

Judicial (1895) Department.

ORDINARY MS.

G.O., No. 703.

Dated 3<sup>rd</sup> Apr 1895.

INDEXED.

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[Despatch Abstract.]

MR. E. J. SEWELL.

Noticing, with pleasure, that the High Court is satisfied with the quality of Mr. Sewell's work, and suggesting that the necessity of greater expedition in its performance should be impressed upon him.

*md.*

# BACK PAPERS.

| G.O. | No. | Department. | Date. | G.O. | No. | Department. | Date. |
|------|-----|-------------|-------|------|-----|-------------|-------|
|      |     |             |       |      |     |             |       |

# FURTHER PAPERS.

| G.O. | No. | Department. | Date. | G.O. | No. | Department. | Date. |
|------|-----|-------------|-------|------|-----|-------------|-------|
|      |     |             |       |      |     |             |       |

Judicial {1895.} Department.

No.

FROM

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

2339-7 55 33 18-1-95  
16-9-94

Dated 6 March } 1895.  
Received 7<sup>th</sup>

No. 629.  
Enc. one.

Remarking upon the  
work of Mr. G. J. Sewell and  
stating that the High Court  
receives quarterly statistical  
returns from all courts and  
passes remarks when  
necessary.

Re  
put up  
the 100 copies  
about 10/3/95  
18/3/95  
This may  
be done by Mr. Pen  
AS

[G.  
75]

NOTE FOR THE UNDER SECRETARY.

Will U.S. kindly say if  
it is necessary to treat this  
paper as confidential or  
even 'Cave'.

ANON  
2/4  
No. but it shd. be  
Comm. to Public.  
S  
M

No. 3611.

CIRCULAR.

The High Court has observed a tendency on the part of certain District Munsifs to attach undue importance to a large numerical disposal of suits in their Courts. In the annual Government reviews, which are based principally upon statistical statements, prominent notice is generally given to those Courts where the outturn of cases in mere figures has been the largest; and the High Court has reason to fear that some District Munsifs are misled by this and work solely to make a show in the annual returns.

2. But the impression that the number of cases disposed of is regarded as a test of merit and ability is altogether mistaken. The quantity of work done, if it is well done, is no doubt a measure of an officer's energy, but a District Munsif's merit and his fitness for promotion are in the main judged by the quality of his work which is of far more importance to the interests of justice than mere quantity.

(By Order).

HIGH COURT OF JUDICATURE,  
APPELLATE SIDE,  
MADRAS, 11th December 1894.

H. W. FOSTER,  
Registrar.

To

The District Judge of \_\_\_\_\_ with spare copies for distribution.

„ Agent to the Governor of Fort Saint George at \_\_\_\_\_

„ Judge, Cantonment Court of Small Causes, Saint Thomâs' Mount.

„ Chief Judge, Presidency Court of Small Causes, Madras.

„ Judge, City Civil Court, Madras.

„ Chief Secretary to Government, Fort Saint George, with 3 spare copies.

„ Registrar, Chief Court of Mysore, Bangalore.

„ First Judge, High Court, Travancore.

„ Registrar, High Court, Hyderabad, Deccan.

„ Judicial Commissioner, Central Provinces, Nagpur.

Encl.—P. Viraraghavulu Naidu.

Enclosure No. *I* to letter from the  
High Court of Judicature, Appellate Side, Madras,  
dated *6 March 1895*, No. *629*.

*High Court Circular*  
*No. 3611 of 11th December 1894.*

Enclos. No. *1164*  
O. No. \_\_\_\_\_

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. 239, Public.)

CURRENT NO. 1114 High Court of Judicature,  
Madras, 6<sup>th</sup> March 1895.

No. 629.

From

D. W. G. Cowie Esquire,  
Ag. 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,

I am directed to acknowledge receipt of  
the Proceedings of Government dated 15<sup>th</sup>  
January last, No. 83, Judicial.

2. In reply to the query in the concluding  
paragraph of the Proceedings, I am to say  
that the High Court receives Quarterly Sta-  
tistical returns from all Courts sub-  
ject to its superintendence and upon  
scrutinizing them calls for explanations  
and passes remarks when necessary.

I am to remind the Government, moreover,  
that not only the statistical returns but  
much of the actual work of the Courts

and

and especially of the superior Courts, comes before the High Court on appeal, so that these particulars of the quantity of work done are supplemented by a knowledge of its quality, and the Judges thus have in their possession all the information necessary for an accurate valuation of the work done by each officer and for the just apportionment of praise and blame. The Judges will, however, as suggested, call for an explanation from Mr. Farmer upon the statistics of the Vizagapatam Court tabulated in the third paragraph of the G.O.

3. Regarding the Government's remarks upon Mr. F. Sewell, I am to say that his explanation was addressed to the Government and was therefore forwarded, but the High Court did not think it necessary to follow him into the details of his statistical calculations and averages, since it is obvious that figures alone form a most imperfect test of a Judge's work. If such were a true criterion, the work done by a Judge during a year in which a heavy suit, such as the Pittapur suit, had to be tried, might be open to every unfavorable comment, though the work actually done might be excellent in quality & have exacted continuous & exhausting labour.

4. It is plain therefore that a method of criticism based solely upon statistical averages is to be deprecated & the High Court has reason to believe that the idea that this is the only criterion practically adopted has had the prejudicial effect upon the judicial service. Not only the statistical returns but the judgments of several judicial officers have revealed that in the desire to show a large out-turn & to figure well in the statistical statements, many District Munsifs give way to the temptation to sacrifice the care & thoroughness which are the first essentials of good judicial work. The tendency in this direction has been so marked of late that to counteract it, the High Court has recently deemed it necessary to issue the Circular of which a copy is enclosed.

5. Mr. Sewell's explanation proceeds upon the same purely statistical lines as the criticism he was endeavouring to answer, and it follows from what is said above, that, in the opinion of the Judges, the "time scale" he has drawn up is of no value and that any similar attempt to reduce cases of all classes to a common denominator for the purpose of comparing different Courts in different Districts must be wholly unprofitable.

6. The conclusion arrived at by the Government, however, that Mr. Sewell is slow in the disposal of business agrees with the opinion entertained by the High Court, and expressed in the letter with which Mr. Sewell's explanation was

forwarded.

No. 1114

From

The High Court

Dated 6 March 1895.

FOR ORDERS.

As regards Mr. Sewell, I don't think ~~for~~ more is needed. On the general question, I think we might say that we fully agree as to the fallacious nature of the figures but of work done, but that figures are all, or almost all, we have to form an opinion of the efficiency of judges; and that we therefore desire to suggest that, in addition to supplying us with the figures which appear in the annual reports on Civ. & Crim. Justice, the H.C. should send us a further report on the quality of the work done by the different judges.

RS  
18/3/95

JG  
18/3

The High Court has very plainly intimated to Govt. that its method of estimating the 'due' is based on the work of judicial officers proceeds from an absolutely unsound basis, and for fear lest the Dr. Minors should be alarmed at the strictures passed on them by Govt. <sup>they have</sup> sent round a circular to them to tell them that they need pay no heed to the remarks of Govt. at least it amounts

Please see G.O. 83 15.1.95. The High Court in reply to para. 7 thereof states that it already receives <sup>and scrutinizes</sup> quarterly statistical returns of the work done by judicial officers subordinate to it, and with reference to para 3 reports that it <sup>will call</sup> has called for an explanation from Mr. Farmer.

2. As regards Mr. Sewell, the High Court, while refusing to attach any value to his "time scale", remarks that it agrees with Govt. in considering him "slow in the disposal of business", but does not consider him "somewhat dilatory". His work is however "careful & accurate".

3. Statistics, as the High Court points out, are of no very great value, but they are almost all the ground on which Govt. can base criticisms. For Govt. has hardly any opportunity of testing the quality of work done.

4. The question for decision is whether any censure should be passed on Mr. Sewell.

It was proposed in para. 5 of the G.O. (83) 15.1.95 to say "Mr. Sewell will be warned that unless he shows more vigour in future he

forwarded. He is, besides, somewhat dilatory & the High Court has had to observe upon this fault and upon the increasing arrears in the Court, but as regards the more important aspects of the work done by him, I am to say that his judgments are carefully thought out and generally accurate and that the High Court has had no occasion to find fault with the quality of his work.

I have the honor to be,  
Honorable Sir,

Your most obedient servant,

D. Lowrie

Ag. Registrar.

will be transferred to some other official.  
- not necessarily carrying equal  
"Emoluments".

S  
15.2.95

In the face of what the H.C.  
says it does not seem to be  
desirable to pass the order  
proposed

20/16/3/95

to this. From this it is evident that Govt. in  
passing orders on the civil justice adm. report  
must alter the methods on wh. it has been  
working for some years past. I agree with  
the way the hon. Mr. B. suggests for ~~obtaining~~  
further information from the H.C. as to the  
quality as well as the quantity of work  
turned out by respective judicial officers.

But it strikes me this might  
be putting too much extra work on the  
H.C. that these might refuse to undertake  
the task. Would it not be simpler where  
we get the figures from the H.C. and  
have scrutinized them, to ask them for  
their <sup>opinion</sup> on such officers as do not appear  
to have done good work, and for whose  
apparent neglect some explanation  
seems called for.

W  
21 Mar

Very well

H.D.

25/3/95

I think the course proposed by  
H.C. and be adopted 29.6/3

Mr. Sewell's Explanation

H.M. re:.

H.M. & H.M. Mr. Rose  
resubmitted  
for perusal of H.C. the  
Governor's note.

S  
23/3/95 22.2.95

G.  
24  
100-20-12-04.

Judicial DEPARTMENT.  
Papers to be read in Proceedings:—

Again G.O., dated

18, No.

Again G.O., dated 15 - January

1895, No. 83 part.

Current No.

of 18, dated

from

Current No. 1114 of 1895, dated 6 March from the High Ct.

Order 3 of 1905 No 703

The Govt. learns with pleasure  
that the Honble the Judges of the High  
Court are satisfied with the quality  
of <sup>Mr. Sewell's</sup> work but ~~are~~ <sup>are</sup> impressed upon  
the necessity of greater expedition  
in its performance. was impressed upon him  
(from orders)

S  
29.2.95 1/4/95

The Hon. the C.J. with C.H. 1905 6 APR 95

~~C.J. Sewell~~ (1905)

The public dept.

Office Loh

See that this is put up with the  
Civil & Criminal Justice Reports in  
order that in future years the Review  
may be amended as H.C. the Govt.  
directs.

S  
29.2.95

*h. Sewall's Aplanation*

Cs.

*(from orders)*

When given for copying \_\_\_\_\_  
When copied \_\_\_\_\_  
When examined \_\_\_\_\_  
When signed \_\_\_\_\_

189 .

READ AGAIN G.O., No.  
139

DATED

C ENT No.

ENCLOSURES TO C. No.

ORDER OF GOVERNMENT .. ..

A A A A A A A

LETTER OF GOVERNMENT.

STATEMENT WITH DITTO.

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.

G.  
11  
100-8-1-95.

ORDINARY, MS.

|                             |
|-----------------------------|
| <i>Judicial</i> DEPARTMENT. |
| G.O., DATED 3-4-95          |
| No. 704                     |

INDEXED.

When given for copying. 4/4

[Despatch Abstract.]

Probate of the will of the late  
Mr. A. V. Narasinga Rao.

Informing the Accountant General  
that Govt may be considered a  
party to the <sup>law</sup> proceedings con-  
ducted with the —

nb/11-95

BACK PAPER, No.

*Sl. No. 471 of 95*

OF 189

FURTHER PAPER, No

*2336/95 = 1138*

*S.O. 940/95*

*27.5.95*

READ AGAIN ORDER OF GOVERNMENT, DATED  
189 , No. , MISCELLANEOUS.

ENCLOSURES.

CURRENT No.

STATEMENT WITH DITTO.

ORDER OF GOVERNMENT

A A

LETTER OF GOVERNMENT.

STATEMENT WITH DITTO.

PRES NOT FILED UP, BEING MEANT FOR DESPATCH  
IN ORIGINAL (not paged).

N.B.—

- A — Copy in full.
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- P — Copy abstract only.
- Q — Copy heading only.

Treasury Account DEPARTMENT.

FORT ST. GEORGE,

Accountant-General's Office,

No. 585

*9<sup>th</sup> March 1895.*

From

*T. W. Rawlins Esq<sup>r</sup>,*

ACCOUNTANT-GENERAL TO THE

GOVERNMENT OF MADRAS,

To

THE *Chief Secretary to Government,*  
*Judicial Department.*

SIR,

With reference to Government order No. 471, dated the 4<sup>th</sup> March 95, I have the honour to state that if Government be considered as indirectly a party to the law proceedings connected with probate of the will of the late Mr. A. V. Narasinga Rao, the advance sanctioned in Government Order No. 43, dated 10<sup>th</sup> January 95, Judicial may be treated as an advance for a law-suit to which Government is a party and charged off to 22-Education. Miscellaneous under Article 137(g) of the Civil Account Code. recovery, if any, effected may be credited to 21-Education in the accounts. It will be for Government to decide whether it may in the circumstances

be regarded as a party to the Proceedings. meantime  
the sum of 1209-9-0 paid on this account has been  
debited to "objection Book advances" under "advances  
repayable."

I have the honour to be,

Sir,

your most obedt. servant,

*Manly*  
Accountant General.

M  
9/3.

7192  
(189 ) DEPARTMENT.

From

THE ACCOUNTANT-GENERAL,

MADRAS,

To

THE Chief Secy to Govt  
Judicial Dept

No. 585-

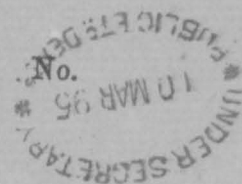
Dated

9<sup>th</sup>

Received

10<sup>th</sup>

March 95  
Regd 11



Subject.

Shaking that under certain

Condition the advance sanction

ed in the Govt Order no 43 of

10 January 95 - may be that

is an advance for a law

not to which Govt is a

party.

Now papers became available

and today, 11/1/13

1045  
Refce No. 569 of 95 + paper

*[Signature]*

For order

cc

16/3/95

The question for Decision  
is whether Govt. can be considered  
to be indirectly a party to the  
probate proceedings. - They will  
be instituted by a private party but  
Govt. has a decided interest in the  
matter.

2  
16.3.95 LD  
27/3/95

Most decidedly Govt. is a  
party

28/3/95

Order 3 April 95 No 704

The Accountant-General will  
be informed that Govt. may be  
considered a party to the proceedings  
referred to

fr. ord.  
DESPATCHED

3 APR 95

The A.G. 1809

april 1809  
6/4

C 28/3  
6 29/3

incl.