M.R.O. 1—38,000—16-10-29.

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No. 207 Press ~~Mis.~~

68-69

Dated 11. 2. 1862 ~~19~~ .

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Not to be folded or roughly handled

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Proceedings of the Madras Government, Judicial Department, 11th February 1862.

No. 68. Read the following Despatch from the Right Honorable Sir C. WOOD, Bart., Secretary of State for India; to His Excellency the Honorable the Governor in Council, Fort Saint George, dated London, 31st December 1861, No. 33.

1. The Proceedings of your Government in the Judicial Department, for the month of August last, having been laid before me in Council, I have to request, with reference to the Statement No. 14, at page 679, that the attention of the Sudder Court may be directed to the great length of time during which cases are pending in the several Courts of your Presidency. That cases should not ordinarily be decided in less than 16 months in the Judges' Courts, or 10, 9, and 7 months in the Courts of the Principal Sudder Ameens, Sudder Ameens, and Moonsiffs, respectively, under a Code of Procedure so simple and expeditious as that of Act VIII of 1859, is a fact which clearly shows the necessity for careful inquiry by the Sudder Court into the causes which have led to this delay.

2. The annual returns for the Bengal Division of the Presidency of Fort William for the year 1860 have not yet been received, but it appears, from a return recently furnished, that the average duration of a suit in the Moonsiff's Court of seven of the most important districts of Bengal has been reduced, under the operation of the new Code of Procedure, from 4 months and 24 days to 3 months and 2 days; while the average duration of suits in the Courts of the North-Western Provinces, for the same period, was as stated in the margin.*

	M.	Days.
*Sudr Adawlut	1	28
Judge	5	8½
P. S. Ameen	4	5
Sudr Ameen	3	0
Moonsiffs	0	24½

3. The great delay which occurs in the Courts of your Presidency may possibly admit of some explanation; but, in the absence of such, the returns are calculated to lead to the conclusion that there has been a disregard of the provisions of the Code of Procedure on the part of the subordinate Courts, and a want of proper supervision on the part of the District Judges. In bringing this matter to the notice of the Sudder Court, you will impress on the Court the duty of devoting their earnest attention to the important business of checking the lower Courts in their tendency to delay the disposal of suits, and of insisting upon their strict observance of the spirit of the new Code of Procedure.

4. In order to enable the Sudder Court and District Judges to exercise a proper supervision over the lower Courts, it might be advisable to call for separate monthly returns, showing the average duration of cases of the nature of Small Cause Court cases, and of those of a more complicated character; and the Judges might further be instructed to submit, with their monthly statements, a Memorandum from each subordinate Court, showing the number of cases in which the parties had personally attended, distinguishing, as far as practicable, the number in which they had attended voluntarily from that in which they had attended on summons.

No. 69. ORDER THEREON, 11th February 1862, No. 207.

Referred to the Sudder Court.

(Signed) T. PYCROFT,
Chief Secretary.

Exd. F. Cartledge.

List

Judicial Department.

29

PROCEEDINGS of the MADRAS GOVERNMENT.

Read Despatch from
the Secretary of State — Inter 31st Decr. 61 No. 33.

Order — 11th February 1862. No. 207

Referred to the Sudder
Court.

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No. 207.

PROCEEDINGS of the MADRAS GOVERNMENT.

Dated 11 Feby 1862.

Referring to the Sudder Court the Despatch from the Secretary of State noticing the great length of time during which Cases are pending in the several Courts of this Presidency.

5329] Madras—Printed at the Government Press.