

(1) Number of pages 26

(2) Date of repair 30.7.48

(3) Initials of the Referencer _____

MADRAS RECORD OFFICE.

Government of Madras.

Judicial **DEPARTMENT.**

G.O. No. <i>1956</i>	Press Mis.
Dated <i>19. 9</i>	<i>1891.</i>

Original

Not to be folded or roughly handled

19TH SEPTEMBER 1891, No. 1956, JUDICIAL.

GOVERNMENT OF MADRAS.

JUDICIAL DEPARTMENT.

READ—again the following papers:—

G.O., dated 1st October 1884, No. 2498, Judicial.

ABSTRACT.—Instructing District Magistrates to forward to the Commissioner of Salt Revenue copies of their letters to the High Court referring to it, as contrary to law, magisterial judgments affecting the Salt revenue, together with certified copies of the judgments and depositions; and directing that the cost of preparing such copies be debited to the Salt department.

G.O., dated 19th June 1886, No. 1621, Judicial.

ABSTRACT.—Directing the debit to the Abkari department of the cost of preparing copies of judgments of acquittal in cases of offences against the Abkari laws which District Magistrates are required to furnish to the Assistant Commissioner of the division.

G.O., dated 1st August 1886, No. 2266, Judicial.

ABSTRACT.—Directing the debit to the Salt department of the cost of preparing copies of judgments of acquittal against the Salt laws which District Magistrates are required to furnish to the Assistant Commissioner of the division under G.O., No. 1951, dated 28th July 1884.

G.O., dated 7th February 1887, No. 249, Judicial.

ABSTRACT.—Communicating to District Magistrates for guidance, letter from the Commissioner of Salt and Abkari regarding the mode of recovery by the magistracy of the cost of copies of judgments of acquittal against the Salt and Abkari laws.

G.O., dated 14th February 1888, No. 399, Judicial.

ABSTRACT.—Stating that the procedure in the above Government order should be followed in recovering the cost of judgments furnished to the Public Works Department.

G.O., dated 17th April 1889, No. 690, Judicial.

ABSTRACT.—Stating that the procedure in the above Government order (No. 249 of 1887) should be followed in recovering the cost of judgments furnished to the Forest department.

READ—also the following papers:—

From the Accountant-General, Madras, dated 30th June 1891, No. I.B.D.-339.
„ Board of Revenue (Separate Revenue), dated 31st August 1891,
Mis. No. 2777.

ORDER—dated 19th September 1891, No. 1956, Judicial.

The charges incurred on account of copies of judgments furnished by Magistrates in accordance with the Proceedings of Government read above will in future be met from magisterial contingencies and the system of payment by means of inter-departmental adjustments will be abandoned.

(True Extract.)

Chief Secretary.

To the Accountant-General.
„ the Revenue Department.
„ the Public Works Department.
„ all District Magistrates.

L. P. Pereira.

Govt. of {1891} Madras.
JUDICIAL:

Issued

Recd.

Encl.

G.O., 19th Sept. 1891, No. 1956.

SEPTEMBER.

Copies of Judgments.

Directing that the charges incurred on account of — furnished by Magistrates in accordance with certain Proceedings of Government be in future met from magisterial contingencies.

Account Current (1891) DEPARTMENT.

From

THE ACCOUNTANT-GENERAL,

MADRAS,

To

THE Chief Secretary
to Government
Judicial Department

No.

1956
339

Dated 30

Received

July 1891.

Subject.
Requesting Government to
reconsider their G.O. order
of 19th dated 14th Feb. 1886 in as
much as the Examiner of P.W.
sheets, backed up by the Comptroller General, objects to the
payment of fees for copies
of judgments in criminal
cases, which P.W. Dis
Cussion 6, for reasons
stated in them.

Rs 14-2-88: 397 s.c.v
7-2-87: 249 s.c.v
7-5-91: 887 s.c.v
17-4-89: 640 s.c.v
4-8-88: 1643 mm ✓
13-6-88: 1312 mm ✓
19-7-88: 1537 mm ✓
13-6-90: 1669 s.c.v
8-12-90: 1935 s.c.v
28-7-85: 1957 s.c.v
19-6-86: 1621 s.c.v
29-6-85: 1717 mm ✓
1-10-84: 2498 s.c.v
27-8-86: 2296 s.c.v
10-8-89: 513 mm ✓

3
14

with reference to the queries
on C. H. 2972.

The rule is that no documents
shall be furnished by any public
officer unless in respect of it
the rate of fee prescribed by the
Court Fees Act has been paid there
(vide Sec. 6 of Act III of 1870.
This fee is payable in stamps
(vide Sec. 26).

Copying fees must invariably
be paid by the party applying
for copies & if authenticated copies
are required, an examining fee
is also charged (vide S.O. No. 111
clause 16; Madras Edition of Board
S.O.). An exception to this to the
above rule will however be found
in Sec. 371 Crim. Proc. Code.
Moreover under Sec. 36 Court Fees
Act the J. & C. has power to grant
exemptions in respect of fees & in
exercise of this power Police Officers
~~have been~~ empowered to demand copies
of judgments & depositions when necessary
without payment of any fee. But it
does not appear that this privilege
has been granted to any other Dept.
Govt.

14
7 Aug.

* The rule has been relaxed so far
as regards copies required for private
use (vide note on page 135 of Unit Digest)

14
8 Aug.

X.G.O. No. 1523 dated 4/8/88



DEPARTMENT.

C no 2972/81

Read the following

Reference: 7/12th August 1891

The Board of Revenue ^{is} ~~will~~
 be requested to state ~~for the~~
~~information of Board~~ whether
 copies of judgments ^{in suit & appeals} ~~submitted~~
 to by Magistrates in accordance
 with G.O. of 7 Feb'y 187 no 248
 Judicial, are furnished on
 stamped paper.

(By order of C.S.)

 Ld
 11 Aug.

RECEIVED

 Board of Rev. (C.S. Secy)
 17 AUG 91
 IN M.S.

Current Department.

Fort Saint George
Account General's Office
30 June 1891.

N^o. 132
339.

From

J. D. Rawlins Esq.,
Account General.

6

NOTE FOR THE UNDER SECRETARY.

I am not sure that the copies furnished
by the Inspecting Commissioner to the Dept.
are on stamped paper. It is the
question - my impression is that
they are not kept in the absence
of receipt of the 3rd C. They
should if possible be. Better make sure.
The Inspecting Commissioner takes more
copies than any other and we might
be certain that the practice might
be in
10 May

who is of opinion that the case is governed
is complicated. Under these circumstances, I
venture to suggest that Government may be
pleased to reconsider their orders.

I have the honor to be,

Sir,

Yours most obed^t. Serv^t.

Marshall

Account General

Account Current Department.

Fort Saint George
Accounts General Office

30 June 1891.

N^o. 132
339.

From

J. D. Rawlinson Esq.,
Accountant-General

Madras

To

The Chief Secretary to Government
Judicial Department

Sir,

I have the honor to report that the Exam-
Public Works Accounts having objected to
the payment of fees for copies of judg-
-ments in criminal cases in which the
Public Works Department is concerned, in
accordance with Government Order, Judicial,
N^o. 399, dated 14th February 1888, on the
ground that it is opposed to the rules con-
-tained in clause 15 of Rule 22, Chapter 5
Civil Account, which prohibits such
adjustments. I have referred the matter to the Comptroller-General
who is of opinion that the clause of the Rule
is inapplicable as the case is governed
by clause 15. Under these circumstances, I
venture to recommend that Government may be
pleased to sanction their orders.

I have the honor to be

Sir,

Your most obed^t Serv^t,

Mark

Accounts General

DEPARTMENT.

No. 2972

From

the Accountant General

Dated

30 June

1891.

FOR ORDERS.

In his letter recorded in
C.O. of 12 June 1888 no 1312,
the Accountant General re-
ported that there was not
a matter in which the re-
gulations of the Code need
be strictly adhered to.

The Examiner of P. & Co.
Accounts was informed of the
view taken by Govt in the
matter in C.O. of 19 July 1888
no 1537.

The Com. of the General
seems to take a different
view. The Accountant General
submits the question for
reconsideration.

The question is when Magister
furnish copies of judgments
in Criminal Cases to the
Department, ought they to re-
cover the cost of the copies.
from

from that deposit.

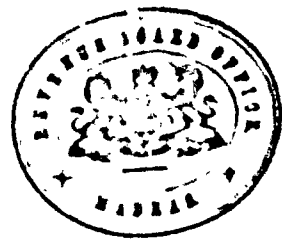
The Inspector's recommendations
from the Forest, Public Works,
and the Salt & Alkali De-
partments under the following
orders of Govt

G.O. 8717 April 1890 no 690
14 Feb 188 no 399
7 Feb 187 no 249.

Enclosed submitted in duplicate
copy of the report of the
Inspector of Forests, Public Works
and the Salt & Alkali De-
partments, dated 12th August 1891,
in reply to the order of the
Govt, dated 14th April 1890, no 690,
and the order of the Govt, dated
14th Feb 188, no 399, and the
order of the Govt, dated 7th Feb 187,
no 249. The report of the Inspector
of Forests, Public Works and the
Salt & Alkali Departments, dated
12th August 1891, is submitted in
duplicate copy, one copy of which
is submitted to the Govt, and the
other copy is submitted to the
Inspector of Forests, Public Works
and the Salt & Alkali Departments,
for their consideration.

Copies of Judgments for
Revenue & Service Dept.

For



Proceedings of the Board of Revenue
(Separate Revenue).

Dated 21st August

No. 2115

G.O. No. 8717

Read Reference Order No 2972 of 1891, from
Chief Secretary to Government, Judicial
Department, dated 12th August 1891.

Resolution

The Board beg to inform
Government that copies of the judgments
referred to are furnished on file
for reference.

Enclosed

that Secretary

The Chief Secretary to Government

Financial Department

1891.
Board of Revenue
(Separate Revenue),
MADRAS

To
The Chief Secretary to
Government

Go 2.9.91: 1757 and 260
14.2.89: 399 SC
7.2.87: 247 - L
17.4.89: 691 - V
22.8.88: 1643 mis
13.6.88: 1312 - L
19.7.88: 1537 - V
13.6.90: 1689 SC
6.12.90: 1935 SC
29.7.85: 1951 SC
19.6.86: 1621 SC
29.6.85: 1717 mis
1.10.84: 2698 SC
27.8.86: 2296 - V
10.8.85: 513 Fil
7.5.91: 897 SC
10.5.86: 1200
C. 2.9.91 & this.

For orders
Please see the note for orders
dated the 7th ult. under
orders of C. the Salt Dept.
has been asked that
it received judgments
from Magistrates on stamped
plain paper. It replies that it gets
them on plain paper. The indexes
have been searched for 10 years but
no notification

Proceedings, dated 31st August 1891
No. 27/771

Subject.
Informing Government that
Copies of the Mag. Court
Judgments in Salt
Cases are
reached on plain paper

of the G. of S. if the course
taken has any legal basis.
whatsoever it is to be sought in
sec. 548 of the C.C. which empowers
a Magistrate to grant copies free of
fee to any person affected by an
order of the Court in cases where
he considers that any special
reason exist for the privilege.
Magistrate (Clause 4) of para (15)
of the Appendix to the copy of the
Court Rules Act for up some other

10-11-1891
Stamp duty
1/11

11 Sept.
1891

We understand that the
the charges for this furnished
services will be under G.O. shall
be paid from the King's con-
tingents, & with departmental
payments stopped

1/11

C. 22 2972 & 3960.

note for Mem. with reference to his queries on C. 22 2972.

1. Section 6 of Act III of 1870 (Court Fees) lays down that no document shall be furnished by any public officer, unless in his own hand, if the rate of fee prescribed in Schedules I or II of the Act has been paid & sec. 25 requires that the fee shall be paid in stamps.
2. Under Board's Standing Order 226 clause 16 (Inachama) copies must invariably be paid by the person applying for copies & if authenticated copies are required an extra stamp fee is also charged. This rule does not, of course, hold good in the case of accused persons who fall within the scope of sec. 371 C.P.
3. Under sec. 35 of the Court Fees Act the Govt. of India has power to grant exemption from the payment of fees. In exercise of this power a number of exemptions have been made as with the Court Fees Act as it stood up to 1st July last but it may be observed that in this connection the only Dept. distinct, exempted from payment of fees for copies of judgments & depositions is the Police.
4. The C.S. being, however, of opinion that, as a fact, Magistrates do not require fees in the case of other Dept. of Govt. also orders a reference on the subject to be made to the Commissioner of Salt. The reply from that officer confirms the C.S.'s idea for he reports that his Dept. gets copies free. This is not authorized by any rule.

[6]

Papers to be read in Proceedings:—

DEPARTMENT.

Again G.O., dated 17 June. 1888, No. 1621 J.S.

Again G.O., dated 27 Aug. 1888, No. 2276 J.S.

Current No. of 18, dated 1888, No. 399 J.S.

G.O. 3 17 Aug. 1888, No. 670 J.S.

C. 22 2972 & 3960 J.S. 30 June from the A.G.

Current No. 3960 of 18 71, dated 21 Aug. from B. of Riv.

Order 19th Sept. 91 No. 195

The charges incurred on account of copies of judgments furnished by Magistrates in accordance with the Proceedings of Govt. read above will in future be met from Magisterial Contingencies & the system of payment by means of inter-departmental adjustments will be abandoned.

1 From orders

17 Sept.

A.G. 6
Rev. Sept. 7 } Sept. 10-91.
P.W. Sept. 11 }
all to Mag. 17/1 Sept. 8-16-91

20-11-1956

20-11-1956
1956
Tab. No. 2371/92 = 90/1152 SC
22-6-92
284/93 374
12-2-93

J. 40.10.1956.
7/19-9-91.

17-11-1956

The Collectors of
The District Magistrates of

Sept 8-10-91

- Anantapur. 8
- North Arcot, Chittoor. 8
- South Arcot, Cuddalore. 8
- Bellary. 8
- South Canara, Mangalore. 8
- Chingleput, Saidapet. 8
- Coimbatore. 8
- Cuddapah. 8
- Ganjam, Chatrapur. 8
- Godavari, Cocanada. 8
- Kistna, Masulipatam. 8
- Karnool. 8
- ~~Madras (when necessary).~~
- Madura. 8
- Malabar, Calicut. 10
- Nil-viris, Ootacamund. 8
- Nellore. 8
- Salem. 8
- Tanjore. 8
- Tinnevely. 8
- Trichinopoly. 8
- Vizagapatam. 8

C. 1. 11

20/1/92
" 17/2/92
Total 2371/92 = 40 1152 50
22.6.92
284/93 82 274
752-92

JUDICIAL DEPARTMENT
 C.O., DATED 19-9-91
 NO. 1956.

100-443887-100

26-9-91
6-10-91
8-10-91

[illegible]

Copies of judgment

During the absence
 incurred a
 commitment of
 which by negotiation
 was made with
 certain provisions of
 but he in practice
 not from his
 general contingencies

10/11/01

16/10/05 7-3001
4/8/06

2-10-05

12-9-12.

16-1-18, B.T. ✓

1-4-18

6-10-22 EV

171-426 V.V.

17.2.372

4. 3. 4. 5. 6. 7. 8. 9. 10. 11. 12. 13. 14. 15. 16. 17. 18. 19. 20. 21. 22. 23. 24. 25. 26. 27. 28. 29. 30. 31. 32. 33. 34. 35. 36. 37. 38. 39. 40. 41. 42. 43. 44. 45. 46. 47. 48. 49. 50. 51. 52. 53. 54. 55. 56. 57. 58. 59. 60. 61. 62. 63. 64. 65. 66. 67. 68. 69. 70. 71. 72. 73. 74. 75. 76. 77. 78. 79. 80. 81. 82. 83. 84. 85. 86. 87. 88. 89. 90. 91. 92. 93. 94. 95. 96. 97. 98. 99. 100. 101. 102. 103. 104. 105. 106. 107. 108. 109. 110. 111. 112. 113. 114. 115. 116. 117. 118. 119. 120. 121. 122. 123. 124. 125. 126. 127. 128. 129. 130. 131. 132. 133. 134. 135. 136. 137. 138. 139. 140. 141. 142. 143. 144. 145. 146. 147. 148. 149. 150. 151. 152. 153. 154. 155. 156. 157. 158. 159. 160. 161. 162. 163. 164. 165. 166. 167. 168. 169. 170. 171. 172. 173. 174. 175. 176. 177. 178. 179. 180. 181. 182. 183. 184. 185. 186. 187. 188. 189. 190. 191. 192. 193. 194. 195. 196. 197. 198. 199. 200. 201. 202. 203. 204. 205. 206. 207. 208. 209. 210. 211. 212. 213. 214. 215. 216. 217. 218. 219. 220. 221. 222. 223. 224. 225. 226. 227. 228. 229. 230. 231. 232. 233. 234. 235. 236. 237. 238. 239. 240. 241. 242. 243. 244. 245. 246. 247. 248. 249. 250. 251. 252. 253. 254. 255. 256. 257. 258. 259. 260. 261. 262. 263. 264. 265. 266. 267. 268. 269. 270. 271. 272. 273. 274. 275. 276. 277. 278. 279. 280. 281. 282. 283. 284. 285. 286. 287. 288. 289. 290. 291. 292. 293. 294. 295. 296. 297. 298. 299. 300. 301. 302. 303. 304. 305. 306. 307. 308. 309. 310. 311. 312. 313. 314. 315. 316. 317. 318. 319. 320. 321. 322. 323. 324. 325. 326. 327. 328. 329. 330. 331. 332. 333. 334. 335. 336. 337. 338. 339. 340. 341. 342. 343. 344. 345. 346. 347. 348. 349. 350. 351. 352. 353. 354. 355. 356. 357. 358. 359. 360. 361. 362. 363. 364. 365. 366. 367. 368. 369. 370. 371. 372. 373. 374. 375. 376. 377. 378. 379. 380. 381. 382. 383. 384. 385. 386. 387. 388. 389. 390. 391. 392. 393. 394. 395. 396. 397. 398. 399. 400. 401. 402. 403. 404. 405. 406. 407. 408. 409. 410. 411. 412. 413. 414. 415. 416. 417. 418. 419. 420. 421. 422. 423. 424. 425. 426. 427. 428. 429. 430. 431. 432. 433. 434. 435. 436. 437. 438. 439. 440. 441. 442. 443. 444. 445. 446. 447. 448. 449. 450. 451. 452. 453. 454. 455. 456. 457. 458. 459. 460. 461. 462. 463. 464. 465. 466. 467. 468. 469. 470. 471. 472. 473. 474. 475. 476. 477. 478. 479. 480. 481. 482. 483. 484. 485. 486. 487. 488. 489. 490. 491. 492. 493. 494. 495. 496. 497. 498. 499. 500. 501. 502. 503. 504. 505. 506. 507. 508. 509. 510. 511. 512. 513. 514. 515. 516. 517. 518. 519. 520. 521. 522. 523. 524. 525. 526. 527. 528. 529. 530. 531. 532. 533. 534. 535. 536. 537. 538. 539. 540. 541. 542. 543. 544. 545. 546. 547. 548. 549. 550. 551. 552. 553. 554. 555. 556. 557. 558. 559. 560. 561. 562. 563. 564. 565. 566. 567. 568. 569. 570. 571. 572. 573. 574. 575. 576. 577. 578. 579. 580. 581. 582. 583. 584. 585. 586. 587. 588. 589. 590. 591. 592. 593. 594. 595. 596. 597. 598. 599. 600. 601. 602. 603. 604. 605. 606. 607. 608. 609. 610. 611. 612. 613. 614. 615. 616. 617. 618. 619. 620. 621. 622. 623. 624. 625. 626. 627. 628. 629. 630. 631. 632. 633. 634. 635. 636. 637. 638. 639. 640. 641. 642. 643. 644. 645. 646. 647. 648. 649. 650. 651. 652. 653. 654. 655. 656. 657. 658. 659. 660. 661. 662. 663. 664. 665. 666. 667. 668. 669. 670. 671. 672. 673. 674. 675. 676. 677. 678. 679. 680. 681. 682. 683. 684. 685. 686. 687. 688. 689. 690. 691. 692. 693. 694. 695. 696. 697. 698. 699. 700. 701. 702. 703. 704. 705. 706. 707. 708. 709. 710. 711. 712. 713. 714. 715. 716. 717. 718. 719. 720. 721. 722. 723. 724. 725. 726. 727. 728. 729. 730. 731. 732. 733. 734. 735. 736. 737. 738. 739. 740. 741. 742. 743. 744. 745. 746. 747. 748. 749. 750. 751. 752. 753. 754. 755. 756. 757. 758. 759. 760. 761. 762. 763. 764. 765. 766. 767. 768. 769. 770. 771. 772. 773. 774. 775. 776. 777. 778. 779. 780. 781. 782. 783. 784. 785. 786. 787. 788. 789. 790. 791. 792. 793. 794. 795. 796. 797. 798. 799. 800. 801. 802. 803. 804. 805. 806. 807. 808. 809. 810. 811. 812. 813. 814. 815. 816. 817. 818. 819. 820. 821. 822. 823. 824. 825. 826. 827. 828. 829. 830. 831. 832. 833. 834. 835. 836. 837. 838. 839. 840. 841.

M.R.O. 1-77,006-8-6-37.

DEPARTMENT.

C.F. Old No.

Paper taken out of the Records from the charge of the Referencer.

195

Press
Miscellaneous No
Routine

, dated

[illegible]