

MADRAS RECORD OFFICE.

Government of Madras.

Revenue DEPARTMENT.

G.O. No.	849	Press ~~Mis.~~
Dated	12-4-18	67

Not to be folded or roughly handled

849

12-4-18

*Proceedings of the Madras Government, Revenue Department,
12th April 1867.*

No. 195. Read the following Proceedings of the Board of Revenue, dated 3rd April 1867, No. 2,107.

Read the following letter from the Collector of Madura, to the Secretary to the Board of Revenue, dated 5th December 1866, No. 397:—

1. In giving cover to a letter dated the 26th ultimo, No. 225, and addressed to me by the Sub-Collector, Mr. Arbuthnott, on the subject of granting copies of official documents, I have the honour to solicit the instructions of the Board on the following point:—

2. The question now raised is whether a Sub-Collector can grant copies of Revenue orders without the Collector's permission. Mr. Arbuthnott is of opinion that he cannot under the spirit of the rule* he quotes, and I think he is

quite correct in his opinion. I beg also to observe that this construction would equally preclude the grant of copies of Magisterial papers in general without the Collector's sanction, and that the only case to which the rules do not apply would be that referred to in Section 440† of the Criminal Procedure Code, as that is the only provision of the law that I know of, which requires copy to be furnished to a party "free of charge."

3. Regulations XII. of 1816, IX. of 1822, and VI. of 1831; Act VIII. of 1866, and other enactments of importance do not provide for the free granting of copies, and it is, therefore, clear that, under the said Rule I., copies of all proceedings, decisions, and orders in suits under the above enactments, &c., and in Magisterial cases, with the single exception above adverted to, must be given after reference to the Collector.

4. I cannot, however, satisfy my mind that such a practice was contemplated by the Board to be brought into play, as the inconvenience and the unnecessary correspondence that will arise therefrom is so manifest. Moreover, looking to the object of the rules, which I take to be simply to prevent the irresponsible granting of copies of *departmental papers and confidential correspondence* only, I do not think it expedient that the rule should extend to judicial proceedings, in which each party should be of right entitled to copies of all papers forming the record of the case.

5. I therefore beg to suggest that the Board will modify the rule so as to authorize, if they approve of it, the presiding officers to grant, without the Collector's permission, copies of all proceedings held under any Criminal or Revenue Law by Magistrates or Revenue Courts.

From the Sub-Collector, to the Collector of Madura, dated Dindigul, 26th November 1866, No. 225.

1. I have the honour to bring to your notice that it has been the practice in this Office, under the latter part of Rule II. of the revised rules, received with the Board's Standing Circular, No. XXXIII, dated the 16th April 1864, to grant copies of all final Revenue and Magisterial orders to private parties concerned without obtaining any sanction from the Huzoor.

† "A copy of the final sentence or order passed by any Criminal Court shall be furnished without delay on the application of any party to the case in which such sentence or order was passed. Such a copy shall be made at the expense of the party applying for it, unless such party is in confinement under the sentence or order, and is desirous of appealing against the same, or unless the Court shall, for any special reason, see fit to grant such copy free of expense."

Proceedings of the Madras Government, Revenue Department,
12th April 1867.

2. The above-mentioned rule provides "that copies of orders, sentences, and proceedings in Magisterial and Revenue cases, copies of which it may be necessary to grant free of charge, in accordance with any existing law or regulation" may be given without permission to the parties concerned.

3. Now, I am of opinion, that copies of Revenue orders can only be given with your sanction, as they are not granted to applicants free of charge.

4. I therefore request your instructions on the subject.

1. The Collector is at liberty to authorize his Sub-Collector and Assistants to grant copies of all final orders in Revenue and Magisterial cases tried by them without reference to him. Paragraph 1 of the Rules is intended to include all such cases, and it certainly does so by custom.

2. In order, however, to prevent any misapprehension on the subject in future, the Government will be requested to permit the words "in accordance with any existing law or regulation" to be struck out of Rule I., and the words "or usual" to be inserted after "it may be necessary."

No. 196.

ORDER THEREON, 12th April 1867, No. 849.

Miscellaneous.

Sanctioned.

(True Extract.)

(Signed) W. HUDLESTON,
Secretary to Government.

To the Board of Revenue.

Exd. S. T. Augustin.

Rev - 1867. Department:
Pro of Govt for April

No. 912.

PROCEEDINGS OF THE BOARD OF REVENUE,

Dated 3rd April 1867.

Depd to Govt
Rev. P.

No. 2,107

Requesting Government to authorize a modification in Rule I of existing rules on subject of grant of copies of orders in Revenue and Magisterial cases, and permitting Collector of Madura to empower his Sub Collector and Assistants to grant copies of such orders without reference to Collector.

Sanctioned
W. H. Hudleston
12th April 1867.

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In Copy to the Board of Revenue