

Judicial (1895) Department.

ORDINARY MS.

G.O., No. 2045

DATED 3^d Oct. 1895

INDEXED.

[Despatch Abstract.]

COPIES OF JUDGMENTS TO MUNICIPALITIES.

Declining to give Municipalities any special facilities in the matter of procuring copies of judicial records, and drawing the attention of the District Magistrate of South Arcot to paragraph 6 of the Chairman's letter with the remark that there appears to be no legal authority for the exemption of Municipal Councils from the payment of batta on account of witnesses.

BACK PAPERS.

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

FURTHER PAPERS.

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

Municipal Office
Chidambaram
30th July 1895

From
The Chairman, Municipal Council
Chidambaram

To
The District Magistrate
South Arcot.

Sir,
I have the honor to inform you that the
Residing Bench Magistrate Chidambaram has,
till lately, long subsequent to the promulgation
of the rules relative to Copy Stamps, been granting
Copies of Judgments to the Municipality on plain
paper at the Chairman's requisition. When I
lately applied to him for a copy on plain paper,
he said he could not grant the same & wanted Copy
Stamps.

2. As these Copy Stamps are intended to cover
the Copyists' hire, I wrote to him to say that I would
send a clerk of my office & requested him to per-
mit him to take Copies of the Judgments required
for the information of the Council. I learn that
such course is adopted in the Police & Alkali cases.
He declined to comply with my request in this res-
pect also.

3. If the Municipality is required to produce
Copy Stamps for the Copies of Judgments in cases
prosecuted at the instance of the Municipality
the cost under this item will become excessive.

Further

Further great delay will be caused in procuring Copies after obtaining sanction of the Council for defraying the costs. Thus many appeals will become time barred and the subsisting interest in the cases will be lost in consequence of the delay.

4. As the Municipal Council is a public body & its servants are public servants under the Indian Penal Code, I think that they cannot abuse their power with impunity if they are permitted to take copies of records from the Magistrate's office.

5. I have therefore the honor to request that you will be so good as to issue instructions to the Presiding Bench Magistrate to allow the Council to take copies of records they require.

6. It may not be out of place here to state that the Municipality is exempted from paying stamps on complaints & applications and from paying witness's costs. This exemption is allowed, as I suppose, to save the costs as well as to prevent increase of, & delay in, the work both of the Municipal and Magistrate's offices. To wait for the meeting of the Council to obtain sanction for necessary sums for copy stamps would create much delay & the Magistrate will have to wait for copy stamps after entertaining applications for copies. If applications are to be entertained only after sanction for stamps has been obtained, there may arise delay in putting in the applications after the date of judgment.

A Municipal Council hardly ever appeals: appeals against acquittal must be made by Govt. & a Council can never wait to appeal against a conviction unless the offender is a municipal servant.

Memorandum
to the
Magistrate
1774
16.8.93

In either case, the rule as to the calculation of time for appeal should be altered which cannot be done unless the legislature is willing to alter the existing law on the subject. To give the power of incurring expenses for this purpose to the Chair Man will not in my opinion be quite legal and may create ground for dispute.

I have the honor to be,
/sd/ P. Ramanamiaswami
Chairman.

4465

True Copy Submitted to Government in the Judicial Department for favour of orders on the question raised by the Chairman - I am not in favour of allowing clerks in Municipal offices access to Magisterial records - Requisitions from the Chairmen, such requisitions being of course confined to important cases, may be dealt with in the same manner in which those from other Government Departments e.g. the Vaccination Dept. - are treated under orders now in force, but the latter do not embrace the Municipal Department.

Shankariah.
for Agt. Magistrate

29.8.95.

1895.

Judicial Department.

From

The District Magistrate of

South Arcot.

To

The Chief Secretary

to Government

Madras.

Dated

Despatched

Received

29 AUG. 95.

No. 2088

ENCLOSURE.

Subject.

Submitting for order copy of
letter of 2.8.95 No. 178 from the
Chairman Mr. C. Chidambaram
requesting to issue instructions
to the Presiding Bench Magis-
trate to allow the Municipal
Council to take copies of re-
cords if they require.

For order.

As to whether the proposal
may be accepted? 31 AUG 1895
Sept 9 16 June 93, No. 1221 Tudd. Gout
restricted the power of making requisitions upon
magistrates for copies of judgments & depositions
to the Insp. of Vacc. & Dy. Sanitary Comr.
In the case of the Dept. of the Administration
these charges on account of copies of judgments furnished
by magistrates are debitable to magisterial contri-
butions: vide G.O. 22 June 92 No. 1152 & 19 Sept 94,
No. 1956 Tudd. - I submit that it would
be most undesirable to grant the Chair-
man's request. Copies of judgments &
records cannot often be required & the
exercise of a little forethought will
obviate any material delay in obtaining
them.

No authority can be traced for the statement
that a municipal council is exempt from
paying witnesses' batta. Should not the
D.M.'s attention be drawn to the practice, as
an irregularity.

I agree with the U.S.: Opened despatch
at the bottom of the Chairman's reference
The ~~reference~~ 12
28/9/95

I agree. If the Council wants a
number of copies it can buy 100
Copy Stamps at a time & use them up
C. 399 as required & so save delay in
R. 110 getting sanction
20/9/95

[G.]
[24.]
600-8-3-95

Papers to be read in proceedings:—
Judicial DEPARTMENT.

Again G.O., dated

189 , No.

Again G.O., dated

189 , No.

Current No.

4165

of 1895, dated 29.8.95 from St. Magte of S. Arcot

Current No.

of 189 , dated

from

ORDER.

3-10-95 No 2045

The Govt. sees no reason to
give Municipal Councils any
special facilities in the matter
of procuring copies of judicial
records.

2. The St. Magte's attention
will be drawn to para 6 of the
Chairman's letter with the remark
that there appears to be no legal
authority for the exemption of
Municipal Councils from the
payment of batta on account
of witnesses.

(From Orders)

2/10/95

The St. Magte of S. Arcot.

Despatched 29/9/95

Copies of judgment to
Municipalities

CS
ms

(From Orders)

When given for copying _____
When copied _____ } 189.
When examined _____
When signed _____

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
P = Copy abstract only.
Q = Copy heading only.