd 9th May 1895.
Recd 10th do

Encl: 7 Ls. of the Lt.

Subject

Informing that the Govt of India
would have no objection to the
framed by the Madras High Court
under the destruction of Records Act,
1879, with the object of permanently
preserving draft judgments in suits &
appeals disposed of by civil courts.

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So 2932/3: 1.12.94 mis
+ papers.

So 761: 22 July 1882 Lc
2 342/3/82 Lc.

msd 1/18 "May 1895 No. 1050
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Comd to The Hon. the Judges
of the High Court with refer
to G.O. of 1. Dec 94, No 2932

17/5/95

15/5/95

To The Hon. the C.J. Madras C.S.

24 MAY 95

IN M.S.

Refer
20.5.1895
1/17

680.

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 30 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.

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.

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