25/8/09

Judicial (1895) Department.

ORDINARY.

G.O. No. 1191 – 2

DATED 3. 6. 1895

[Despatch Abstract.]

Reorganisation of the High Court.

BACK PAPERS.

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

FURTHER PAPERS.

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

GOVERNMENT OF MADRAS.

JUDICIAL DEPARTMENT.

READ—again the following paper :—

G.O., dated 26th September 1894, No. 2338, Judicial.

* * * * *

5. In view of the decrease of work on the Original Side of the High Court which is due to the creation of the City Civil Court, the Government would be glad to be favoured with the opinion of the Honourable the Judges as to the possibility of a reorganization of the establishment and consequent savings. In the present financial condition of the country, the latter is an object of great importance. . .

READ—also the following papers :—

From H. W. FOSTER, Esq., Registrar of the High Court of Judicature, Appellate Side, Madras, to the Chief Secretary to Government, dated 20th October 1894, No. 3039.

In paragraph 5 of G.O., dated 26th September 1894, No. 2338, Judicial, the Government, commenting upon the diminution in the High Court's original civil work brought about by the creation of the City Civil Court, suggests for the consideration of the Judges the possibility of a reorganization of the Original Side ministerial establishment. This is a question to be dealt with (under clause 8 of the Letters Patent) by the Honourable the Chief Justice, and I am accordingly to submit the following observations of his Lordship on the suggestion.

2. The Government is aware that the project of transferring jurisdiction in suits of small value had been under discussion for many years before the City Court was established, and to quote a minute * recorded by Sir Philip (then Mr. Justice) Hutchins in 1885 it has always been contemplated that "this change and the very considerable reduction of the original work would afford an opportunity for carrying out a reform which every successive Chief Justice has desired to introduce, putting both sides of the Court under one Registrar, with a Deputy on each side." The scheme was fully considered by the Judges and worked out in detail in 1885 and in Mr. Davies's letter No. 585, dated 27th February in that year, was alluded to as a branch of the scheme for transferring jurisdiction.

* Copy forwarded to Government with letter No. 3030, dated 12th December 1889.

3. The proposal then was to abolish the post of Registrar of the Original Side, to place the ministerial establishments of both sides of the Court under a single Registrar, to appoint a Deputy Registrar for the original work on Rs. 1,000 a month and to raise the pay of the Deputy on the Appellate Side from Rs. 700 to Rs. 1,000.

4. The Chief Justice understands that the Madras Government recommended this arrangement to the Government of India in a letter, dated 23rd July 1885, but no further action was taken until 1887 when the subject was considered by the Finance Committee and came to be dealt with in G.O., dated 4th January 1887, No. 1, Financial. In answering these Proceedings in Mr. Ross's letter, No. 512, dated 3rd March 1887, the High Court (paragraph 4) said: "Assuming a transfer of original jurisdiction in suits up to the value of Rs. 2,500, the Honourable the Judges adhere to their proposals made in 1885 which were to place both sides of the Court under a Registrar on a salary rising from Rs. 1,500 to Rs. 1,800 with a Deputy on each side on salaries of Rs. 1,000 each *per mensem*." The Government of Madras considered that the pay of the Registrar should be Rs. 1,450 rising to Rs. 1,800, and the pay of the Deputy, Appellate Side, Rs. 700 rising to Rs. 1,000, and with these

modifications recommended the proposals to the Government of India (letter No. 1027, dated 14th May 1887). The Government of India accepted the proposals as so modified and forwarded them to the Secretary of State who approved and sanctioned them in due course in Despatch No. 4, Judicial, dated 9th January 1890 (G.O., No. 691, Judicial, dated 16th April 1890).

5. Everything was thus prepared for the revision of the establishment as soon as the transfer of jurisdiction should be accomplished and the reduction would doubtless have been carried out at the time of the creation of the City Civil Court but for an unfortunate difference of opinion between the High Court and the Government which arose upon G.O., dated 11th November 1890, No. 1770, Judicial. The Chief Justice, I am to say, took exception to the Government's orders regarding Mr. Steavenson, not only on legal grounds but also on the ground that to relegate that officer to a subordinate position in the court could hardly fail to be productive of friction in the working of the new arrangement, and might imperil its success. Regarding the Clerkship of the Crown also, his Lordship considered that, under any circumstances, it would be of doubtful legality to deprive Mr. Kernan of the office and to confer it upon another officer of the court; but in the event of a vacancy in the office, the Chief Justice will bear in mind the views of the Government. Eventually the High Court felt constrained to make a reference to the Secretary of State for India and it is his Lordship's order on this reference, contained in his despatch to the Government of India, No. 23, Judicial, dated 2nd June 1892 (G.O. No. 1389, Judicial, dated 1st August 1892), which has caused the changes to be held in abeyance.

6. The reasons given by the Secretary of State in the 5th paragraph of his despatch for postponing the proposed alteration in the office of Registrar on the Original Side appear to the Chief Justice to be based upon a misconception. There has been no difference of opinion between the High Court and the Government as to the expediency of placing both sides of the Court under one Registrar, nor do there appear to be any arrangements consequent upon this part of the plan regarding which any difference of opinion is likely to arise between the Chief Justice and the Government. The change has been for a number of years fully recognized as very desirable and the Chief Justice has not been open to the charge of "causing postponement of changes which would be for the public advantage" by withholding his consent. Since the Secretary of State's despatch was received, the Chief Justice has not considered it incumbent on him to initiate any further step towards carrying out the reorganization, but as the Government now suggests that the question should be taken up again, I am to say that his Lordship considers it highly desirable that the proposed changes in the office of Registrar should be introduced forthwith.

From H. W. FOSTER, Esq., Registrar of the High Court of Judicature, Appellate Side, Madras, to the Chief Secretary to Government, dated 6th December 1894, No. 3566.

I am directed to address the Government further on the subject of my letter No. 3039, dated 20th October 1894. In that letter the Government was informed that the Chief Justice is prepared to introduce immediately the scheme sanctioned by the Secretary of State for the amalgamation of both branches of the High Court's ministerial establishment under one Registrar and for the substitution of a Deputy Registrar for the Registrar on the Original Side.

2. The administrative advantages which these changes will secure will be considerable and there will besides be a saving of Rs. 375 *per mensem* as shown in the margin, since the increase in the pay of the Deputy Registrar, Appellate Side, is not to take effect till the office of Clerk of the Crown is abolished as a separate office.

Present Cost.	RS.	*Future Cost.*	RS.
Registrar, Appellate Side	1,600	Registrar, High Court..	1,725 *
„ Original Side ..	1,500	Deputy Registrar, Original Side	1,000
Total ..	3,100	Total ..	2,725

* Rs. 1,725 appears to be an error — Rs. $1450 + \frac{3\ (\text{Rs. } 1{,}800-1{,}450)}{4} = \text{Rs. } 1{,}712\text{-}8\text{-}0$.

On these grounds the changes proposed, standing by themselves, are very desirable and the Chief Justice would urge their immediate introduction. But they do not represent the whole reduction which the diminution of work has rendered possible. Two other changes effecting a considerable saving can be made when certain offices are vacated by the existing incumbents, and as the Government may wish to know the full extent of the economies that may eventually arise, I am to submit the following further proposals for sanction, on the understanding that they will be introduced only when the vacancies occur.

3. In the first place, one of the two Assistant Registrars on the Original Side may be dispensed with. The pay of the two present incumbents is Rs. 500 and Rs. 325, respectively. For these two officers the Chief Justice proposes to substitute one Assistant Registrar on a salary of Rs. 400 rising to Rs. 500 by five annual increments of Rs. 20. This arrangement must depend upon Mr. Clarke, the First Assistant Registrar, vacating his office, but I am to point out that he attains the age of 55 years in June 1895.

4. The second change is in the Interpreter's establishment. Exclusive of a Guzarati interpreter on Rs. 40, there are three interpreters now in employment, namely, a Chief Interpreter (Tamil and Telugu) on Rs. 400, Deputy Interpreter (Tamil and Telugu and Hindustani) on Rs. 250, and Persian Interpretor (Persian and Hindustani) on Rs. 250. No alteration can be made in the number. There must always be two Tamil and Telugu interpreters as there are frequently two Courts sitting simultaneously and a Persian and Hindustani Interpreter and Translator is indispensable. Really competent interpreters are rare and it is necessary to give liberal salaries to secure men of the proper stamp. Having regard, however, to the amount of work that falls to these officers now and to the salaries given to interpreters in other courts and to translators on the Appellate Side, the Chief Justice considers that the pay of the three appointments may properly be fixed at Rs. 250, Rs. 200 and Rs. 175, respectively. If the Government sanctions this proposal, the rates of pay will be reduced as vacancies occur or, if the Government prefers, the pay of the posts may at once be reduced and personal allowances granted to the present incumbents to bring the pay up to the present figure during their tenure of the appointments.

5. I am to mention that the present Chief Interpreter, P. Ramachendra Rao, who is qualified to hold a District Munsif's appointment, has applied to be made a First-grade District Munsif and it may shortly be found possible to provide for him outside the court in this way, whereupon one of the principal reductions proposed would come into force at once.

6. The aggregate saving these two changes will effect is Rs. 625 *per mensem* or, including the reduction in the salaries of the Registrars, a total of Rs. 1,000 monthly as shown below :—

Present scale.

	RS.
Registrar, Appellate Side	1,600
„ Original Side	1,500
First Assistant Registrar, Original Side	500
Second „ „	325
Chief Interpreter	400
Deputy „	250
Persian „	250
Total ..	4,825

Proposed scale.

	RS.
Registrar, High Court (1,450—1,800)	1,725
Deputy Registrar, Original Side	1,000
Assistant Registrar, Original Side (400—500)	475
Chief Interpreter	250
Deputy „	175
Persian „	200
Total ..	3,825

7. The Chief Justice is of opinion that it will be to the advantage of the public service that the principal part of the reorganization scheme, that is, the amalgamation of the two sides and the substitution of a Deputy Registrar for the present Registrar, Original Side, should be carried out as soon as possible, and I am to express the hope that no time may be lost in obtaining the required sanction so that these changes may be brought into force not later than 1st April 1895.

G.O., dated 7th March 1895, No. 498, Judicial.

ABSTRACT.—Calling for the views of the Chamber of Commerce and the Attorneys' and Bar Associations on a scheme for reorganizing the establishment of the Original Side of the High Court.

G.O., dated 10th April 1895, No. 758, Judicial.

ABSTRACT.—Explaining to the Honourable the Chief Justice the reasons for the course adopted in G.O., dated 7th March 1895, No. 498, regarding the reorganization of the High Court establishment; and requesting him to advise Government as to whether any weight should be attached to the representations contained in the memorials received in reply to that order.

From the Acting Registrar of the High Court of Judicature, Appellate Side, Madras, dated 23rd April 1895, No. 1197.

ABSTRACT.—Stating in reply to the above Government Order that in the opinion of the Chief Justice no weight should be given to the memorials in question.

ORDER—dated 3rd June 1895, No. 1191, Judicial.

In the first two of the papers read above the Honourable the Chief Justice recommends the early introduction of a scheme for the reorganization of the establishment which involves the following modifications:—

Present scale.

	RS.
Registrar, Appellate Side	1,600
„ Original Side	1,500
First Assistant Registrar, Original Side	500
Second „ „	325
Chief Interpreter	400
Deputy „	250
Persian „	250
Total ..	4,825

Proposed scale.

	RS.
Registrar, High Court Rs. (1,450—1,800)	1,712½
Deputy Registrar, Original Side	1,000
Assistant Rigistrar, Original Side Rs. (400—500)	475
Chief Interpreter	250
Deputy „	175
Persian „	200
Total ..	3,812½

The financial value of the proposed new appointment of Registrar has been incorrectly entered as Rs. 1,725 instead of Rs. 1,712½ in the letter of the High Court. The actual saving involved by the reorganization is thus Rs. 1,012½ *per mensem* or Rs. 12,150 *per annum*.

2. That portion of the scheme which contemplates the amalgamation of the Court's ministerial establishment under one Registrar and the substitution of a Deputy Registrar on Rs. 1,000 *per mensem* for the present Registrar on the Original Side

has already been approved by the Right Honourable the Secretary of State in his despatch, dated 9th January 1890, No. 4, and the Government sees no reason to alter its views as to the desirability of the change. The Honourable the Chief Justice contends that the sanction accorded by the Secretary of State is still valid, but the Government is disposed to consider that a formal renewal of sanction is necessary with reference to article 293 of the Civil Account Code. This, however, is a question which may be left to the Government of India to decide.

3. The proposal to reduce the number of Assistant Registrars on the Original Side from two to one, emanates from the Honourable the Chief Justice who is best qualified to judge as to the amount of work falling on these officers, and the reduction therefore meets with the approval of Government.

4. As regards the interpreters, it has been contended that it will be impossible to secure trustworthy and efficient men on lower pay than the present scale, and in support of this view comparisons have been drawn between the salaries paid to interpreters in the High Courts of Calcutta and Bombay and those which it is proposed to assign to the same officials in the Madras High Court. It is not shown, however, that the conditions in the three presidencies are the same, and, looking to the ease with which efficient translators can be procured in Madras, His Excellency the Governor in Council considers the rate of pay proposed by the Honourable the Chief Justice to be sufficient to secure the services of reliable and competent interpreters.

5. The proposals will accordingly be submitted to the Government of India with the approval and sanction of Government as required by section 8 of the Letters Patent. The Honourable the Chief Justice will be requested to forward through the Accountant-General the necessary formal proposition statement.

(True Extract.)

J. F. PRICE,
Chief Secretary.

To the Honourable the Chief Justice, with C.L.
„ Chairman, Madras Chamber of Commerce.
„ Honorary Secretary, Madras Attorneys' Association.
„ Secretary, Madras Bar Association.
„ Accountant-General.

Exd. T. K. Narayana Aiyengar.

Govt. of {1895} Madras.

JUDICIAL.

Issued

Recd. *Encl.*

G.O., 3rd June 1895, No. 1191.

JUNE.

Reorganization of the High Court.

Passing orders relative to the — and requesting the Hon'ble the Chief Justice to forward the necessary proposition statement through the Accountant-General.

Regr. No.

HOME 1895 DEPT.

[ ]

From the Government of
Fort St. George.

Issued

Recd. *Encl.*

Letter, 3rd June 1895, No. 1192.

JUNE.

Reorganization of the High Court.

Submitting, for sanction, certain proposals for the — as required by section 8 of the Letters Patent.

JUDICIAL DEPARTMENT.

LETTER—from

THE CHIEF SECRETARY TO THE GOVERNMENT OF FORT ST. GEORGE,

To

THE SECRETARY TO THE GOVERNMENT OF INDIA, HOME DEPARTMENT.

SIR,

In forwarding herewith copy of the Proceedings of this Government of this date, No. 1191, Judicial Department, sanctioning, under section 8 of the Letters Patent, certain proposals of the Honourable the Chief Justice of the High Court for the reorganization of the ministerial establishment of the Court, I am directed to request that the requisite sanction of His Excellency the Governor-General in Council and of the Right Honourable the Secretary of State may be accorded to the measure.

2. It will be seen that the reorganization involves the amalgamation of the whole establishment of the Court under one Registrar and the substitution of a Deputy Registrar for the present Registrar on the Original Side. This is a measure which has already been approved by the Right Honourable the Secretary of State (*vide* his despatch, dated 9th January 1890, No. 4), but has been held in abeyance with reference to paragraph 5 of Lord Cross' despatch, dated 2nd June 1892, No. 23, Judicial. The Honourable the Chief Justice holds the view that the sanction accorded by the Secretary of State in 1890 is still in force, but the Government is of opinion that a formal renewal is, with reference to article 293 of the Civil Account Code, necessary.

3. The other changes proposed are the reduction of the number of Assistant Registrars on the Original Side from two to one and certain decreases in the pay of the Court Interpreters. The Honourable the Chief Justice is best qualified to decide whether one Assistant Registrar is competent to perform the work hitherto devolving on two, and the Government, I am to say, sees no reason to differ from his opinion. Objections have been raised to any reduction in the pay of the interpreters, but His Excellency the Governor in Council concurs with the Chief Justice in considering that in this Presidency there will be no difficulty in obtaining trustworthy and efficient men for the salaries now proposed. It is to be noted that these reductions have been proposed by the Honourable the Chief Justice on the understanding that they will be introduced only as vacancies occur. The present First Assistant Registrar is likely to vacate his office on attaining the age of 55 years in June 1895, while the Chief Interpreter desires to be made a District Munsif and the Chief Justice anticipates that it will shortly be possible to provide for him in this way.

The financial effect of the reorganization is shown below :—

Appointments affected.

Present scale.	RS.	Proposed scale.	RS.
Registrar, Appellate Side ..	1,600	Registrar, High Court (Rs. 1,450—1,800) ..	1,712½
Do. Original Side ..	1,500	Deputy Registrar, Original Side)	1,000
First Assistant Registrar, Original Side	500	Assistant Registrar, Original Side (Rs. 400—500)	475
Second Assistant Registrar, Original Side	325		
Chief Interpreter	400	Chief Interpreter ..	250
Deputy do.	250	Deputy do. ..	175
Persian do.	250	Persian do. ..	200
Total ..	4,825	Total ..	3,812½

The saving involved is thus Rs. 1,012½ *per mensem* or Rs. 12,150 *per annum.*

5. I am in conclusion to ask that, in view of the wishes of the Honourable the Chief Justice, the necessary sanction to the proposed reorganization may be accorded as soon as practicable. A formal proposition statement has been called for and will be submitted on receipt.

I have the honour to be,
Sir,
Your most obedient servant,

OOTACAMUND,
3rd June 1895.

Chief Secretary.

Exd. C. A. Munisawmy.

No. 3039.

High Court of Judicature,
Madras, 20th October 1894.

From

H. W. Foster Esquire,
Registrar of the High Court
of Judicature, Appellate Side,
Madras.

To

The Honorable J. F. Price, C. S. I.,
Chief Secretary to Government,
Fort St. George.

Honorable Sir,

In paragraph 5 of G. O. dated 26th September 1894, No. 2338, Judicial, the Government, commenting upon the diminution in the High Court's original civil work brought about by the creation of the City Civil Court, suggests for the consideration of the Judges the possibility of a reorganization of the Original Side ministerial establishment. This is a question to be dealt with (under clause 8 of the Letters Patent) by the Honorable the Chief Justice, and I am accordingly to submit the following observations of his Lordship on the suggestion

2. The Government is aware that the project of transferring jurisdiction in suits of small value had been under discussion for many years before the City Court was established, and to quote a minute* recorded by Sir Philip (then Mr. Justice) Hutchins in 1885 it has always been contemplated that "this change and "the very considerable reduction of the "original work would afford an "opportunity for carrying out a reform "which every successive Chief "Justice has desired to introduce, "putting both sides of the Court under "one Registrar, with a Deputy on each "Side." The scheme was fully consider-ed by the Judges and worked out in detail in 1885 and in Mr. Davies's letter, No. 585, dated 27th February in that Year, was alluded to as a branch of the scheme for transferring Jurisdiction.

* Copy forwarded to Government with letter No. 3030, dated 12th December 1889.

3. The proposal then was to abolish the post of Registrar of the Original

Side, to place the ministerial establishments of both sides of the Court under a single Registrar, to appoint a Deputy Registrar for the original work on Rs. 1,000 a month and to raise the pay of the Deputy on the Appellate Side from Rs. 700 to Rs. 1,000.

4. The Chief Justice understands that the Madras Government recommended this arrangement to the Government of India in a letter dated 23rd July 1885 but no further action was taken until 1887 when the subject was considered by the Finance Committee and came to be dealt with in G.O. dated 4th January 1887, No. 1, Financial. In answering these Proceedings in Mr. Ross's letter, No. 512, dated 3rd March 1887, the High Court (paragraph 4) said "assuming a transfer of Original jurisdiction in suits up to the value of Rs. 2500, the Honorable the Judges adhere to their proposals made in

1885 which were to place both sides of the Court under a Registrar on a salary rising from Rs. 1,500 to Rs. 1,800 with a Deputy on each side on salaries of Rs. 1,000 each per mensem". The Government of Madras considered that the pay of the Registrar should be Rs. 1,450, rising to Rs. 1800, and the pay of the Deputy, Appellate Side, Rs. 700, rising to Rs. 1,000, and with these modifications recommended the proposals to the Government of India (letter No. 1027 dated 14th May 1887). The Government of India accepted the proposals as so modified and forwarded them to the Secretary of State who approved and sanctioned them in due course in despatch, No. 4, Judicial, dated 9th January 1890 (G.O. No. 691, Judicial, dated 16th April 1890).

5. Everything was thus prepared for the revision of the establishment

as soon as the transfer of jurisdiction should be accomplished and the reduction would doubtless have been carried out at the time of the creation of the City Civil Court but for an unfortunate difference of opinion between the High Court and the Government which arose upon G.O. dated 11th November 1890, No. 1770, Judicial. The Chief Justice, I am to say, took exception to the Government's orders regarding Mr. Steavenson, not only on legal grounds but also on the ground that to relegate that officer to a subordinate position in the Court could hardly fail to be productive of friction in the working of the new arrangement, and might imperil its success. Regarding the clerkship of the Crown also, his

Lordship considered that, under any circumstances, it would be of doubtful legality to deprive Mr. Kernan of the office and to confer it upon another officer of the Court; but in the event of a vacancy in the office, the Chief Justice will bear in mind the views of the Government. Even-tually the High Court felt constrain-ed to make a reference to the Secretary of State for India and it is his Lordship's order on this reference, contained in his despatch to the Government of India, No. 23, Judicial, dated 2nd June 1892 (G. O. No. 389, Judicial, 31st August 1892) which has caused the changes to be held in abeyance.

6. The reasons given by the Secretary of State in the 5th paragraph of his despatch for postponing the proposed alteration in the office of Registrar on the Original Side appear to the Chief Justice to be based upon a misconception. There has been no difference of opinion between the High Court and the Government as to the expediency of placing both Sides of the Court under one Registrar, nor do there appear to be any arrangements consequent upon this part of the plan regarding which any difference of opinion is likely to arise between the Chief Justice and the Govern-ment. The change has been for a number of years fully recognized as very desirable and the Chief Justice has not been open to the charge of "Causing postponment of changes which would be for the public advantage" by withholding his consent. Since the Secretary

Whom to be made to find out from whence this quotation comes. MP from the S. of S's despatch

of State's despatch was received, the Chief Justice has not considered it incumbent on him to initiate any further step towards carrying out the reorganization, but as the Government now suggests that the question should be taken up again, I am to say that his Lordship considers it highly desirable that the proposed changes in the office of Registrar should be introduced forthwith.

I have the honor to be,

Honorable Sir,

Your most obedient servant,

Registrar.

Encl'd

509—20-6-91.

Jud Department.

No. 5635

From

High Court

Dated 20 Oct: 1894

FOR ORDERS.

When C.N.° 5635 reached me I was disappointed to find the proposals made much less thorough than I had anticipated, and took an opportunity to speak to Mr. Justice Porter on the subject. The result was that I had a discussion, at his house, with him & the C.J. which led to Mr. Inter's letter of 6/12/94 C.N.° 6491, since the receipt of which I regret that I have been unable until now to take the matter up.

The proposals now made are set out in C.N.° 6491, para 6, the calculations from in which are wrong, using a Rs 1725 being taken as the account value of a salary of Rs 1450–70–1800, instead of the correct figure of Rs 1683–. The saving to be effected by these proposals will therefore be Rs 1042 p.m., not Rs 1000.

In my opinion it is that the H.C. Staff are susceptible, without injury to efficiency, of much larger reduction than are now proposed. It is impossible however, so far as I can see, that Govt. should say so, at all events at present. The only way that I can see of procuring that will practically be a reduction of the Staff on the right side is to wait until the H.C. suffers, as it is sure to do sooner or later, for

A brief account of the proposals regarding the High Court's establishment will be found on pp. 15–17 of the note for Orders in Jud. 11 Nov 1890, N.° 1770, Jud.

The only points which seem to call for notice are the following:—

(1) Can Govt now act on the S. of S.'s sanction accorded in his despatch read in L.C. of 16 Ap. 1890, N.° 691, Jud., or is it necessary to seek a renewal of that sanction? Apparently it is, under Art. 293 Civil Account Code, for the City Civil Court has been at work for more than a year & the S. of S.'s sanction was intended, presumably, to have effect from the date of Est.t of that Court.

(2) What is to be done as regards the Clerk of the Crown? The S. of S. has expressly stated that the salary of the Deputy Registrar (A.S.) is not to be raised until the office of Clerk of the Crown is abolished. It has been pointed out

several times in the course of this correspondence that there is no connection between the abolition of the Clerk & the enhancement of the salary of the D.R. (O.S.).

Sir A. Collins is still averse to turn out Mr. Kernan but he promises to bear in mind the proposal to amalgamate the offices of Clerk of the Crown & D.R. (O.S.) The objections to the proposed amalgamation are set out in para. 39 of the High Court's letter read in G.O. of 11 Nov. 1890, No. 1770, Jud. It seems impossible to estimate their weight until more experience has been gained as to the effect upon the High Court's work of the establishment of the City Civil Court.

As the whole scheme of reorganization will result in a saving even if the Clerk of the Crown is retained, it seems improbable that the S. of S. will insist on the immediate abolition of the post of Clerk.

It is submitted, then, that the S. of S. may be informed that the abolition of this post will be taken into consideration when Mr. Kernan vacates his office & may be asked to sanction the introduction of the rest of the scheme.

If the S. of S. assents, the person who is appointed to be Asst. Registrar (O.S.) on an increase of the Estt. on the App. side, & then to suggest a transfer from the Regl. side, which I should say it would be quite easy to move & be unnecessarily strong.

On the other hand, I can't say that I view with approval the proposal to employ for the future a D.R. on Rs 1000 at the head of the Estt. on the O.S. Even allowing for the fact that there will be a Regr. at the head of the Estt. on both sides of the Court, the arrangement is insufficient to secure a good man from home, as the C.J. proposes to do. Rs 1000 p.m. cannot be regarded as more than the equivalent of £500 p.a. in England — indeed, I imagine the vast majority of persons who are acquainted with the conditions of life both here & at home would have no hesitation in preferring £500 a year at home to Rs 1000 a month out here. No doubt the C.J. will be able to get a smart young attorney out from home for Rs 1000 a month, though to do so would be a violation of the rule that no one but the S. of S. is to engage men at home to serve out here; but the question is How long would such a man be content to serve for such a salary? Not very short time, I should say. If therefore contentment & efficiency are to be secured, I think a salary of Rs 1000 rising to Rs 1500 by ten annual increments of Rs 50 is the least that would be of any use — Even that would leave the man for some 15 to 20

500—20-6-94.

No. 1 thinks this maybe done by Bd

Dated 189 ,

FOR ORDERS.

years without the possibility of advancement, with the practically certain result that for many years he would not do a stroke of work he could avoid doing. For account purposes this must be taken as a ministerial one. The value of the salary

From

* They are described on p. 7 of G.O. of 14 May 1887, No. 1026, Jud.

would therefore be Rs 1000 + $\frac{3 \times 500}{4}$ Rs = 1375. But as the appts. to be vacated otherwise than by death or retirement, the true annual value would no doubt be higher. The same may probably be said of the appts on Rs 400-20-500. I don't think, therefore, that the saving by this move can be put down at much more than Rs 500 p.m. or Rs 6000 p.a. — a sum which (strictly, that is) I think any improvements.

It appears however that for a long time past successive Chief Justices have derived a revenue from the Estt. by putting both sides*

* Apparently so, though from para 2 of Hon Mr. Hutchins' minute in original of G.O. of 4/5/87, No. 1026, it would seem that he thought one Asst. Regr. would suffice.

should be distinctly warned that, when Mr. Kernan vacates, he may be called upon to perform the duties of Clerk of the Crown without any additional remuneration.

(3) What is to be done with Mr. Stevenson?

Mr. S.'s pay is R. 1500 p.m.; he is 52 years old; he was appd to act as Registrar in Feb. '79 & was confirmed in Feb. '80. If as other work can be found for him, he will have to go on a compensation pension which will probably amount to about R. 375 p.m.

(4) There are two Assistant Registrars on the O.S. drawing R. 500 & R. 325 respectively. On page 81 of volume 2 of the Finance Committee's Report it was proposed to abolish them. In para. of Mr. Ross' letter read in G.O. of 14 May 1887, No. 1026, Jud. (page 6) it was observed that these two officers have quite enough work to occupy their time & the Govt. accepted this view & nothing was said about

abolishing the two appointments when the G. of I. was addressed.
But things have changed in consequence of the establishment of the City Civil Court & it seems advisable to ask the C. J. whether one or both the Asst. Regrs might not be abolished. There is no reference to the point in the present letter. The clerical est.t on the O.S. ought also to be susceptible of reduction. The Finance Committee thought the Est.t was excessive in 1887 & the reasons for reduction are stronger now than they were then.
Under Art. 93 (ii), C.S.R., the sanction of the G. of I. will be necessary to the abolition of the Asst. Regrs.
(5) In its letter read in G.O. dy 16 Ap. 1890, No. 691, Jud.l, the G. of I. makes out that the saving resulting from the scheme of reorganization will be R. 516. 10. 8 per mensem. This calculation assumes the abolition of the Clerk of the Crown but the retention of the Asst. Regrs. The calculation is, however, incorrect, for the average value of the incremental salaries has not been reckoned by the G. of I. in accordance with Arts. 43 & 164 C.S.R.
Assuming that the Clerk of the Crown & the Asst. Regrs. are retained, the saving will be R 3,800 — R. 3,637½ = R. 162½ per mensem or R. 1950 per annum. It hardly seems worth while reorganizing the Est.t to secure this petty saving* & perhaps this might be urged on the C. J. as a reason for abolishing the Asst. Regrs.

W 29 Oct

* a saving, too, which will, probably for many years, be swamped by Mr. Stevenson's pension, if he is made to retire.

JB
1/11/94

Reorganization of High Court Est.t

H.E. & Coun

(For orders)

19/11

*

of the Court under a single Regr. No doubt this is very desirable; and it is also advisable to cut down the absurdly high salaries now drawn by the Interpreters. If the Chief Interpreter is made a Dist: Juff:, the present Deputy will presumably become the new Chief on his present pay, so the only personal allce needed will be that to the Persian Interpreter & will amt. to Rs 50 p. m.

On the whole, I suppose we may as well accept the C. J.'s proposals.

As to the points raised in the note: —

(1) I think we must obtain fresh sanction.

(2) The Clerk of the Crown must be let alone. While on this point, I may say that I do not regard it as by any means essential that the pay of the Dy Regr. on the appellate side should be raised to Rs 1000. So long as this office is filled by a Covenanted officer, young men will always be found who will be glad to take it on Rs 700 in order to secure a change from the Mofussil to Madras and a two months' holiday in the hot weather. I think therefore that the pay may well be left at Rs 700. This is not a case in which, so far as I

know, it is necessary to pay more in order to secure the services of the sort of man required. Anyway, however this may be, the increase in the pay of the office must stand over until funds became available, as already ruled by the S. of S., who may be requested in the meanwhile to sanction the remainder of the scheme. The new Dy Regr. on the O.S. may be warned as proposed — or, rather, it may be suggested to the C.J. that he should be warned.

(3). I see nothing for Mr. Stevenson but retirement on a compensation pension. It may be noted that if retired now on a compn. pension, he would get Rs 250 p.m., whereas if he waited on until 1897 & was then superannuated (as he certainly wd. be, for the C.J. is unlikely to recommend his retention) he would get only Rs 227 — vide d.o. correspondence put up.

(4) & (5) These points are disposed of by C No. 6491 &c

BA
4/2/95

As the matter affects the A.S. as well as the O.S. I wish the views of the other judges had been given, but the placing of both sides of the H.C. under one Registrar has been so universally approved that I think we must accept the C.J.'s withdrawal of the objection on which para. 5 of the Sec of State's despatch of the 2d June 1892 (G.O. 1 Aug 92 1389) was based at all events in part. This para. however (whatever it may have been based upon) directed that the question of the abolition of the post of Registrar on the O.S. shd remain in abeyance till Mr. Stevenson vacates it. With refce to this as well as Sec 293 of the Account Code we must take orders from Home before proceeding further.

I agree with the Hon Mr. Bliss that we shall have to give more than has been proposed to the Asst Registrar on the O.S. so that the mere saving does not make the change worth while. I am inclined to think that the R 700 which is all we can give to the Assist Registrar on the A.S. now will be enough

to get a competent young civilian. I doubt whether there would be any objection to giving the additional R 300 proposed for him to the Assist Registrar on the ~~A.S.~~ O.S. The Hon Mr. Bliss proposes that he shd get R1000 rising to R1500 by annual increments of R50. This will only increase the expenditure by a small amount, & I think the proposal should be adopted.

We can do nothing more about the Clerk to the Crown

JG
18/2

I agree with my hon. colleagues. But I suppose before anything is done that we should refer the points raised by the H.C. back to them with our reasons for thinking that the Dy. Registrar O.S. should be given a higher rate of pay – while the Dy. Registrar A.S. should remain as he is.
~~Then when~~ Besides we hear from the H.C.

I take it we must submit the proposed alterations for the consideration of the public.

I suppose too the question of the appt. of the new Dy. Registrar O.S. must be made clear – and the C.J. have it definitely explained that he cannot make the appointment without the approval of the G. in C.

I suppose the C.J. has not any longer any objections now to the (eventual) absorption by the Dy. R. O.S. of the office of Clerk of the Crown – & that he will be willing to break this fact to the new man, before he takes office.

W
20 Feb

High Court Estabt

C. 5635 16491
with notes thereon

Hm & circ

CURRENT No. 5491

Judicial {1894.} Department.

No.

FROM

The Registrar of the High Court
of Judicature, Appellate Side,
Madras.

CHIEF SECRETARY
-7. DEC. 1894
GOVERNMENT OF MADRAS

Dated 6 December } 1894.
Received

No. 3566.
Enc

Addressing the Government further on the subject of the Registrar's letter No. 3039 dated 20 October 1894 and expressing the hope that certain changes regarding amalgamation of the two sides of the High Court may be brought into force not later than 1st April 1895.

Hm & circ

Submitted in continuation of previous papers now in circ.

The High Court wishes to bring the reorganisation into effect not later than the 1st April 1895

[illegible] 10 Dec

[illegible] 15/12/94

Every letter, whether printed or in manuscript, should be docketed and abstracted on the back ; * * * * and the abstract should state clearly the purport of the letter and not merely its title subject. * * * * *

Enclosures and statements also, whether sent with letters, or merely under cover, should be numbered, docketed and abstracted. The headings of statements should be written in full to prevent mistakes, (G. O., 8th April 1868, No. 239, Public.)

27

High Court of Judicature,
Madras. 6th December 1894.

No. 3566.

CURRENT No 6491

From

A. W. Foster Esquire,
Registrar of the High Court
of Judicature, Appellate Side.
Madras,

To

The Honorable J. F. Price, C.S.I.
Chief Secretary to Government,
Fort St. George.

Honorable Sir,

Cuo 5635 - in circ 1/11

I am directed to address the Government further on the subject of my letter, No. 3039, dated 20th October 1894. In that letter the Government was informed that the Chief Justice is prepared to introduce immediately the scheme sanctioned by the Secretary of State for the amalgamation of both branches of the High Court's ministerial establishment

under

under one Registrar and for the substitution of a Deputy Registrar for the Registrar on the Original Side.

2. The administrative advantages which these changes will secure will be considerable and there will besides be a saving of Rs. 375 per mensem as shown in the margin, since the increase in the pay of the Deputy Registrar, Appellate Side, is not to take effect till the office of Clerk of the Crown is abolished as a separate office.

On these grounds the changes proposed, standing by themselves, are very desirable and the Chief Justice would urge their immediate introduction. But they do not represent the whole reduction which the diminution of work has rendered possible. Two other changes effecting a considerable saving can be made when certain offices are vacated by the existing incumbents and as the Government

may

* Present Establ:

	Rs.
Registrar, Appellate Side	1600
" , Original Side	1500
Deputy Registrar, Original Side	1000
Total Rs.	4100

* Future Cost:

	Rs.
Registrar, High Court	1725
Deputy Registrar, Original Side	1000
Total Rs.	2725

* Rs 1725 appears to mean Rs 1600 + Rs 2(1800-1600)/3 = Rs 1683-5-4

may wish to know the full extent of the economies that may eventually arise, I am to submit the following further proposals for sanction, on the understanding that they will be introduced only when the vacancies occur.

3. In the first place, one of the two Assistant Registrars on the Original Side may be dispensed with. The pay of the two present incumbents is Rs. 500 and Rs. 325, respectively. For these two officers the Chief Justice proposes to substitute one Assistant Registrar on a salary of Rs. 400 rising to Rs. 500 by five annual increments of Rs. 20/-. This arrangement must depend upon Mr. Clarke, the First Assistant Registrar, vacating his office, but I am to point out that he attains the age of 55 years in June 1895.

4. The second change is in the Interpreters' Establishment. Exclusive of a Gujarati Interpreter on Rs. 40, there are three interpreters

now

now in employment, namely, a Chief Interpreter (Tamil & Telugu) on Rs. 400, Deputy Interpreter (Tamil & Telugu & Hindustani) on Rs 250 and Persian Interpreter (Persian and Hindustani) on Rs. 250. No alteration can be made in the number. There must always be two Tamil and Telugu Interpreters as there are frequently two Courts sitting simultaneously and a Persian and Hindustani Interpreter and Translator is indispensable. Really competent interpreters are rare and it is necessary to give liberal salaries to secure men of the proper stamp. Having regard, however, to the amount of work that falls to these officers now and to the salaries given to interpreters in other Courts and to translators on the Appellate Side, the Chief Justice considers that the pay of the three appointments may properly be

be fixed at Rs. 250, Rs. 200 and Rs. 175 respectively. If the Government sanctions this proposal, the rates of pay will be reduced as vacancies occur, or if the Government prefers, the pay of the posts may at once be reduced and personal allowances granted to the present incumbents to bring the pay up to the present figure during their tenure of the appointments.

5. I am to mention that the present Chief Interpreter, P. Ramachendra Rao, who is qualified to hold a District Munsif's appointment, has applied to be made a first grade District Munsif and it may shortly be found possible to provide for him outside the Court in this way.

Whereupon

Whereupon one of the prin-
-cipal reductions proposed
would come into force at
once.

6. The aggregate saving
these two changes will effect
is Rs. 625 per mensem or,
including the reduction
in the salaries of the Registrars,
a total of Rs. 1000. monthly
as shown below:-

Present scale.	Rs.	Proposed scale.	Rs.
Registrar, Appellate Side.	1,600.	Registrar, High Court (1450 - 1800)	1,725.
—"—. Original side.	1,500.	Deputy Registrar. Original Side.	1,000
1st Assistant Registrar. Original Side.	500	Assistant Registrar. Original Side. (400 - 500)	475
2nd Assistant Registrar. Original Side.	325	Chief Interpreter.	250
Chief Interpreter.	400	Deputy —"—	175
Deputy —"—	250	Persian —"—	200
Persian —"—	250		
	4,825		3,825

7. The Chief Justice is
of opinion that it will be
to the advantage of the
public

public service that the prin-
-cipal part of the re-orga-
-nization scheme, that is,
the amalgamation of the
two sides and the substi-
-tution of a Deputy
Registrar for the present
Registrar, Original
Side, should be carried
out as soon as possible,
and I am to express the
hope that no time may
be lost in obtaining the
required sanction so that
those changes may be
brought into force not
later than 1st April 1895.

I have the honor to be,
Honorable Sir,
Your most obedient servant,

Registrar.

End P.P.

Urgent Judl 34

CURRENT No. 2036

Judicial {1895.} Department.

No.

From

The A. Registrar of the High Court
of Judicature, Appellate Side,
Madras.

Dated 23d April } 1895.
Received 24



No. 1197.
Enc . —

Replying to G.O. dated
10th April 1895, No. 758.

Every letter, whether printed or in manuscript, should be docketed and abstracted on the back ; * * * * and the abstract should state clearly the purport of the letter and not merely its title subject, * * * * *

Enclosures and statements also, whether sent with letters, or merely under cover, should be numbered, docketed and abstracted. The headings of statements should be written in full to prevent mistakes. (G. O., 8th April 1893, No. 289, Public.)

Urgent

CURRENT No. 2036

No. 1197.

High Court of Judicature,
Madras, 23d April 1895.

From

D. W. G. Cowie, Esquire,
Af. registrar of the High Court
of Judicature, Appellate side, Madras.

To

The Honourable T. J. Price, C. S. I.,
Chief Secretary to Government,
Fort Saint George.

Honourable Sir,

I am directed to acknowledge the receipt of G. O. of 10th April 1895, No. 758, and I am to say that the Chief Justice cordially accepts the assurance of His Excellency in Council that the action of Government was never intended to imply any disrespect to the office which the Chief Justice has the honour to hold. The Chief Justice desires

the

me to say that it was not the mere making public of his proposals of re-organization to which he took exception. The proposals are designed for the efficiency and improvement of discipline in the High Court office as well as for economy, and there is not the slightest objection to their object being known. But the members of the Bar & attorneys association are officers of the Court, and it appeared to the Chief Justice that any representation which they might have to make upon the subject should have been addressed to himself. In the memorials now forwarded the Government is treated as if occupying the position of an appellate

authority

authority and is invited to interfere in the internal management and distribution of work in the High Court. As the Government is aware the control of the Executive is a limited control only and does not extend to the subjects above mentioned, the limitations having been pointed out by Lord Cross in his despatch of 2d June 1892, No. 23. When this is borne in mind the difficulties which the Government apprehends as to its ability to answer satisfactorily questions in the Legislative Council must to a great extent disappear. The Chief Justice fully acknowledges his undivided responsibility for the distribution of work in the High Court office, and it is unreasonable

40691 Aug'th
Ex 20 1389

* but not entirely e.g. if the question were "How did Govt. give the public any opportunity of expressing its views on the proposed change, before finally approving them"?
D
8.5.95

to suppose that the Chief Justice would in any way impair the efficiency of a Court over which he hopes to preside for many years.

2. These proposals were made by the Chief Justice in reply to an invitation on the part of Government to consider whether the cost of the establishment on the original side could not be reduced. The establishment of the City Court had reduced the file in 1893 to 250 suits, and an establishment costing Rs. 51,180 per annum certainly appeared excessive for such a file. In his reply the Chief Justice gave reasons for his opinion that the proposals already sanctioned by the Secretary of State should be

carried out for the sake of efficiency as well as economy.

3. The changes proposed relate to the Registrars and to the Interpreters. With regard to the former the grounds of objections taken by the Attorneys' Association are

(1) That a majority of the High Court as constituted in September 1890 expressed disapproval of the scheme for putting both sides of the Court under one Registrar

(2) That the work of the High Court has not decreased in importance.

(3) That the Appellate side Registrar has enough to do

(4) That the work requires two Assistant Registrars and that Rs. 1000 per mensem

is

is not adequate remuneration for a
to a Deputy Registrar.
in a 4 The first of these objections forms
a Co the burden of all the memorials and
for with it the Chief Justice will first deal.
2 5 It will be remembered that the ex-
Chief pediency of placing the whole esta-
on blishment under one head has been
whe supported by every Chief Justice since
on 1872 and that in 1887 - after the
rec Financial Commissions' Reports - the
Cit Government was informed that all
18 the Judges approved of it. (letter of 3d.
March 1887, No. 512)
m
6 In 1890 the subject was alluded
ce to again in connection with the cor-
a respondence about the establishment
g of the City Court. The Government will
recollect that in September 1890 there

here

were three Acting Judges (two Acting and one Temporary) in the Court and that two of the puisne Judges were on leave in England. Under these circumstances a majority of the Court including the three Acting Judges disapproved the recommendations made by their predecessors, and the Senior puisne Judge (the late Sir T. Muttusami Ayar) recorded his dissent from the opinion of the majority.

7 But whatever was the opinion of the Court as constituted in September 1890, I am to say that subsequent events have convinced the Chief Justice of the necessity of putting the whole establishment under one control. The Advocates have alluded to the fact that the taxation of costs on

the

the original side has already been transferred to the Appellate Side Registrar and to that extent the Chief Justice has already exercised his power to transfer control, though in view of the proposals now made (as to which no delay was anticipated) the Chief Justice did not propose to Government any interim readjustment of salaries which would otherwise have been just and equitable since the original Side Registrar has been relieved of a great portion of his former work. This measure was forced upon the Chief Justice by the discovery that the Taxing officer's powers in allowing discretionary fees had been exercised in too liberal a manner, and also by the fact that a system had grown up of allowing bills

bills to be taken as taxed by consent, when the Attorneys on either side did not object to the opposite sides' charges. The Government is aware that the number of English Attorneys in Madras is very small consisting only of four or five firms who with their Clerks in reality comprise the Attorneys' Association and it is obvious that such a system as the above is not without considerable danger to the litigant. The risk is increased if the Taxing officer is selected from this small number of practitioners. The Attorneys no doubt are desirous that the Registrar and Taxing officer shall continue to be selected from their number - vide paragraph 9 of their memorial of 5th November 1894, printed in G.O.

7

of 7th March 1895, No. 498. Judicial.
They are also desirous (paragraph 15 of the same memorial) that the old discretionary powers should be given back. But the Chief Justice has said enough to indicate that the interests of the suitors require that the Taxing officer shall be altogether outside the influence of a small Côterie.

Should the present proposals be confirmed by the Local Government and the Secretary of State, the Chief Justice has no doubt that he can secure the services of a competent professional gentleman for the sum of Rs. 1000 per mensem. I am directed to say that the Chief Justice has received a letter from Mr. Steavenson in which he stated that he contemplated applying for furlough to Europe about the

end of 1894 and that it was also possible that when in England it might suit him to retire altogether and get called to the Bar. The Chief Justice has been informed that if the office of Registrar Original Side is abolished Mr. Steavenson would receive a larger pension than if he retired and it may be that this fact has caused Mr. Steavenson to postpone his application for furlough.

With regard to objections 2, 3 & 4, the Chief Justice observes that though the work may not have diminished in importance it has diminished in quantity, and from the present file on the Original Side he is of opinion that a Deputy Registrar and one Assistant Registrar will be sufficient.

The

the Deputy Registrar will be entrusted with the technical and ~~given~~ judicial work now done by the Registrar, Original Side, the Registrar of the Court being head of the whole establishment and exercising general control. The change will be of marked advantage to the subordinates in the establishment to whom a promotion + transfers on both sides will then be open.

10 With regard to the objection that a Covenanted Civilian has no previous experience of the original side work, I am to point out that the same class of work comes up on appeal in addition to which the Appellate Side deals with the judicial administration of the whole Presidency. The High Court has always been able to secure the services of efficient officers for the post of Registrar on the Appellate

Appellate Side. The names of the marginal-

Mr B.B. Hutchins
" H. Wigram
" T. Weir
" J.A. Davies
" H.T. Ross
" T.M. Hirsfall
" H.W. Foster

-ly noted gentlemen will not in distinction and ability compare unfavourably with those who have held the office of Registrar, Original Side, during the last thirty years.

11. Passing to the question of the Interpreters, the Chief Justice observes that the present rates of pay were fixed between 30 + 40 years ago when it was much more difficult than it is now to secure the services of educated men of good linguistic attainments. At the present time the salaries actually paid for similar services on the Appellate Side of the High Court and in other Courts under the control of the High Court vary from Rs. 60 to Rs. 125 per mensem. Conceding that it

it is desirable that the very best men should be secured for the High Court the rates proposed viz: Rs. 250 for a Chief Interpreter & Rs. 175 for a Deputy would appear sufficiently liberal. These rates were fixed by the Chief Justice after long & careful consultation with the two senior judges of the High Court, the late Sir T. Muttusami Ayyar & Mr. Justice Parker. It is not proposed to reduce the pay of existing incumbents. The argument that higher rates are paid in Calcutta and Bombay would not appear entitled to weight unless it is shewn that the conditions in those Presidencies are similar to those in Madras. It may be that the advance of education in Calcutta & Bombay has not been as marked as in Madras, but

but if it has, those Presidencies may be paying more than the market value for the services of their Interpreters. In this connection it is not inappropriate to point out the absurdity of such a body as the Chamber of Commerce giving advice in a matter in which it has no experience. Either the Chamber is aware of the prices actually paid in Madras for the services of Translators & Interpreters or it is not. If it has no knowledge on the subject, it should not have offered an opinion. If it has, it is strange to find a body of merchants contending that a favourable market should not be availed of in Madras because higher rates rule in Calcutta & Bombay. In either case the exact value of the Chamber's opinion can be

accurately

accurately gauged.

12 For these reasons the Chief Justice is of opinion that no weight should be given to these memorials. Those of the Bar & Chamber of Commerce are merely echoes of the Attorneys' memorial, and while it is intelligible that the Attorneys should wish the old system to continue, the Chief Justice has explained that this would not be for the public advantage.

13 In conclusion, I am to say that the Chief Justice is unable to accept the view of the Local Govern-ment that the directions of the Secretary of State are no longer in force. Lord Cross's despatch of 2d. June 1892, No. 23, contains a clear direction that

that the scheme is only postponed, so that were the office of Registrar, original side, at this moment vacant, the Chief Justice would be precluded from appointing another Registrar but would be obliged to appoint a Deputy Registrar subject to the confirmation of Government. An order which would thus operate cannot accurately be described as dead and the Chief Justice does not under-stand how it could be regarded as binding upon himself and not upon the Local Government. It appears to his Lordship that the clear construction of the despatch is that the scheme is only in abeyance, and it is expressly stated so in paragraph 5.

*: the exact words are: "... it is better "that the whole scheme should "remain in abeyance for the present "and be reconsidered as soon as a vacancy occurs" (cf. in the part of Reg's O.S.)

The

14 The Chief Justice feels every confidence that the reasons he has given will commend themselves to His Excellency in Council and that no further delay will occur in forwarding these proposals to the Secretary of State. But if it should unfortunately happen that any difference of opinion should arise on the subject of the registrars - a misfortune which the Chief Justice would greatly regret - His Lordship is compelled to ask that this correspondence should be forwarded to the Secretary of State - not only because the administrative changes proposed are very important and the Chief Justice believes he is supported by the Secretary of State's opinion, - but also because it

it is necessary that the Chief Justice should know authoritatively whether the financial limitations presented in the Secretary of State's former orders are in force or not.

I have the honour to be,
Honorable Sir,
Your most obedient servant,

D. W. Gowie
Ag. Registrar,
Appellate Side.

[G / 9]
2,000—23-1-95.

DO
Current No. 296

DEPARTMENT.

From

The Hon'ble Sir arthur Colliers.

No.

Dated 6th May 1895

Received 6th

Read

Enclosures

SUBJECT.

Forwarding Memorials from the Bar - Attorney & Chamber of Commerce association re. the reorganization of the High Court.

D.O. No 296

HIGH COURT OF JUDICATURE MADRAS

CHIEF SECRETARY 6 MAY 1895 GOVERNMENT OF MADRAS

Baker 6 May 1895

My dear Mr Price

I hear from Madras that the Government has telegraphed for the Memorials fr. the Bar - Attys & Chamber of Commerce Assocⁿ - I brot them up here & herewith send

[G. / 25.] 600—8-3-95.

DEPARTMENT.

C. No. 5635 of 20 October 1894
6491 of 6 Decr 1894
G.O. of 7 March 1895 No 498 Judl
G.O of 10 April 1895 No 758 Judl
Current No. 2036 of 23 April 1895
D.O. No. 296 of 6 May 1895
(Containing memorials of the Chamber of Commerce, Attorneys & Bar Associations)

FOR ORDERS.

I think the C.J. makes ~~out~~ a very good case - I confess it never occurred to me that the attorneys & Barristers were (technically it may be) officers of the Court & that therefore they should not have addressed us at all, but the C.J. himself. But I suppose it is so.

In the C.J. speaks of an Estt. costing Rs 57,180 p.a. for a file of 250 suits (in 1893) - These figures appear to put the case too favourably as regards total cost & too unfavourably as regards no. of suits.

As to the cost - The Civil Estimates contain a provision for 1895-96 of Rs 98,300 for the Estt. on the Orig. side of the H.C.; but from this, the following deductions should be made to arrive at the cost of the Estt. employed on orig. civil business, which is the matter we are now considering:-

	Rs
Insolvency Estt.	1,248
Crown officers (Criml. side)	11,991
Offl. Assignee	1,321
Contingencies	9,849
	24,409

This leaves a balance of Rs 73,891. From this, again, perhaps we ought to deduct the cost of the Sheriff & his Estt. (Rs 16,646) for though this is the Nazirat Estt. of the H.C. & therefore without doubt a part of the cost of the orig. civil work of the Court, yet the H.C. cannot be held responsible for the unnecessarily costly way in which this Nazirat Estt. is organized. The balance is Rs 57,245, not Rs 57,180.

As to the number of suits, I find from another paper I have (in the file about the question of increase of jurisdiction of

These papers deal with the reorganization of the establishment of the High Court. Hon. Members have already noted on the subject & have seen all the papers except C. 2036 which is the High Court's reply to G.O. of 10 April 1895 No. 758 Judl in which the Govt, while assuring the Chief Justice that no disrespect was intended to his high office by the procedure of inviting the views of the Chamber of Commerce, the Attorneys' & Bar Associations as to the proposed changes, referred the memorials received from these bodies to the Chief Justice with the request that he would inform Govt as to whether any importance is to be attached to their argu[ments]. The Chief Justice's letter discusses these memorials & comes to the conclusion that they should be disregarded. ~~[illegible]~~

2. The Chief Justice's proposals have

now be forwarded to the Secretary of State, unless the Govt. decides to comply with the request of the Attorneys Association that "Govt. will be pleased "to lay before the Association the "special reasons, if any, advanced "by the Hon.ble the Chief Justice for the "reconsideration of the scheme" (relating to the Registrars) which was condemned by a majority of the Court in Septr 1890. (vide G.O. dated 11. Oct. 1890 No. 1720) The C.J.'s special reasons is the lax method of taxation of costs permitted (apparently by Mr Stevenson) to the advantage of the attorneys, & the consequent advisability of not selecting the taxing-officer from among their number. – He expresses his conviction that it will be possible to obtain from England a competent O.S. Dy. Regr. for Rs. 1000 per mensem, & that such a Dy. Regr. with one Assist. Regr. will suffice to carry on the work of the Original side subject to the general control of the new Registrar. This question of the Dy. Regr.'s pay is the one point upon which the Govt. is likely to be in accord with the memorialists. Hon. Members have ~~the Hon. Mr Alison & the Hon. Mr Grose~~ all agreed that his pay should be

the C.C.Ct. vs the appt. of a 5th Puisne Judge, which I have & hope shortly to send on) that the number of orig. civil suits so filed &c in '93 & '94 was:

FOR ORDERS.

	1893	1894	
Suits filed	242	290	291
" disposed of	253	330	
Refces to Chambers { filed	5	7	16
disposed of }	13	6	
Execution petns { filed	160	184	365
disposed of	115	185	
Miscellaneous cases { filed	2530 (~~2350~~)	2364	184
disposed of	2535	2373	

(Pending at end of 1894)

The tendency, that is, is for Civil orig. work ~~to increase~~ – I think we may fairly take it that the orig. civil suits in the H.C. ~~come~~ to 300 p.a. – It is difficult to take account of the other specified items of work, but, so far as I can judge, a large proportion (probably nearly all of them) are matters arising in the course of suits or consequent upon decrees therein, and should therefore be viewed rather as parts of suits than as separate therefrom. However this may be, there is nothing to show how many (say) misc: cases ought on the average to be considered as equivalent to ~~one~~ one suit, and the only standard we have to judge by is that of the suits themselves. By that standard & on the assumption that there are 300 orig. civil suits p.a., the cost of Estt. works out to Rs 190 per suit – This seems exorbitant. So far as I can make out, the C.C.Ct. tries its cases at a cost (for Estt.) of only about Rs 35 per case.

This being the state of affairs, ~~I think~~ we should not say anything when sending on these proposals, which I would do, as to the probable insufficiency of the salary now proposed for the new Dy. Regr. on the Orig. Side.

[G. / 26.] 600—8-3-95.

DEPARTMENT.

C. No.

Taking all things into consideration, the proposed offer of Rs 1000 p.m. to this officer is about equivalent to the offer of £250 a year in England. A suitable man is not likely to be got, and kept, for that sum, as in my opinion the C.J. will soon discover. When he does he will come up for more pay & there will be the opportunity to insist on greater economy in the H.C. Estts., which are now obviously overpaid –

[initials]
11/5/95

The C.J.'s proposals may be sent on without remarks

[initials]
12/5

I agree

W
17 May

Rs. 1000 – 50 – 1500. In a note it was pointed out that to this there were two objections viz: (i) that the Dy. Registrar might happen to draw more pay than his superior officer the Regr. on Rs 1450 – 1800 & (ii) that, under C.S.R. Arts. 171 & 175, Mr Stevenson would apparently be entitled to draw Rs 1500 straight away & there might be some difficulty in getting rid of him. There is however no reason to suppose that the Chief Justice will nominate Mr Stevenson to the newly created post of Dy. Regr., O.S., in which case there will be no difficulty in getting rid of him.

3. Another variation proposed – is that the Dy. Regr. appellate side should receive only Rs 700 & not Rs 1000; the difference going to increase the pay

of the Dy Registrar, O.S.

The fixing of salaries is a matter however on which is left to the Chief Justice subject to the approval of the Local Govt, & the Govt of India. If there is a disagreement on these points, the whole scheme will fall to the ground again. Perhaps, therefore, in view of the strong expression of opinion by the Chief Justice, Govt may pass on his proposals as they stand, with or without remarks as to the doubtful expediency of assigning so high a salary to the Dy Regr (O.S.), and paying the Dy Regr (A.S.) a larger sum than he at present receives.

As regards the pay of the Interpreters, the Chief Justice overlooks the contention that it should be fixed on such a scale as to secure not merely ability, but also incorruptibility, as far as possible; but even so, it is submitted that the proposed scale is sufficiently high.

6. This file is by no means as complete as it should be, owing to the fact that a number of the original orders, containing notes &c are put up with the papers relating to the appointment of a Sixth Judge (now in circulation) for members have to be written. *

Reorganization of the High Court Establishment

FOR ORDERS.

[illegible]

W.M. Price

Without remarks, I think

BS

The proposed rates of pay seem fully sufficient. The Head Interpreter is to get the same pay as a first grade Tahr or a last grade Dy Collr. It must be remembered that labour of this class is obtainable much more cheaply there than in Northern India or Bombay.

BS

* already expressed opinions on most of the debatable points, while probably not to the want of original orders

8/5/95 D 8-5-95

[G. 53]
1,000-30-3-95.

Judl Department.

CHIEF SECRETARIAT MADRAS.

PROCEEDINGS OF THE MADRAS GOVERNMENT.

READ the following paper:—

para. 5 (lines 16-5) of Go. of 26 Sept 1894 to 2335

in extenso A { Currents Nos 5635 of 20 Oct 1894 from the 6491 of 6 Dec 1894 Regr of the High Court, Appellate Side.

abstract B. G.O. of 7 March 1895 No. 498 Judl

abstract C. G.O. of 10 April 1895 No. 758 Judl

abstract D. Current No. 2036 of 23 April 1895 do

Order.

P.S. In the first two of the papers read above the High Court recommend the early introduction of a scheme for the reorganization of the Establishment which involves the following modifications

Present Scale		Proposed Scale	
	Rs		Rs
Regr, Appellate Side	1,600	Regr, High Court	(1250-50-1500)
Regr, Original Side	1,500	Dpty Regr, Original Side	1000
First Asst Regr, Original Side	500	Asst Regrs (Original Side)	(400-500) 475
Second Asst Regr, Original Side	325		
Chief Interpreter	400	Chief Interpreter	250
Dpty Interpreter	250	Dpty Interpreter	175
Persian Interpreter	250	Persian Interpreter	200
	Rs 4825		Rs 3753½

The financial value of the proposed new appointment of Registrar has been incorrectly ~~calculated by the High Court~~ entered as Rs 1725 instead of Rs 1683⅓ in the Registrar's letter of the High Court. — The actual saving involved by the reorganization is thus Rs 10 41⅔ per mensem or Rs 12,500 per annum.

2. That portion of the scheme which ~~involves~~ contemplates the amalgamation of the Court's ministerial establishment under one Registrar & the substitution of a Deputy Regr. & Rs 1000 p.m. for the present Regr. on the Original Side has already been approved by the Rt. Honble the Secretary of State in his despatch dy. 9. Jany 1890 No. 4 ~~There is therefore no necessity to discuss the reasons upon which the proposal to substitute a reduce the number of Asst Regrs on the Original Side from two to three was based with the approval of the Secy of State in Council and the Govt is not prepared~~ and the Govt sees no reason to alter its views as to the desirability of the change.

3. The proposal to reduce the number of Assistant Regrs. on the Original

Note
Vide G.S.R. No. 43.
Rs 1712½ is the correct figure of the post of Regr as treated as a ministerial appointment*. - Read instead No. 59. to consider it an executive post

The Honble the Chief Justice contends that the sanction accorded by the S. of S. is still valid, but the Govt is disposed to consider that a formal renewal of sanction is necessary with reference to Art. 298 of the Civil Account Code. The however is a question which may be left to the Govt of India to decide

[G. 53]
1,000-30-8-43.

Department.

13 B

PROCEEDINGS OF THE MADRAS GOVERNMENT.

READ the following paper:—

Sir, From two to one, Emanates from the High Court which is ~~the best judge as to the~~ best qualified to judge as to the amount of work falling on these officers, and the reduction therefor meets with the approval of Govt.

4. As regards the interpreters, it has been contended that it will be impossible to secure reliable trustworthy and efficient men on lower pay than the present scale, and in support of this view comparisons have been drawn between the salaries paid to interpreters in the High Courts of Calcutta & Bombay and those which it is proposed to assign to the same officials in the Madras High Court. It is not shown however that the conditions in the three Presidencies are the same, & [illegible] looking to the [illegible] of

the ease with which efficient translators can be procured in Madras ~~in the Court~~ &c

H.E. the G. in C. considers the rate of pay proposed by the High Court to be sufficient to secure the services of reliable & competent interpreters.

6. The proposals will accordingly be submitted to the Govt. of India with the approval and sanction of Govt. as required by S. 8. of the Letters Patent.

(Chairman Madras)

*. The Hon. the C.J. with Ch.
The Chamber of Commerce
The Hon. Secy. Madras Attorneys Assoc.
The Secy, Madras Bar Association
Asst. Genl.

*. (True orders) Dr. 20/5/95

D 18.5.95.

Letter to the Secy. to the Govt. of India, Home Dept.

Sir,

In forwarding herewith copy of the proceedings of this Govt. of this date No. Jud. Dept. sanctioning under S. 8 of the Letters Patent certain proposals of the Hon'ble the Judges of the High Court for the reorganization of the ministerial establishment of the Court ~~thereof~~, I am directed to request that the necessary sanction of H.E. the G.G. in C. and of the Rt. Hon'ble the Secretary of State may ~~also~~ be accorded to the measure.

2. It will be seen that the reorganization which ~~involves a saving~~

*. Enter at close of para. 3 of letter

"It is to be noted that these reductions have been proposed by Chief Justice on the understanding that they will be introduced only as vacancies occur. The present First Asst. Regr. is likely to vacate his office on attaining the age of 55 years in June 1895 ~~a June next~~, while the Chief Interpreter desires to be made a Dist. Munsiff & the Chief Justice anticipates that it will shortly be possible to provide for him outside the Court in this way."

[G./53]
1,000-30-3-95.

Department.

148

CHIEF SECRETARIAT MADRAS

PROCEEDINGS OF THE MADRAS GOVERNMENT.

READ the following paper :—

~~of Rs 12,500 per annum, includes~~ involves the amalgamation of the whole establishment of the Court under one Registrar and the substitution of a Deputy ~~on Rs 500~~ Regr. for the present Regr. on the Original side. This is a measure which has already been approved by the Rt. Hon. the S. of S. (vide his despatch of 9 January 1890 No. 4) but has been held in abeyance with reference to para. 5 of ~~his~~ Lord Cross' despatch of 2 June 1892 No. 23 Jud. ~~As vacancy in the office of Registrar, no reason however now exists~~

The Hon. the C.J. holds the view ~~contends~~ that the sanction accorded by the S. of S. in 1890 is still in force but the Govt. is of opinion that a formal renewal is necessary with refce. to Art. 293 of the Civil Account Code.

3. The other changes proposed are the reduction of the number of Asst. Regrs. on the Original Side from two to one, and certain decreases in the pay of the Court Interpreters. The Hon'bles the Judges are best

qualified to decide whether ~~two~~ one competent Assistant Regr. is ~~sufficient~~ to perform the work hitherto devolving on two, & the ~~too~~ [illegible] sees no reason to differ from their opinion. Objections have been raised to ~~the~~ any reduction in the pay of the interpreters, but H.E. the G. in C. concurs with the Hon. the Judges in considering that in this Presidency there will be no difficulty in obtaining trustworthy & efficient men for the salaries now proposed. *

4. The financial effect of the reorganization is shown below:-

Appointments affected

Present Scale	Rs	Proposed Scale	Rs
Regr. A.S.	1,600	Regr. High Court (Rs 1450–1800)	1,683 1/3
Regr. O.S.	1,500	Dy. Regr. O.S.	1,000
First Asst. Regr. O.S.	500	Asst. Regr. O.S. Rs 400–500 (for both)	475
Second Asst. Regr. O.S.	325		
Chief Interpreter	400	Chief Interpreter	250
Deputy Interpreter	250	Deputy Interpreter	175
Persian Interpreter	250	Persian Interpreter	200
	4825		3783 1/3

The saving involved is thus Rs. 1041 2/3 per mensem or Rs. 12,500 per annum.

5. I am ~~to state~~ in conclusion to ask, that, in view of the wishes expressed of the Hon. the C.J., ~~[illegible]~~ ~~requests~~ that the necessary sanction to the proposed

Reorganization of the Establishment of the High Court

(E)

GOs 1191 & 92 dt 3.6.95

* H.E. portion noted on margin of previous page. Dy 21.5

H.M. (Draft for approval)

Note.

No mention is made of the abolition of the Clerk of the Crown, and it is proposed to defer intimating to the C.J. that the new Dy. Regr. (O.S.) may be required to take up the duties of Clerk of the Crown on Mr. Kernan's retirement, until sanction has been received to this reorganization. The pay of the Dy. Regr. (A.S.) has not been touched upon, as it is not proposed to raise it at present, & Govt. holds the view that the old scheme is dead.

D 19-5-95

H.M.: have directed that the C.J.'s proposals should be sent on "without remarks" - which expression I understand to mean "without remarks indicating disapproval or doubt." - The Hon. [illegible] has informed that this was his intention. D 19.5.95

Reorganization may be accorded as early as practicable.

[illegible]

D 19-5-95

20/5/95

1191

3rd ~~May~~ 1895, No. , Judicial.

GOVERNMENT OF MADRAS.

JUDICIAL DEPARTMENT.

Read—again the following paper:—

G.O., dated 26th September 1894, No. 2338, Judicial.

* * * *

5. In view of the decrease of work on the Original Side of the High Court which is due to the creation of the City Civil Court, the Government would be glad to be favoured with the opinion of the Honourable the Judges as to the possibility of a reorganization of the establishment and consequent savings. In the present financial condition of the country, the latter is an object of great importance. . .

Read—also the following papers:—

From H. W. FOSTER, Esq., Registrar of the High Court of Judicature, Appellate Side, Madras, to the Chief Secretary to Government, dated 20th October 1894, No. 3039.

In paragraph 5 of G.O., dated 26th September 1894, No. 2338, Judicial, the Government, commenting upon the diminution in the High Court's original civil work brought about by the creation of the City Civil Court, suggests for the consideration of the Judges the possibility of a reorganization of the Original Side ministerial establishment. This is a question to be dealt with (under clause 8 of the Letters Patent) by the Honourable the Chief Justice, and I am accordingly to submit the following observations of his Lordship on the suggestion.

2. The Government is aware that the project of transferring jurisdiction in suits of small value had been under discussion for many years before the City Court was established, and to quote a minute* recorded by Sir Philip (then Mr. Justice) Hutchins in 1885 it has always been contemplated that "this change and the very considerable reduction of the original work would afford an opportunity for carrying out a reform which every successive Chief Justice has desired to introduce, putting both sides of the Court under one Registrar, with a Deputy on each side." The scheme was fully considered by the Judges and worked out in detail in 1885 and in Mr. Davies's letter No. 585, dated 27th February in that year, was alluded to as a branch of the scheme for transferring jurisdiction.

* Copy forwarded to Government with letter No. 3030, dated 12th December 1889.

3. The proposal then was to abolish the post of Registrar of the Original Side, to place the ministerial establishments of both sides of the Court under a single Registrar, to appoint a Deputy Registrar for the original work on Rs. 1,000 a month and to raise the pay of the Deputy on the Appellate Side from Rs. 700 to Rs. 1,000.

4. The Chief Justice understands that the Madras Government recommended this arrangement to the Government of India in a letter, dated 23rd July 1885, but no further action was taken until 1887 when the subject was considered by the Finance Committee and came to be dealt with in G.O., dated 4th January 1887, No. 1, Financial. In answering these Proceedings in Mr. Ross's letter, No. 512, dated 3rd March 1887, the High Court (paragraph 4) said: "Assuming a transfer of original jurisdiction in suits up to the value of Rs. 2,500, the Honourable the Judges adhere to their proposals made in 1885 which were to place both sides of the Court under a Registrar on a salary rising from Rs. 1,500 to Rs. 1,800 with a Deputy on each side on salaries of Rs. 1,000 each *per mensem*." The Government of Madras considered that the pay of the Registrar should be Rs. 1,450 rising to Rs. 1,800, and the pay of the Deputy, Appellate Side, Rs. 700 rising to Rs. 1,000, and with these

modifications recommended the proposals to the Government of India (letter No. 1027, dated 14th May 1887). The Government of India accepted the proposals as so modified and forwarded them to the Secretary of State who approved and sanctioned them in due course in Despatch No. 4, Judicial, dated 9th January 1890 (G.O., No. 691, Judicial, dated 16th April 1890).

5. Everything was thus prepared for the revision of the establishment as soon as the transfer of jurisdiction should be accomplished and the reduction would doubtless have been carried out at the time of the creation of the City Civil Court but for an unfortunate difference of opinion between the High Court and the Government which arose upon G.O., dated 11th November 1890, No. 1770, Judicial. The Chief Justice, I am to say, took exception to the Government's orders regarding Mr. Steavenson, not only on legal grounds but also on the ground that to relegate that officer to a subordinate position in the court could hardly fail to be productive of friction in the working of the new arrangement, and might imperil its success. Regarding the Clerkship of the Crown also, his Lordship considered that, under any circumstances, it would be of doubtful legality to deprive Mr. Kernan of the office and to confer it upon another officer of the court; but in the event of a vacancy in the office, the Chief Justice will bear in mind the views of the Government. Eventually the High Court felt constrained to make a reference to the Secretary of State for India and it is his Lordship's order on this reference, contained in his despatch to the Government of India, No. 23, Judicial, dated 2nd June 1892 (G.O. No. 1389, Judicial, dated 1st August 1892), which has caused the changes to be held in abeyance.

6. The reasons given by the Secretary of State in the 5th paragraph of his despatch for postponing the proposed alteration in the office of Registrar on the Original Side appear to the Chief Justice to be based upon a misconception. There has been no difference of opinion between the High Court and the Government as to the expediency of placing both sides of the Court under one Registrar, nor do there appear to be any arrangements consequent upon this part of the plan regarding which any difference of opinion is likely to arise between the Chief Justice and the Government. The change has been for a number of years fully recognized as very desirable and the Chief Justice has not been open to the charge of "causing postponement of changes which would be for the public advantage" by withholding his consent. Since the Secretary of State's despatch was received, the Chief Justice has not considered it incumbent on him to initiate any further step towards carrying out the reorganization, but as the Government now suggests that the question should be taken up again, I am to say that his Lordship considers it highly desirable that the proposed changes in the office of Registrar should be introduced forthwith.

From H. W. FOSTER, Esq., Registrar of the High Court of Judicature, Appellate Side, Madras, to the Chief Secretary to Government, dated 6th December 1894, No. 3566.

I am directed to address the Government further on the subject of my letter No. 3039, dated 20th October 1894. In that letter the Government was informed that the Chief Justice is prepared to introduce immediately the scheme sanctioned by the Secretary of State for the amalgamation of both branches of the High Court's ministerial establishment under one Registrar and for the substitution of a Deputy Registrar for the Registrar on the Original Side.

2. The administrative advantages which these changes will secure will be considerable and there will besides be a saving of Rs. 375 *per mensem* as shown in the margin, since the increase in the pay of the Deputy Registrar, Appellate Side, is not to take effect till the office of Clerk of the Crown is abolished as a separate office.

Present Cost.	Rs.	*Future Cost.*	Rs.
Registrar, Appellate Side	1,600	Registrar, High Court..	1,725 *
„ Original Side ..	1,500	Deputy Registrar, Original Side	1,000
Total ..	3,100	Total ..	2,725

* Rs. 1,725 appears to be an error — Rs. 1450 + $\frac{2 (Rs. 1,800—1,450)}{3}$ = Rs. 1,683-5-4.

On these grounds the changes proposed, standing by themselves, are very desirable and the Chief Justice would urge their immediate introduction. But they do not represent the whole reduction which the diminution of work has rendered possible. Two other changes effecting a considerable saving can be made when certain offices are vacated by the existing incumbents, and as the Government may wish to know the full extent of the economies that may eventually arise, I am to submit the following further proposals for sanction, on the understanding that they will be introduced only when the vacancies occur.

3. In the first place, one of the two Assistant Registrars on the Original Side may be dispensed with. The pay of the two present incumbents is Rs. 500 and Rs. 325, respectively. For these two officers the Chief Justice proposes to substitute one Assistant Registrar on a salary of Rs. 400 rising to Rs. 500 by five annual increments of Rs. 20. This arrangement must depend upon Mr. Clarke, the First Assistant Registrar, vacating his office, but I am to point out that he attains the age of 55 years in June 1895.

4. The second change is in the Interpreter's establishment. Exclusive of a Guzarati interpreter on Rs. 40, there are three interpreters now in employment, namely, a Chief Interpreter (Tamil and Telugu) on Rs. 400, Deputy Interpreter (Tamil and Telugu and Hindustani) on Rs. 250, and Persian Interpretor (Persian and Hindustani) on Rs. 250. No alteration can be made in the number. There must always be two Tamil and Telugu interpreters as there are frequently two Courts sitting simultaneously and a Persian and Hindustani Interpreter and Translator is indispensable. Really competent interpreters are rare and it is necessary to give liberal salaries to secure men of the proper stamp. Having regard, however, to the amount of work that falls to these officers now and to the salaries given to interpreters in other courts and to translators on the Appellate Side, the Chief Justice considers that the pay of the three appointments may properly be fixed at Rs. 250, Rs. 200 and Rs. 175, respectively. If the Government sanctions this proposal, the rates of pay will be reduced as vacancies occur or, if the Government prefers, the pay of the posts may at once be reduced and personal allowances granted to the present incumbents to bring the pay up to the present figure during their tenure of the appointments.

5. I am to mention that the present Chief Interpreter, P. Ramachendra Rao, who is qualified to hold a District Munsif's appointment, has applied to be made a First-grade District Munsif and it may shortly be found possible to provide for him outside the court in this way, whereupon one of the principal reductions proposed would come into force at once.

6. The aggregate saving these two changes will effect is Rs. 625 *per mensem* or, including the reduction in the salaries of the Registrars, a total of Rs. 1,000 monthly as shown below :—

Present scale.

	Rs.
Registrar, Appellate Side	1,600
„ Original Side	1,500
First Assistant Registrar, Original Side	500
Second „ „	325
Chief Interpreter	400
Deputy „	250
Persian „	250
Total ..	4,825

Proposed scale.

	Rs.
Registrar, High Court (1,450—1,800)	1,725
Deputy Registrar, Original Side	1,000
Assistant Registrar, Original Side (400—500)	475
Chief Interpreter	250
Deputy „	175
Persian „	200
Total ..	3,825

7. The Chief Justice is of opinion that it will be to the advantage of the public service that the principal part of the reorganization scheme, that is, the amalgamation of the two sides and the substitution of a Deputy Registrar for the present Registrar, Original Side, should be carried out as soon as possible, and I am to express the hope that no time may be lost in obtaining the required sanction so that these changes may be brought into force not later than 1st April 1895.

G.O., dated 7th March 1895, No. 498, Judicial.

ABSTRACT.—Calling for the views of the Chamber of Commerce and the Attorneys' and Bar Associations on a scheme for reorganizing the establishment of the Original Side of the High Court.

G.O., dated 10th April 1895, No. 758, Judicial.

ABSTRACT.—Explaining to the Honourable the Chief Justice the reasons for the course adopted in G.O., dated 7th March 1895, No. 498, regarding the reorganization of the High Court establishment; and requesting him to advise Government as to whether any weight should be attached to the representations contained in the memorials received in reply to those orders.

From the Acting Registrar of the High Court of Judicature, Appellate Side, Madras, dated 23rd April 1895, No. 1197.

ABSTRACT.—Stating in reply to the above Government Order that in the opinion of the Chief Justice no weight should be given to the memorials in question.

ORDER—dated 3 May 1895, No. 1191, Judicial.

In the first two of the papers read above the High Court recommends the early introduction of a scheme for the reorganization of the establishment which involves the following modifications:—

Present scale.

	Rs.
Registrar, Appellate Side	1,600
„ Original Side	1,500
First Assistant Registrar, Original Side	500
Second „ „	325
Chief Interpreter	400
Deputy „	250
Persian „	250
Total ..	4,825

Proposed scale.

	Rs.
Registrar, High Court (1,450—1,800)	1,683⅓
Deputy Registrar, Original Side	1,000
Assistant Registrar, Original Side (400—500)	475
Chief Interpreter	250
Deputy „	175
Persian „	200
Total ..	3,783⅓

The financial value of the proposed new appointment of Registrar has been incorrectly entered as Rs. 1,725 instead of Rs. 1,683⅓ in the letter of the High Court. The actual saving involved by the reorganization is thus Rs. 1,011⅓ *per mensem* or Rs. 12,500 *per annum*.

2. That portion of the scheme which contemplates the amalgamation of the Court's ministerial establishment under one Registrar and the substitution of a Deputy Registrar on Rs. 1,000 *per mensem* for the present Registrar on the Original Side

has already been approved by the Right Honourable the Secretary of State in his despatch, dated 9th January 1890, No. 4, and the Government sees no reason to alter its views as to the desirability of the change. The Honourable the Chief Justice contends that the sanction accorded by the Secretary of State is still valid, but the Government is disposed to consider that a formal renewal of sanction is necessary with reference to article 293 of the Civil Account Code. This, however, is a question which may be left to the Government of India to decide.

3. The proposal to reduce the number of Assistant Registrars on the Original Side from two to one, emanates from the High Court which is best qualified to judge as to the amount of work falling on these officers, and the reduction therefore meets with the approval of Government.

4. As regards the interpreters, it has been contended that it will be impossible to secure trustworthy and efficient men on lower pay than the present scale, and in support of this view comparisons have been drawn between the salaries paid to interpreters in the High Courts of Calcutta and Bombay and those which it is proposed to assign to the same officials in the Madras High Court. It is not shown, however, that the conditions in the three presidencies are the same, and looking to the ease with which efficient translators can be procured in Madras, His Excellency the Governor in Council considers the rate of pay proposed by the High Court to be sufficient to secure the services of reliable and competent interpreters.

5. The proposals will accordingly be submitted to the Government of India with the approval and sanction of Government as required by section 8 of the Letters Patent.

(True Extract.)

Chief Secretary.

To the Honourable the Chief Justice, with C.L.
„ Chairman, Madras Chamber of Commerce.
„ Honorary Secretary, Madras Attorneys' Association.
„ Secretary, Madras Bar Association.
„ Accountant-General.

Exd. T. K. Narayana Aiyengar.

3rd June ~~7th May~~ 1895, No. 1192, JUDICIAL.

JUDICIAL DEPARTMENT.

LETTER—from

THE CHIEF SECRETARY TO THE GOVERNMENT OF FORT ST. GEORGE,

To

THE SECRETARY TO THE GOVERNMENT OF INDIA, HOME DEPARTMENT.

SIR,

In forwarding herewith copy of the Proceedings of this Government of this date, No. , Judicial Department, sanctioning, under section 8 of the Letters Patent, certain proposals of the Honourable the Judges of the High Court for the reorganization of the ministerial establishment of the Court, I am directed to request that the ~~necessary~~ sanction of His Excellency the Governor-General in Council and of the Right Honourable the Secretary of State may be accorded to the measure.

2. It will be seen that the reorganization involves the amalgamation of the whole establishment of the Court under one Registrar and the substitution of a Deputy Registrar for the present Registrar on the Original Side. This is a measure which has already been approved by the Right Honourable the Secretary of State (*vide* his despatch, dated 9th January 1890, No. 4), but has been held in abeyance with reference to paragraph 5 of Lord Cross' despatch, dated 2nd June 1892, No. 23, Judicial. The Honourable the Chief Justice holds the view that the sanction accorded by the Secretary of State in 1890 is still in force, but this Government is of opinion that a formal renewal is ~~necessary~~, with reference to article 293 of the Civil Account Code, *necessary*.

3. The other changes proposed are the reduction of the number of Assistant Registrars on the Original Side from two to one and certain decreases in the pay of the Court Interpreters. The Honourable the Judges are best qualified to decide whether one Assistant Registrar is competent to perform the work hitherto devolving on two, and the Government, I am to say, sees no reason to differ from their opinion. Objections have been raised to any reduction in the pay of the interpreters, but His Excellency the Governor in Council concurs with the Honourable the Judges in considering that in this Presidency there will be no difficulty in obtaining trustworthy and efficient men for the salaries now proposed. It is to be noted that these reductions have been proposed by Chief Justice on the understanding that they will be introduced only as vacancies occur. The present First Assistant Registrar is likely to vacate his office on attaining the age of 55 years in June 1895, while the Chief Interpreter desires to be made a District Munsif and the Chief Justice anticipates that it will shortly be possible to provide for him ~~outside the Court~~ in this way.

4. The financial effect of the reorganization is shown below :—

Appointments affected.

Present scale.	Rs.	Proposed scale.	Rs.
Registrar, Appellate Side..	1,600	Registrar, High Court (Rs. 1,450—1,800) ..	1,683⅓
Do. Original Side ..	1,500	Deputy Registrar, Original Side)	1,000
First Assistant Registrar, Original Side	500	Assistant Registrar, Original Side (Rs. 400—500)	475
Second Assistant Registrar, Original Side	325		
Chief Interpreter	400	Chief Interpreter ..	250
Deputy do.	250	Deputy do. ..	175
Persian do.	250	Persian do. ..	200
Total ..	4,825	Total ..	3,783⅓

The saving involved is thus Rs. 1,041⅔ *per mensem* or Rs. 12,500 *per annum*.

5. I am in conclusion to ask that, in view of the wishes of the Honourable the Chief Justice, the necessary sanction to the proposed reorganization may be accorded as ~~early~~ as practicable. A formal proposal will be called for & will be submitted on receipt

I have the honour to be,
Sir,
Your most obedient servant,

OOTACAMUND,
~~May~~ 1895.

Chief Secretary.

Exd. C. A. Munisawmy.

28-4-08

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