

Judicial (1895) Department.

ORDINARY MS.

G.O., No. 1465

Dated 12th July 1895

INDEXED.

[Despatch Abstract.]

PROSPECTS OF OFFICERS WHO HAVE ELECTED THE JUDICIAL

Branch
~~DEPARTMENT~~ OF THE SERVICE.

Communicating to the Hon. the Judges of the High Court
endorsement of the Government of India forwarding copy of its letter
to the Government of Bengal enclosing copy of a despatch from the
Secretary of State conveying orders on the memorials presented by
certain members of the Indian Civil Service employed in the Lower
Provinces and Assam on the subject of the----

BACK PAPERS.

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

FURTHER PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.
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CURRENT NO. 3184

8082: 2nd Feb 95

80572 194 Pubse

801285/94. 90 SC

8082/95 Pub se
 572 195-195 50
 1285/95 90 SC
 " The Govt of India,
 Home Dept. (Judl)

CS
 d/12th July 1895 No 14
 Min. Comd to the Hon. the J. of the High Court for furn of remarks.

No. 1025

10 7 95
 11/7/95

Dated 27th June
 Recd 4th July } 1895
 Regd 5th do }
 Encls: 2 & 7cc each of the ckt Encls.

Subject

Forwarding for information and such action as may be considered desirable, copy of Home Dept letter to the Govt of Bengal, d 27 June 95, No 1024, forwarding copy of a Judicial Despatch from H. No 8 of 5, No 5 d the 21st Feb 1895, conveying orders on the memorials presented by certain members of the D.C.S. employed in the Lower Provinces and Assam, on the subject of the reports of Officers who have acted the Judicial Branch of the Service.

8/7/95
 To The Hon. the C. J. 2sc
 C. J. 15/7/95
 18 JUL 95
 18/7/95
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INDIA OFFICE,
London, 21st February 1895.

Judicial.
No. 5.

To His Excellency The Right Honourable The Governor General of
India in Council.

MY LORD,

The memorials forwarded with your Government's Letter, No. 1, dated 2nd January 1895, have been considered by me in Council.

2. The main prayer, which is common to all, is identical with that submitted last year by Mr. Justice Rampini, and disallowed in my Despatch No. 51, of the 13th December 1894. I request that the decision then announced may be communicated to these memorialists also.

3. The only memorial requiring special notice is that addressed to me by Mr. H. W. C. Carnduff, who has added a prayer that more favourable rules be framed regarding the privilege and vacation leave of District and Sessions Judges. I concur with your Excellency in Council that these rules are sufficiently liberal in Provinces where the Judges are ordinarily able to leave their stations during their annual vacation, but I am not sure that this is the case at present in Bengal. I request that this point may be taken into consideration along with the other matter which, in paragraph 3 of the letter under reply, is stated to be receiving attention from your Excellency in Council.

4. If it should be found that Judges in Northern India cannot count on being able to avail themselves of their recess, the difficulty might perhaps be obviated by dividing the Courts into groups, and empowering one of the Judges in each group to perform the vacation work arising in all the Courts of that group.

I have the honour to be,

MY LORD,

Your Lordship's most obedient, humble Servant,

HENRY H. FOWLER.

CIRCULAR of the Government of Bombay, No. 3233, dated 29th May 1893.

It has been proposed that Sessions Judges might be permitted to absent themselves from their Districts during the vacation allowed to Civil Courts therein, in cases in which with due regard to the proper and prompt disposal of criminal work, it may be possible to appoint as Additional Sessions Judges such Judges of neighbouring Districts as may be willing and able to undertake during such vacation the criminal work of both Districts.

2. His Excellency the Governor in Council is pleased to intimate his approval of the above proposals subject to the following conditions:—

Government must in each such case, not less than three weeks before the commencement of such vacation, be satisfied. —

(i) That the Court of the Sessions Judge, who, it is proposed, should be appointed Additional Sessions Judge, is accessible within twenty-four hours from the Court of the Sessions Judge who wishes to absent himself;

(ii) That the Sessions Judge so proposed as Additional Sessions Judge is willing to undertake, in addition to the work of his own Court, the criminal work in the District of the Sessions Judge who wishes to absent himself;

(iii) That the arrangement proposed will entail no undue delay in the disposal of the civil or criminal work in either District;

(iv) That the arrangement proposed is to entail no additional expense to Government either on account of travelling allowance, deputation allowance or any other charge on the public revenues.

The above conditions having been satisfied, an Additional Sessions Judge will ordinarily be appointed, under section 9 of the Code of Criminal Procedure, 1882, to exercise during such vacation jurisdiction in the Court of the Sessions Judge who wishes to absent himself, and, under section 193 of the same Code, be directed to try all cases committed and hear all appeals presented to such Court during that period.

No. 1024

FROM

J. P. HEWETT, Esq., C.I.E.,
Offg. Secretary to the Government of India,

TO

THE CHIEF SECRETARY TO THE GOVERNMENT OF BENGAL.

Home Department.
Judicial.

CHIEF SECRETARY
GOVERNMENT OF INDIA
21 JUL 1895
Simla, the 27th June 1895.

SIR,

WITH reference to your letters noted in the margin, I am directed to forward the enclosed copy of a Judicial Despatch from Her Majesty's Secretary of State, No. 5, dated the 21st February 1895, conveying orders on the memorials presented by certain members of the Indian Civil Service employed in the Lower Provinces and Assam, on the subject of the prospects of officers who have elected the Judicial Branch of the Service. I am to request that, with the permission of His Honour the Lieutenant-Governor, the decision of the Secretary of State disallowing their prayer may be communicated to the memorialists.

2. The suggestion made in paragraph 4 of the Secretary of State's Despatch was conveyed to the Bengal Government by the Calcutta High Court in Mr. Carnduff's letter No. 2168, dated the 12th August 1892, which was communicated to the Government of India with Mr. Cotton's No. 411-J. D., dated the 8th September 1892. The Governor General in Council understands that His Honour the Lieutenant-Governor has not as yet given effect to the arrangements then proposed by the High Court, but similar arrangements have in the meantime been introduced in the Bombay Presidency, and I am directed to invite the attention of the Bengal Government to a circular, No. 3233, dated the 29th May 1893, issued by the Government of Bombay upon the subject. The Governor General in Council is anxious that a similar measure of relief should be afforded to the District and Sessions Judges in Bengal, and I am to request that, with the permission of His Honour the Lieutenant-Governor, a scheme may, in communication with the High Court, be devised for dividing the Sessions Courts in the Province into groups, and empowering one of the Judges in each group to perform the vacation work of the group. His Excellency in Council would be glad to receive in due course a report to show how effect has been given to this proposal.

I have the honour to be,

SIR,

Your most obedient Servant,

J. P. HEWETT,

Offg. Secretary to the Government of India.

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No. 1025.

COPY, with copy of the papers noted in the margin, forwarded to the Governments of Madras, the North-Western Provinces and Oudh, and the Punjab, for information and such action as may be considered desirable.

Despatch from the Secretary of State, No. 5 (Judicial), dated the 21st February 1895.
Circular of the Bombay Government, No. 3233, dated the 29th May 1893.

No.

COPY, with copy of the papers noted in the margin, forwarded to the Chief Commissioner of Assam for information, with reference to his letter No. ^{1196-P.S.}_{6136-G.}, dated the 5th September 1894.

Despatch from the Secretary of State, No. 5 (Judicial), dated the 21st February 1895.
Circular of the Bombay Government, No. 3233, dated the 29th May 1893.

By order,

Coaru

Offg. Under Secy. to the Govt. of India.

To The Government of Madras.

Given for copying _____
Copied _____ 189 .
Examined _____
Signed _____

AD AGAIN G.O., No.
189

DATED

RENT No.

ENCLOSURES TO C. No.

ORDER OF GOVERNMENT

LETTERS OF GOVERNMENT.

STATEMENT WITH RITTO.

PAPERS NOT FILED UP, BEING MEANT FOR DESPATCH
IN ORIGINAL.

N.B.—

A = Copy in full.
B = Not to be copied.
P = Copy abstract only.
Q = Copy heading only.