

(1) Number of pages 16(2) Date of repair 30.7.48

(3) Initials of the Referencer _____

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.G.O. No. 1839Press
Mis.*Original*Dated 9-9- 18 93Not to be folded or roughly handled

GOVERNMENT OF MADRAS.

JUDICIAL DEPARTMENT.

READ—again the following papers :—

G.O., dated 22nd June 1892, No. 1152, Judicial.

ABSTRACT.—Declaring G.O., dated 19th September 1891, No. 1956, directing that the charges incurred on account of copies of judgments furnished by Magistrates be met from magisterial contingencies, applicable to all departments of the Administration.

G.O., dated 7th February 1893, No. 274, Judicial.

ABSTRACT.—Directing Sessions Judges to debit to their contingent allowances the cost of copies of judgments and depositions furnished to departments of the Administration, and stating that the instructions conveyed in G.Os., No. 1956 of 1891 and No. 1152 of 1892, will apply also to copies of depositions furnished by Magistrates.

READ—also the following letter from M.R.Ry. K. SUBBARAYADU Pantulu Garu, Sub-Divisional Magistrate, Adóni, to the District Magistrate, Bellary, dated Adóni, 13th July 1893, No. 565 :—

Referring to Magisterial Standing Order, No. 7 of 1893, as amended in your Index No. 86, dated 6th instant, I have the honour to enquire whether the charges incurred on account of copies of judgments furnished by Magistrates to officers of other departments in cases other than those in which the subordinates of such departments are concerned can be met from magisterial contingencies. For instance, the Superintendent of Police applies for a copy of judgment in a case in which a postal subordinate was concerned; can that copy be furnished on court copy stamp papers and the charges incurred therefor met from magisterial contingencies? It will be observed that Government has, in its Order, dated 7th February 1893, No. 274, Judicial, directed Sessions Judges to debit to their contingent allowances the cost of copies of judgments and depositions furnished to departments of Administration irrespective of whether the subordinates involved in the cases belong to such departments or not; and I am, therefore, of opinion that the instructions contained in G.Os., No. 1956, dated 19th September 1891, and No. 1152, dated 22nd June 1892, apply to judgments and depositions in all cases irrespective of the departments to which the subordinates concerned in those cases belong. If my presumption is correct, I beg respectfully to submit that Standing Order, No. 7 of 1893, will have to be further amended by the omission of the words "in cases against the subordinates of such departments."

2. Requisitions are being often made on Magistrates by Inspectors of Police for copies of judgments required for the purpose of proving previous convictions of certain prisoners and for other purposes. I beg to take advantage of this opportunity to have it made clear (a) whether the instructions contained in S.O., No. 7 of 1893, as it stands, are to be held to apply to such copies also, and (b) whether, if held to apply, the requisition in such cases is to come from the Superintendent of Police himself or from Division Police Inspectors, keeping in view the Order of Government, No. 1221, dated 16th June 1893, Judicial.

Magl. Ref. No. 775.

Submitted to the Chief Secretary to Government, Judicial Department, Madras. The District Magistrate concurs with the Deputy Magistrate, but refrains from passing orders because the cases mentioned do not appear to the District Magistrate to be covered by the orders of Government already issued.

23rd August 1893.

(Signed) C. E. PLUNKETT,
for District Magistrate.

ORDER—dated 9th September 1893, No. 1839, Judicial.

In the two Proceedings of Government read above, Sessions Judges and Magistrates were ordered to supply copies of judgments and depositions upon the requisition of departments of the Administration and to debit the cost of supplying such copies to their contingent allowances.

2. The question has now been raised whether officers in the position of Inspectors of Police have power to demand copies of judgments and depositions from Criminal Courts, and the Government considers it expedient to declare that this power is restricted in all cases to gazetted officers.

3. The District Magistrate of Bellary further enquires whether an officer may call for copies in cases where his own subordinates are not concerned. Instances of such requisitions will be rare and the Government sees no reason why they should be prohibited.

4. It is advisable that all Heads of Departments should impress upon their subordinates the inconvenience which will be caused to the Criminal Courts by frequent applications for copies. Such applications should be made only when very good reasons exist.

(True Extract.)

Chief Secretary.

To all Sessions Judges.

„ all District Magistrates.

„ the Chief Presidency Magistrate.

„ all Heads of Departments under the Judicial Department.

„ all Departments of the Secretariat.

„ the Accountant-General.

Copy to the Honorable the Chief Justice, with C.L.

Gobt. of {1893} Madras.
JUDICIAL.

Issued

Recd.

Encl.

G.O., 9th Sept. 1893, No. 1839.

SEPTEMBER.

Copies of Judgments and Depositions.

Passing orders regarding the supply of — to
Inspectors of Police, and restricting the power of
demanding such copies to gazetted officers only.

7TH FEBRUARY 1893, No. 274, JUDICIAL.

GOVERNMENT OF MADRAS.
JUDICIAL DEPARTMENT.

READ—the following paper:—

From Colonel C. A. PORTEOUS, Inspector-General of Police, to the Chief
Secretary to Government, dated Ootacamund, 23rd January 1893, No. 343.

I have the honour to request that the rule laid down in G.O., dated 19th
September 1891, No. 1956, Judicial, directing that charges on account of copies of
judgments furnished by Magistrates to other Government departments should be met
from Magisterial contingencies, may be extended to judgments furnished by Sessions
Courts and depositions of witnesses in Magistrates' or Sessions Courts. Recently, in
Malabar, payment had to be made by this department for copies of two Sessions judg-
ments of 1876 required for the purpose of proving previous convictions of certain
prisoners before a Magistrate, and of depositions of certain witnesses applied for in
the Sessions Court in view to decide whether a charge of having given false evidence
might be preferred against them.

2. In current Sessions cases, however, copies of judgments are furnished to this
department free of cost, they being printed.

3. I beg to enclose a letter from the Registrar of the High Court, stating that
there is no objection on the part of the High Court to the extension to Sessions Courts
of the rule laid down in the Government Order quoted in paragraph 1 above.

ENCLOSURE.

From H. W. FOSTER, Esq., Registrar of the High Court of Judicature, Appellate Side, Madras,
to the Inspector-General of Police, dated Madras, 24th December 1892, No. 3478.

In reply to your letter, dated 11th October last, No. 6337, I am directed to state that the
question appears to be one regarding which you should address the Government. G.O., dated
19th September 1891, No. 1956, Judicial, quoted by you, applies in terms only to Magisterial
Courts, and does not authorize Sessions Judges to debit against their contingent grant the cost
of judgments supplied to other departments of the State, but the High Court sees no objection to
the extension of the rule to Sessions Courts.

ORDER—dated 7th February 1893, No. 274, Judicial.

Sessions Judges will accordingly be directed to debit to their contingent allow-
ances the cost of copies of judgments and depositions furnished to Departments of the
Administration.

2. The instructions conveyed in G.Os., dated 19th September 1891, No. 1956,
and 22nd June 1892, No. 1152, will apply also to copies of depositions furnished by
Magistrates.

(True Extract.)

C. A. GALTON,
Ag. Chief Secretary.

To the Inspector-General of Police.

- " all District Magistrates.
- " all Sessions Judges.
- " all Departments of the Secretariat.
- " all Heads of Departments under the Judicial.
- " the Accountant-General.

Copy to the Hon'ble the Chief Justice, with C.I.

Exd. A. Raitt.

Govt. of {1893} Madras.
JUDICIAL.

Issued

Recd.

Encl.

G.O., 7th February 1893, No. 274.

FEBRUARY.

Copies of Judgments and Depositions.

Directing Sessions Judges to debit to their contingent allowances the cost of — furnished to Departments of the Administration, and stating that the instructions conveyed in G.Os., No. 1956 of 1891 and No. 1152 of 1892, will apply also to copies of depositions furnished by Magistrates.

[Faint, illegible handwritten text, likely bleed-through from the reverse side of the page.]

825-22-4-93 M.
 1221-16-6-93 M.
 912-1-5-93 M.
 274-7-2-93 M.
 1757-2-9-93 M.
 1537-19-7-93 M.
 1312-13-6-93 M.
 & loose file M.

From
 The District Magistrate
 Belgaum
 To the Chief Secretary
 Government
 Judicial Dept.
 Madras
 Dated 22 Sept 1893
 Re: 26
 Submitting copy of
 Adm. & Magistrate
 Letter No. 563 Requesting
 instructions on the subject
 of furnishing Magistrate
 copies of judgments and
 depositions to officers
 of other departments.

The Govt. considers that the orders
 already issued on the subject of the supply
 of copies of judgments and depositions, cover
 the questions raised by the D.M.
 2. As regards the 2nd point it is of
 opinion that Inspectors of Police should
 have the privilege of making the
 requisition in question.

To the D.M. Bellary &
 all other D.M.
 Secy. to Govt.
 I.G. of Police
 Note: This privilege seems necessary as
 the Police Inspectors are not the prosecution.
 The pay of the last class Inspector is Rs 70-15 annas.

DEPARTMENT.

Current No. 3623

From
 To Mr. Bellary.
 Dated 22 Aug. 93
 FOR ORDERS.

The order relates only
 to copies of judgments
 & depositions.

The Deputy Magistrate asks
 two questions, viz,
 (1) May an officer of one
 department apply for gratis
 copies of judgments & depositions
 in cases where the subordinates
 of other departments are
 concerned?
 (2) May a Police Officer
 below the rank of Magistrate
 Asst. Supt. apply for
gratis copies of judgments
 & depositions?

The first question should, it is
 submitted, be answered in the
 affirmative. G.O. of 22 June 1892,
 N^o 1152, Ind^l, is quite general
 in its terms & requisitions for
 copies in cases where the sub-
 ordinates of the officer making the request
 are not concerned will be
 rare.

The second question should, it is
 submitted, be answered in the
 negative. The power of calling
 for copies is likely to be abused
 if extended to officers in the
 position of Inspectors of Police.
 It would perhaps be as well
 to issue a general order limited
 to gazetted officers the power

calling for copies.

5/9/93 ^{la} 4 Sept.

FOR ORDERS.

Ind. DEPARTMENT.

Papers to be read in Proceedings:—

abstracts
only.

{ Again G.O., dated 22 June
Again G.O., dated 7 Feb.

Current No. of 18, dated from

1892, No. 1152, *Ind.*
1893, No. 277, *Ind.*

A — Current No. 3623 of 1893, dated 22 Aug from the D. M. Bellary.
Order 79th Sept 1893, No. 1839.
P.S.

In the two Proceedings of Govt.
read above Sessions Judge &
Magistrates were ordered to
supply copies of judgments &
depositions upon the requisition
of departments of the administration
& to debit the cost of supply
such copies to their contingent
allowances.

2. The question has now been
raised whether officers in the
position of Inspectors of
Police have power to demand
copies of judgments & depositions
from Criminal Courts & the
Govt. considers it expedient
to declare that this power
is restricted ^{in all cases} to gazetted officers.
3. The D. M. of Bellary further
inquires whether an officer
belonging to one department
an officer may call for copies
in cases where his own sub-
ordinates are not concerned.
Instances of such requisition
will be rare & the Govt. sees
no reason why they should
be prohibited.
4. It is advisable that at

Adv of depts. should impress
 on their subordinates the
 convenience which will be
 caused to the Criminal Courts
 by frequent applications for
 copies. Such applications
 should only be made for
 only when very
 necessary reasons only exist.

(From orders)

8/1/93 In
 7 Sept.

To the Hon. Secy.

to all other St. Mag.

To all Sessions Judges 149 } D. 22/9/93

" the Chief Pres. Mag. 468 }

" all heads of depts under the Secy. 6 }

" depts of the Secy. 49 }

" the Asst. Secy. 6 }

copy to the Hon. Secy. C. S. with 63 d. 22/9/93

Note for Office

This to be sent to the Secy.
 also in accordance with the
 new distribution list. 2
 extra copies to go to D. L.
 Chief Secy. & Secy. for
 Cant. Mag.

at

Copy of J. 1/1/93
 1 day 11/1/93

[G 34]
 Desps 22-9-93

just DEPARTMENT.

List showing the distribution of the Proceedings of Government
 dated 9 Sept. 1893 No. 1839

	Revenue Department	..	..	..	11
	Public Works Department	..	..	..	21
	Military Department	..	..	..	16
	Local and Municipal Department	..	..	..	6
JUDICIAL.	Honorable the Chief Justice with C.L.	..	..	..	6
	Inspector-General of Police	..	..	..	30
	Do. of Jails	..	..	..	28
	Do. of Registration	..	..	..	28
	Chief Presidency Magistrate	..	..	..	3
	Commissioner of Police	..	..	..	3
	Judges of the Madras Court of Small Causes	..	..	..	1
	Advocate-General	..	..	..	1
	Government Solicitor	..	..	..	1
	Administrator-General	..	..	..	1
PUBLIC.	Sheriff of Madras	..	..	..	1
	Government Pleader	..	..	..	1
	Registrar of Joint Stock Companies	..	..	..	1
	Surgeon-General with the Government of Madras	..	..	..	..
	Sanitary Commissioner	..	..	..	..
	Sanitary Engineer to Government	..	..	..	..
	Meteorological Reporter	..	..	..	..
	President, Board of Examiners	..	..	..	..
	Private Secretary to the Right Honorable the Governor	..	..	..	..
	Government Astronomer	..	..	..	..
POLITICAL.	Superintendent, Government Central Museum	..	..	..	..
	Chemical Examiner	..	..	..	..
	Superintendent of Stationery	..	..	..	..
	Protector of Emigrants	..	..	..	..
	Superintendent, Government Press	..	..	..	..
	Tamil Translator to Government	..	..	..	..
	Telugu do to do.	..	..	..	..
	Malayalam do to do.	..	..	..	..
	Canarese do to do.	..	..	..	..
	Hindustani do to do.	..	..	..	..
ECCLESIASTICAL.	British Consular Agent, Pondicherry	..	..	..	..
	Superintendent, Archaeological Survey	..	..	..	..
	Resident in Travancore & Cochin	..	..	..	..
	Paymaster, Carnatic Stipends	..	..	..	..
	Government Agent at Tanjore	..	..	..	..
	Political Agent at Pondicherry	..	..	..	..
	Special Agent, South Arcot	..	..	..	..
	The Right Reverend the Bishop of Madras	..	..	..	..
	Venerable Archdeacon of Madras	..	..	..	..
	Senior Chaplain of the Church of Scotland	..	..	..	..
MARINE.	Presidency Port Officer	..	..	..	..
	Chairman, Harbour Trust Board	..	..	..	..

Desps 22/9-93

FINANCIAL

Accountant-General
Commissioner of Paper Currency

6 Dec 22-77

EDUCATIONAL

Director of Public Instruction
Commissioner for the Unovenanted Civil Service Examinations

THE DISTRICT MAGISTRATE OF

Anantapur
North Arcot (Chittoor)
South Arcot (Cuddalore)
Bellary ..
South Canara (Mangalore)
Chingleput (Saidapet)
Coimbatore
Cuddapah
Ganjam (Chatrapur)
Gódávari (Cocanada)
Kistna (Masulipatam)
Kurnool
Madura ..
Malabar (Calicut)
Nilgiris (Ootacamund)
Nellore ..
Salem ..
Tanjore ..
Tinnevelly
Trichinopoly
Vizagapatam

Dec 22-77

DISTRICT AND SESSIONS JUDGE
OF

North Arcot (Chittoor)
South Arcot (Cuddalore)
Bellary ..
South Canara (Mangalore)
Chingleput
Coimbatore
Cuddapah
Ganjam (Berhampore)
Gódávari (Rajahmundry)
Kistna (Masulipatam)
Kurnool
Madura ..
North Malabar (Tellicherry)
South Malabar (Calicut)
Nellore
Nilgiris (Ootacamund)
Salem ..
Tanjore (Tanjore)
Tinnevelly (Palamcottah)
Trichinopoly
Vizagapatam

Dec 22-77

FURTHER PAPER, No.

4750

54 11/93

5647/93

5706/95 (Du. n. arest)

20 907
23-5-90

ORDINARY, PRINTED.

Judicial DEPARTMENT.

G.O., DATED 9. 9. 93

No. 1839.

INDEXED.

First copy sent to Press.

Returned for signature.

Despatched in print.

22 9

[Despatch Abstract.]

Copies of Judgments & Depositions

Passing orders on the
subject regarding the supply of
— to Inspectors of Police
and restricting the power of demanding
such copies to gazetted officers
only

11-6-52 V

16/10/01 ✓
5-5-10 ✓
30-8-15 ✓
16-1-16 ✓
4-8-12 ✓

Govt. of Madras
JUDICIAL.

Issued

Recd.

Encl.

G.O., 7th February 1893, No. 274.

FEBRUARY.

Copies of Judgments and Depositions.

Directing Sessions Judges to debit to their
contingent allowances the cost of — furnished to
Departments of the Administration, and stating
that the instructions conveyed in G.Os., No. 1956
of 1891 and No. 1152 of 1892, will apply also to
copies of depositions furnished by Magistrates.

GOVERNMENT OF MADRAS.
JUDICIAL DEPARTMENT.

READ—the following paper:—

From Colonel C. A. PORTEOUS, Inspector-General of Police, to the Chief Secretary to Government, dated Ootacamund, 23rd January 1893, No. 343.

I have the honour to request that the rule laid down in G.O., dated 19th September 1891, No. 1956, Judicial, directing that charges on account of copies of judgments furnished by Magistrates to other Government departments should be met from Magisterial contingencies, may be extended to judgments furnished by Sessions Courts and depositions of witnesses in Magistrates' or Sessions Courts. Recently, in Malabar, payment had to be made by this department for copies of two Sessions judgments of 1876 required for the purpose of proving previous convictions of certain prisoners before a Magistrate, and of depositions of certain witnesses applied for in the Sessions Court in view to decide whether a charge of having given false evidence might be preferred against them.

2. In current Sessions cases, however, copies of judgments are furnished to this department free of cost, they being printed.

3. I beg to enclose a letter from the Registrar of the High Court, stating that there is no objection on the part of the High Court to the extension to Sessions Courts of the rule laid down in the Government Order quoted in paragraph 1 above.

ENCLOSURE.

From H. W. FOSTER, Esq., Registrar of the High Court of Judicature, Appellate Side, Madras, to the Inspector-General of Police, dated Madras, 24th December 1892, No. 3478.

In reply to your letter, dated 11th October last, No. 6337, I am directed to state that the question appears to be one regarding which you should address the Government. G.O., dated 19th September 1891, No. 1956, Judicial, quoted by you, applies in terms only to Magisterial Courts, and does not authorize Sessions Judges to debit against their contingent grant the cost of judgments supplied to other departments of the State, but the High Court sees no objection to the extension of the rule to Sessions Courts.

ORDER—dated 7th February 1893, No. 274, Judicial.

Sessions Judges will accordingly be directed to debit to their contingent allowances the cost of copies of judgments and depositions furnished to Departments of the Administration.

2. The instructions conveyed in G.Os., dated 19th September 1891, No. 1956, and 22nd June 1892, No. 1152, will apply also to copies of depositions furnished by Magistrates.

(True Extract.)

C. A. GALTON,
Ag. Chief Secretary.

To the Inspector-General of Police.
„ all District Magistrates.
„ all Sessions Judges.
„ all Departments of the Secretariat.
„ all Heads of Departments under the Judicial.
„ the Accountant-General.

Copy to the Hon'ble the Chief Justice, with C.L.

Exd. A. Raitt.