

# MADRAS RECORD OFFICE.

Government of Madras.

*Judicial* DEPARTMENT.

G.O. No.

1011

Press

MHS.

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Dated

27.6.1862.19

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Not to be soiled or roughly handled

*Proceedings of the Madras Government, Judicial Department,*  
*27th June 1862.*

Read again Proceedings in the Military Department, dated 25th March 1862, No. 1,103, and recorded in the Proceedings, Judicial Department, 5th April 1862, No. 558.

Read also the following papers:—

No. 224. From W. ROBINSON, Esq., Inspector General of Madras Police; to T. PYCROFT, Esq., Chief Secretary to Government, Fort Saint George, dated 24th April, 1862, No. 836.

General Department.

With reference to Government Order of the 5th April 1862, No. 558, I have the honor to reply that

1stly. The period of one year's probation was fixed by the Order of Government published in the Fort Saint George Gazette, dated 4th May 1860. This period cannot be shortened, indeed while Officers have been organizing their Districts it has been found necessary to extend it, but it should suffice under ordinary circumstances to test the qualifications of an Officer as well as give him time to pass.

2ndly. The subjects (other than lingual) of examination of Police Officers are Criminal and Police Law in general, Special and Local Regulations which may come within the scope of a Police Officer's duty, and the Law of Evidence. The text books being the Penal Code, Procedure Code, Madras Regulations (so far as applicable), I recommend also Roscoe's Digest of Criminal Evidence and Archibold's Pleadings and Evidence in Criminal cases, a thorough degree of proficiency in Criminal Law must be required.

3rdly. The mode of examination should be *visà voce* examination as in Munsiffs' examination; and written papers and law cases transmitted from the Presidency.

4thly. A Committee of the Judge and Magistrate should hold *visà voce* examination and pass an opinion on the proficiency displayed; the written papers being transmitted to the Board of Examiners in Law.

5thly. The plan suggested in answer to question No. 4, would give the facility of being examined. The written question emanating from one Board will secure equality of standard in the examinations.

6thly. To afford Candidates the opportunity of attaining the knowledge required of them, leave should be granted, for a period not exceeding 3 months, on the conditions laid down in G. O. G., 24th April 1855, No. 116, namely, that the period of their absence should be reckoned as on duty. This would enable them to study and attend lectures in Madras.

No. 225. From C. F. CHAMIER, Esq., Registrar of the Sudder Court; to the Honorable T. PYCROFT, Chief Secretary to Government, Fort Saint George, dated 30th April 1862, No. 62.

I am directed by the Judges to submit herewith the information called for in the Order of Government, dated 5th April 1862, No. 588, prepared in the form prescribed. The test is designed to meet the case of Military Staff Officers seeking employment in the Magisterial Department.

1st. What period of probation should be required? One year.

2nd. What should be the nature (subjects) of examinations, and what the degree of proficiency in them to be required? The subjects embraced in the special test prescribed for Candidates for the office of District Moonsiff, and the same degree of proficiency.

3rd. By what mode of examination could this proficiency be best ascertained? By a mode similar to that adopted in the case of the Uncovenanted Service Examinations.

4th. Who should be the Examiners? Any persons appointed on the recommendation of the Commission for the Uncovenanted Service Examinations.

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5th. What arrangements could be made to afford sufficient facilities to Officers for being examined, and yet ensure as far as possible, equality of standard in the Examinations? Arrangements similar to those made for the Examination of Candidates for the Uncovenanted Service.

6th. What arrangements should be made to afford Candidates opportunities of attaining the knowledge required from them? No arrangements on the part of Government will be necessary.

(Signed) C. F. CHAMIER,  
Registrar.

No. 22G.

ORDER THEREON, 27th June 1862, No. 1,011.

The Governor in Council does not altogether approve of the regulations proposed by the Judges of the Sudder Court for testing the qualifications of Military Officers who may be employed or may be Candidates for employment in the Magistracy. It does not appear to him to be necessary that the Officers of that Department should, as suggested by the Judges, pass an examination in all the subjects prescribed for Candidates for the office of District Munsiff. The Penal Code, the Code of Criminal Procedure, the Rules of Practice laid down by the Court of Foujdaree Adalat and the Law of Evidence contain all the legal knowledge that is essential for an Officer of the Magistracy; but in order to the efficient discharge of his duty, it is absolutely necessary that he should possess a thoroughly practical command of the Vernacular language of the District in which he is appointed to serve; and as almost every European Officer of the Magistracy in the Provinces of this Presidency is also an Officer of Revenue, the same knowledge of the Revenue Law and system of administration which is demanded from the Officers of the Civil Service should be required in the case of Military Officers holding similar appointments. The tests in fact should be the same for both, and should be applied in the same manner and by the same body of Examiners; the rules in force for the examination of Civil Assistants being applied to Military Officers and others who may be appointed hereafter to the office of Assistant Collector or Magistrate. Precise writing has been recently added to this test, and the Governor in Council would further provide in the rules for a paper of questions on the Law of Evidence. Such a paper, it is understood, has of late been given, but the rules do not provide for it, and it is desirable that the omission should be supplied.

2. Any Military Officer or other person not in the Covenanted Civil Service whom it may be proposed to employ in any of the appointments in the Provinces reserved for that Service, should be required previous to his appointment to pass the preliminary examination in the Vernacular language of the District in which he seeks employment, which Junior Civil Servants are required to pass, before they can be employed at all in the public service. On obtaining an appointment as Assistant, he should be considered to be on probation for eighteen months, within which period he should be required to pass the Assistants' Examination according to the 1st standard; or failing to do so be removed from his appointment. No Officer should be permitted to exercise the powers of a Head Assistant until he has passed the 1st standard of examination nor to draw the full pay of that grade until he has passed the 2nd standard. In all cases the salary will be a consolidated salary not exceeding the amount which a Civil Servant holding a similar office would receive, and it should be understood that claims to promotion based on length of service will have reference exclusively to the period of service spent in Civil employment.

3. The tests to be passed by Military Officers employed in the Mofussil Police must be somewhat different from those required for the Revenue and Magisterial Departments. The English and Indian Police Codes, the departmental orders and practice, the Penal Code, the Code of Criminal Procedure, Local and Special Laws, affecting the Police, Archbold's Pleadings and Evidence in Criminal cases, with a paper testing the Officer's ability to write a good precis of a Police case and to explain a detective's duties in illustration of a case selected from one of the volumes of Minutes of Evidence taken at the Central Criminal Court—should form the legal branch of the test; the papers being prepared and furnished by the Board of Examiners in communication with the Inspector General of Police. This part of the examination may be conducted entirely on paper.

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4. The lingual test should be that prescribed in the Proceedings of Government under date the 13th November last, No. 1,374, viz., a knowledge of the Vernacular of the District to the extent of reading and translating an original Native letter of moderate difficulty and of conversing fluently with Natives on ordinary subjects.

5. The period of probation should be eighteen months, and within this period each Officer should be required to pass the test above laid down.

6. The examinations, like those of Assistants in the Revenue and Magisterial Departments, should be held half-yearly under the direction of the Central Committee of the Board of Examiners.

7. In regard to the arrangements to be made for affording Candidates opportunities of attaining the knowledge required of them, the Governor in Council is of opinion that in the Departments now under consideration, much of the requisite knowledge may best be attained by study combined with the actual performance of duty during the period of probation; but to enable Military Officers to qualify for the preliminary examination in a Vernacular language, to which reference is made in paragraphs 2 and 7, and to gain also some preliminary acquaintance with one or more of those branches of law which they will be required to master, provision might be made, as suggested by Mr. Robinson, for granting them leave to the Presidency for a period not exceeding 6 months on the condition laid down in G. O. G., 24th April 1855, viz., that for the period of absence they should be considered to be on duty. During such leave they should be under the supervision of the Board of Examiners, who should periodically test their progress in the language they may select to study and ascertain from time to time that they are not neglecting their legal studies.

(Signed) A. J. ARBUTHNOT,  
Acting Chief Secretary.

Judicial Department. 24

PROCEEDINGS of the MADRAS GOVERNMENT.

Read the following letters:  
Read again Pro in the Judicial Department dated 25 March 1862 N<sup>o</sup> 1103 & 1104  
in the Pro, Judicial Dept 25 April 1862 N<sup>o</sup> 558.  
From the Inspector General of Police. (Here entered 24<sup>th</sup> April 1862 N<sup>o</sup> 856.)  
From the Registrar of the Sudder Court. ( " " 30<sup>th</sup> do 1862 - N<sup>o</sup> 62.)

Order thereon 27<sup>th</sup> June 1862 N<sup>o</sup> 1011.

The Governor in Council does not altogether approve of the regulations proposed in by the Judges of the Sudder Court for testing the qualifications of Military Officers who may be employed or may be candidates for employment in the Magistracy. It does not appear to him to be necessary that the officers of that Department should, as suggested by the Judges, pass an examination in all the subjects prescribed for

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to pass before they can be employed at all in the public service. On obtaining an appointment as Assistant, he should be considered to be on probation for eighteen months, within which period he should be required to pass the Assistant's examination according to the 1st standard; or failing to do so be removed from his appointment. No officer should be permitted to exercise the powers of a Head Assistant until he has passed the 1st standard of examination nor to draw the full pay of that grade until he has passed the 2d standard. In all <sup>cases</sup> the salary will be a consolidated salary not exceeding the amount which a Civil servant holding a similar office would receive, and it should

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J. K.

To the Military Dept.  
" Revenue Dept.  
" Interior  
" Supr of Public  
" Board of Examiners.

Recd 1st July

