

1883
Judicial (~~193~~) Department.

P. S. SERIES.

G.O. No. *767*

DATED *15-3-1883*

Confidential

[Despatch Abstract.]

Assistant Judge ships

BACK PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

No. 1819

FROM

A. MACKENZIE, Esq., C.S.,

Secretary to the Government of India.

TO

THE SECRETARY TO THE GOVERNMENT OF MADRAS.

Home Department.
Judicial.

Fort William, the 27 December 1882.

SIR,

I AM directed to acknowledge the receipt of your letter No. 1799, dated the 11th ultimo, on the subject of a creation of a small staff of Assistant Judges in the Madras Presidency. In the Home Department letter No. 1487, dated 5th October 1882, it was suggested that, inasmuch as, in view of facts recorded in the Proceedings of the Madras Government, it appeared probable that the existing distribution of the judicial staff in the Madras Presidency was susceptible of improvement, existing arrangements should be revised with reference to the actual requirements of the several districts. It was also suggested that, if such a revision were undertaken, it might be possible to provide a sufficient staff of Assistant Judges in the Madras Presidency at a moderate increase of cost, and that it might also be found practicable to reduce the existing number of Sub-Judges and Munsifs. From your letter under acknowledgment it appears that the Madras Government anticipate difficulties in giving effect to any such revision, and would prefer to allow matters to remain in their present position, and not to take any further steps towards the creation of a staff of Assistant Judges.

2. In reply, I am to say that, as the question of grading Judges and Collectors in the Madras Presidency has now, it is hoped, been finally settled by the orders about to issue as the result of the Honourable Major Baring's personal conferences with the Madras Government, the Governor General in Council trusts that His Excellency the Governor of Madras in Council will again reconsider the questions discussed in the present correspondence in communication with the High Court and such other officers of experience as he may think fit to consult. The Government of India has no wish to press the Local Government to make any sudden or radical change in its judicial arrangements; but the provision of equable promotion in both branches of the Civil Service, and the training of young civilians for the work of District Judges, are measures of such cardinal importance, that His Excellency the Governor General in Council is very unwilling to abandon the hope that it may be found possible to take action for gradually securing both these objects. The suggestions

put forward in paragraph 5 of my letter of the 5th October last are merely intended to indicate how in another Province, the judicial system of which is under revision, it is proposed to carry out the necessary adjustments. It is not desired to tie the Madras Government down to adopting these proposals in their entirety.

I have the honour to be,

S I R,

Your most obedient Servant,

Amara Singh

Secretary to the Government of India.

Just 1799 3 11-11-82

Judicial (Dist) Dept

From for^t of India,
Home Dept,
No 1819

50767/103

of 21st Dec^r - 382
Dec 26 Dec^r

ORIGINAL NO. 4296

Proposals about the
creation of a staff Asst^s
Judges -

For orders

NA

can

March

GOVERNMENT OF MADRAS
19 MAR 83
CHIEF SECRETARY

My dear Sir,

I do not know
if the G.O. Judicial
No 767 has been
circulated to the other
members of the
Committee. If it has
not I should wish
it retained for a
day or two as I am
writing you a letter

to the subject.

I do not see how
I can consent to
the reference of matter
No 2. to the Committee
& there are some to
the statement in the
order of which I indicate
to doubt the ^{complete} accuracy

Yours sincerely
Charles A. Sumner

From
Chief Justice

Rec 19.3.83

I have told Sir
Charles that the
order went to
all addresses
same day but
that I will seek
instructions
whether any
alteration of the
made in the
wording pending
receipt of his
promised let-
ter

Yours
C. J. C.

CHIEF SECRETARY
19 MAR 83
GOVERNMENT OF NORTHERN IRELAND

Confidential

30 March 83

My dear Master

I think Sir Charles
has settled this matter
with Mr Carmichael.
At all events nothing
more can be done at
present, but I will
do my best to keep
the peace, you may be
sure. It is a rather
delicate matter for a

Committee composed
as ours is to attempt
to interfere with the
Chief Justice's arrangements
in his own Court. I
think we shall have to
stop short at a very
cautious & general suggestion

Wm Sumner
Phil M. Hunt

At my first interview

I myself had some
difficulty in "keeping
the peace" on my own
account but the
second went off very
differently & we are
now getting on swimmingly

Jul 1799 8/11-11-82

From . . .

Judicial DEPARTMENT.

C. No. 4296/82

From Government of India.

FOR ORDERS.

In sug-
gesting another refer-
ence to the High Court
Mr Mackenzie had
doubtless in mind
the opinion which
he told me had been
expressed by the
C. J. viz that linked
Districts could be
formed with ad-
vantage. G. M.

Asst Judge

FOR ORDERS.

Confidential

Judicial Department

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Proceedings of the Madras Government

Read letter from the Government of India,
Home Department Judicial, dated the
21st Decr 82, No 1819;

Read again the following papers:-

G. O, dated the 27th July 82, No, 796;

" " 11th Novr " , " 1799;

" " 13th Feb 75, " 331;

" " 27th do , 480;

" " 25th Jan 78, 168;

" " 19th Novr " , 2343;

" " 16th July 79, 1650

" " 17th do , 1667

" " 9th March 82 " 244

" " 24th April 82 " 299

" " 1st May 82 " 375

sent in file
none here

15th March 83 No 767

Order thereon

The B. H. & Co. Genl
Stores are at present,
~~the~~, with one single
exception, the Registrar
Ship of the B. H. & Co. Affiliated
Side -

~~omitting the Registrar~~
~~Ship of the High Court,~~
~~As there are no more~~
~~one~~

Serial Judicial
Appointment

Made to obviate the
inconvenience of, difficulty

In with a view to place
 both the executive
 and judicial branches
 of the Command
 service on the same
 financial footing,
 desire that the es-
 tablishment of lumbering
 districts for judicial
 purposes may be
 tried, so that an
 Assistant Judge
 may be employed
 in the districts
 so united or linked.
 This apprehended

that assistant Judge
 ships can furnish
 no better training
 to young Canadians
 than the lake small
 Cause Court, which
 were pronounced
 by the High Court
 in 1875 to be utterly
 useless for that pur-
 pose; in view, that
 the arrival of a few
 District Court Re-
 gistrar ships can
 not be productive
 of much good, as
 the

District Judges in
the more important
Districts practically
do very little Civil
original work, &
as any knowledge
of local usages ac-
quired by junior
officers, while hold-
ing such appoint-
ments, may not
be of any very great
use beyond the
limits of the District
where it may
have been acquired

It has therefore been
^{occurred to me}
~~suggested~~ that the
proper course would
be to enhance the
sphere for the em-
ployment of junior
Commissioned officers
as Registrars & as-
sistant Registrars
on both sides of the
High Court, to link
^{up important}
certain Districts like North
^{with larger ones}
South Lahore, to
create Assistant
Judge ships therein
& to confer the ^{latter}
appointments on
junior officers, selected preferably
from the Senior Registrars
ships of the High Court.

3. The ~~undisturbed~~
Creation of Assistant
Judgeships will
finally tell on the
files of the existing
Civil Courts; and the
question is therefore
inimately con-
nected with that
affecting the revision
of the Salaries of
the Uncovenanted
Judiciary, and
the number of
Covenanted Judges
to be employed in
the Presidency.

5. ⁷ These dissent-recom-
mendations have
been made in regard
to these matters by
the High Court during
the past seven years.
In 1875, when govern-
ment expressed a
desire to raise the
salaries of uncove-
nanted Judges, the
High Court recommended
no increase in number,
a scale of pay as regards
District Munsiffs,
but proposed to adhere
to the existing Scale,
increasing the number
in the first and
second grades.

& to grade subordinate
Judges as noted in
the margin.

First grade 2 @ 700
2nd do 4 @ 600
3rd do 10 @ 500

In 1877 the High Court
suggested that the
scale of pay and the
grading of Messrs.
might be altered
as per margin while
they declined to re-
commend subordi-
nate Judges pay
increase tho' for-
warded that they
would be glad
to grant them some
increase.

First grade 12 @ 350
2nd do 20 @ 300
3rd do 33 @ 250
4th do 46 @ 200

8
Recently in March
last year the High
Court made certain
recommendations
which might be sum-
marized as under:-

Subjudges { 1st grade 4 @ 800
2nd do 4 @ 650
3rd do 6 @ 500

Messrs { 1st do 30 @ 400
2nd do 50 @ 300
3rd do 57 @ 200

is thus apparent
4. It should be seen

that these latter pro-
posals of the Court dif-
fer materially from
those made by them
on former occasions,
& involve the estab-
lishment of 11 ad-
ditional Messrs.

No such addition had
 been previously asked
 for, tho' the Court had
 been requested in 74
 to make any ad-
 ditional Manuscripts
 were needed in con-
 sideration of the
 changes effected by
 the Madras Civil
 Courts' Act. The Court
 in 1879 intimated
 that the existing
 Courts in the Country
 were quite equal
 to the ^{Parab.} ~~work~~ The Statement
 returns furnished

Requirements
 of the Country.

by the Court p 80 81
 do not shew that there
 has been any marked
 increase in the num-
 ber of suits for dis-
 posal or in that of those
 disposed of. The ap-
 pendices to the Adminis-
 tration Reports during
 the said years lead
 to the impression that
 there are several
 District ^{Courts} Manuscripts
 the files of which are
 very light; that some
 districts, in regard
 to which additional
 Manuscripts have been
 recommended, stand
 in need of Courts Superior

in grade to those of
District Inspectors,
while such superior
rank in other Districts
have comparatively
light files.

It therefore appears to His Excellency Lord Lytton expedient
reasonable that the
foregoing matters should
all be discussed
and reported on
by a Committee of
experienced officers
before Government
can take final
action in regard thereto;
the Governor-in-
Council appoints a

The Hon'ble D. J. Farquhar
the Chief Justice to add to their number,
P. P. Hutchins Esq
L. Macdonald Esq
Mr. A. L. V. Ramana
Seng - Mr. J. D. Reed.

10
Committee, Consisting
of the marginally noted
officers (with liberty
to consider & report on
the following matters:-
i. the measures to be adopted
with a view to give adequate
scope for proper judicial
training to young Commissioned
officers;
ii. the number, nature,
& cost of the appointments
to be reserved for the pur-
pose on both sides of the
High Court if necessary;
iii. The District the Cir-
cumstances of which
admit of the bankruptcy-
law, proposed by the
Government of India,
& of the creation of 18th
Judge ships & their salaries;
iv. The necessary changes
in the stations of judges

my/ark with a view
 toward the convenience
 of the Indian public,
 without entailing an
 necessary additional
 expenditure on the
 State;

v. The scale of salaries
 to the assigned Sub-
 Juges & Munsiffs & the
 number to be employed
 in each grade;

vi. the sources from which
 any additional ex-
 penditure involved
 in the Committee's
 proposals may be met

The Hon. D. F. Carmichael
 The Hon. S. C. Charles, J. M. S. J.
 Chief Justice
 in the S. C. J.
 E. F. Webster Esq.
 P. P. Hutchinson Esq.
 Mr. A. L. V. Ramana-Pundarik
 J. D. Rao Esq.
 Secy of State
 Govt of India Home

Despd
 17. 3. 83

Compd
Judicial Deptt
Committee to Consider
Asst Judgeship

Draft for Appl

Prep

8



*Mr. Secy
shew proof to
Mr. Hammond*

[Despatch]

READ IN Order of Government, dated
188 , No. Miscellaneous.

ENCLOSURES.

CURRENT No.

4296 H - in draft

STATEMENT WITH DITTO.

ORDER, &c. OF GOVERNMENT—A.

PAPERS KEPT OUT OF FILE FOR DESPATCH IN ORIGINAL.
(not paged.)

Order
Letter
Collection

N.B.—

A = Print in full.
B = Not to be printed.
P = Print abstract only.
Q = Print heading only.
R = Print, but not for monthly volume.

BACK PAPER, No.

OF 1882.

FURTHER PAPER, No.

OF 1882.

*Shew proof to Mr. Secy
12/3*

PRESS.

<i>Just</i>	DEPARTMENT.
G.O. DATED <i>15th March 1903</i>	
No. <i>767.</i>	

First copy sent to Press. *15/3/03*Returned for signature. *17-3-83*Despatched in print. *17-3-83*

[Despatch Abstract.]

Assistant Judgeships.

Appointing a ~~four~~ committee
to consider and report on the
subject of the creation of a
grade of _____, Jcs.