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1698/RA 03

Judicial (1895) Department.

ORDINARY MS.

G.O., No. 1039

Dated 16th May 1895

INDEXED.

[Despatch Abstract.]

CONSTITUTION OF A NEW BENCH OF MAGISTRATES IN THE SALEM DISTRICT.

Approving the District Magistrate's proposals for establishing a second Bench Court at Shevapet, directing the submission of ~~of~~ the necessary proposition statements, notifications, &c., and stating that the debit of the cost of the establishment will depend on the reply of the Government of India to a reference which has been made on the subject.

BACK PAPERS.

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

FURTHER PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.
	3849		95				
	4666		95				

D No $\frac{26}{M}$

Salem Head Quarters
Dy Collector and Magistrat
office
Dated 18th February 9

From-

M.R.Ry M. Azizuddin Sahib Baha
Head Quarters Dy Collector
and Magistrate-
Salem

To

The District Magistrate
Salem.

Sir,

In Submitting herewith the report of the Presidents Bench of Magistrates, Salem No 37 dated 7th February 95, I beg to state that the work in the Bench Court has considerably increased and it is absolutely necessary to devise measures to lighten the burden of the Honorary Magistrates who in consequence of the heavy work

work, find it extremely difficult to discharge their duties in a satisfactory manner. The creation of another Bench court is most expedient. A separate Bench Court for dealing with the cases arising in Shevapet, Gogai, Annadanapatty and Arisipaliam may be formed with the Stationary Sub Magistrate as its President assisted by ten (10) Honorary Magistrates. The number of Honorary Magistrates now serving in the Salem Bench Court is six and this is too small a number. The appointments being Honorary any great regularity in attendance on the part of the Honorary Magistrates cannot be expected and as a matter of fact there have been several occasions when to the inconvenience of the parties the court had to be closed for want of a quorum. I would therefore recommend that the number of Honorary Magistrates for the Salem Bench Court may be increased to 10.

The statement submitted by the President of the Salem Bench court furnishes all the details necessary for deciding upon the desirability of establishing an additional Bench court.

I have the honor to be
Sir
Your most obedient
Servant
(Sd) M. Azizuddin
Dy Magistrate
(True Copy)

For Dist Magistrate

5 Encl
Enclos. No. 2
To 1150
C. No.

Salem Bench Magtes off.
7th February 1895

To

The District Magistrate of
Salem

Through the Head Quarters Dy Magistrate
Salem

Report of A. Ramasawmy Iyer, President
Bench of Magtes, Salem

Respected Sir,

In obedience to your order reference on No. $\frac{2052}{4-12-94}$, I respectfully beg to submit herewith the statements for 1893 & 1894 called for in the above.

2 As the above statements are not intelligible and simple enough

ive in one view the information quired, I have prepared and ubmitted herewith the accompanying tatement shewing at a glance the No. of cases disposed of under the different classes required n the year 1894 as compared with the year 1893, as also the number of processes issued, and the amounts collected in the Bench court in the year 1894 as compared with the year 1893.

3. It will be seen from the statement that the No. of cases disposed of, the No. of processes issued and the amounts collected in the Bench court

During the year 1894 are much larger than in the previous year 1893 as shewn below:—

Year	No. of cases disposed of	No. of Processes issued	Amount collected & credited		
1	2	3	4		
1893	1,949	2,748	1,742	6	5
1894	3,217	6160	3,574	12	2
Increase	1,268	3,412	1832	5	9
Percentage of increase	65·0	124·1	105·1		

4. Column 2 shews that the No. of cases disposed of has increased by 65 per cent which is partly due to filing of more cases in 1894 both by Police and Municipality and partly

due to disposing of cases of 1893.

5 There was also considerable increase in the no of processes issued as shewn in Column 3. It was due to failure of attendance on the part of the accused and in a few cases of witnesses too. Their attendance was compelled by issue of necessary processes and there has been improvement in their attendance for some months past as already reported by me in No 160/28-11-94

6. Column 4 shews that the amount collected in 1894 is more than twice the amount of collections made in 1893.

This is due to prompt issue of distress warrants for collecting the Bench fines and taxes for the recovery of which the Bench court was resorted to by the Municipality and to the frequent sending of reminders to the Police for speedy execution of warrants. The station House officers also were required by me to send in progress reports of executed and unexecuted warrants. Their neglect, if any, was noticed and taken to the notice of their superiors i.e Inspector and Superintendent of Police.

7 As to the disposal of cases, the following table shews the number

disposed of under different classes required in 1894 as compared with 1893.

Year	Nuisance cases prosecuted by the Police	Nuisance cases prosecuted by the Municipality	other offences against Sanitation	cases of prosecution for encroachment	cases of prosecution for non-payment of Municipal taxes	cases under the other provisions of the Municipal Act	Total
1	2	3	4	5	6	7	8
1893	1,303	-	2	4	609	31	1,949
1894	2,109 3412 1706.	-	13 7.5.	5 4.5	1007 1616 808	83 114 57.	3217 5166 2583
Increase	806	.	11	1	398	52	1,268

8 Under nuisance cases prosecuted by the Police 806 cases were disposed of in 1894 more than in 1893.

Under cases of prosecution for

non-payment of Municipal taxes 398 cases or 65.3 per cent of cases were disposed of in 1894 more than in 1893. The cases under this class are generally contested and difficulty was experienced in disposing of them. This keeps the Honorary Magistrates to sit to a late hour in the day even after lamp light which they are not inclined to do.

9. Under other classes of cases the figures concerned are small though the No. of cases disposed of in 1894 is as generally the case greater than those in 1893.

10. As to cases of encroachment

the remarkably small number in both the years is due in my humble opinion to not charging such cases before the Bench court by the Municipality for reasons not clear to me. If all cases of encroachments were charged they would immensely add to the Bench court file which is already very heavy. My object in mentioning this here is to point out that if all such cases were charged the Bench court work would be heavier than at present.

It is also to be noted that nuisance cases prosecuted by the Municipality

is nil in both the years 1893 & 1894.

11. The following table shows the different processes issued under several heads in 1894 as compared with 1893.

Year	Summons	Bailable warrants	Non bailable warrants	Distress warrants	Non. bailable warrants issued on the petition of distress warrants	Total
1	2	3	4	5	6	7
1893	668	975	54	976	75	2,748
1894	1215	1975	870	1725	375	6160
	1883	2950	924	2701	450	8908
	941	1475	462	1350	225	4454
Increase	547	1000	816	749	300	3,412

941
1475
462
1350
225
4453

I have already noted above that the large no of processes is due to securing the attendance of the accused who were irregular but of late there has been improvement — disposal of a larger no of cases in 1894 than in 1893 also accounts for the increase in the processes. It is to be noted that though the Bench court is considered to be a summary court, yet as to processes, the different kinds of them provided for have been resorted to in numerous cases – a fact which speaks in favor of the strengthening of establishment as already submitted by me in my report No $\frac{160}{28\text{-}11\text{-}94}$. At present there is a single Gumastah on 10 Rs alone and I leave it to your honor for consideration if this will do having in view the work required to be done. This fact also explains the delay in submitting the statements called for by your honor in the order under reply. The information required to be submitted had to be gathered from 5166 cases vide also my report No $\frac{29}{2\text{-}2\text{-}95}$

12. The following statement shews the particulars of amount collected and credited under different heads.

Year	Amount credited to Law and Justice						Amount of fines credited to Municipal Fund			Amount of taxes credited in the Municipal office			Total		
	Fines levied under the Indian Penal code			Fines levied under Section 514 C.C.P.											
1	2			3			4			5			6		
1893	37	8	-	2	12	-	763	14	5	938	4	-	1,742	6	5
1894	71	8	-	78	12	-	1,293	10	6	2,130	13	8	3,574	12	2
Increase	34	-	-	76	-	-	529	12	1	1,192	9	8	1,832	5	9

Under all heads there has been a large increase in 1894 as compared with 1893 the total amount of collections in 1894 being more than twice that of 1893. It is due to reasons given in para 6 supra.

13. Fines levied under Section 514 C.P.C. i.e. forfeiture of bond executed for appearance before the court was Rs 78-12-0 in 1894 against Rs 2-12-0 in 1893. This remarkable increase over the figure of the past year accounts for the fact that there has been improvement in the attendance of the accused for some months past, as noted in para 5 supra.

14. Fines credited to Municipal Fund and Municipal taxes remitted to Municipal office and credited to their accounts amount to Rs 3424-8-2 in 1894 against Rs 1702-2-5 in 1893. That is, in one year 1894 the Bench court collected and remitted to Municipality Rs 3424-8-2, while the Municipality spent nil in return for the above receipt. In this connection I humbly beg to suggest that it would be reasonable on the part of the Municipality to contribute the pay of at least one clerk on 15 Rs per mensem amounting to 180 Rs per annum as much has to be

done in the Bench court in the clerical way before making remittance for the benefit of the Municipality

15 The average duration after appearance of the accused under each of the classes is as shewn below:—

Year	Nuisance cases prosecuted by the Police	Nuisance cases prosecuted by the Municipality	other offences against sanitation	cases of encroachment prosecution for	cases of prosecution for non payment of Municipal taxes	cases under the other provisions of the [illegible] Act	
1	2	3	4	5	6	7	
1893	1.3	-	1	54.2	1.5	6.1	
1894	1.3	-	1	15.4	1.5	1.3	

The delay before the appearance of the accused was due to securing their attendance by issue of necessary processes. On scrutinizing the Summary

no

Registers delay was also noticed in taking the cases to file and the issue of processes ordered and the conduct of the Jumastah concerned was taken notice of. As Summary Registers were many in volumes they did not admit of easy reference to check delay and hence I had another register opened shewing cases pending owing to non-attendance of the accused and the processes issued and reminders sent to the Police for processes pending before them.

In Calendar Case No 1606/1893 which was a case of encroachment there was a delay of 3 months & 20 days which is the longest after the appearance of the accused. It is due to securing the Prosecution & defence witnesses and production of records by the accused and inspection of spot and taking measurement thereof -

In some cases charged by the Municipality, delay is caused owing to reference to the Chairman to furnish particulars as to the exact whereabouts of the accused on the return of the summons by the Police unserved.

16. It may not be out of place to mention here that the Bench court has in my humble opinion to do much

more work than a stationary Magistrate court and as such nothing short of the establishment of the latter court would meet the requirements of the former (Bench court) with this exception viz, that one peon may suffice for the Bench court to take remittance to the Treasury, tapal and to take communication to Honorary Magistrates &c.

I beg to remain
Respected Sir
Your Most obedient Servant

President

Ko

in 1893 & 1894

		Particulars of amount levied and credited					
		Amount credited to Law & Justice					
on the return of distress warrants with a view to put the accused in prison	Total	Fines collected under the Indian Penal code	Fines collected under Section 514 C.P.C	Amount of fines credited to Municipal Fund	Amount of ~~taxes~~ credited in the Municipal office	Total	Remarks
13	12	15	16	17	18	19	20
75	2,748	37 8 .	2 12 .	763 14 5	938 4 "	1,742 6 5	
1,725	6,160	71 8 .	78 12 .	1,293 10 6	2,130 13 8	3,574 12 2	
300	3,412	34 - -	76 - -	529 12 1	1,192 9 8	1,832 5 9	

President

Comparative statement shewing the cases &c disposed

Year	Cases disposed of						Total	Processes				
	Nuisance cases prosecuted by the Police	Nuisance cases prosecuted by the Municipality	Other offences against Sanitation	Cases of prosecution for encroachment	Cases of prosecution for non-payment of Municipal taxes	Cases under the other provisions of the Municipal Act		Summonses	Bailable warrants	Non bailable warrants	Distress warrants	bailable warrants issued
1	2	3	4	5	6	7	8	9	10	11	12	
93	1,303	-	2	4	609	31	1,949	668	975	54	976	
1894	2,109	-	13	5	1,007	83	3,217	1,215	1,975	870	1,725	
ease	806	-	11	1	398	52	1,268	547	1000	816	749	

Salem Bench Magte's }
office 7th February 1895 }

From
The President
Bench of Magistrates
Salem

To
The District Magistrate
of Salem

Thro'
The Head Quarters Dy
Magistrate Salem

No 31

Dated February 95

Subject

Submitting a report together with the statements called for in Reference on No 2052/4-12-94

1895
Judl
1150

1150

500—17-8-94.

Salem Collector's. Office,

Reg No. 241/Jud 2nd March 1895.
Dis 107 — 3 — 95

From
G. STOKES Esq.,
Collector & Dist. Magte. of Salem.

To
The Chief Secretary to Government,
Judicial Department,
MADRAS.

Under cover of G.O. 21·1·95 No 101 Mis. m.

SIR,

With reference to the concluding remarks of my endorsement No. 4734/Eng. dated 4-12-94, on the letter of the Chairman Municipal council Salem No 1604 dated 9-11-94, I have the honor to State that with a view to put the working of the Bench court in Salem town on a Satisfactory basis I think it necessary to create a Second Bench court in Shevapet to have jurisdiction in Shevapet, Gopi, Annadanapatty and Arisipalayam to to be presided over by the Salem Stationary Sub Magistrate who can afford the time to attend to it as his own is not a very heavy court. I think there should be 10 Honorary Magistrates for this court and that the number of Honorary Magistrates for the Salem Bench Court should be increased from 6 as now to the same number. Even a light Bench Court imposes on such Magistrates a considerable burden and as they are and must be largely men with other avocations, experience lately has shown that it is expedient to reduce the burden on each by increasing the numbers.

I think to establish a Second Court is the best course and is necessary because the work in the Bench Court is very heavy, is increasing

---

increasing as the following statement shows and must increase further

(194
52/877 (15
52
357

52/3217 (6186
3712
97
52
450
416
340

Year	Nuisance cases prosecuted by the Police	Nuisance cases prosecuted by the Municipality	Other offences against Sanitation	Cases of prosecution for encroachment	Cases of prosecution for non payment of Municipal tax	Cases under the other provisions of the Municipal Act	Total
1	2	3	4	5.	6	7	8
1893	1303	"	2	4	609	31	1949 ✓
1894	2109	"	13 15 9 1616 114 1754 877	5 9 1	1007 1616	83 114	3217
Increase	806	"	11	1	398	52	1268

The entire absence of nuisance cases prosecuted by the Municipality and the insignificant number of prosecutions for encroachment show much neglect in the past on the part of the Municipal administration. With improved administration in the future, the

to be

to be expected that there will be a considerable increase under both these heads thereby adding much to the work of the Courts. Encroachment cases are all certain to be extremely contested, and to be very troublesome.

Cases of prosecution for non payment of municipal taxes (col 6) often give much trouble and all other municipal prosecutions (column 7) are also troublesome.

An average of 431 cases, more or less difficult and in addition of 803 nuisance cases is, I submit, quite enough work for a Bench Court sitting once a week leaving out of account any increase in the future. More frequent sittings are not possible or desirable as it must be remembered that the Court of the presiding Magistrate has to be closed while

I don't see where these figures come from.

Note for U.S.

It is not clear how these are arrived at. The increase of Nuisance cases presented by the Police in 1894 is 806: vide 2nd statement in the President's letter.

J.P.
4/4.

while the Bench Court is proceeding

The President of the Bench Court proposes to increase the establishment allowed for the Court and he quotes the following figures to show the number of processes issued

Year	Summons	Bailable Warrants	Non-bailable warrants	Distress Warrants	Non bailable warrants issued on the return of distress warrants	Total
1893	668	975	54	976	75	2748
1894	1215	1975	870	1725	375	6160
Increase	547	1000	816	749	300	3412

In a Bench Court process must issue promptly but I think the present establishment could deal with an average of 2227 processes a year

Year or less than 50 a week, and that if a second Bench court be established the existing scale of establishment will suffice for each.

The President of the Bench Court raise the further question whether as the fines realized in the Bench court, ~~[illegible]~~ almost entirely go to the Municipality, the Municipality should not pay the cost of the Court establishment. This proposal does not seem necessary or commend itself to me.

If Government approve of the proposal to establish a second Bench court, I will work out and submit the statements, notifications etc required for that purpose.

I submit for the information of Government the report of the President Bench court and of the Head Quarters Deputy

Ques please vide
G.O. 1015/6 Muni
3-8-94
742 M: 12.6.94
W... MR
raised in 572
another case
a 3 months
Mr. [illegible]
India was
addressed
[illegible]
D/
15/3

R
Papers please.
MR 15/3

Abstract of G.O.
3rd Aug 94
No 1015/6 put
up. ds
23/3
[illegible] was available
only on 3/4/95
MR

Deputy Magistrate.

I have the honor to be
Sir
Your most obedient Servant

For Dist Magistrate

Ton
5/3/95

Sbs
5-3-95

1150

~~1000—8-8-94.~~

Judl **Department.**

From the Collector

and District Magistrate,

Salem.

G.O. 1713/91
230/90
G.O. 75: 21 Jan 1890

To

The Chief Secretary
to Government
Judicial Department
Madras

Dated 2 – 3 – 95
Despd 7 – 3 – 95
Ref **No.** 241/MR

Regd 8/3 **Enclosures** 2

SECRETARIAT
-8 MAR. 1
GOVERNMENT OF MADR

Subject.

Submitting proposal to establish a Second Bench Court in Shevapet, for approval of Government

with G.O. 101 M / 21.1.95

12/3

19/3

Us 19.3.95.

1705 M
14 Dec 1889.

1598 4 Aug 1893

C.W.O

101 – 21 – 1 – 95 M Mis (ab)
G.O. 913 : 11.5.91 SC
230/90 SC
1713/91 SC
75 21.1.90 Mis.
494 : 6.3.95 ..
101 M : 21.1.95 ..
1119 M : 21-8-94 SC
1015/6 : 3.8.94 mis
742 : 12.6.94 ..
2269 : 4.11.93 ..
1667 : 22.8.91 SC
865 : 19.5.90 mis
75 : 21.1.90 ..
1705 M : 14.12.89 SC

Order
mis

see revised draft

The D.M.'s proposal to ~~app~~ constitute a bench of magistrates at Shevapet is approved and the necessary notifications will be published on his submitting the ~~statements~~ & notifications, etc. required for that purpose.

To
The D.M. of Salem. Gto.

MR 19.3.95.

Note. As the D.M. has not ~~yet~~ submitted the names of gentlemen to be apptd. spl. mags. it is subd. that the notifns cannot be published now.

MR There are only 2 Benches in the District one at Salem & the other at Yercaud (Shevaroy Hills)

Shlvd accordingly
MR 5/4

[G./25]
—8-2-95.

Judicial DEPARTMENT.

C. No. 1150/95

From the D.M. Salem: re the establishment of a second Bench of magistrates (at Shevapet) in the Salem Dt.

FOR ORDERS.

If the notifictn must be received first

These schemes may be approved. ~~Pending~~

Necessary addl. Estts may be entertained at once* subject to orders regarding the final devolution of the cost on India replying to the refce made — A reminder might be sent about this in which it might be pointed out that the work of these Bench Courts is in some cases rapidly increasing, with (1) absolute need of more Estts and (2) greater profits (for retiring) to the Munies concerned.

9/5/95

This paper had to be detained in the office for G.Os 101 M/21.1.95 & 1015/6 M mis/3.8.94 + connected L+M papers which were not available till the 3rd inst.

In para. 6 of his endorsement of 4 Decr 94 no. 4734 C, under cover of G.O. of 21 Jany 95 no. 101 M. mis, the Collr & D.M. Salem reported that, as regards the delay in the disposal of cases by the Bench Court, Salem, observed by Govt in Salem Munl. review for 1893–94, he ~~was~~ devising means to improve matters & that he would address Govt again soon. He now submits the details of the working of the Bench Court & recommends that a second ~~Bench~~ Court consisting of 10 Honorary magistrates, may be created in Shevapet having jurisdiction in Shevapet, Gogai, Amm-devapatty & Arisipalaiam & presided over by the Stationary Sub Magistrate of Salem.

He also thinks that the number on the Salem Bench court should be increased from 6 as now to the same number (10)[*].

The entire absence of nuisance cases, he says, prosecuted by the municipality & the insignificant number of prosecutions for encroachment show much neglect in the past on the part of the Munl. administration & that with improved administration in the future there will be a considerable increase under both these heads thereby adding much to the work of the courts & that encroachment cases are all certain to be extremely contested & very troublesome.

The President of the Bench Court also proposes to increase the establishment of the Court in view of the increasing number of processes issued. They have risen from 2748 in 1893 to 6160 in 1894. But the D.M. thinks that the present estabt. could deal with an average of 2227 processes a year & that if a second Court be opened the existing scale of estabt.[x] will suffice for each.

The President of the Bench also raises the question as to whether the Municipality should not pay the cost of the court establishment, inasmuch as the fines realised in the Bench courts go almost entirely to the municipality. The D.M. says that this proposal does not seem necessary or commend itself to him.

[*] So as to reduce the amount of work to be done by each magistrate; the increase in number permitting individuals to be absent more frequently.

D
25.4

FOR ORDERS

[x] A clerk on Rs 10 p.m. ~~app~~ has been sanctioned – vide G.O. 21 Jany 90 No. 75, Judl mis.

In regard to this point attention is invited to the correspondence ending with G.O. of 3-8-94 No. 1015 & 1016 M. mis, in which the sanction of the Govt. of India was requested to the change in the system of debiting the cost of the clerical establishment attached to the Courts of Bench Magistrates exercising jurisdiction within the limits of Dt. municipalities. – The Govt. of India has not yet replied.

Finally the D.M. states that, if Govt. approve of the proposal to establish a second Bench court, he will work out & submit the statements, notifications, etc., required for that purpose.

D
25.4.95

The recommendations of the Dt. Magte. appear worthy of consideration

J.D.
8/5/95

C.S.

Order. d/ 16th May 1895 No. 1039.

Mis The Dist. Magte.'s proposals are approved, & the necessary proposition statements, notifications &c should be prepared & submitted without delay

2. The debit of the cost of the establishment will depend on the reply of the Govt. of India to a reference which has been made on the subject

(Issue orders) J.D.

11-5-95

DESPATCHED
24 MAY 95

Office note d/16 May/95

Copy of H.H.'s note communicated to the Assistant Secretary in view to the despatch of a reminder to G.O. d/ 3-8-94 No 1016 M. misc. in the terms directed

D
11-5-95

The Asst. Secy. L.F.

DESPATCHED
24 MAY 95
IN M.S

15/5

with original of G.O. 1015 6 M misc / 3·8·94

Constitution of a new B h
of magistrates in the Sa[illegible]
Do.

(For orders)

H.M.

en given for copying
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n examined
n signed
189 .

d again G.O., No. DATED
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Current No.

Enclosures to C. No.

Order of Government .. .. .. A A A A A A A

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pers not filed up, being meant for despatch in original.

N.B.—
A = Copy in full.
B = Not to be copied.
F = Copy abstract only.
Q = Copy heading only.