

(1) Number of pages _____

(2) Date of repair _____

(3) Initials of the Referencer _____

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No.	495	Press Mis.
Dated	16th March	1891.

Not to be folded or roughly handled

full no. 989.

No. 3 quob
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FROM

C. J. LYALL, Esq., C.I.E.,
Secretary to the Government of India.

CHIEF SECRETARY
28 FEB 91
SECRETARY TO THE GOVERNMENT OF INDIA

To

The Chief Secretary to the
Govt. of Madras.

Home Department
Judicial.

Calcutta, the 21st February 1891.

SIR,

In continuation of the endorsement from this Department No. 973-74, 978-79 (Judicial), dated the 12th July 1890, forwarding copy of a letter addressed by the Department of Finance and Commerce to the Resident at Hyderabad on the subject of the production of Post Office records before Courts of Criminal Jurisdiction, I am directed to forward for *the information of His Excellency the Governor in Council* a copy of certain departmental instructions which the Director General of the Post Office has issued, with the approval of the Government of India, for the guidance of Postal officials. These instructions relate (1) to the production of Post Office records before Civil and Criminal Courts and (2) to the production of such records before a Police Officer in the course of an investigation under the Criminal Procedure Code.

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2. In the case of records produced before the Courts the Postal Officer is required to ask the Presiding Officer before whom any journal or other record is produced and admitted in evidence, to direct that only such portions of the record as may be required by the Court shall be disclosed. I am to request that *with the permission of His Excellency in Council* the *High Court at Madras* may be moved to take the necessary steps to communicate these instructions to all Civil and Criminal Courts in *the Madras Presidency* for their information.

3. The instructions in question, so far as they affect the Police, require the Postmaster on his own authority and without reference to the Postmaster General to disclose to a Police Officer making an investigation under the Criminal Procedure Code only those entries in the records of a Post Office which relate to the person or persons accused of the offence under investigation or which are relevant to that offence. The Government of India are aware that this restriction is likely in occasional cases to cause inconvenience; but it would not, in their opinion, be justifiable to give the Police the right to examine Post Office registers and accounts merely for the purpose of seeing whether they afford material for a charge against some person as yet unknown. I am to request that, with a view to establishing a right understanding between

Postal and Police authorities on the subject, instructions similar to those given to Postmasters by the Director General of the Post Office may *with his key in Council's permission* be issued for the guidance of Police Officers in *the Madras Presidency*.

I have the honour to be,

SIR,

Your most obedient Servant,

J. P. Hurrell
for Secretary to the Government of India.

Production of Records before Courts.

A summons from a Court of Civil or Criminal Jurisdiction to produce any of the records of a Post Office, or a certified extract from or copy of any of such records, must be complied with. The receipt of such a summons, and such particulars as are known to the Postmaster regarding the case, should be at once reported to the Postmaster General, in case he should see fit to raise any objection in Court under section 123 or section 124 of the Indian Evidence Act, I of 1872, to the production of any of the records. When any journal or other record of a Post Office is produced in Court and admitted in evidence, the officer producing it should ask the Court to direct that only such portions of the record as may be required by the Court shall be disclosed.

Government of India Central Printing Office.—No. 1251 H. D.—20-2-01.—350.—W. E. G.

Production of Records before the Police.

Records of a Post Office should be produced and information available in them should be given on the written order of any Police Officer who is making an investigation under the Criminal Procedure Code; but only those entries in the records should be disclosed which relate to the person or persons accused of the offence under investigation or which are relevant to that offence. In any other case the Postmaster should without delay refer for orders to the Postmaster General, who will decide whether or not under section 124 of the Indian Evidence Act, I of 1872, the information asked for should be withheld.

[NOTE.—When the information asked for by a Police Officer is not available in the records of the Post Office, the Police Officer should be informed accordingly irrespective of the question whether the information if available might or might not be given under the foregoing rule.]

Ind. C. 10 989 of 71

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Government of India Central Printing Office.—No. 1251A H, D.—20-3-91.—310.—W. P. G.

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Govt. No. 989

From

C.13/
R.13/
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The Government of India
Home Dept.

No. 3 Jnd.
230

By 21 }
By 28 } 2-91

Registered 2-3-91

Encl. 2 & 4 D.C.

Forwarding a copy of certain
Departmental instructions issued by
the Director General of Post Office
re the production of Post Office
records before (1) civil & criminal
courts & (2) a Police officer

Order. 13/1/91 No. 495

Communicated to the
Hon. the Judges of the
High Court with reference
to para 2 of the foregoing
letter from the Govt.
of India.

2 The I.G. of Police, will
in communication with
the Commissioner of Police
for Madras
submit for the approval
of Govt. the instructions
which he proposes to is-
sue with reference to
para 3 of the letter.

[Signature]
J. M. S. S. S.

2 The Hon. the C.J. with C.J.
" J.G. of Police
" Com. of Police, Madras

FURTHER PAPER, No. 55/91 OF 18

ENCLOSURES	1
CURRENT No.	989
13/1/91	

ORDINARY, MS.

Sub **DEPARTMENT.**
 G.O., DATED *16-3-91*
 No. *495*

INDEXED.

When given for copying

[Despatch Abstract.]

*Coming to the Honble the Judges
 of the High Court letter from the
 Govt of India regarding the res-
 toration of Post Offices and
 before Civil & Criminal Courts
 and a Police Officer & directing
 the submission to Govt of the
 instructions which the Super-
 intendent proposes to issue in
 connection therewith.*