

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT

G.O. No.	188	Press
		~~Mis~~
43-44		
Dated	17-2-	1860

Not to be folded or roughly handled

*Proceedings of the Madras Government, Judicial Department,
for the month of February 1860.*

No. 43. Read the following Proceedings of Government in the Public Department, dated
6th February 1860, No. 169.

*Communicating copy of a letter from the Offi-
ciating Register to the Sadr Addlât, suggest-
ing, and the Order of Government thereon,
sanctioning, certain alteration in the Un-
covenanted Service Examination Rules, for
the Judicial Department.*

(Vide Proceedings, Public Department, from 1st
to 10th February 1860, Nos. 36 and 37.)

No. 44.

ORDER THEREON, 17th February 1860, No. 188.

To be recorded.

(Signed) T. PYCROFT,
Chief Secretary.

PROCEEDINGS of the MADRAS GOVERNMENT.

Read the following letter from G. F. FULLERTON, Esq., Officiating Register to the Court of Sudder Udalut; to T. PYCROFT, Esq., Chief Secretary to Government, Fort Saint George, dated 23rd December 1859, No. 85.

The rules in force at present for the examination of the Uncovenanted Service make no provision for the examination of persons already in the service who are candidates for the appointments of Pleaders and District Moonsiffs. The Sudder Court had formerly special examinations at which the qualifications of such Candidates might be tested; but on the publication of the rules of 4th March 1858, they issued a notice that these examinations would be discontinued, and that in future the test would be the same as laid down by these rules for the highest standard of examination for the Judicial Department.

2. Under this rule but one person already in the service of Government has offered himself for examination, the literary test, it is believed, deterring others from the attempt.

3. The number of persons now holding diplomas under the old rules being much diminished, the Judges have little power of selection, and indeed have been obliged to appoint to the office of District Moonsiff, many who do not hold diplomas, on a promise of their afterwards appearing for examination; and under these circumstances they will be obliged again to reorganise their former examinations unless their present suggestion should meet with the approval of Government.

4. They would therefore recommend that the Judicial and Literary tests under the present rules should be disconnected, so far at least as to admit of persons already in the service subjecting themselves to the first without reference to the latter. They would not wish to alter or modify the test as at present laid down, which contains most of the branches of jurisprudence with which the Judicial Officers should be acquainted, but they would, looking to the number of subjects, propose that the total number of marks to be assigned should be not less than 500, and that to obtain a certificate of proficiency the Candidate should obtain at least $\frac{3}{4}$ ths.

5. The Judges are of opinion that a uniform system of examination subject to the control of the General Committee would be preferable to their again organising their special examinations, which would also cause much inconvenience and loss of time to the Judicial and other officers who form the local Committees on such occasions.

6. While on the subject of the Judicial examinations, the Judges consider they would not be going beyond their province, if they further suggested that the alteration in the present rules, which they have now recommended with reference to those parties already in the service, should be extended to the case of all Candidates for the higher standard of the Judicial Department, with the exception of course that they should have duly qualified under the literary test before being permitted to present themselves for examination under the legal test. As the rules stand at present, the legal test forms a component part of the general test, and failure in it involves complete failure, and the necessity of again passing in all the subjects of the educational test, and the Judges would remark it is quite impossible that the young men who present themselves for examination can have had either time or opportunities for the study of law and jurisprudence, and at the best can have acquired but a superficial acquaintance with such subjects, at the expense of time which might have been better devoted to studies more suitable to their age. It is true that the Law Examiner might raise the standard so high as to shut out all who are not duly qualified, but this would have the effect of neutralizing their success however great in the literary test. The Judges would further propose that no Candidate for examination in the Judicial branch should be admitted until past the age of 21.

7. If this suggestion should meet with the approval of the Government, the Judges would at once publish a Notification calling on all District Moonsiffs at present holding their office conditionally to appear at the next examination in March 1860.

ORDER THEREON, 6th February 1860, No. 169.

1. In this letter the Judges observe that in the new Uncovenanted Service Examination Rules, no provision is made for the examination of persons already in the Service who desire to qualify as Pleaders and District Munsifs, and they make certain suggestions with the view of remedying this.

2. They remark that, since the introduction of the new system and the discontinuance of the special examinations at which diplomas were formerly granted, only one public servant has offered himself for examination for the higher grade of the Judicial Department, the comprehensiveness of the test having, they believe, deterred others from making the attempt. They recommend that the portion of the test which comprises the subjects coming under the head "Law" should be so far disconnected from the rest as to admit of persons in the service presenting themselves for examination in that one branch separately and without reference to the others. They are satisfied with the law test as it now stands, but would raise the minimum from $\frac{1}{4}$, which the rules at present require, to $\frac{1}{2}$ of the maximum.

3. The Government see no objection to this, and authorize its adoption.

4. In paragraph 6 the Judges recommend, for reasons stated, that this strictly legal examination should be thrown open to all without distinction, with the reservation that applicants must have previously passed in the other subjects prescribed by the rules for the Judicial Department.

5. It will be sufficient to forward to the Judges copy of the Order of Government in the Public Department dated 20th August 1859, which will meet the end in view. It will be seen that, under the revised rule, an individual who has passed for the Revenue Department may qualify for the Judicial by passing in "Law" alone, the other subjects being common to both tests, and therefore not required in a second examination. A passed Candidate for the English branch must in his second examination take up "Vernacular" in addition.

6. The suggestion proposed at the close of paragraph 6, may be adopted.

(True Extract.)

Signed J. Pycroft
Chief Secretary.

To the Court of Sadr Adalat.

- „ Board of Examiners.
- „ Committee for Uncovenanted Service Examination.
- „ Director of Public Instruction.
- „ Judicial Department.

Exd. F. Cartledge.

