M.R.O. 1—77,006—8-6-37.

(1) Number of pages 22

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(3) Initials of the Referencer

MADRAS RECORD OFFICE.

Government of Madras.

Financial DEPARTMENT.

G.O. No. 600 Press Mis.

27-30.

Dated 10-12- 1869.

12/13

29-30

Not to be folded or roughly handled

Proceedings of the Madras Government, Financial Department, 10th December 1869.

No. 29. Read the following letter from the Acting Registrar of the High Court of Judicature at Madras, Appellate Side, to the Chief Secretary to Government, Fort Saint George, dated Madras, 3rd December 1869, No. 2405.

I am directed to acknowledge the receipt of your letter to the Chief Justice, dated 27th October 1869, forwarding copy of the Proceedings of Government, Financial Department, of the same date, and requesting that the Budget Estimates of the Judicial Establishments for 1870-71 may be revised so as to keep the total amount within Rupees 22,00,000.

2. I am directed to state that, under instructions from the Chief Justice and Judges, I have carefully examined the detailed estimates of the several Courts, and I now submit revised estimates for 1870-71, amounting to Rupees 22,00,000. The reductions have been effected under the following heads:—

	Estimate as formerly submitted.	Estimate as revised.	Decrease.
	RS.	RS.	RS.
In the High Court.			
Contingent charges	2,900	1,150	1,750
In the Civil and Session Courts.			
(*a*). Saderward and Contingent charges	11,080	5,920	5,160
(*b*). Travelling Allowances for Officers and Establishments	6,553	6,258	295
(*c*). Batta to Prosecutors and Witnesses	27,747	22,380	5,367
(*f*). Other items	4,092	2,730	1,362
In the Principal Sudder Ameen's Courts.			
(*a*). Contingencies	1,402	1,205	197
Other Courts.			
(*a*). Contingencies	9,974	5,727	4,247
In the Criminal Courts.			
(*a*). Contingent charges	4,692	2,162	2,530
(*b*). Travelling Allowances for Officers and Establishments	5,625	3,525	2,100
(*c*). Batta to Prosecutors and Witnesses	55,558	41,150	14,408
(*d*). Fees for Pleaders	25,634	19,550	6,084
(*e*). Presents to Khond Chiefs, &c	6,724	5,400	1,324
(*f*). Other items	8,778	6,193	2,585
In the Small Cause Courts.			
(*a*). Contingent charges	1,304	1,080	224
(*b*). Travelling Allowances for Officers and Establishments	3,010	1,500	1,510
(*f*). Other items	558	330	228
Gratuities	7,664	3,000	4,664
Total...	1,83,295	1,29,260	
Decrease ..	.....	54,035	
Deduct proposed Reserve Fund...	... .	9,014	
Total reduction...	.....	45,021	

3. In reducing the estimates I have, in many instances, had no reliable data to act upon, and I have, therefore, been under the necessity of fixing arbitrary limits in some cases according to the average requirements of other Courts. It is more than possible that actual requirements may

exceed the limit thus fixed, and to prevent the necessity of applying for a supplemental grant, I have, with the sanction of the Judges, proposed a reserve fund of Rupees 9014, and I am to suggest that the High Court should have the power, without reference to Government, of supplementing from this reserve fund the grant allotted to any district on any of the heads from which reductions have been made if the necessity should arise.

4. To explain the reasons for supposing that the necessity may probably arise, I am instructed to make the following observations on the reductions effected under each head :—

(*a.*) The estimate for the contingent expenditure in all the Courts has been fixed at an absolute minimum. The average scale adopted has been somewhat as follows :—

	RS.
For a Civil and Session Court	
,, a Small Cause Court	200
,, a Principal Sudder Ameen	150
,, Criminal Courts of one district	125
	400 to 500

(*b*). The only large item under the head of "Travelling Allowances for Officers and their Establishments" is in the estimate of the Agents of Vizagapatam and Ganjam, and with regard to the orders of Government, directing those Officers to make annual tours in the Hills of those districts, it is not possible to reduce the estimate by any considerable sum. Slight reductions have been effected in the estimates of some of the Session Courts and Small Cause Courts as the amounts entered in the Budget appeared excessive in comparison with other Courts similarly situated.

(*c.*) The charges for "Batta to prosecutors and witnesses" vary in different districts very considerably, more so than the distances to be travelled and the number of criminal trials appear to warrant. It is observed that Section 438 of the Code of Criminal Procedure (as amended) contains wider provisions than the repealed section, and the most careful supervision will be required to enable Judges and Magistrates to keep within the estimate as reduced. The estimates for the several Courts have been fixed as far as possible with reference to the actual expenditure in 1868-69, and the average requirements of other districts similarly situated. In this way large reductions have been effected in some districts, more especially in Coimbatore, Malabar, Nellore, North Arcot, Salem, Tanjore, and Vizagapatam.

(*d.*) Great hesitation has been felt in reducing the estimates under the next head "Fees to Government Pleaders.' Greater intelligence is daily becoming more and more requisite for conducting prosecutions in the Courts of Session, and in a large number of cases the highest fee sanctioned by Government is not an inadequate remuneration for the services of the Government Pleader. The estimates as revised range from Rupees 150 in the Neilgherry District, to Rupees 1600 in the Tanjore District.

(*e.*) The reduction under the head of "Presents to Khond Chiefs, &c.," ought not, it is believed, to cause any inconvenience.

(*f.*) Lastly, under the head "Other items," the estimates have been framed so as to allow a small reserve fund in each Court, but so small as not to suffice for any extraordinary expenditure. And, therefore, arises the necessity of providing an extra reserve fund as stated above. Mistakes have very probably occurred in making the reductions, there being no time for making references to the subordinate Courts, and few reliable "data" available.

5. In conclusion, I am directed to transmit, for the information of Government, the draft of a Circular letter which, under instructions from the Chief Justice and Judges of the High Court, I propose to issue to all Judges and Magistrates.

CIRCULAR.

I am directed to forward, for your information, the Budget Estimate of your Court for 1870-71 as revised. The Government having requested the High Court to direct the reduction of the

estimates of the Judicial establishments within Rupees 22,00,000, it has been necessary to make the reductions noted below :—

	Estimate as submitted.	Reduced estimate.
	RS.	RS.
Contingent expenditure...	31,352	17,244
Travelling Allowances for Officers and Establishments.....	15,188	11,283
Batta to Prosecutors, Witnesses, &c.	83,305	63,530
Fees to Government Pleaders	25,634	19,550
Presents to Khond Chiefs, &c.	6,724	5,400
Other items...	13,428	9,253

The reductions have been apportioned as equitably as possible among the several Courts, but it will require the most careful supervision on your part to keep your expenditure within the estimate. The Judges of the High Court rely on your exercising personal superintendence over every item of contingent expenditure, and enjoining the strictest economy in like matters on your subordinates. In taxing the expenses of witnesses, &c., to whom you may decide to allow their expenses under Section 438 of the Code of Criminal Procedure, Judges and Magistrates are expected to exercise a careful discretion, and District Magistrates should supervise the proceedings of the subordinate Magistracy.

2. To enable the High Court to judge how far these instructions are properly carried out, I am to request that you will submit a quarterly statement, in the accompanying form, showing the actual expenditure incurred under the following heads :—

	Amount sanctioned.	Amount expended up to date.
	RS.	RS.
Contingent expenditure.		
Travelling Allowances for Officers and Establishments		
Batta to Prosecutors, Witnesses, &c....		
Fees to Government Pleaders...		
Presents to Khond Chiefs, &c.		
Other items...		

The first statement should be despatched early in July.

3. Should you, in the course of the ensuing year, find that extraordinary circumstances render it probable that the amount sanctioned for your Court will not suffice for your requirements, I am to request that you will submit a full report on the matter without delay, and suggest any means which may occur to you for supplying the deficiency by a transfer of funds.

No. 30. ORDER THEREON, 10th December 1869, No. 600.

The Governor in Council approves of the reductions made by the Honourable the Judges of the High Court in the Budget Estimates for 1870-71, and passes the revised estimates amounting to Rupees 22,00,000.

2. The Governor in Council also sanctions the sum of Rupees 9014 being held as a reserve fund. But is of opinion that all appropriations from the fund should be duly communicated to the Accountant-General.

Proceedings of the Madras Government, Financial Department,
10th December 1869.

3. The Circular letter proposed to be issued to the several Judges and Magistrates is approved.

(True Extract.)

Chief Secretary.

To the Honourable the Judges of the High Court.
,, Accountant-General, with the estimates.

Exd. J. Wright.

Govt. of Madras.

1869.

FINANCIAL.

To

THE HON. THE JUDGES OF THE HIGH COURT.

&c., &c., &c.

Dated December, 10th.

Recd.

Encl.

G. O., 10th December 1869, No. 600.

DECEMBER.

Nos. 29-30.

Approving of the reductions made by the Honourable the Judges of the High Court in the Budget Estimates for 1870-71, and passing the revised estimates amounting to Rupees 22,00,000.

No. 2405.

1

4

From

H. Wigram, Esqre.

Acting Registrar of the High Court

of Judicature at Madras.

To

The Hon^ble R. S. Ellis. C. B.

Chief Secretary to Government.

Hon^ble Sir,

I am directed to acknowledge the receipt of your letter to the Chief Justice dated 27th October 1869, forwarding copy of the Proceedings of Government, Financial Department, of the same date, and requesting that the Budget Estimates of the Judicial Establishments for 1870-71 may be revised so as to keep the total amount within Rupees 22,00,000.

2. I am directed to state that under instructions from the Chief Justice and Judges I have carefully examined the detailed Estimates of the several Courts, and I now submit revised Estimates for 1870-71 amounting to Rupees 22,00,000. The reductions have been effected under the following heads.

	Estimate as formerly submitted.	Estimate as revised.	Decrease.
Contingent charges	2,900	1,150	1,750
In the Civil and Session Courts.			
(a) Sadarward and Contingent charges	11,080	5,920	5,160
(b) Travelling allowances for Officers and Establishments	6,553	6,258	295
(c) Batta to Prosecutors and witnesses	27,747	22,380	5,367
(f) Other items	4,092	2,730	1,362
In the Sr. Sadr Amins' Courts.			
(a) Contingencies	1,402	1,205	197
Other Courts.			
(a) Contingencies	9,974	5,727	4,247
In the Criminal Courts.			
(a) Contingent charges	4,692	2,162	2,530
(b) Travelling allowances for Officers and Establishments	5,625	3,525	2,100
(c) Batta to Prosecutors and witnesses	55,558	41,150	14408
(d) Fees for Pleaders	25,634	19,550	6,084
(e) Presents to Rhond chiefs &c	6,724	5,400	1,324
(f) Other items	8,778	6,193	2585
In the Small Cause Courts.			
(a) Contingent charges	1,304	1,080	224
(b) Travelling allowances for Officers and Establishments	3,010	1,500	1,510
(f) Other items	558	330	228
Gratuities	7,664	3,000	4,664
Total	1,83,295	1,29,260	
Decrease		54,035	
Deduct proposed Reserve fund		9,014	
Total reduction		45,021	

3. In reducing the Estimates — I have in many instances had no reliable data to act upon and I have therefore been under the necessity of fixing arbitrary limits in some cases according to the average requirements of other courts. It is more than possible that actual requirements may exceed the limit thus fixed, and to prevent the necessity of applying for a supplemental grant, I have with the — sanction of the Judges proposed a Reserve fund of Rupees 9,014, and I am to suggest that the High Court should have the power without reference to Government of supplementing from this reserve fund the grant allotted to any District on any of the heads from which reductions have been made if the necessity should arise.

4. To explain the reasons for supposing that the necessity may probably arise, I am — instructed to make the following observations on the reductions effected under each head.

(a) The Estimate for the contingent expenditure in all the Courts has been fixed at an absolute minimum. The average scale adopted has been somewhat as follows:

For a Civil and Session Court 200.

For a Small Cause Court 150
For a Prnit. Sadr Amin 125
For Criminal Courts of one District } 400 to 500.

(b) The only large item under the head of Travelling allowances for Officers and their Establishments is in the Estimate of the Agents of Vizagapatam and Ganjam, and with regard to the orders of Government directing those Officers to make annual tours in the Hills of those Districts it is not possible to reduce the Estimate by any considerable sum. Slight reductions have been effected in the Estimates of some of the Sessions Courts and Small Cause Courts as the amounts entered in the Budget appeared excessive in comparison with other Courts similarly situated.

(c) The charges for Batta to prosecutors and witnesses vary in different Districts very considerably, more so than the distances to be travelled and the number of criminal trials appear to warrant. It is observed that Section 438 of the Code of Criminal Procedure (as amended) contains wider provisions than the repealed section and the most careful supervision will be required to enable Judges and Magistrates to keep within the Estimate as reduced. The Estimates for the several Courts have been fixed as far as possible with reference to the actual expenditure in 1868-69 and the average requirements of other Districts similarly situated. In this way large reductions have been effected in some Districts, more especially in Coimbatore, Malabar, Nellore, North Arcot, Salem, Tanjore and Vizagapatam.

(d) Great hesitation has been felt in reducing the estimates under the next head "Fees to Government Pleaders." Greater intelligence is daily becoming more and more requisite for conducting prosecutions in the Courts of Session, and in a large number of cases the highest fee sanctioned by Government is not an inadequate remuneration for the services of the Government Pleader. The Estimates as revised range from Rupees 150 in the Neilgherry District to Rupees 1,600 in the Tanjore

Districts.

(E) The reduction under the head of Presents to Khond Chiefs &c. ought not, it is believed, to cause any inconvenience.

(F) Lastly, under the head 'Other items', the estimates have been framed so as to allow a small reserve fund in each Court, but so small as not to suffice for any extraordinary expenditure. And therefore arises the necessity of providing an Extra Reserve fund as stated above. Mistakes have very probably occurred in making the reductions, there being no time for making references to the Subordinate Courts and few reliable "data" available.

5

In conclusion, I am directed to transmit for the information of Government the draft of a Circular letter which, under instructions from the Chief Justice and Judges of the High Court, I propose to issue to all Judges and Magistrates.

High Court of Judicature, Madras, 3d December 1869.

I have the honor to be,
Honorable Sir,
Your most obedt Servant,
Wigram
Actg Registrar,
Appellate Side.

L.R.S.P. Handlaren.

Circular. 4

To

Sir,

I am directed to forward for your information the Budget Estimate of your Court for 1870-71 as received. The Government having requested the High Court to direct the reduction of the Estimates of the Judicial Establishments within Rs. 22,00,000 it has been necessary to make the reductions noted below.

	Estimate as submitted	Reduced Estimate
Contingent Expenditure	31,352	17,244
Travelling allowances for Officers and Establishments	15,188	11,283
Batta to Prosecutors, Witnesses &c.	83,306	63,530
Fees to Government Pleaders	25,634	19,550
Presents to Khond Chiefs &c.	6,724	5,400
Other items	13,428	9,253

The reductions have been apportioned as equitably as possible among the several Courts, but it will require the most careful supervision on your part to keep your expenditure within the Estimate. The Judges of the High

Court rely on your exercising personal superintendence over every item of contingent expenditure and enjoining the strictest economy in like matters on your subordinates. In taxing the expenses of witnesses &c. to whom you may decide to allow their expenses under Section 438 of the Code of Criminal Procedure - Judges and Magistrates are expected to exercise a careful discretion, and District Magistrates should supervise the proceedings of the Subordinate Magistracy.

2. To enable the High Court to judge how far these instructions are properly carried out, I am to request that you will submit a Quarterly Statement in the accompanying form shewing the actual expenditure incurred under the following heads.

	Amount sanctioned.	Amount expended up to date.
Contingent Expenditure		
Travelling Allowances for Officers and Establishments		
Batta to Prosecutors, witnesses &c.		
Fees to Government Pleaders		
Arrants to Rhond Chiefs &c.		
Other items		

The first Statement should be despatched early in July. 8

3. Should you in the course of the ensuing year find that extraordinary circumstances render it probable that the amount sanctioned for your Court will not suffice for your requirements, I am to request that you will submit a full report on the matter without delay and suggest any means which may occur to you for supplying the deficiency by a transfer of funds.

I have, &c.,

E. R. C. Handlaven.

Financial Department.

10

PROCEEDINGS of the **MADRAS GOVERNMENT.**

Read the following letter

From the Actg Registrar of the High Court Madras. } Recd under 3d Dec 1869 Rs 2405.

Order thereon No 600 - 10 Dec 1869.

The Governor in Council approves of the reductions made by the Hönble the Judges of the High Court in the Budget Estimates for 1870-71, and passes the revised Estimate amounting to Rs 22,00,000.

2. The Governor in Council also sanctions the sum of Rs 9,014 being held as a reserve fund. But is of opinion that all appropriations

Rec'd 4th Dec 1869 Finance & Revenue Dept.

To The Registrar of the High Court of Judicature at Madras.

Sir,

I am directed by the Governor in Council to transmit to you the accompanying Bill for Rs 2405 drawn by you in favor of the Chief Secretary to Government.

Dated 3d December 1869

Received 6th

I am Sir Your obedient Servant

[illegible]

Rs 2405 Bill & Enc:

No. 600.

Dated 10th Dec 1869

Transmitting revised Budget Estimates for the Judicial Department for the year 1870-71 & 71-72 = Rupees 22,00,000

W Brunton

28

appropriations from the fund should be duly communicated to the Accountant General.

3. The Circular letter proposed to be issued to the several Judges and Magistrates is approved.

To

The Hon'ble the Judges of the High Court
Accountant General
with the Estimates

24 Novembre

Govt. of {18 69} Madras.

Financial

To

The Honble the Judge.
of the High Court.
&c.

Dated Dec. 10
Recd. } 1869, No. 610.

Nos. 29 & 30.

Approving of the reductions
made by the Honble the Judges
of the High Court in the
Budget Estimates for 1870-71,
& passing the revised
Estimates amounting to
Rs 22,00,000.