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Government of Madras.

EDUCATIONAL DEPARTMENT.

Recd.

Regd.

} 1909.

Enclosures

Spare copies

(9)

G.O., No. 170, 19th March 1909.

Special Test Notifications.

Directing that the Code of Civil Procedure which is prescribed as one of the subjects for the Civil Judicial Test must be limited to the Civil Procedure Code as now in force, and that the examination in the Civil Rules of Practice should for the present be confined to the schedules appended thereto.

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GOVERNMENT OF MADRAS.

EDUCATIONAL DEPARTMENT.

Read—the following papers:—

I

Petition—from A. NARAYANA AIYAR, Execution Clerk, District Munsif's Court, Arni, North Arcot district.
To—the Secretary to Government, Educational Department.
Dated—the 14th January 1909.

I am a private candidate preparing for the Civil Judicial Test examination to be held in October 1909. Having been confronted with the following doubts in the course of my study, I beg to approach your honour with the hope that the same may be cleared.

As will appear from the *Fort St. George Gazette*, dated 22nd December 1908, page 619 of Part I-B, the Code of Civil Procedure and the Civil Rules of Practice are among the subjects prescribed for the Civil Judicial Test. The question is whether the portions relating to Insolvent Judgment debtors in the Civil Procedure Code of 1882 having been repealed by Act V of 1908—

(1) the Provincial Insolvency Act has to be studied along with and in addition to the new Civil Procedure Code, 1908; and

(2) whether the Civil Rules of Practice hitherto in force, though the same may be inapplicable to the new Code in several parts, and may not have been superseded by new rules of the High Court should nevertheless be studied.

II

Letter—from the Hon'ble Mr. C. J. WEIR., I.C.S., Acting Chief Secretary to Government.
To—the Honourable the Chief Justice of the High Court.
Dated—the 2nd February 1909.
No.—387-1, Judicial.

In forwarding herewith copy of a petition, dated 14th January 1909, from A. Narayana Aiyar, Execution Clerk in the District Munsif's Court, Arni, asking for certain information in regard to the Civil Judicial Test, I am directed to request that the Honourable the Judges will be so good as to favour Government with their opinion on the points raised in the petition.

III

Endorsement No. 387-2, Judicial, dated 2nd February 1909.

Referred to the Inspector-General of Registration for report whether the subjects referred to should be included in the Civil Judicial Test prescribed for the post of District Registrars.

(By Order.)

C. A. SOUTER,
 Ag. Under Secretary to Govt.

To the Inspector-General of Registration.

IV

Letter—from J. T. GILLESPIE, Esq., I.C.S., Registrar, High Court.
To—the Chief Secretary to Government.
Dated—Madras the 23rd February 1909.
No.—R.O.C. 350.

With reference to your letter No. 387-1, Judicial, dated 2nd February 1909, asking for the opinion of the High Court in regard to certain questions relative to the Civil Judicial Test raised by one Narayana Aiyar, I am directed to say that it appears to the Honourable the Judges that these are questions which should be determined by the examining authorities; but I am to add that the Honourable the Judges are of opinion that, under the Special Test Examination Notification No. 170, dated 19th December 1908, the examination must be limited to the Code of Civil Procedure as now in force, *i.e.*, Act V of 1908. If Government wish that the candidates should make a study of the law of insolvency as well, the Provincial Insolvency Act III of 1907 should be specifically mentioned in the curriculum as the present Code of Civil Procedure does not deal with the procedure in insolvency proceedings.

2 As to the second question, in regard to the Rules of Practice, I am to say that as it has not been possible for the Rule Committee to get to work yet, the revision of the Civil Rules of Practice, with a view to bringing them into harmony with the new Code of Civil Procedure and its schedules has not been taken up yet, and it is not possible to say when this revision is likely to begin, or to what extent the Civil Rules of Practice may be modified before the next Civil Judicial Test examination in October next. In these circumstances, it might be well if the examination in Civil Practice were for the present confined to the schedules appended to the new Code of Civil Procedure.

V

Letter—from the Hon'ble Diwan Bahadur R. V. SRINIVASA AIYAR AVARGAL, B.A., C.I.E., Inspector-General of Registration.
To—the Chief Secretary to Government.
Dated—Madras, the 1st March 1909.
No.—1090-D.

With reference to Government Endorsement, No. 387-2, Judicial, dated 2nd February 1909, I have the honour to state that District Registrars, for whom the Civil Judicial Test has been prescribed, are not at present required to pass in the Civil Rules of Practice and that in regard to the Provincial Insolvency Act, it seems unnecessary to require District Registrars to undergo an examination in that subject since it has no bearing on their duties. I, therefore, am of opinion that the subjects above referred to need not be included in the Civil Judicial Test prescribed for the post of District Registrars.

Order—No. 170, Educational, dated 19th March 1909.

The Government agree with the High Court that the Code of Civil Procedure which is prescribed as one of the subjects for the Civil Judicial Test must be limited to the Civil Procedure Code as now in force, *i.e.*, Act V of 1908, and that the examination in the Civil Rules of Practice should for the present be confined to the schedules appended thereto. The Provincial Insolvency Act III of 1907 will be added to the curriculum for the Civil Judicial Test, but District Registrars will not be required to pass in this subject.

No. 170, EDUCATIONAL, 19TH MARCH 1909.

2. The Commissioner for Government Examinations will be requested to submit a draft of the alterations to be made in the Public Service and Special Test Notifications with reference to these orders.

(True Extract.)

A. BUTTERWORTH,
Ag. Secretary to Government.

To the Judicial Department.
" Commissioner for Government Examinations.
" petitioner (paragraph 1 only).
Editors' Table (order only).

EDUCATIONAL DEPARTMENT.

NOTES CONNECTED WITH G.O., No. 170, EDUCATIONAL,
DATED 19TH MARCH 1909.

[SUBJECT.—*Subjects for the Civil Judicial Test of the Special Test Examinations—
Code of Civil Procedure.*]

From A. Narayana Aiyar, dated 14th January 1909.

In connection with the Civil *
* The subjects for this test are given in the Judicial test, one Narayana Aiyar, clerk
table in Article 11 of the Special Test in the District Munsif's Court of Arni,
notification. raises the following points:—

(1) Whether the Provincial Insolvency Act (Act III of 1907) should be
studied along with the Code of Civil Procedure, 1908.

(2) Whether the Civil Rules of Practice should be studied.

His reasons are that whereas the old Civil Procedure Code, 1882, contained a
chapter on Insolvent Judgment Debtors, the Code of 1908 does not contain any
such thing, Provincial Insolvency Act having taken its place, and secondly, that the
Civil Rules of Practice may be inapplicable to the new Code of 1908 in several parts
or new rules might have been framed by the High Court.

2. The Civil Judicial test is a test with which the Judicial Department is
concerned and any alteration in the subjects of the test should be made with the
concurrence of that department. The questions raised may therefore be first
considered in that department to which it is submitted that the current may be
forwarded u.o. for remarks.

C.R.V.—19-1-09.

K. RANGASWAMI AIYANGAR—19-1-09.

C. A. SOUTER—20-1-09.

To the Judicial Department.

JUDICIAL DEPARTMENT.

Vide page 7 of Special Test notification.

The posts to which the Civil Judicial
test is prescribed are—

1. Sarishtadar, District Courts and Subordinate Judges Courts.
2. Head Clerk in District Courts, Subordinate Judges' Courts, District Munsifs' Courts, the City Civil Court and the Court of Small Causes, Madras.
3. Appeal Examiner in the High Court.
4. Central Nazirs and the Nazir in the City Civil Court.
5. District Registrars.

Perhaps the High Court and the Inspector-General of Registration may be asked on the points raised in the petition. If this is approved the drafts below may issue.

[Passed by Under Secretary.]

S. PANCHAPAKESA AIYAR—29-1-09.

Letter to the High Court, dated 2nd February 1909, No. 387-1.

Endorsement to the Inspector-General of Registration, dated 2nd February 1909, No. 387-2.

From the High Court, dated 23rd February 1909, R.O.C. No. 350.

From the Inspector-General of Registration, dated 1st March 1909, D. No. 1090.

Please see the High Court's letters and the Inspector-General's at pages 5-8 current file. In the first place the High Court consider that the subject matter of the present case is one for the examining authorities to determine; but the Honourable the Judges are of opinion that, under the Special Test notification, dated 19th December 1908, the examination in Civil Procedure Code must be limited to the Code of 1908, which is now in force. But if Government wish that the candidates should study the law of Insolvency, the Provincial Insolvency Act of 1907 should be specifically added to the present curriculum, as the present Civil Procedure Code does not deal with insolvency matters. This is for orders.

2. In regard to the Rules of Practice, the High Court say that, as the rules have not been framed yet, it might be well if the examination in Civil Rules of Practice were for the present confined to the schedules appended to the new Code of Civil Procedure.

3. The Inspector-General of Registration does not think that the Provincial Insolvency Act and the Civil Rules of Practice need be included in the Civil Judicial Test prescribed for District Registrars, as these subjects have no bearing on their duties.

It is now for consideration whether the Government will agree with the views of the High Court and the Inspector-General and which are summarised above for convenience of reference.

V.N.M.—4-3-09.

S. PANCHAPAKESA AIYAR—4-3-09.

I submit that any examination in the old Code or the old Rules of Practice would be useless. The examination should be confined to the new Code. As this Code does not contain the procedure in Insolvency Proceedings it does not seem necessary to include this subject in the examination. In any case this part seems unnecessary as regards the Registration Department.

C. A. SOUTER—5-3-09.

We may accept suggestions of High Court. It will do no harm to District Registrars to know something of Insolvency Law.

C. J. WEIR—9-3-09.

It would be absolutely useless for the Registration Department. I would exclude this Act and the Civil Rules of Practice from the Registrar's test. For Judicial officers, etc., the High Court proposals should be accepted.

Draft.

G. S. F[ORBES]—10-3-09.

C. J. WEIR—11-3-09.

The papers may now be transferred to the Educational Department for further action.

S. PANCHAPAKESA AIYAR—11-3-09.

C. A. SOUTER—11-3-09.

To the Educational Department.

EDUCATIONAL DEPARTMENT.

The draft order placed below is submitted for approval.

2. It is not clear whether the Honourable Member intends that the Provincial Insolvency Act should be added to the curriculum inasmuch as the High Court desires that it should be specifically mentioned in the curriculum "if Government wish that the candidates should make a study of the law of Insolvency as well." This has been inserted in the draft order subject to approval.

Honourable Member seems to intend that this Act should be included.

K. RANGASWAMI AIYANGAR—15-3-09.

Yes and it seems plainly necessary for others than Registrars.

A. BUTTERWORTH—17-3-09.

P.R.—15-3-09.

K. RANGASWAMI AIYANGAR—15-3-09.

For approval.

C. A. SOUTER—15-3-09.

The draft below may issue.

K. RANGASWAMI AIYANGAR—18-3-09.

Yes.

C. A. SOUTER—18-3-09.

[G.O., No. 170, Educational, dated 19th March 1909.]

READ ALSO:—

ORDER.

No. 170, dated 19-3-1909

AS

The Government agree with the High Court that the Code of Civil Procedure which is prescribed as one of the Subjects for the Civil Judicial Test must be limited to the Civil Procedure Code as now in force, i.e., Act V of 1908, and that the examination in the Civil Rules of Practice should for the present be confined to the Schedule appended thereto. The Provincial Insolvency Act, III of 1907 will, ~~however~~, be added to the curriculum, but District Registrars will not be required to pass in this Subject.

2. The Commissioner for Govt Examinations

For the Civil Judicial
test,

will be requested to submit a draft of the ^{to be made} ~~necessary~~ alterations in the Public Service and Special Test notifications with reference to these

PR orders.
15.3.09

Chd
15.3.9.

RD
15.3.09

MS
17/3

To,

The Judicial Dept.
" C. G. &
" Petitioner (para 1 only)

59/2
20/3/9

Real

PRESS SLIP.

ORDINARY.

PREFERENCE.

EDUCATIONAL
LEGISLATIVE DEPARTMENT.

URGENT (a).



Current No....., dated.....190

G.O., No. 170..., dated 19-3-1909.

Number of MS. pages sent { Correspondence including order or orders (b)
Notes (b¹)

Docket. Special Instruction
The Code of Civil Procedure which is prescribed
as one of the Subjects for the Civil Judicial Exam.
must be printed in the Civil Proceedings book
as now in force

Number (c) of copies required when struck off (not including
copies for volumes and editors' table which are retained
in the Press).

FOR RECORD.*			Complete Correspondence and orders.	Notes
Madras Records	...	...	30	15
Ooty Records	...	...	3	
For filing with original	...	...	1	
Total			34	15

FOR ISSUE.†

	Letter only.	Complete G.O.	Special issue copies of G.O. (d)		Notes.
			No.	Papers.	
Signature copies.....					
India Office.....					
Govt. of India.....Dept.					
Public Department.....					
Judicial Department.....		5			
Financial Department.....					
Revenue Department.....					
Public Works Department.....					
Local and Municipal Department.....					
.....Dept.					
Total					
Spare copies.	The Director of Public Instruction....				
	The Comr. for Govt. Examinations....	5			
	The Superintendent, Govt. Museum....				
	The Surgeon-General.....				
	The Accountant-General.....				
	The Collector of.....				
	The P. D. B.....				
	The.....				
	The.....				
	The.....				
	The.....				
	The.....				
	The.....				
	The.....				
	The.....				
Total			10		

INSTRUCTIONS FOR THE SECRETARIAT.

(a) If a paper is marked to be printed urgently, the Superintendent of the section concerned should sign the Press slip. The Superintendent should exercise a careful discretion in the matter.

(b) Each letter, memorandum, or order, or set of orders, in the file of correspondence should be headed in succession with the Roman numeral I, II, III, etc., the number being written in red ink or blue chalk above the item. The particular papers to be printed in the special issue-copies should be indicated by the Roman numeral (I, II, etc.) by which that item has been headed in the correspondence file. All matter, including marginal remarks or references, to be printed should be written in ink and matter which should not be printed should be encircled. Initials and signatures that are not quite legible should be re-written distinctly.

(b¹) For rules regarding printing of notes, see the rules in G.O., No. 1220, Public, dated 30th November 1900.

(c) The number of copies and the details of distribution should be filled in by the Superintendent or Referencer concerned.

(d) In the absence of special instructions to the Press to keep matter standing for a specified period, ordinary papers of 8 pages and under will be kept standing for one week, and larger papers for two weeks only. The type of notes and of all confidential papers is distributed immediately after striking.

(e) This slip, properly and completely filled in, should accompany every paper sent to Press; it will be returned by the Press when proofs are furnished; it should be sent to the Press when a call is made for revised proofs or when a corrected proof is sent for striking. When finally returned by Press it should be filed with the original order or letter.

INSTRUCTIONS FOR THE PRESS.

(a) If, in the opinion of the Superintendent of the Press, a paper has been marked urgent unnecessarily, he should send the Press slip to the Deputy Registrar with a remark to that effect.

(b) Unless a note to the contrary is made against the matter, pencil entries should not be printed. The Superintendent of the Press may bring to the notice of the Deputy Registrar any instance of incomplete or careless editing.

(c) Signature copies of letters to the Secretary of State or to the Government of India should be printed on hand-made paper.

(d) This slip should be returned by the Press to the Secretariat when proofs are furnished; it will be sent back to the Press when proofs are returned corrected and should be finally returned to the Secretariat when struck-off copies are supplied.

(e) The names of the Secretary and Members should be printed in full when they occur on the right hand side, but only the first time when they appear on the left side, the initials alone being printed later.

* Copies distributed on.....*(Press Clerk.)

† Copies distributed on.....*(Despatcher.)

* To be initialled and dated.

TO PRESS, MADRAS.
OOTY.

A

B

C

Please send proof in triplicate. The papers have been carefully edited.

Proof returned corrected. Please strike off and send number of copies as indicated.

As the matter is clear manuscript and has been carefully edited, (b) proof need not be sent. Please print and supply number of copies as indicated.

Type may be released after usual interval at once.

Type may be released after usual interval.

.....Clerk.

.....Clerk.

.....Clerk.

.....Supdt.

.....Supdt.

.....Supdt.

(b) Three copies of proof of all notes should be sent for approval, except when instructions are given to the contrary.

SPECIAL INSTRUCTIONS.

TO BE FILLED IN BY THE PRESS.

Diary.	Initials of Press official.		
Received in Press on.....	23/3/09	[Signature]	
First proof furnished on.....	26/3/09	[Signature]	
Call for revised proof received on.....			
Revised proof furnished on.....			
Corrected proof received for striking on.....	30/3/09	[Signature]	
Final copies supplied on.....	2/4/09	[Signature]	

Account of copies.	Complete copies.	Notes.	Issue copies.
Supplied to Secretariat for Record.....	34	15-	
" " " Issue.....	10		
For Volumes.....	16		
For E. T.....			
Total	60	15-	