

Political (1895) Department.

ORDINARY MS.

G.O., No. 328

Dated 17th May 1895.

~~INDEXED~~

[Despatch Abstract.]

OFFICIAL DOCUMENTS.

Declining to furnish Ahmad Muhi-ud-din, Khan Bahadur, with copies of certain -- asked for in connection with the complaint of defamation filed against him by the Manager of the Office of the Paymaster, Carnatic Stipends.

BACK PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.
	323		15-5-95				

FURTHER PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.
	329		17-5-95				

[G
9]
2,003-23-1-95.

599

DEPARTMENT.

From Ahmad Muhammad Khan Bahadur

CS
Mis.

Order. of 17 May 1895, No. 328

The Government declines

to comply with
the request in connection with
the present complaint.

No.

Dated 2
Received 4
Enclosures

SUBJECT:

Requesting for copies of certain documents.

Moving paper
6/5

Petz (9) Despd
Cofed 22/5

LD 17. Order/
17/5/95

44
20/5

C. No. 599

FOR ORDERS.

Not content with the depositions at the Police and departmental inquiries into the conduct of the Manager of the Office of the Paymaster, Carnatic District, which were granted to him in G.O. 25 Apr. 95, No. 260, Ahmad Khan bin Abd. Rahman Bahadur now applies for copies or inspection of the following documents:

(1) Col. Welton's report of the inquiry held in 1890 and the orders passed on it. This report, which is contained in G.O. 23.1.91, No. 37 (Printed), is rather favourable to Mir Shulam-i-Abbas than otherwise. The G.O. takes a different view, but, considering the sequel, it is not apparent of what service the paper can be to the accused in this case, and there really seems to be no objection to a copy of both reports.

There is a great deal in the report which concerns people other than the Manager. Both the report of the G.O. have been hitherto treated as Confidential.

and order being furnished to him.

(2) Papers relating to the circumstances under which Mir Shulam-i-Abbas was suspended in 1890 and subsequently reinstated. The then Head Clerk's suspension was reported to Govt in the Paymaster's letter of 10 June 1890, No. 150A, in D.O. of the 19th June directed that Officer to formulate charges against the delinquent. (Please see places marked with slips in G.O. 37/23.1.91).

Instructions to the same effect were conveyed to the Commissioners of Police in the last-mentioned order already dealt with under (1) supra. The charges framed by the latter were in G.O. 105/17.2.91 forwarded to the Head Clerk, whose explanation is contained in and disposed of by G.O. of 17.4.91. No. 204, which declared that the suspension that the H.C. had already undergone (from 3rd June to 16th Oct. 90 inclusive) was sufficient punishment. Submitted that Shulam-i-Abbas should be left to stand or fall on his own merits and that ~~full copies or at least extracts of~~ the papers ^{from} ~~justified above~~ (may be granted to Ahmad Mukhi-ud-Din).

(3) Col. Cox's report on the inquiry held by him in 1894 & the G.O. thereon. There is no objection to Govt being granted a

and there is no reason why Ahmad Mukhi-ud-Din should have them for the present case C.B.

This has always been a confidential document and it is I submit desirable that it should remain so. It is true that it contains matter not favorable to Mir Shulam-i-Abbas FOR ORDERS. But this is so mixed up with matter against others ^{possibly} ~~as to make it~~ ^{advisable to make the substance}.

* N.B. There is nothing on record in this office with reference to the actual termination of the suspension by the Paymaster.
 giving the positions relating to the Manager

There seems no particular objection to this but the papers are confidential and the order refers to that of which it is proposed above to refuse a copy.

Col. Cox's report has been marked with a slip & in G.O. 789/13.11.94. The order will be of little use without the report and it is thought that copy of the latter might be granted C.B.

* It will be of none as far as I can see. The report and papers are again confidential. It seems a question whether it is not better to allow confidential papers to be made public property. If Officer find that what they state confidentially to Govt is made public they will be charged of speaking out.

Copies of these, omitting the portions of Col. Proudfoot's letter which relate to Ahmad Mukhi-ud-Din might be granted. C.B.

Here again are confidential papers and there is no thing in them which can be taken as proof against the Manager.

If the charges against him were true, he has not available the evidence which he originally produced and of this Court believes that evidence he will be acquitted. The opinions of various officers are not evidence

copy of the order (G.O. 789/13.11.94) alone, but the report, it is submitted, is confidential and ought not to be furnished to Pet., who ought to be satisfied with the depositions at this inquiry, copies of all of which he has already obtained.

(4) Mir Shulam-i-Abbas' explanation. Col. Proudfoot's report on the departmental inquiry held by him and the G.O. thereon. For these papers please see G.O. 902/17.12.94. As they contain remarks which are anything but complimentary to Ahmad Mukhi-ud-Din, it is, it is submitted, out of the question to grant copies of the whole of these documents as it might lead to the awkward result of Ahmad Mukhi-ud-Din instituting proceedings for defamation against Col. Proudfoot and the Manager. But there seems no objection to extracts from these documents being furnished.

(5) (a) The supplemental report by Col. Stewart with the written communications of persons whom he had consulted and the Order thereon. The remarks made under (4) apply with greater force here. Submitted that extracts from these papers may

be granted. They are all contained
in S.O. 6
7.1.95

(b) Papers relating to the circum-

stances under which the Manager was
remitted. These, which are to be found

in S.Os 489, 402 & 6 are all
13.11.94 17.11.94 7.1.95
covered by the papers already men-
tioned under (3), (4) & (5) (a) supra.

(c) Papers relating to the circum-
stances under which the Manager was
permitted to file criminal complaints

against a number of persons for defama-
tion. As to this, attention is invited to

(1) the note for Orders with S.O. 402 (13.11.94) (please
see place marked with slip therein)

(2) D.O. to Col. Stewart dt 7.1.95 (in S.O. 6
7.1.95)
suggesting prosecution to the Manager

(3) S.O. 92, granting the Manager per-
mission to prosecute Ahmad Bahadur

and 8 others. Of these, copies of (2) & (3)
may, it is submitted be given, eliminat-

ing those portions which may be construed
as defamatory. In a recent order, S.O.

287, of which Ahmad Bahadur is
8.5.95
Khan Bahadur cannot possibly be

aware as it has just issued, the
Manager has been permitted to pro-

secute a second batch of persons.
(but all is separate proceedings)

Submitted that extracts from the
papers contained in it may

The whole of these are Confidential

DO

All but the more recent orders
of 1895, are Confidential papers.

The petitioner asks for the papers
in extenso. It is proposed in

the Office note to give extracts
only, in some cases, and to

refuse in others. I submit that it is not desirable

to give extracts from papers
of this nature as they are liable

to cause speculation and
questions as to what has been

kept back and that if anything is given
all that is asked for should be

if Ahmad Bahadur Khan defence
that his allegations against the

Manager were true and
justifiable, he has the evidence

of the persons whom he produced
before in support of his charges.

What then or that Officer or
Govt. thought of the case or

any particular phase of it
is not to the point and not material.

All that the papers are
wanted for is to see if some good may not be secured about and

an impression raised against in the mind of the Magistrate that
the Manager is a scamp and has been guilty of fraud. It is for the

defence to prove this and this can be done by putting the necessary
whisper in the box and taking from them statements in oaths

which will be subjected to cross-examination. Ahmad Bahadur
has already copies of the depositions & statements taken with reference

to his charges and his Counsel can cross-examine them. It is
he wishes to any difference between past & present statements.

The papers being Confidential and containing much which it is advisable should
not be made public I submit that copies should not be granted
either in part or in whole.

likewise be granted.

CB. Ahmad Bahadur Khan requests

that, in case it is inconvenient to
furnish him with copies of the

documents applied for, they may
be sent to the Police Court for his

inspection. No such procedure is
provided for in Criminal proceedings

though it is otherwise in Civil
suits. The usual and better plan

is to require him or his Counsel
to inspect the documents at the

Secretariat Office in Fort St. George
at stated hours. It would per-

haps be well to adopt it in this
case with regard to some those

documents in which such a course
would not be open to any of the

drawbacks pointed out.

I quite agree
with the Chief
Secretary
to

15 May

* There seems to be no necessity
to grant copies of D.Os. It would
suffice, it is thought, if S.O.

92 and the papers in
6.2.95

papers read in it, omitting
the portions personal to

Ahmad Bahadur Khan, were
granted.

CB.

* There seems to be no necessity
for this. The S.O. is dated

Subsequent to the present

Application for Copies

of documents

H. H. H.

(For Orders)

CURRENT No. 599 Mylapur, Madras
2d May 1895

To the Honorable the Chief Secretary
to Government
Colacamand

From
Ahmad Muhiuddin Khan Bahadur

Honorable Sir

In acknowledging the receipt, ^{on} 29th April last of the G.O. dated 23d idem No 260. Political, with enclosures, I beg respectfully to state that the mere statements of the witnesses who spoke at the Police and Departmental Inquiries afford very little matter for my defence in the Defamation case brought against me by the Manager of the P. b. S. Office. I am therefore advised by my Solicitors, Messrs. Wilson and King to apply for the copies of the following documents a knowledge of the contents whereof is urgently necessary for my defence. If the furnishing of the copies be inconvenient, the originals may be sent to the Chief Magistrate Egmore Police Court authorising him to allow me and my Counsel the opportunity of perusing them, for which I shall feel deferentially thankful. The case is adjourned to Monday the 6th instant.

1. Colonel Weldon's Report of the Inquiry of 1890 and the G.O. passed thereon.
2. Documents relating to the circumstances under ^{which} Mr. Ghulam Abbas Sahib as Head Clerk of P. b. S. Office, was suspended in 1890 and subsequently re-instated.
3. Colonel Cox's Report of his Inquiry of 1894 and the G.O. passed thereon.
4. The explanation of Mr. Ghulam Abbas Sahib as Manager of the P. b. S. Office submitted to the Departmental Officers, and Colonel Proudfoot's Report of the Departmental Inquiry and the G.O. passed thereon.
5. Colonel Stewart's supplement to the Departmental Report, on other points investigated after Colonel Proudfoot left the Office and the G.O. passed thereon, together with the statements of the Witnesses who were examined by Colonel Stewart by means of written communications, and the papers relating to the circumstances under which the said Manager was re-instated and later on granted sanction to prosecute a number of persons for Defamation.

I have the honor to remain

Honorable Sir

Your most Obedient and humble Servant.

Ahmad Muhiuddin Khan

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CHIEF SECRETARY
GOVERNMENT OF MADRAS
4 MAY 1895

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When given for copying
When copied
When examined
When signed

189

READ AGAIN G.O., No.
189

DATED

CURRENT No.

ENCLOSURES TO G. No

ORDER OF GOVERNMENT

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.

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