M.R.O. 1—32,000—15-10-22.

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No. 168—169 Press
21-23 ~~Mis.~~

Dated 4. 2. 1862 ~~19~~

22/23

Not to be folded or roughly handled

—

Read again the following papers:—

From the Registrar to the Court of Sudr. Adawlut, dated 25th July 1855, No. 67.

Extract Minutes of Consultation, dated 12th October 1855, Judicial Department, No. 748 A.

To the Government of India, dated 12th October 1855, Judicial Department, No. 749.

No. 21. MINUTE by the Honorable W. MOREHEAD, dated 7th December 1861.

So far back as the 12th of October 1855, this Government, in their proceedings of that date, strongly pressed upon the Supreme Government, the necessity that then existed for increasing the salaries of the District Moonsiffs, and the rate of remuneration afforded to their different Office Establishments.

But up to this time nothing has been done. The letter from the Registrar of the Sudder Court, on which the Government proceedings refered to were founded, explains in detail the reasons that compelled the Judges to advise the adoption of the measures they then advocated. Since 1855 nothing has occurred to improve the state of matters then existing. In fact the delay has added greatly to the hardships suffered by the District Moonsiffs and their Establishments, and I am satisfied that further delay in affording relief to this body of meritorious public servants must act injuriously on the value and efficiency of the large class of Courts over which they preside.

I append to this Minute a petition* which has been presented on this subject by one of the District Moonsiffs. I do so because it sets out concisely the present relative position in respect to salaries, now held by the District Moonsiffs and their compeers, in other branches of the public service. The comparison shows that they are certainly the worst paid public servants we now have.

* Doct. C.

Since 1855, the number of District Moonsiffs has been increased; which, with the increased rate of pay that it appears to me should be given them, makes the sum now required considerably in excess of that asked for in 1855. In dealing however with this question it must never be overlooked, that the amount of Stamps paid into the District Moonsiffs' Courts nearly covers the whole of the cost of their Courts.

Statement A. shows the nature of the changes which I would recommend for the consideration of Government, with the expenditure required to carry them out.

Statement B. shows the effect financially of the reductions already effected in our Judicial branch of the service, with some probable prospective reductions still to be effected when it is found possible to reduce our Sudder Ameens—a class of Officers not required for the working of our Criminal Courts, after the introduction of the Penal Code.

The mode advised by the Judges of the Sudder Court in their letter already referred to, in respect to the promotion of the District Moonsiffs, and which the Government have approved of, should be adhered to. Indeed the only change that I have suggested in this Memorandum, is that salaries for the District Moonsiffs, and their Establishments—in excess of those recommended by the Government in 1855—should now be asked for. I have been induced to do this, chiefly in consequence of the general enhancement of the salaries of Native functionaries of almost every grade since that time, and also from the circumstance that the labors imposed upon our District Moonsiffs are daily increasing. In all their Courts, their files have largely increased and the number of decisions required of them has been proportionately added to, as the only means of keeping down their files. I know of no class of public servants in whom greater trust must be reposed, on whom necessarily greater responsibility is imposed, and from whom a greater amount of difficult and laborious work is exacted.

In dealing with this subject it must not be lost sight of that the cost of the District Moonsiffs' Courts are more than defrayed by the payments made on account of the stamps on which the plaints filed in their Courts are written.

There is another circumstance connected with the working of the Civil Courts in this Presidency which calls for immediate attention, and that is the very heavy state of the files of the District Moonsiffs' Courts in several Zillahs, and which has compelled the Judges of the Sudder Court to call upon Government to create some five or six additional Moonsiffs.

Now it appears to me, that the better course to pursue to remedy the serious evil complained of, and which is so great as almost to amount to a denial of justice to the parties filing their suits in the Courts in question, would be for this Government to ask for the sanction of the Supreme Government to constitute, under Act XLII of 1860, Courts of Small Causes in those Districts where their working promised to be beneficial. By this means the files of the District Moonsiff would cease to be increased, and if the Judges of the Sudder were to intimate to the Judges of the Zillahs, in which the Small Cause Courts might be established that they were to issue a proclamation informing parties whose suits were on the files of the District Moonsiff that these suits would on their request be transferred to the file of the Small Cause Court, I have no doubt but that very many suits would be so dealt with. This step, I conceive, would be carried out under Section 6, Act VIII, of 1859, and is in no way opposed to Section X, Act XII, of 1861.

After a Small Cause Court had been for some time in operation in a District, it will probably be found that some of the District Moonsiffs' Courts might be abolished. To admit of an entire Zillah being placed under the jurisdiction of one Small Cause Court, it will be requisite for the Government to appoint under Sections VII and VIII of Act XLII of 1860, several Stations or places where the Court could be held. The Court would thus partake of the nature of a Circuit Court holding its sittings where best adapted to suit the convenience of the people.

As it is clearly of the utmost importance that the Small Cause Courts to be thus established should be presided over by Judges in whom the people feel confidence, it has therefore occurred to me that the safest and best mode that can be adopted for the first establishing of these Courts, and one that will call for no increase of expenditure, will be to convert our present Sub Courts into Small Cause Courts. If this course were approved of, six Courts could at once be established.

The opinion of the Judges of the Sudder Court had better be obtained on this point. It is just possible that in some Zillahs on the abolition of their Sub Courts it may be necessary to substitute for them Principal Sudder Ameens' Courts. I am however inclined to think that this will not be the case; certainly the Principal Sudder Ameens will only be required to dispose of the appeal suits, pending on the files of the Sub Courts, and consequently their appointments will only be of a temporary nature.

(Signed) W. MOREHEAD.

No. 22. ORDER THEREON, 4th February 1862, No. 168.

Ordered that the following letter be despatched, and that a copy of it be furnished to the Judges of the Court of Sudr Adawlut for their information. Resolved also that the Judges be requested to submit a Tabular Statement in the prescribed form showing the additional expense that will be entailed by raising the salaries and establishments of the 118 District Moonsiffs of the Madras Presidency to the extent proposed in paragraph 7 of the letter.

(Signed) T. PYCROFT.
Chief Secretary.

No. 23. To the Secretary to the Government of India, dated Fort Saint George, 4th February 1862, No. 169.

I am directed by His Excellency the Governor in Council to address the Government of India on the subject of the salaries of the District Moonsiffs in this Presidency, and those of their establishments, and to represent the insufficiency of their remuneration, and the urgent necessity of its being placed on a better footing.

2. There are at present 125 District Moonsiffs in this Presidency, divided into three classes. Their numbers in each class, rate of pay, and cost of establishment are shown in the following table:

	Number.		Salary per mensem.		Monthly cost of establishment.
First class.....	14	Rs.	200	Rs.	85
Second class...	32	,,	150		
Third class.....	79	,,	100	,,	70
	125				

including seven District Moonsiffs in the Province of North Canara, which is about to be transferred to the Government of Bombay. The aggregate cost is Rupees 24,940 per mensem, or Rupees 2,99,280 per annum.

3. In the year 1855 this Government represented to the Government of India that the remuneration of the District Moonsiffs in this Presidency was inadequate, and they strongly recommended the adoption of the subjoined increased scale.

	Number.		Salary per mensem.		Monthly cost of establishment.
First class.....	12	Rs.	250	Rs.	130
Second class...	12	,,	200	,,	115
Third class ...	94	,,	150	,,	90

The total cost would have been Rupees 31,525 per mensem, or Rupees 3,78,300 per annum, being an increase of Rupees 6,585 monthly, or Rupees 79,020 annually, above the present scale.

4. No reply has been received to that communication, although made more than six years ago. Meanwhile the position of the District Moonsiffs and of their establishments has not only not improved, but as compared with the position of public servants in other branches of the service, has actually, and very seriously retrograded.

5. In other departments of the State the principle that adequate remuneration should be attached to the performance of arduous and responsible duties, has been fully recognized. In the Revenue branch the Deputy Collectors draw from Rupees 250 to 600 per mensem, besides travelling allowance. The salaries of Thasildars have been greatly raised. In the Public Works Department Sub Engineers, besides a travelling allowance of Rupees 3 per diem, draw pay from Rupees 250 to Rupees 400 monthly. In the Enam Commission, in the Revenue Survey, and Settlement, and in the Forest Departments are several well paid Uncovenanted appointments. The District Moonsiffs although their duties are in no way of less importance than those of the functionaries above alluded to, and although those duties have of late in no degree diminished but on the contrary much increased, stand alone as an exception to the wise and liberal course which has been elsewhere followed.

ENAM COMMISSION.			
2 Special Assistants.....	600	Rs.	each.
2 Deputy Collectors, 3rd class.....	440	,,	,,
12 do. 4th do.	340	,,	,,
SETTLEMENT DEPARTMENT.			
1 Uncovenanted Assistant.....	350	Rs.	
1 2nd do.	280	,,	
2 Assistant Directors.....	325	,,	each.
1 do.	300	,,	
1 Probationer.....	250	,,	
1 Manager.....	250	,,	
SURVEY DEPARTMENT.			
2 Assistants.....	425	Rs.	each.
5 do. 2nd grade.....	325	,,	,,
FOREST DEPARTMENT.			
1 Assistant Conservator.....	300	Rs.	

6. It should be noticed that the District Moonsiffs of the Madras Presidency have a much more extensive jurisdiction than those of the Bengal Presidency, the limit of jurisdiction in the case of the former is Rupees 1,000, in that of the latter it is only Rupees 300. Nearly two-thirds of the whole original civil jurisdiction in the country devolves, in this Presidency, on the District Moonsiffs. To this, in the case of several District Moonsiffs, Criminal jurisdiction has been added under Act XII of 1854.

Original suits filed in 1860	1,37,534
Of which in District Moonsiffs' Courts	88,793

7. The Madras Government cannot think it either creditable to the State, or conducive to the public good, that servants on whose integrity, zeal and ability, the right administration

of justice so largely depends, should be left in their present condition. It is clear that the result must be to render the Subordinate Judicial service of the Madras Establishment an inferior service, to draw from it its most valuable members into other departments of the State, and to deter men of promise and respectability from entering it for the future. Fully impressed with the truth of this, and of the ill consequences which must ensue from it, the Madras Government have instructed me strongly to urge on the Government of India that the pay of the District Moonsiffs may henceforward be fixed as follows :—

10 First class at Rs. ... 300
10 Second do. ,, ... 250
98 Third do. ,, ... 200

† 118

The scale it will be remarked is higher than that proposed in 1855, the increase being due partly to the enhanced prices of the necessaries and conveniencies of life which have ruled of late years, but chiefly to the improvement since 1855 in the remuneration of other public servants. Even at the scale now recommended, a District Moonsiff of the first class will draw less than Deputy Collectors of three classes out of four, and no more than a Sub Engineer of the second class. The third class Moonsiffs moreover, who are more than four-fifths of the whole number, or 98 out of 118, will receive no more than the third class Thasildars in the Provinces.

Deputy Collectors.	Rupees per mensem.	
1st class..	600	Besides travelling allowance.
2nd class...	500	
3rd class...	350	
4th class.....	250	

Thasildars draw	
1st class.. ...	... Rs. 250
2nd do.	... ,, 225
3rd do.	... ,, 200
4th do.	... ,, 175
5th do.	... ,, 150

8. The improvement of the position of the District Moonsiffs themselves will however be of little benefit unless the establishments through whom they must work, and to whom so much must be confided be placed on a suitable footing. The Government would fix the establishment of each District Moonsiff at Rupees 120 per mensem. They would have the same scale for all three classes of Courts, the nature and amount of work to be executed by the establishment not varying with the class of Court to which it may be attached.

9. The aggregate cost of the arrangements now proposed would be monthly Rupees 39,260 or yearly Rupees 4,71,120 being in excess of the cost of the present District Moonsiffs and their establishment in the sum of Rupees 14,320 per mensem, or Rupees 1,71,840 per annum.

10. To meet this sum there may fairly be made available the reductions, which during the last twelve months, have been effected in the higher branches of the Judicial service; amounting as per accompanying list B. to Rupees 51,684 per annum. A further saving of Rupees 54,420 may likewise be accomplished by the abolition gradually of 18 Mooftee Sudr Ameen Courts.

† Rupees 2,99,280 per annum.

11. Nor should it be forgotten that the entire expense† of the present District Moonsiffs and of their establishment is more than covered by the sale of stamps for use in the District Moonsiffs' Courts, and that the cost of the Courts on the improved footing now recommended would in great part be covered from the same source.

12. This Government have recently received with great satisfaction the resolution of the Government of India, dated 11th November 1861, which does justice to this Presidency, and shows that after defraying all local, and its due proportion of home and imperial charges, the Madras Presidency yielded for the year 1861-62 a net surplus of Rupees 22,43,550.

* Note.—The sales of Stamps for use in all the District Moonsiffs' Courts of the Madras Presidency were, deducting refunds, for the Official year 1859-60, Rupees 3,79,428 for 1860-61, Rupees 4,52,013. This does not include fines for the putting in of unstamped documents. The out-turn of 1860-61 was probably so high owing to the number of suits suddenly filed in anticipation of the Limitation Act taking effect—but this does not apply to the sales of 1859-60.

† Note.—This is exclusive of the 7 for North Canara.

13. Government believe that this surplus will increase, and they submit that it is a measure of simple justice to the people of this Presidency, and in consonance with the spirit of the resolution alluded to, that no part of the revenue derived from the labors and industry of the inhabitants of the Madras Provinces shall be applied to meet deficiencies in other divisions of the Indian Empire, until the leading wants of the Madras people have been fully supplied. Among these wants none can be more urgent than that that branch of the Judicial service by which the great bulk of the Judicial business of the country is performed shall in respect of their emoluments of office be placed on such a basis as shall ensure the pure and efficient administration of justice.

14. A Tabular Statement in the prescribed form accompanies and provision has been made for the enhanced charge in the Budget for 1862-63.

(Signed) T. PYCROFT,
Chief Secretary.

B.

Courts abolished within the last twelve months.

Bellary.—Salary of Mooftee Sudder Ameen @ Rs. 200.	2,400	
Establishment of do. @ Rs. 45...	540	
		2,940
Masulipatam.—Salary of Mooftee Sudder Ameen @ Rs. 280...	3,360	
Establishment of do. do. after deducting Rs. 21 per mensem, transferred to the Civil and Sessions Court @ Rs. 24.....	288	
		3,648
Chicacole.—Salary of Mooftee Sudder Ameen @ Rs. 200...	2,400	
Establishment of do. after deducting Rs. 18 per mensem, transferred to the Civil and Sessions Court @ Rs. 27....	324	
		2,724
Trichinopoly.—By the abolition of the Principal Sudder Ameen's Court, after deducting 52½ transferred to the Civil and Sessions Court @ Rs. 954-8-0...		11,454
Chingleput.—By the abolition of the Establishment of the Principal Sudder Ameen's Court, after deducting Rs. 52½ transferred to Civil and Sessions Court @ Rs. 454½..... ...*		5,454
Chittoor.—Difference of salary between the Sub Judge and Principal Sudder Ameen @ Rs. 900.....		10,800
Bellary.—Difference of salary between Sub Judge and Principal Sudder Ameen of Bellary.....		10,800
By abolition of Itchapore Sudder Ameen's Court...		3,864
		51,684
Prospectively.		
By the abolition of 18 Mooftee Sudder Ameen's Courts.....		54,420
		1,06,104

In these two Zillah the Sub Judges' Court has been abolished and that of a Principal Sudder Ameen substituted.

JUDICIAL DEPARTMENT.

No. | Date. | Dept. Govt. of India. | Office to which the Proposition refers | Nature of Charge. | Present Scale. | Proposed Scale. | Proposition. Permanent. Increase per month. | Proposition. Permanent. Decrease per month. | Proposition. Temporary. Increase per month. | Proposition. Temporary. Decrease per month. | Period. | Period. | Casual or Extraordinary. | Grounds of Proposition. | Local Government's recommendation. | Orders of the Govt. of India. Home Dept. Remarks. | Orders of the Govt. of India. Financial Department. Remarks. | Orders.

		Present Scale. Rs.	A.	P.	Proposed Scale. Rs.	A.	P.	Permanent. Increase per month. Rs.	A.	P.	Permanent. Decrease per month. Rs.	A.	P.	Temporary. Increase per month. Rs.	A.	P.	Temporary. Decrease per month. Rs.	A.	P.
14	1st class Moonsiffs at 200 Rs. each per mensem. Establishment for do. at 85 Rupees each per mensem.	2,800	0	0	10 1st class Moonsiffs at 300 Rs. each per mensem. 10 2nd class Moonsiffs at 250 Rs. each per mensem. 98 3rd class Moonsiffs at 200 Rs. each per mensem. Establishment for do. at 120 Rs. each per mensem.	0	0												
32	2nd class Moonsiffs at 150 Rs. each per mensem. Establishment for do. at 85 Rupees each per mensem.	1,190	0	0	3,000	0	0												
74	3rd class Moonsiffs at 100 Rs. each per mensem. Establishment for do. at 70 Rupees each per mensem.	4,800	0	0	2,500	0	0												
		2,720	0	0	19,600	0	0												
		7,900	0	0	14,160	0	0												
		5,530	0	0															
	Rupees.....	24,940	0	0	Rupees.....	39,260	0	14,320	0	0									

For the reasons stated in the letter from the Chief Secretary to Government of Fort Saint George, dated the 4th February 1862, No. 169, to the Secretary to Government of India, Home Department.

Favorable.

Forwarded for sanction to the Home Department of the Government of India.

(Signed) T. PYCROFT,
Chief Secretary to the Government of Fort Saint George.

Fort Saint George,
4th February 1862.

Sect. 5. And be it enacted, That the Petition of Mackay and Lucas against the Decision of the Board of Revision, and all the Proceedings had thereupon, shall be dismissed with Costs in favor of the Respondents, and the Decision of the Board of Revision, and the Assessment of the Assessor of the Parish of Jefferson, be and the same are hereby confirmed.

Sect. 6. And be it enacted, That the Petition of Mackay and Lucas against the Decision of the Board of Revision, and all the Proceedings had thereupon, shall be dismissed with Costs in favor of the Respondents, and the Decision of the Board of Revision, and the Assessment of the Assessor of the Parish of Jefferson, be and the same are hereby confirmed.

that landed before 1866 —
Landowners however will
have further to show that the
assessment of Wages paid
to the Ex-de-Coonts Ready
to the exclusion of the Cost
of Articles —
At
Statement Three — the Value
of the Shares should
include Improvements in
the consideration of Court
with the Expenditure

required to cover Rent
&c —
Statement B shows
the effect fully
of the deductions already
effected on the Landlords
share of the Produce —
to the Tenant Proprietor
Three Statements show
the Reductions
Rate to be effected when
the Tenants Proprietors
to reduce our Landlords

Answer - a Clerk of
Assize not appointed for
the Northern Circuit
& Middlesex Counties - after
the Middle Allotment of
the Royal Courts
shall made and issued by the
Judges of the Aforesaid Courts
in Term Time already re-
quired to, in Vacation to
the Jurisdiction of the Duke
Moorefields, & Middlesex -

Court - have appointed - that
the Act passed to - Indeed the
Act, charges that Slavery
shall be in the Name - it
shall be lawful for the Duke
Moorefields & Middlesex
Courts - in order of Term
Courts - in 18-55 - should now be
accepted for - Peace Lease.
Indicted to the Courts - chiefly
in Telegraphic & the
Leased.

exhausted by the fatal
effects of Intemperance
& other Gradations
from time to time
the Liberties Rights and
the Labors we hoped to
our Duty Morals &c
daily decreasing - till
Men Corrupt - Men Slaves
Men Corrupted
& the Necessities of Nature
required of them that least

Moodeffs -

How it appears to the Court
the petition aforesaid is
to already the following well
known pleased of the whole
world to grant an Order to
amount to a denial of jus-
tice to the petitioner unless
the Court to make the
Order prayed for the pur-
pose of the Petition Court

Moodeffs Court to the
Court petitioner & whose
has been pleased the Judges
of the Sudder Court to the
upon Court to Create bene
ficiary or his administrator

Then the Court the Court
Pleas to the petitioner
the Honourable of the Civil Court
in Jury Moodeffs which
calls for the Medical attend
ance of Heath in the City Zillah
Part of the Rules of the Dist
Moodeffs Court to the
Court petitioner & whose
has been pleased the Judges
of the Sudder Court to the
upon Court to Create bene
ficiary or his administrator

to [illegible] Under Act
of [illegible] 1860 - Cases of Smale
Caudel - in Which Decisions
where Rail Workers Injured.
Illustrated. In Each case Issued
by Said Master. The Cases
of the Debt would Create to
be Interested & Then In
of the Leaders case to the
Benefit to the Leaders of the
Federation the Whole Smale
Caudel Case Might Let be
Decided -

Real Estate to Value of
Declaration Enforcing Jail
Sale - Where Real Estate was on
the Border of the Debt - Real Estate
Security Property would on
Main Legal Real Estate
to the Sale of the P. C. C. & Place
to Doubt but Real Estate
Many Result would be to
Real Estate - Jail Sale - Not
Real Estate
Where, would be Carried out
Under Act of 1911 of 99 - &
in no way Affected -

Vacancies filled by Judges
in districts for which
no Judge resides. If
no person elected to
fill vacancy, Governor made
temporary appointment
until next election &
qualification of successor.
Vacancies in office of
District Attorney &
District Clerk. Residence
and office of District
Attorney. Duties of
District Attorney.
Duties of District Clerk.
Vacancies in office of County
Clerk, duties of County
and District Clerk

Vacancies in office of County
Attorney. Residence
and office of County
Attorney. Duties of
County Attorney.
Vacancies in office of
County Clerk. Duties
of County Clerk.
Vacancies in office of
Sheriff. Duties of
Sheriff. Vacancies
in office of Constable.
Duties of Constable.
Vacancies in office of
Justice of the Peace.
Duties of Justice of
the Peace. Vacancies
in office of Commissioner.
Duties of Commissioner.
Vacancies in office of
Inspector. Duties of
Inspector. Vacancies
in office of Assessor.
Duties of Assessor.

to subscribe for these
papers - I have now
one subscribed to Good
Words - but I will take no
more orders for any
papers - I have had
letters from Mrs Lyell &
Miss Horner & should
like to see them - I
2 Nov 1875 Received
Edinburgh Review
Lecky's History of
Rationalism - Wed

Judicial 1862 Dep[t]

Rec[d] Copy to Engd 27th March
No 5 of 1862.

Replied to. No 23 of 1862

Minute by the Hon[ble]
Mr Morehead.

Rd 10th Dec[r]
Rp 4th Feby 1862.

No 212

Recording his opinion
on the subject of the sa-
laries of the District Minis-
ters in this Presidency
& those of their Establishments.

21—23

Judicial Department

Proceedings of the Madras Government

Recd a cum letter from the Registrar to the Court of Sudr Adawlut — 25th July 1855. No 67

Extract Minutes of Consultation — New enter 12th October 1855. No 11787

To the Government of India — " do — " " No 169

Read also Minute by Hon[ble] W. A. Morehead — " " 5 December 1861.

Order thereon 4th February 1862. No 168.

Ordered that the following letter be despatched - and that a copy of it be furnished to the Judges of the Court of Sudr Adawlut for their information — Resolved also that the Judges be requested to submit a tabular statement in the prescribed form showing the additional expense that will be entailed by raising the salaries & establishments of the 118 District Courts of the Madras Presidency to the extent proposed in para 7 of the letter

To the Judges
Court
Dep[t]
4th

No 169

The Secretary to the Government of India Home Dept

Dep[t] 13th

Sir

I am directed by the Right Hon[ble] the Governor in Council to transmit to you for the information of the Government of India a copy of a Minute recorded by the Hon[ble] Mr Morehead on the subject of the salaries of the District Judges in this Presidency and those of their Establishments.

2. The Right Hon[ble] the Governor in Council is of opinion that the salaries of the District Judges are inadequate to the duties which they perform, and that the Establishments of the Courts are insufficient for the due discharge of the business which is brought before them.

3. The Right Hon[ble] the Governor in Council is of opinion that the salaries of the District Judges are inadequate to the duties which they perform, and that the Establishments of the Courts are insufficient for the due discharge of the business which is brought before them.

4. The Right Hon[ble] the Governor in Council is of opinion that the salaries of the District Judges are inadequate to the duties which they perform, and that the Establishments of the Courts are insufficient for the due discharge of the business which is brought before them.

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16. The Right Hon[ble] the Governor in Council is of opinion that the salaries of the District Judges are inadequate to the duties which they perform, and that the Establishments of the Courts are insufficient for the due discharge of the business which is brought before them.

17. The Right Hon[ble] the Governor in Council is of opinion that the salaries of the District Judges are inadequate to the duties which they perform, and that the Establishments of the Courts are insufficient for the due discharge of the business which is brought before them.

18. The Right Hon[ble] the Governor in Council is of opinion that the salaries of the District Judges are inadequate to the duties which they perform, and that the Establishments of the Courts are insufficient for the due discharge of the business which is brought before them.

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Excellency the Governor in Council to address the Government of India on the subject of the salaries of the District Moonsiffs in this Presidency, and those of their establishments - and to represent the insufficiency of their remuneration and the urgent necessity of its being placed on a better footing.

2. There are at present 125 District Moonsiffs in this Presidency - divided into three Classes. Their numbers in each class - rates of pay & cost of establishment are shown in the following table -

	Number	Salary Per Mensem	Monthly cost of establishment Rupees
First Class	14	Rupees 200	85.
Second Class	32.	" 150.	
Third Class	79.	" 100	70.
	125 including Moonsiffs in the Province of Canara who is above the maximum limit of the fee of Bombay	The aggregate cost is Rupees 24,940 per mensem or Rupees 299,280 per Annum	

3. In the year 1855 this Government represented to the Government of India that the remuneration of the District Moonsiffs in this Presidency was inadequate, and they strongly recommended the adoption of the subjoined increased scale.

	Number	Salary per Mensem	Monthly cost of establishment
First Class	12	250	130.
Second Class	12	200	115.
Third Class	94	150	90.

The total cost would have been Rupees 31,525 per Mensem, or Rupees 3,78,300 per Annum - being an increase of Rs. 6585 Monthly, or Rs. 79,020 Annually, above the present scale.

4. No reply has been received to that communication, altho made more than

than. Six years ago. Meanwhile the position of the District Moonsiffs & of their establishments has not only not improved, but as compared with the position of public servants in other branches of the service, has actually, & very seriously retrogaded.

5. In other departments of the State the principle that adequate remuneration should be attached to the performance of arduous & responsible duties, has been fully recognized. In the Revenue branch the Deputy Collectors draw from Rupees 250 to 600 per mensem, besides travelling allowance. The salaries of Thasildars have been greatly raised. In the Public Works Department Sub

Inam Commission		
2	Special Assistants	600 Rs each
2	Dy Collectors 3d Class	440 " "
2	do 4 do	340 " "
Settlement Department		
1	Uncovenanted Assistant	350 Rs
1	2nd do	280 "
2	Assistant Directors	325 " each
1	do	300 "
1	Probationer	250 "
1	Manager	250 "
Survey Department		
2	Assistants	425 Rs each
5	do 2d grade	325 " "
Forest Department		
1	Assistant Conservator	400 Rs

Sub Engineers besides a travelling allowance of Rs 3 per diem draw pay from Rs 250 to Rs 400 monthly. In the Inam Commission, and in the Revenue Survey, Settlement, and in the Forest Departments are several well paid Uncovenanted appointments. The District Moonsiffs altho' their duties are in no way of less importance than those of the functionaries above alluded to, and although those duties have of late in no degree diminished but on the contrary much increased, stand alone as an exception to the wise and liberal course which has been elsewhere followed.

6. It should be noticed that the District Moonsiffs of the Madras Presidency have a much more extensive jurisdiction than those of the Bengal Presidency - the limit of jurisdiction in the case of

of the former is Rs 1,000; in that of the latter it is only Rs 300. Nearly two thirds of the whole original Civil jurisdiction in the Country devolves, in this Presidency, on the District Moonsiffs.— To this, in the case of several District Moonsiffs, Criminal Jurisdiction has been added under Act XII of 1854—

Original suits filed in 1855 — 137,834
Of which in District Moonsiffs Courts — 88,793

7. The Madras Govt cannot think it either creditable to the State, or conducive to the public good, that servants on whose integrity, zeal and ability, the right administration of justice so largely depends, should be left in their present condition. It is clear that the result must be to render the Subordinate Judicial Service of the Madras Establishment an inferior service, to draw from

14

from it its most valuable Members into other Departments of the State, and to deter from of promise and respectability from entering it for the future— Fully impressed with the truth of this ~~condition~~, and of the ill consequences which must arise from it, the Madras Government have instructed me strongly to urge on the Government of India that the pay of the District Moonsiffs may henceforward be fixed as follows—

10. First Class at Rs 300
10. Second —do— " 250
9 Third —do— " 200
~~115~~

The scale it will be remarked is higher than that proposed in 1855— the increase being due partly to the enhanced prices of the necessaries & conveniencies of life which have ruled of late

Deputy Collectors	Rs. per Mensem	
1st Class	600	Besides travelling allowance
2d Class	500	
3d Class	350	
4th Class	250	

Rs. 120 per mensem

Thasildars drawn

1st Class	Rs. 250	
2d do	225	
3d do	200	
4th do	175	150
5th do		

but chiefly
late years - ~~and partly~~ to
the improvement since 1855
in the remuneration of other
public servants - Even at
the scale now recommended,
a District Moonsiff of the
first class will draw
less than Deputy Collectors
of three classes out of four,
& no more than a Sub
Engineer of the second class.
The third class Moonsiffs
moreover, who are more than
four fifths of the whole
number, or ~~105~~ 95 out of ~~125~~ 118,
will receive ~~less~~ no more than the
~~lowest~~ second class Thasildars in
the Provinces.

8. The improvement of the
position of the District Moon-
siffs themselves will however
be of little benefit unless
the establishments thro' whom
they must work, and to whom
so much must be confided
be

be placed on a suitable foot-
ing. The Govt. would fix
the establishment of each
District Moonsiff at Rs: 120
per mensem. They would have
the same scale for all three
classes of Courts - the nature
and amount of work to be
executed by the establish-
ment not varying with the
class of Court to which it
may be attached.

9. The aggregate cost of
the arrangements now pro-
posed would be monthly
Rs. 39,260 or yearly Rs. 471,120
being in excess of the cost
of the present District Moon-
siffs and their establish-
ment in the sum of Rs.
~~16,320~~ 14,320
~~196,840~~ per mensem, or Rs:
~~171,840~~ 171,840
~~188,840~~ per annum.

10. To meet this sum
there may fairly be made
available the reductions,
which during the last twelve
months, have been effected
in the higher branches of
the Judicial Service, amount-
ing as per accompanying
list

51,684

list B to Rs ~~4,7828~~ per annum.
A further saving of 54,420 Rs may likewise be accomplished by the abolition gradually of 18 Mooftee Sudr Ameen Courts.—

11. Nor should it be forgotten that the ~~revenue~~ expense of the present District Moonsiffs and of their establishments is more than covered by the Sale of Stamps for use in the District Moonsiffs Courts and that the cost of the Courts on the improved footing now recommended would in great part be covered from the same source.—

12. His Govt. have accordingly received with great satisfaction the resolution of the Govt. of India dated 11th November 1861, which does justice to this Presidency, and shows that after defraying all local and its due proportion

2,99,280

X Rupees ~~3,30,080~~ per annum.
Note. This is reduction of the 7 for North Canara.

Note
* The sales of Stamps for use in all the Distt. Moonsiffs Courts of the Madras Presidency were deducting refunds for the official year 1859/60 Rs. 3,70,428 for 1860/61 Rs. 4,52,008. This does not include fines for the putting in of unstamped documents. The out turn of 1860/61 was probably swelled owing to the number of suits and applications set down being affected by the limitation Act but this does not apply to the sales of 1859/60.

of home and imperial charges, the Madras Presidency yields for the 18[th] a net surplus of Rupees 22,43,550.

13. Government believe that this surplus will increase, and they submit that it is a measure of simple justice to the people of this Presidency and in consonance with the spirit of the Resolution alluded to, that no part of the revenue derived from the labors and industry of the inhabitants of the Madras Provinces shall be applied to meet deficiencies in other divisions of the Indian Empire — until the leading wants of the Madras people have been fully supplied. Among these wants none can be more urgent than — that branch of the Judicial Service by which the great bulk of the Judicial business of the country is performed shall in respect of their emoluments of office be placed on such a b

as shall ensure the pure and efficient administration of justice.

14. A tabular Statement in the prescribed form accompanies, and provision has been made for the enhanced charge in the Budget for 1862/63.—

Fort St George
4 February 1862

J.P.

Judl. Ltr. to Engd. 27th
March 21. 5 of 1862.

Judicial 1862. Departt.

No. 168

Pros. of the Madras Govt.
dy 4 February 1862

No. 169.

To, The Secy to the Govt.
of India.

Jud. No. 260
1060.

Home Dept.
dy 4th Feby. 1862

Requesting that the Govt of
India may increase the Establishment
of the District Moonsiffs as follows:
10 First Class at Rs 300
10 Second do at Rs 250
95 Third do at Rs 200.