[J/53]
1,000—2[illegible]-7-96

Judicial (1895) Department.

ORDINARY MS.

G.O., No. 83

DATED 15th Jan. 1895

INDEXED.

[Despatch Abstract.]

STATE OF WORK IN CERTAIN COURTS

Passing orders on letter from Mr. E.J. Sewell, Acting District Judge, Tanjore, submitting explanation with reference to certain remarks touching him in the G.O., reviewing the report on the administration of civil justice during 1893.

BACK PAPERS.

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

FURTHER PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.
	1114		95	GO	703		3/4/95

5944

Judicial {1894.} Department.

No.

FROM Acg. [illegible] ~~[illegible]~~ [illegible]
2. Further G.O. [illegible] Sessions Judges work

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

Dated 5 November } 1894.
Received 6th
Reg. 7th

CHIEF SECRETARY
6. NOV. 1894
GOVERNMENT OF MADRAS

No. 3221.
Enc 1.

Forwarding with remarks an explanation from Mr. Sewell regarding the remarks in G.O. d/ 26th September 1894 No. 2338 Jud., on the work done by him as District Judge of North Arcot.

1 Copies of civil & Criml Justice Reports for 1893-4 please.
A.S.
7/11

The further G.O. [illegible] the delay [illegible]
[illegible]
[illegible]

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.)

District Court. Tanjore
17th October 1894.

From
E. J. Sewell Esquire
Ag. District Judge
Tanjore

To
The Chief Secretary to Government
Judicial Department
Madras.

Sir,

G. O. 2338, Judicial dated September 26. 1894 reached me yesterday. On page 7 of the G. O. the Government say that they note with great displeasure the condition of the North Arcot Court, that the District Judge shields himself under the plea of heavy criminal work but that the inadequacy of this excuse is shown by a reference to statement I-4 &c and that further orders will issue on this subject.

2. As I was in charge of the

North Arcot Court for part of the year, and as the Administration Report was written and submitted by me, I have the honor respectfully to request that Government will hear and consider what I have to advance before passing the orders spoken of.

3. As the District Judge is spoken of as "Shielding himself under the plea of heavy criminal work," and that is spoken of as an "excuse" and as "inadequate", it is clear that the statement in my report that the amount of Civil Work done was not greater than it was because heavy Criminal Work left no time for doing more is viewed by Government as a pretence, the criminal work not having been heavy, and there having been time to do more work if the Judges who were in charge of the Court had chosen.

4. The reason assigned for this censure is that seven other

Courts had more original criminal work than the North Arcot Court, and five had more Appellate Criminal work. In particular the Coimbatore Sessions Court is mentioned as having more than double the number of cases that fell to the North Arcot Court.

5. I beg, with due respect, to point out that the fact that other Courts had heavier Criminal work does not go any way to show that the work in the North Arcot Court was not heavy. The amount of criminal work was given as a reason why more Civil Work was not done. If the Sessions Judge of Coimbatore who had twice the number of criminal cases, had also done as much Civil Work as was done in North Arcot, the fact would go to show "the inadequacy of the excuse".

Nonesaid
so WS

6. I request attention to the

fact that the facts, as shown by the figures in the very statement I-4 referred to, show exactly the opposite.

7. Assuming (as the Government Order appears to do) that the mere number of criminal cases and appeals is a sufficient guide to the amount of time occupied the Coimbatore Sessions Judge did dispose of 135 criminal cases against 61 in North Arcot and 140 criminal appeals &c. against 82 in North Arcot.

When the number of cases is sufficient to strike an average on, and no special reason for delay (such as the Tanjore forgery case) exists, the mere number is, I think, a suff^t. guide

On the other hand, the Coimbatore Judge only disposed of six contested Civil Suits and 26 altogether, against 12 contested Civil Suits and 48 altogether in North Arcot. He only disposed of 93 contested appeals against 181 in North Arcot. [N.B. The figure 171 in statement I-4 should be 181; see details in statement G.1. p. xl/iii]. He only disposed of 479 Misc. Civ Petitions against 1085 in North Arcot.

The average duration of cases has also to be considered – In this respect, N.A. is enormously in excess of Coimb.

171 is the correct figure – I-4 gives details of appeals disposed of after contest, while G.1 distributes the total number of appeals disposed including those disposed of without contest, according to modes of their disposal. Hence the difference. Of ten appeals all of which were disposed of without contest, 3 being confirmed, 2 modified, 4 reversed & 1 remanded – Vide H.C. 1176/94 (X Part 1 for 1893 recd from Dt. Judge Guntur)

If, therefore, the arithmetical test is adopted, and the

Criminal work in Coimbatore is called double, or greatly in excess, of that in North Arcot, I would point out that the Civil work in North Arcot was in every main heading absolutely double of that done in Coimbatore.

8. The fact, therefore, that the Coimbatore Judge had much more criminal work than the North Arcot Judge does not show that the North Arcot Judge must have been able to do more Civil work than he did; in point of fact the numerical outturn of Civil work in North Arcot is exactly twice that in Coimbatore because the North Arcot Judge had less criminal work.

9. I do not shrink from a similar comparison with any of the remaining six of the seven Courts spoken of in the Government Order as having "heavier original criminal work" than North Arcot, provided that the figures are comparable. The Courts

are Madura, Bellary, Trichinopoly, Salem, S. Malabar and Tinnevelly. I beg to point out that every one of these districts had a Sub Judge or several Sub Judges to aid in doing Civil Work. Although the results of their work are separately given, it is not so in every branch (e.g. Statement C. 8. p. XXV. as the figures there given show); it must also be remembered that, by transferring to a Sub-Judge heavy Civil Suits which block the Court for several days, the District Judge enables himself to deal with many more appeals &c. than if he had no such resource, and so obtains better numerical results. I have observed this since coming to Tanjore (where the transfers were made before my arrival) where there are three Sub-Judges.

This statement shows a larger number (19) pending in N.A. than in any other Distt. The next largest number is 12 in Tanjore — the highest number in any other district is 9 — HS

I beg therefore to make the comparison with Bellary and Salem where the Sub Judge can only have given a very *little* aid, and as

Because he sits in both districts.

Government have expressed no syllable of disapproval of the work in these Courts.

10 In Bellary the Criminal Cases were 78 and in Salem 66 against 61 in North Arcot and the Criminal appeals &c 45 in Bellary and 122 in Salem against 82 in North Arcot. If the calculation in a later paragraph (paras 16-18) be accepted, these figures indicate 847½ hours Criminal work in Bellary and 843 in Salem against 733 in North Arcot.

11 The Civil work is again strongly the other way. In Bellary the Civil Suits disposed of were 5 of which pendency 778 d. pendency 279 d. 2 were contested against 48, 12 contested, in North Arcot. In Salem the Civil suits were 4, pendency 101 d. 1 contested, against ~~51~~ 48 and 12 pendency 778 d. contested in North Arcot. The contested Civil appeals decided in Bellary were pendency 356 d 155 and, in Salem, pendency 158 d. 129, against pendency 591 d. 181 in North Arcot. The Misc. Civil Petitions were 337 in Bellary, and 638 in Salem

The average pendency is enormously in favour of Bellary HS against 1085 in North Arcot.

12 If the same calculation (paras 16-18) be adopted, this represents $80\frac{1}{2}$ hours of work in Bellary, $286\frac{1}{2}$ in Salem and 482 in North Arcot.

So that North Arcot which is 100 hours behind Bellary and Salem in amount of Criminal work is 400 hours beyond Bellary and 200 beyond Salem in Civil work disposed of.

13 If the work in Bellary & Salem did not deserve censure, judged by numerical tests, I venture to submit that I have proved that much more work was done in North Arcot judged by the same tests.

I take those districts because they are selected in the Government Order as showing the "inadequacy of the excuse" for not doing more civil work.

I submit that these figures show that the criminal work in North Arcot was such as to prevent more civil work being done, and that if those districts are any criterion 30 or 40 full days' work less might have been done without any blame.

14 I submit that there are three other ways of testing whether the reason put forward for the amount of Civil Work done in North Arcot is a real reason or an inadequate excuse adopted as a "shield"

I. The average numerical outturn of all the districts in the Presidency may be taken under all the Chief heads of work both Civil and Criminal and compared with the outturn in North Arcot.

II The whole work in North Arcot may be compared with some district, under similar conditions, where the Criminal work is lighter.

III. The number of days actually available for work in Court may be taken, the days actually spent in Sessions deducted, and the Civil work done compared with the number of days taken to do it in, upon the basis furnished by the work of any selected Judge or Judges.

15. In order to make the comparison suggested in I of any use, the different kinds of work done must be rendered comparable by being reduced to some common measure. As the question is whether more work could have been done, and as the amount of work is absolutely limited by the amount of time there is to do it in, I think there can be no better basis for comparison than that of the relative time required for the various heads of work.

16 I believe I shall be borne out by all experience if I assign ten hours as the average time occupied in Court in hearing a Sessions case or contested Civil suit; of course some cases and suits take from two to ten days, but others take only two or three hours. I think ten hours rather under the mark. The average duration of Sessions for the Presidency is 87 days

10 hrs = 1½ days about. I don't know how long contested Civil Suits take on an average but I can't imagine that 10 hours is a reasonable allowance for an average Sessions Case — I should have thought even 5 hours a liberal average allce
HD

~~Whence Mr. S. gets 87 days I don't know. Hon Stats. C9 the av: duration of Sessions excluding Nilgiris & the Agencies is 27.5 days. As there are 10 Sessions yearly it would follows that the total duration of the Sessions is on the av:, 275 days, [illegible]. It is more likely that 27.5 d. is the av: total duration of [illegible] the~~

I was wrong I see — 27.5 is the av: duration of Sess. Cases; not of Sessions
HD

~~ten sessions taken together. 27.5 d = 165 hours, at 6 hrs a day. Each case therefore takes a little over 3 hours on the average, which is much what I should have expected~~
HD

or 522 hours and the average number of Sessions cases is 54.4.

A contested Civil or Criminal appeal may be put down at an average of one hour and a half in Court.

An hour and a half seems to me an absurd time to allow for a Crim: appeal — I should have thought half an hour ample on the av: — in Court, that is.
HD

17 I may mention that my predecessor in Tanjore Mr Davies who has been for nine years a District Judge in Tanjore and in the High Court told me that it was of no use to put down more than five appeals for a day's hearing. The contested appeals are 5789, out of 7570 appeals made, so the appeals contested out of five set down for hearing will not be more than four. Four appeals heard between 11 and 5 or 5.30 gives 1½ hour for each.

18 The Misc. Civil Petitions vary very much. Some are disposed of in a couple of minutes: some are suits in all but name. It is not possible to put down less than 5 minutes each or 12 an hour for them. Mr. Davies allows two days out of five for such petitions, Misc. appeals and Criminal appeals &c. and the time taken is certainly

more than 5 minutes each on the average. Many take an hour or two.

19. The average figures for the 20 District Judges taken from statement I-4 are compared with the numerical out-turn in North Arcot in 1892-93.

Average		N. Arcot	Time as per figures above Average	Time as &c. N. Arcot
Civil Suits	20·2	51		
Contested Civil Suits	10·5	12.	105 hrs.	120
Contested Civil appeals	289	~~181~~ 171	433½	~~271½~~ 256½
Misc. Appeals. Vide p. XXV.	13.	16.	19½	24.
Misc. Petitions	747.	1085.	62¾	90½
Criminal Cases	54·4	61	544	610
Crl. Appeals &c.	77	82	115½	123.
			1280¼	~~1239~~ 1224

This is institutions

The North Arcot Court was vacant for ten days in 1892-93. Allowing for this, the amount of work is not in the least below the average of the whole Presidency. I have stated facts in para 29 which lead me to think that the Criminal work was harder

But were none of the other Courts vacant?

and longer than the average.

20 I beg also to point out that the average of contested appeals is got by including the Kistna District where 1808 such appeals were disposed of. The other 19 Judges disposed of 3981 such appeals or an average of 209½.

21 It is well known that in Kistna there are great batches of Revenue Appeals in which 100 or 50 are decided in accordance with the decision in one case, so that the Kistna figures are misleading.

true

22. If the average of the rest of the Presidency be taken, in the matter of contested appeals, it is 209½ which will give 314¼ hours and make the average total 1161 hrs. against 1239 in North Arcot for a shorter time.

not necessarily

23. I submit that these figures show that in view of the Criminal

work more Civil work could not be done for want of time.

24. II. Chinglepet and South Arcot are such Districts. The numerical out-turn of Civil work done in them in the chief branches of work and turned into time is as follows:—

	Chinglepet		South Arcot		North Arcot	
	No.	time	No.	time	No.	time
Contested Civil Suits.	7 av. pendency 340 d.	70 hrs.	11 av. pendency 398 d.	110	12 av. pendency 778 days	120
Contested Appeals.	303 av. pendency 292 d.	454½	261 av. pendency 115 d.	391½	181 av. pendency 591 days	271½
Miscell. Appeals.	13.	19½.	10	15.	16	24
Miscell. Petitions.	396.	33.	468	39.	1085	90½
		577		555½		506.

Thus North Arcot is, in Civil work, only 50 to 70 hours behind Districts where the Criminal work is far lighter. The time comparison for Criminal work is Chinglepet 412½ hrs, South Arcot 436 hrs, North Arcot 733 hrs.

25 These figures also clearly establish that, if the Criminal work in North Arcot had not been so much more than it was in other neighbouring Districts, the amount done in the time

Yes, if 10 hours is the time each criml. case takes MS

which was available shows that much more would have been done than was done in those Districts.

26. III. This last is, in my opinio the real test. Unfortunately though I can give the days spent in Seſsions work for North Arcot, and the days left available for Civil work, I cannot give them for other Districts as they do not appear in the Administration report. The average of days spent in Sessions is given in the report on Criminal Justice para 7 as 87 and the number in Coimbatore as 167.

The report says "the av: number of working days" which is not quite the same.

27 The number in North Arcot spent in Sessions was (I write from memory) 113, or 115. Allowing for Sundays (52) Vacation (58 besides Sundays), Xmas and Easter (18) and other Court holidays (14) there were altogether 223 days on which work could be done in Court. Deducting the 113 or 11

According to this, Mr. S. took over 11 hours per case. On the same calculation, the Coimb. J. took 7.4 hours and the N. Mal. J. 5¼ hours, per case. Neither of these Judges is held in high esteem as a judge. MS

365

days spent in hearing Sessions cases, and the ten days during which there was no Judge there were 98 or 100 days on which Civil work and Criminal appeals could be done. The work done is

Crl. Appeals &c. 82 = 123 hours.
Contested Civil suits. 12 = 120 hrs.
Contested Civil Appeals. 181 = 271½
Misc." Appeals – 16 = 24.
Misc. Petitions 1085 = 90½.
628 hrs.

An average of 6¼ hours per diem

In the 9 exparte suits the evidence of the Plaintiff and his witnesses had to be recorded: in the 13 rejected appeals the Appellant had to be heard. Issues were settled in many Civil suits. The work in Court of these days cannot be set down as less than 675 hours.

6¾ hours p.d.

28. Compare this with the work of the Tanjore Court. The Sessions cases were 59. The average of all the Presidency is 54.4 and the average duration of Sessions 87 days. The Tanjore Sessions ~~may have~~ taken 95 days leaving 130 days for Civil work.

87
54.4
544) 870 (1.6
544
3260

did they?

The work done was

Contested Civil Cases. 8 = 80 hours.
Contested Appeals. – 257 = 385½.
Misc. appeals – – – 45 = 45.
Misc. Petitions – – 871 = 72½.
Crl. appeals &c. – – 213 = 319½.
911½.

at 7 hours a day against 6¾ in North Arcot. I submit therefore that tried by this test also, all the Civil work was done for which there was time available. That there was not more time available was due to the work of the Sessions. I venture to urge therefore that that explanation was not an "excuse" but an explanation strictly in accordance with fact.

29. There is one thing more to be said. It is by no means true that 120 Sessions cases always mean twice as much time occupied as 60 Sessions cases. Much depends on the nature of the case, the number of witnesses, and the ability of the parties to engage pleaders who protract the case by

cross-examination and by their arguments.

In Coimbatore, which the Government Order selects for comparison with North Arcot, there were 1187 witnesses examined in 135 cases or less than an average of 9 to a case. In North Arcot there were 607 examined in 61 cases or almost 10 in each case. (Report on Criminal Justice Appx. p. XXXI C 9).

The time taken per Case was 33% less — In N. Malabar 52% less MS

In N. Mal. the av: exceeded 9 W.s per case

In North Arcot there were six sentences of death passed for murder: in Coimbatore only one (Appx. p. XXXVII. H). It is not surprising therefore that the Coimbatore Sessions took only 167 days for 135 cases (Report on Criminal Justice para 7) or 1.24 days per case while the North Arcot Sessions took 113 days for 61 cases or 1.82 days per case.

Murder cases are generally comparatively simple.

I can't admit this argument in the least. There is no reason that the trial of a murder case sh'd take more time than any other case. MS

30 If these facts are correct, and I do not see how they can be questioned, I submit that I have shown that though there were Districts with more criminal work than North Arcot, the Civil work done in them (wherever comparison is possible) was far less than that done in North Arcot; that the whole work Civil and Criminal taken together, done in North Arcot was, in amount, beyond the average for the whole Presidency; that if the Civil work done in similar neighbouring Courts be taken as a standard, the work in North Arcot was very nearly as much in spite of much heavier criminal work and, finally, that if the number of days actually available for and spent in Civil work be compared with the amount done, the amount done falls little short of that done in the best Court in the Presidency.

31 I can say, upon my honour, that during the months I was in North Arcot I sat in Court all day, every day when Courts were open (except two or three days of illness) and that all the rest of those days and

all Sundays and holidays (except the Vacation) up to nine hours a day were spent in preparing for work in Court, or preparing judgments in cases heard, and that about one-third of the Vacation was occupied in writing judgments.

32. Under these circumstances, I respectfully request that Government will take these facts into consideration and will releive me from the burden of the severe and public censure passed in the Government Order which I venture to think is not deserved in the circumstances.

I have the honor to be
Sir,
Your Most Obedient Servant.
E Jewell
Ag. District Judge

Sh.

Letter No. 5848/94.

From
The Ag District Judge
Tanjore

To
The Chief Secretary
to Government
Judicial Department
Madras.

Dated 17th }
Despd 17th } October 1894
Recd }

Requesting to be relieved from the burden of the severe and public censure passed in the Government order 2338 Judicial dated September 26, 1894.

Enclosure

In letter No. 946 of the 17th October 1894 from the Ag. District Judge, Tanjore

Enclosure No. One to letter from the High Court of Judicature, Appellate Side, Madras, dated 5 November/94, No. 3221.

Letter from the District Judge, Tanjore requesting to be relieved from the burden of the severe and public censure passed in the Government Order 2338 Judl., dy Septr. 26, 1894.

Judl. 4/1,

5944

No. 3221.

High Court of Judicature,
Madras, 5th November 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 Saint George.

Honorable Sir,

I am directed to forward herewith a letter dated 17th October 1894, addressed to the Government by Mr. Sewell, Acting District Judge of Tanjore, regarding the remarks on the work done by him as District Judge of North Arcot contained in paragraph 4 (b), Sub para. 6, at page 7, of G. O. dated 26th September 1894, No. 2338, Judicial.

2. I am to say that Mr. Sewell

is

is somewhat slow in the disposal of business, and his methods of work are capable of improvement, but in the opinion of the High Court he is a conscientious judge and he does his work thoroughly and with care.

I have the honor to be
Honorable Sir,
Your most obedient servant,
H Ashe
Registrar.

[G/24.]

Judicial DEPARTMENT.

Papers to be read in Proceedings :—

Again G.O., dated 26th September 1894, No. 2338–9, Judicial
Again G.O , dated 189 , No.
Current No. of 189 , dated from

Current No of 189 , dated from

, but it was not considered expedient to mention the officers concerned by name.

ORDER.

mis:

Note The delay in sending these papers occurred in the office and has ~~not~~ been ~~satisfactorily~~ explained as due to the move from the Hills & the sickness of one of the clerks whose duty it was to see the papers put together.
H.E.'s orders ~~to~~ will be found on p. 6 of the original draft of G.O. of 26/9/94. No. 2338, Judl.

This is not exactly what I meant — I said that the history of the officers responsible should be traced a little ~~for~~ farther back — But what has been traced back is the history of the Courts, not that of the officers — Again, I did not contemplate throwing on the H.C. the responsibility of dealing with these officers. Please let me have a clear statement showing whether arrears have accumulated, and to what extent, during the tenure of office of the [illegible] named, and also find out

In reviewing the report upon the administration of Civil justice during 1893 the Government found it necessary to express dissatisfaction with the Statistics relating to the District Courts of North Arcot, Cuddapah, Trichinopoly and Vizagapatam. The condition of the North Arcot and Trichinopoly Courts appears to be particularly unsatisfactory. The former was presided over by Mr. E. J. Sewell during the latter half of 1891, throughout 1892 and during the first seven months of 1893; the latter was under Mr. O'Farrell from 15th March 1890 to 12th September 1892 and under Mr. Tiddiam from 20th December 1892 to the end of 1893. Mr. Thorburn was District judge of Cuddapah from the 6th January 1891 to the 19th March 1893 when his place was taken by Mr. Bell. The Vizagapatam Court was presided over by Mr. Turner from 3rd November 1889 to 23rd April 1893 and Mr. Rawson had charge of it during the latter half of last year.

2. The Hon'ble the judges are in a

better position to decide as to the relative culpability of the gentlemen named than the Government is and they will doubtless take measures to awaken those with whom the responsibility rests to a sense of their duty towards the public.

Sd 1 Nov

2/11/94

To be seen by the C.J. with C.L.

But let me know whether there have been accumulations of arrears or other complaints during their previous tenure of other Courts or offices – To take the officers separately. Mr. E. J. Sewell joined the N.A. Ct. on 13.6.91 & left it on 28/7/93 – Thus there is a clear period of 2 years from July 1, 91 to June 30, 93 for which the returns can be compared. Of course I know we have not got in the office the returns for this period, but they can be got, I suppose; & similarly for the other officers –

6/11/94

Disposal of work in Dt. Courts

[G/24.]

DEPARTMENT.

Papers to be read in Proceedings :—

Again G.O., dated 189 , No.

Again G.O , dated 189 , No.

Current No. of 189 , dated from

Current No of 189 , dated from

ORDER.

1. Mr. Sewell has been District Judge of
North Arcot 13 June 91 to
28 July 93 &
Now again since 8 Jany: 94

Mr. O'Farrell has been District Judge of
Kurnool 7th July 88 to
25th Novr: 88 &
Malabar 28th Novr: 88 to
10. May 89
North Arcot 7. Oct: 89 to
15: Mar: 90
Trichinopoly 15 Mar: 90 to
3. Septr 92
Tanjore 3 Septr 92 to
1 November 93
~~13. March 93~~

Mr. Thorburn has been Dist Judge of Trichinopoly 5th Mar: 88 to
9. Novr: 88
Cuddapah 1. Feb: 89 to
24. Aug: 89
On leave to 6th Jany: 91.
Cuddapah again 6. Jany: 91 to
21. Mar: 93.

Mr

Mr. Farmer has been Dist Judge of ~~Cuddapah~~ Kurnool 10th nov: 86 to 19th apl: 88

Furlo: to 22. aug: 89.

Cuddappah. 22. aug. 89. to 29. oct 89.

Vizagapatam 3. nov: 89 to 23. apl: 93.

malabar - 29 oct 84 to 3 nov 85 }

Mr. Fiddian ~~has been~~ was Acting Judge at Tanjore, Chingleput + Bellary for short periods in 1888. Viz.

Tanjore 7. Feb. 88 to 13. mar: 88

~~Nilgiris } was coll: mag^te + addl. sessions judge~~

Chingleput 13. mar: 88 to 20 - Sept 88

Nilgiris } was coll: mag^te + addl. sess: judge

Bellary 12. Decr: 88 to 7. Jany 89.

N. Arcot 8. Feb: 89 to 9 June 89.

Malabar. 9. June 89 to 26. March: 1891

On leave to 20. Decr: 92

Trichinopoly 20. Decr: 92 to 12. may. 94.

Messrs: Rawson & Bell are junior Officers the former acted at Vizagapatam from 16. June: 93 to 28th Feb: 94 And the latter at Cuddapah from 20th may 93 to 25th Jany: 94.

2 The following Table shows the work done in the Cuddapah North Arcot Trichinopoly + Vizagapatam courts which ~~[illegible]~~ have been presided over by the above officers since 1889.

Cuddapah.

[G/24.]

DEPARTMENT.

Papers to be read in Proceedings :—

Again G.O., dated 189 , No.

Again G.O., dated 189 , No.

Current No. of 189 , dated from

Current No of 189 , dated from

In a good many of the cases below, as shown by my pencil entries against some of them, the figures don't tally W

ORDER.

~~Cuddapah~~

No, they never do, it is due to the system of ledgering [illegible] annual returns

Cuddapah.	1889	90	91	92	93
			Mr Thorburn		
Suits Instituted	9	9	19	6	16
" disposed of	10	13	8	4	16
" Pending	10	8	19	23	25
Appeals Inst^d.	148	155	134	176	13
" disposed of	146	191	103	53	16
" pending	76	44	83	208	17
North Arcot:			Mr Sewell 13/6/91 to 28/7/93		
Suits Inst^d.	33	43	53	49	5
" disposed	24	38	28	51	48
" Pending.	22	29	57	80	83
Appeals Inst^d.	237	264	212	353	2
" disposed	137	235	83	205	2
" pending.	112	142	273	447	4
Trichinopoly.				Mr Fiddian	
Suits Inst^d.	47	76	55	33	3
" disposed of	28	62	69	34	6
" Pending	69	84	53	56	7
Appeals Inst^d.	231	267	173	257	2
" disposed of	142	205	308	165	12
" Pending	869	326	207	301	4
Vizagapatam.		Mr Farmer			
Suits Inst^d.	57.	44.	52,	21.	
" disposed of	57.	27	36.	22	
" Pending.	25.	44,	62,	25.	
Appeals Inst^d.	290,	350,	419,	361,	
" disposed	309	17	288,	227	

3/ Govt. in reviewing the Civil Justice Admn return for 1886 in G.O: No. 2593 D/14. Nov. 87. Para 13 remarked: re: Kurnool

"The worst results as regards delay in the disposal of Contested Suits occurred in × × × Kurnool (a very light Court) where the average duration was 496 days."

Mr. Farmer took charge of this Court on the 10th Nov 86, and remained in charge through 87: in 87 ~~re~~ review no remarks were made re: Kurnool (pl see: para 14 of G.O No. 2085 D/: 1. oct: 88): In 88 review Govt. simply remarked that the appellate work was lightest in Kurnool: (G.O: No. 1500 D/: 30. aug: 89)

4. Govt. in reviewing the Civil Justice Admn ~~re~~ for 1889 in G.O No. 1793 D/18. 11. 90: para 7. remarked

"In respect of arrears both of suits & Small Causes Trichinopoly exhibits by far the worst results the work done in that Court appears to have been highly unsatisfactory"

As regards Cuddapah Govt. remarked that the "delay in contested cases was 453 days"

In 1889 Mr. Austin was the Dist: Judge at Trichinopoly & Mr. Thorburn at Cuddapah from 1.2.89 to 24.8.89.

5. In reviewing the Civil Justice Admn report for 1890: G: O: No. 183 D/10. 10. 91 para 11. Govt. remarked re: Trichinopoly as follows.

"It may be as the High Court sugge[illegible]ts that circumstances exist that account satis[illegible]

[G/24.]

DEPARTMENT.

Papers to be read in Proceedings:—

Again G.O., dated 189 , No.

Again G.O., dated 189 , No.

Current No. of 189 , dated from

Current No of 189 , dated from

ORDER.

for the apparently poor results obtained in Trichinopoly but as the figures stand they certainly suggest undue delay on the part of the Judge concerned; the work of this Court, it is to be remarked formed the subject of unfavorable comment in the review of the preceding year.

As regards Cuddapah Govt. remarked "It is observed that the average duration of a contested suit in Cuddapah amounted to no less than 598 days a figure even higher than that found in the case of Trichinopoly; seeing that only 9 suits were instituted in the Cuddapah Court during the year the delay in disposal appears unsatisfactory".

× This is 23% lower than the '93 rate in N.A. W.

Mr. O'Farrell was in charge of the Trichinopoly Court from the 15th March 90 to 3rd Sept. 92. Cuddapah was in charge of Messrs Welsh & Joseph.

of Trichinopoly the H. Court defended Mr O'Farrell & Govt. accepted the High Courts view & withdrew
3 its Censure in G.O: D/ 4. Nov: 91 No. 2275 Judl.

6 In reviewing the report on the Admn of Civil Justice in 1891 Govt in G.O. No. 2363 D/: 20.12.92, remarked regarding Trichinopoly as follows—

"The District Judge of Trichinopoly deserves Credit for Good work - All Classes of Cases pending in this District have been greatly reduced but are still unfortunately very large."

Re: Vizagapatam Govt. remarked "The work of this Court cannot be considered good" and went on to justify this Comment by a reference to the figures.

Re North Arcot Govt remarked "The outturn of ~~this~~ work in this Court was also poor"

and proceeded to support this view by statistics.

Mr O'Farrell was in Charge of Trichinopoly Court throughout 1891, Mr Farmer was in Charge of Vizagapatam throughout 1891 and Mr Sewell was in Charge of N. Arcot from 18th June 1891 to the End of the Year.

7 In reviewing the report on the Admn of Civil Justice in 1892 in G.O: D/ 11. Sepr: 93 No. 1840 Govt remarked re:

North Arcot

"Taking all kinds of work together the most unsatisfactory

[G/24.]

DEPARTMENT.

Papers to be read in Proceedings :—

Again G.O., dated 189 , No.

Again G.O , dated 189 , No.

Current No. of 189 , dated from

Current No of 189 , dated from

ORDER.

results appear to have been produced in the N. Arcot & Nellore Courts × × × × × × ×

The D. Judge of N. Arcot pleads excess of Criminal work...... This excuse is not without weight .... at the same time it is observed that in many Dists the Criminal file was larger than in N. Arcot"

Re.

Vizagapatam & Trichinopoly

"Other Dists where greater expedition in the disposal of work seems to be necessary are × × × × × × Vizagapatam

(average duration of uncontested suit 297

" " " Contested " 673

" " " Uncontested appeal - 403

" " " Contested appeal 390

And Trichinopoly

(pending suits 57: average duration Contested appeal 483 day

Mr Sewell was in Charge of N. Arcot through 1892; Mr Farmer was in Charge of Vizagap throughout 92; Mr O'Farrell was in Charge of Trichinopoly for nine mon

one of the same

, the

In the review for 93 Govt. Criticized the work done in the following Courts. Viz N. Arcot Cuddapah, Nellore, Trichinopoly & Vizagapatam.

3 Mr Sewell was in Charge of N. Arcot for the 1st seven months of 93. Mr Thorburn Continued to be in Charge of Cuddapah till the 21st of March 93, when he was relieved by Mr Bell. Mr Fiddian was in Charge of Trichinopoly throughout 93. Mr Farmer Continued to be in Charge of Vizagapatam till the 23rd apl. 93, when he was relieved by Mr Rawson.

9 (1) Mr E. J. Sewell may be held responsible for the work of the N. Arcot Court during 92. He is only partially responsible for the work of the N. Arcot Court during 91 & 93.

The N. Arcot Court showed badly in 92 for arrears of suits rose, as compared with 91, from 57 to 80 & arrears of appeals rose from 273 to 447; it is however true that the number of appeals instituted in 92 was unusually large.

Mr Sewell's case will be alluded to again.

~~Mr Thorburn* may be held ~~partially~~ partially responsible for the state of the Cuddapah Court during 1889 & wholly responsible for it in 92.~~

~~Govt. made no remark on the Cuddapah Court when reviewing the report for 92 though the table on page 3 of this note shows that the figures were unsatisfactory.~~

~~In 1889 there was less cause for complaint the number of suits pending at the end of the year being only 10 & the number of appeals 76. But in 1892~~

* ~~His short acting~~

unsat

(2) Mr Thorburn was partially responsible for the state of the Trichinopoly & Cuddapah Courts during 1888 & 1889 respectively & wholly responsible for the condition of the latter Court in 1891 & 1892.

In reviewing the report for 1888 Govt. commented severely on the work of the D. J. of Trichinopoly; pointed out that the disposals of contested suits had fallen from 20 in 1887 to 3 & that arrears had increased from 18 to 43 as a consequence; ~~[illegible]~~ observed that the Trichinopoly Court showed the smallest outturn of contested appeals & that there had been "a most "unsatisfactory increase "of arrears"; at the same time Govt. admitted that there had been several changes among the incumbents of the office of Judge & that criminal work was unusually heavy (paras. 12 & 17 of Review).

In reviewing the report for 1889, the Govt. ~~[illegible]~~ made no remarks upon the Cuddapah Court beyond noting that the duration of contested suits was exces: Mr Thorburn was in charge of the Cuddapah Court during seven months only in 1889 & [illegible] arrears were not very large (10 suits & 76 appeals).

In the reviews for 1891 and 1892 no remarks appear regarding the Cuddapah Court; but the table on p. 3 of the Note shows that in both these years, & particularly in the latter, the state of the Court was not satisfactory. Thus, in 1891, only 8 suits (against 13 in 1890) were disposed of & arrears of suits rose from 8 in 1890 to 19; also only 103 appeals (against 191 in 1890) were disposed of & arrears rose from 44 in 1890 to 83 in 1891.

In 1892 the figures were still worse, for only 4 suits were disposed of, leaving 23 pending & only 53 appeals were disposed of, leaving 208 pending. It is true that an unusually large number of appeals were filed in 1892, but disposals being only about half as many as in 1891 & ~~[illegible]~~ ~~[illegible]~~ not much more than one-fourth of the number in 1890, the growth in arrears during 1892 cannot be attributed solely to an increase in institutions.

(3) Mr. O'Farrell's short acting appointments in Kurnool & Malabar may be neglected. For the state of the Trichinopoly Court he was partially responsible in 1890 & 1892 & wholly

I don't think anything need be said about Mr. O'Farrell
M.

The first ten months of 1893 he spent in Tanjore.

It is unnecessary to refer at length to his case. The High Court expressed a decided opinion that he had done good work in 1890 & the statistics of the Trichinopoly Court for 1891 were satisfactory. The outturn of work in Tanjore during 1893 was considerable &, though Govt. noted some unfavorable symptoms during 1892 in the case of Trichinopoly, Mr. O'Farrell cannot be held entirely responsible for these, as he handed over charge of the Court on the 3rd Sept. '92.

(4) Mr. Farmer was wholly responsible for the state of the Kurnool Court in 1887 & for that of the Vizagapatam Court in 1890, 1891 & 1892.

~~I don't think we need say anything here about Mr. Farmer & the Vizagm. Ct. I suspect, from what I hear, that we shall hear more about him till shortly~~ ~~[illegible]~~
M.

The responsibility for the condition of affairs in 1893 is divided between Mr. Farmer & Mr. Rawson of whom the latter took charge of the Court in June; his was Mr. Rawson's first judicial appt. & he can hardly be blamed for the unsatisfactory results of the year's work.

Govt. made no adverse comments on the Kurnool Court when reviewing the report for 1887; indeed it seems to have been in a very satisfactory state. It will be seen from the table on p. 3 of the Note that, in 1889, the D. J. of Vizag. dispo pending; in 1890, however, the disposals of suits fell to 27 & of appeals to 117 & the arrears rose to 44 & 312, respectively; in 1891 the state of the file was even worse, for, although disposals were much more numerous than in 1890, arrears rose to 62 suits & 443 appeals, as a consequence of a marked increase in institutions; in 1892 institutions fell off largely &, although disposals too were less numerous than in 1891, arrears both of suits & appeals showed a marked decline; in 1893 the arrear file showed a further improvement in spite of a large advance in the number of appeals instituted.

(5) Mr. Fiddian's brief tenures of office in Tanjore, Chingleput, Bellary & N. Arcot may be neglected & his responsibility restricted to the state of the N. Malabar Court in 1890 & of the Trichinopoly Court in 1893.

The Govt. did not make any remarks as to the N. Malabar Court in reviewing the report for 1890 & its condition seems to have been satisfactory. Mr. Fiddian's management of the Trichinopoly Court was so bad that a Subjudge had to be appd. to clear off arrears & Mr. F. was transferred to [illegible] these [illegible] were, [illegible]

Mr. Fiddian has already been dealt with by transfer to Gm which no doubt was regarded, & known to be intended, as a punishment

The suggestion of Mr. Justice Shepherd ~~[illegible]~~ who had ~~[illegible]~~ gone to Trichinopoly to enquire into the state of the Court.

The table on p. 3 of the Note shows that the number of suits disposed of in 1893 was only 19 — against 34 in 1892 & 69 in 1891 — & that the number of appeals disposed of was only 125 — against 165 in 1892 & 308 in 1891 —. Partly as a consequence of this short outturn of work & partly as a consequence of a slight increase in institutions, the arrears advanced, as compared with 1892 & 1891, in the case of suits, from 56 & 53 respectively to 77 &, in the case of appeals, from 301 & 207 respectively to 456.

10. The above particulars supply, it is trusted, the information required by H.M. For broken periods the office cannot (as H.M. observes) furnish figures & it is doubtful if the High Court either could supply them at once. If H.M. considers figures for broken periods essential, the H.C. will be asked to furnish them.

H.M. further desires information as to complaints which may have been preferred against the officers mentioned when occupying

I should like to know what returns the H.C. gets of the work done by the Dt. Js. These yearly returns are almost useless for the purpose of bringing home responsibility. Doesn't the H.C. get monthly or quarterly returns? If so, I think they should be asked to scrutinise them carefully (I suppose, though, they wd. say that they do that already) and at once to bring to notice any case in which a Court is found to be falling into arrears, so that the responsibility may be brought home at once, which under the present system is almost, or quite, impossible appointments other than that of Dt. Judge.

The only cases I know of are two complaints of delay on the part of Mr. E. J. Sewell. The one is dealt with in G.O. of 30 May 1890, No. 3331, Rev, & it terminated in a very mild rebuke, the Govt. holding that Mr. Sewell was not altogether to blame. The other is alluded to in para. 7 of the Note for Orders in G.O. of 23 May 1892, No. 964, Jud.; in this case too there were extenuating circs. & no rebuke was administered.

A

[When the question arises whether an officer should be censured for delays or other failures in duty, it is of great importance that Govt. shd. be able to definitely ascertain what his ~~[illegible]~~ previous official character has been so that it may know whether the case under consideration betokens habitual inefficiency or is merely an occasional lapsus, such as the best of men are liable to, and of which serious notice need not be taken; and it is not satisfactory that in such a case the only thing to rely upon should be the recollection of members of Govt. or of the Secretariat. I think we ought to have some sort of regr. maintained, to which we can refer in all such cases for immediate & accurate infn.] HS

11 It remains to deal with Mr. Sewell's case & his defence which forms C. No. 5944.

Mr. Sewell's letter is devoted to proving

(1) that the criminal & civil work, together, in the N. Arcot Court are heavy &

Probably they are heavy HS

(2) that he devotes as much time to his work as other Judges do, on the average.

I don't see what this has to do with the matter. HS

So far as it goes the defence is a good one & it may be freely admitted that the N. Arcot Court is a heavy one, that Mr. Sewell did a fair average amount of work & that he is a good & careful Judge.

It is a little unfortunate that Coimb. was mentioned, that Court having been in charge of an officer, who can hardly be held up as an example! But Mr. S's own system of calculation shows (v. p. 16 of this note) that the Coimb. J. did much more work than he did – HS

Hardworking & painstaking, I should say HS

The weak point in Mr. Sewell's defence is his

failure to observe that he is expected to adjust his working hours with reference to the work to be done. It is not an answer to the criticisms of Govt. to point out that he devoted 1239 hours to certain classes of cases against a general average of 1280¼ hours.

This is his calculation – But I find it difficult to believe that 10 hours is a proper time to allow for an average Session case – HS

This average is based on figures which include such Courts as Ganjam & Kurnool.

and the Nilgiris HS

The Dt. Judge of N. Arcot is not expected to limit his working hours to those which suffice in Ganjam & Kurnool; it is his duty to clear his file.

Mr. Sewell reckons the time-value of his work in accordance with the following scale viz:—

(i) for each contested suit — 10 hours
(ii) " " " appeal — 1½ "
(iii) " " Sessions case — 10 "
(iv) " " Criminal appeal or Revision case — 1½ "
(v) " " Miscellaneous petition — 5 minutes
~~Adopting~~
(vi) " " " appeal — 1½ hours

Too much, I should say HS

Adopting this scale & allowing half an hour for each contested Small Cause, the figures in Statements C-8 & I-4 work out to the following results:

Court	Number of hours of work done in 1892	Number of hours of work done in 1893.
N. Arcot	1,065 = 4¾ hrs a day	1,224 = 5½ hours a day
S. Arcot	927	991
Bellary	1,432	1,148
S. Canara	913	861
Chingleput	946	1,159
Coimbatore	1,875	1,809 = 8 hrs a day
Cuddapah	1,100	867
Ganjam	784	758
Godavari	735	984
Kistna	3,890	3,915 = 17½ hrs a day
Kurnool	767	717
Madura	2,095 = 9⅓ hrs a day	1,672
N. Malabar	1,099	1,330
S. Malabar	1,204	1,500
Nellore	1,073	1,176
Salem	1,507	1,088
Tanjore	1,481	1,515
Tinnevelly	1,466	1,549
Trichinopoly	981	1,131
Vizagapatam	778	1,014

These figures show that, in 1892, (when Mr. S. had charge for the whole year) N. Arcot stood twelfth as regards time-work, while, in 1893 (when Mr. S. had charge for seven months) N. Arcot stood eighth. That Mr. S. has not done justice to the Court is plain from the fact that arrears, both of suits & appeals, have been advancing rapidly since 1890 & that the average duration of cases has risen in the most remarkable manner since same year ~~[illegible]~~ the figures appear * in the margin. Mr. S. has not attempted to explain these

Mr. Sewell's calculations are to the effect that in 1892 he sat in Court 4¾ hours a day, i.e., from 11 to 4, allowing a quarter of an hour for lunch. In the following year, when he was not in charge after July 28, his successor apparently worked harder & brought the average up to 5½ hours a day in Court, or from 11 to 5, allowing half an hour for lunch — but the truth is that Mr. Sewell's calculations as to the time it takes to dispose of business of different descriptions are absurd, since they lead to results so impossible as those I have noted against Coimbatore, Kistna and Madura. I fully credit Mr. Sewell's statement that he ~~[illegible]~~ sat in Court all day & every day (para 31 of his letter) & worked up to 7 hours a day and I can quite believe that it takes him an av. of 10 hours to get through a Sessions case. But the fact remains that he has allowed his Court to get into arrears & has taken so long in the disposal of Civil suits (778 days for contested & 229 days for uncontested cases) and appeals (591 for contested & 742 (!) for uncontested cases) that justice has been practically denied to the people of his district. ~~I think he should be told that~~ I don't make out that N.A. is a specially heavy Court or beyond the capacity of an ordinary hardworking man of fair capacity; ~~&~~ I think he should be told that if he can't keep such a Court free from arrears Govt. must remove him to some other appt., which they cannot guarantee will be one of equal emolument.

W.S.

He is in Tanjore W.S.

Yes, it is his duty to arrange his attendance so as to prevent arrears from increasing. If he can't do that he is unfit for his position.

J.G. 4/12

*

Year *	Average duration in days: Suits, UnContested	Suits, Contested	Appeals, Uncontested	Appeals, Contested
1890	147	274	271	247
1891	213	395	406	325
1892	159	498	615	529
1893	229	778	742	591

---

11 It seems clearly proved (1) that Mr. S. has failed to dispose satisfactorily of his work & (2) that he has not devoted himself to it with the energy which the state of his file demanded.

12 A consideration of all the facts ~~[illegible]~~ leads to the conclusion that ~~[illegible]~~ Mr. Thorburn, ~~[illegible]~~ Mr. Fiddian & Mr. Sewell have failed to do justice to their position. Mr. O'Farrell may be exonerated from blame. ~~[illegible]~~ Mr. Farmer's case is more doubtful, but the statistics suggest dilatori on his part; for example, the duration of cases in his Court has been as follows: —

	Suits Uncon.d	Suits Con.d	Appeals Uncon.d	Appeals Con.d
1889	102	106	91	103
1890	136	367	111	120
1891	159	393	329	393
1892	297	673	403	398.
1893	468	491	482	337

For the figures of 1890-91-92 Mr. Farmer alone is responsible & there seems sufficient reason to demand an Explanati from him; he may be able to assign a cause.

H.M. has observed that the case of the officers mentione should be disposed of by Govt. & not left to the High Court, but it is respectfu subm.d for consideratio

Mr Thorburn has long left Cuddapah — Mr. Fiddian has been dealt with

W.S.

W.S.

W.S.

The attention of the H.C. should be called to these figures

J.G. 4/12

whether it would not be as well to ask the High Court's opinion as to the statistics before formally censuring anyone (except, perhaps, Mr. Sewell whose case has already passed through the High Court's hands). It would probably greatly improve the administration of the Civil Courts if the High Court itself insisted upon explanations when the returns appear unsatisfactory. Instead of doing so, the H.C. seems to leave everything to Govt. which is not in a position to properly appreciate a Civil Jud. officer's work.

h
20 Nov

Jd.
22/11/94.

Very well
HS

[illegible] of certain Judges

See above
HS
26/11/94

Yes
JG 4/12

Both Mr. Sewell & Mr. Farmer have been my subordinates and both are slow workers. Mr. Sewell seems however to think that 11 to 5 or 5.30 is a day's work in Court beyond which he need not go, though he says that he writes judgments and does other work out of Court hours. He probably did as he is a conscientious officer as far as I know him and it was probably because he was slow about this part of his work that he got into difficulties. As far as I have heard he has the reputation of being a good judge on the whole

Jd.

MH + circ

(For Order)

I think it would be altogether more satisfactory, if we had some information from trustworthy sources as to the correctness or otherwise of Mr. Sewell's calculations as to the duration of suits – especially as the hon. Mr. Bliss throws great doubts on them. I wd. therefore refer this point to the High Court; and ask them if they consider them to be fair.

W
6 Dec

C 23/11	C 29/11	C 4/12
R 27/11	R 1/12	R 8/12

[G. / 24]
100—29-9-94.

Jud. DEPARTMENT.

Papers to be read in Proceedings:—

Again G.O., dated 26 Sept. 1894, No. 2338, Judl.
Again G.O., dated 18 , No.
Current No. 5944 of 1894, dated 5 Nov from Regr. H.C.

Current No. of 18 , dated from

Note I regret that I was unable to take this paper up sooner.

h

Subject to remarks below

HS
9/1/95

JG
10/1

Order 15 Jany/95 No. 83
misc.

In reviewing the Report on the administration of Civil Justice during 1893, the Govt. found it necessary to express dissatisfaction with the statistics relating to the District Courts of North Arcot, Cuddapah, Trichinopoly & Vizagapatam. Since the issue of the review proceedings, the Govt. has given further consideration to the statistics in connection with an explanation tendered by Mr. E. S. Sewell

2. In regard to the Cuddapah & Trichinopoly Courts the Govt. does not consider it necessary to make many remarks. Mr. Thorburn was in charge of the former throughout 1891 & 1892 & for a part of 1893. The state of the file during 1891 & 1892 was not altogether satisfactory, but

Mr. Thorburn left Cuddapah some time ago & it appears unnecessary to pursue the matter ~~[illegible]~~ further ~~[illegible]~~.

For the condition into which the Trichinopoly Court fell during 1893, Mr. Fiddian appears to have been responsible, but his transfer to Ganjam renders further comment ~~unnecessary~~ uncalled for. H.E. in C. trusts, however, that the Hon. the Judges of the High Court will, for some time, scrutinize with particular care the work of both these gentlemen.

3. Mr. Farmer took charge of the Vizagapatam Court in Novr. '89 & remained in the district until April 1893; he was thus in charge of the Court throughout 1890, 1891 & 1892, & the statistics show a remarkable increase in the average pendency of cases during those three years. The figures are as follows:—

Year	Suits		Appeals	
	Uncontested	Contested	Uncontested	Contested
1889	102 days	116 days	91 days	103 days
1890	136 "	367 "	111 "	120 "
1891	159 "	393 "	329 "	393 "
1892	297 "	673 "	403 "	398 "
1893	468 "	491 "	482 "	337 "

It is possible that some explanation will be forthcoming for the great delay in the disposal of work during Mr. Farmer's tenure of office which these statistics seem to indicate. On the face of them they are ~~highly~~ [illegible] unsatisfactory & the Govt. thinks it advisable to invite the attention of the High Court to them & to suggest that Mr. Farmer should be required to submit an explanation.

4. There remains the case of Mr. E. J. Sewell who was Dt. Judge of North Arcot for six months in 1891, throughout 1892 & for seven months in 1893. In reply to the observations made by Govt. in the review for the last mentioned year, Mr. Sewell has subm[itte]d an explanation which is devoted to proving that the work of the North Arcot Court is heavy & that he ~~[illegible]~~ gives as much time to his work on the average as other Judges ~~[illegible]~~ do.

The Govt. concedes readily that the North Arcot Court is not a light one & that Mr. Sewell is a conscientious & careful worker, but his arguments are vitiated by his failure to observe that ~~he is~~

[For "he is expected" I would say "it is his duty"] it is his duty ~~expected~~ to adjust his working hours with reference to the work to be done & not in accordance with an average struck on figures relating to other District Courts; a working-day which ~~is~~ may be suitable enough in Ganjam or Kurnool is not necessarily appropriate in a district like North Arcot.

Apart, however, from this, Mr. Sewell's method of proving that the ~~[illegible]~~ work in the North Arcot Court cannot be disposed ~~[illegible]~~ of more rapidly ~~[illegible]~~ depends upon ~~[illegible]~~ figures the accuracy of which is exceedingly doubtful. Mr. Sewell allows 10 hours for the disposal of each contested suit ~~and~~ sessions case, 1½ hour for each contested civil ~~appeal~~, criminal or miscellaneous appeal ~~and~~ revision case & 5 minutes for each miscellaneous petition, & from these figures arrives at the conclusion that, in 1893, he devoted 1239* hours to certain classes of cases as against an average of 1280 hours. If Mr. Sewell's time-scale is adopted & half-an-hour is allowed for the disposal of each contested Small Cause, the figures in Statements C-8 & I-4 work out for each district as follows:—

* 1224 is the correct figure.

Court	Number of hours of work done in	
	1892 –	1893.
N. Arcot	1065	1,224 ✓
S. Arcot	927	991 ✓
Bellary	1,432	1,148 ✓
S. Canara	913	861 ✓
Chingleput	946	1,159 ✓
Coimbatore	1,875	1,809 ✓
Cuddapah	1,100	867 ✓
Ganjam	784	758 ✓
Godavari	735	984 ✓
Kistna	3,890	3,915 ✓
Kurnool	767	717 ✓
Madura	2,095	1,672 ✓
N. Malabar	1,099	1,330 ✓
S. Malabar	1,204	1,500 ✓
Nellore	1,073	1,176 ✓
Salem	1,507	1,088 ✓
Tanjore	1,481	1,515 ✓
Tinnevelly	1,466	1,549 ✓
Trichinopoly	951	1,131 ✓
Vizagapatam	778	1,014 ✓

According to these figures North Arcot stood twelfth as regards time-work in 1892 & eighth in 1893

— positions which can hardly be taken to denote remarkable exertions on the part of the Judge.

But the figures also show that Mr. Sewell's estimate of the average time necessary for the disposal of different classes of cases is not applicable to some Courts, at all events; for it is unlikely that the Dt. Judge of Coimbatore spent eight hours per working-day in Court throughout 1893, & still more ~~so~~ unlikely that the Madura Court was open during 1892 for over nine hours a day. To Kistna Mr. Sewell's scale is entirely inapplicable, for it represents the Dt. Judge as sitting in Court for over seventeen hours a day.

The Hon. the Judges will be requested to favour Govt. with an opinion as to whether Mr. Sewell's time-scale represents appro it is his duty

mately the time which ought to be spent over cases of the classes specified. If they think it excessive, as it appears to Govt. to be, then the conclusion follows that Mr. Sewell is unduly slow in the disposal of his work.

5. This conclusion follows still more inevitably from the figures relative to the average pendency of cases which appear below:—

	Suits		Appeals	
Year	Uncontested	Contested	Uncontested	Contested
1890	147 days	274 days	271 days	247 days
1891	213 "	395 "	406 "	325 "
1892	159 "	495 "	615 "	529 "
1893	229 "	775 "	742 "	591 "

Mr. Sewell has not attempted to explain these figures or the marked advance in arrears which has been noticeable since 1890. X [~~They~~ statistics merit the [earnest] consideration of the Hon the Judges of the High Court, for [~~it seems to Govt. that they constitute nothing short of a public scandal.~~ if correct, they would seem to [illegible] a highly discreditable state of things X]

6. Before, however, any censure is passed upon Mr. Sewell, the Govt. considers it advisable to ascertain whether the High Court dissents from the views expressed above. [~~If the High Court~~ Hon'ble the Judges agree with ~~Govt. in thinking that Mr. Sewell has failed to clear~~

X [This appears too strong. I would suggest the correction in red ink.

very well

WD]

[I should, at least for the present, omit from [to the end of the para

WD JG]

himself of the charge of dilatoriness, ~~[illegible]~~ he will be warned that, unless he shows more vigour in future, he will be transferred to some other appointment not necessarily carrying equal emoluments.]

7. In conclusion, the Govt. desires to be favoured with information as to whether the High Court receives monthly or quarterly returns of the work of District Judges. If such returns are received, they are doubtless carefully scrutinized & orders passed when necessary. ~~But it~~ would conduce greatly to ~~[illegible]~~ the public welfare if the Hon. the Judges ~~[illegible]~~ brought ~~[illegible]~~ to the notice of H.E. in C. every case in which a Court is found to be getting seriously in arrears, so that the responsibility may be brought home at once. It is impossible for Govt. on mere annual returns to ~~[illegible]~~ satisfactorily apportion praise & blame & it must ~~[illegible]~~

~~from the periodical returns~~

If no such returns are received, the Govt. invites the High Court to consider whether they should not be prescribed, in order that the Hon the Judges may be in a position to bring to the notice of Govt. at once every case in which a Court is found to be getting seriously into arrears. It is impossible for Govt. to bring home responsibility satisfactorily upon mere annual statements, but this difficulty would disappear if ~~[illegible]~~ arrangements were made to bring the work of the Dt. Courts under the observation of the High Court by means of returns submitted at short intervals.

(Fromorders)

22/12/94

20 17/12

To the Hon the C. J. with E. L.

(Q & O)

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State of certain Courts

H.E. of the Hon'ble Mr. [illegible]

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