

- (1) பக்கங்களின் எண்ணிக்கை 14
(2) புதுக்கித் திருப்பிய நாள் 12 May 88
(3) ஆதாரங்குறிப்பவர் கருக்கொப்பம் [Signature]

தமிழ்நாடு ஆவணக் காப்பகம்.

தமிழ்நாடு அரசு

Judicial Dep. Public Works துறை

அரசாணை எண். மு.கோப்புத் தாள் எண்.	480-81	அச்சகம் பலவகை
நாள் :	27-2-1875	198.

மடிக்கவோ கண்டபடி கையாளவோ கூடாது

*Proceedings of the Madras Government, Judicial Department,
27th February 1875.*

Small Cause Courts.

No. 242. Read the following letter from T. WEIR, Esq., Acting Registrar of the High Court of Judicature at Madras, Appellate Side, to the Hon. D. F. CARMICHAEL, Acting Chief Secretary to Government, Fort St. George, dated Madras, 22nd February 1875, No. 418:—

I have been directed to acknowledge receipt of the Proceedings of Government, dated 13th February, No. 331, and to reply thereto.

2. The resolution of Government to convert the Small Cause Court of Masulipatam into a Subordinate Court and to abolish the Small Cause Courts at Combacorum, Cuddalore, Madura, and Vellore meets, I am to state, with the entire approval of the Judges.

3. The system which has been in force since the abolition of the Subordinate Zillah Courts, and the creation of the jurisdictions which it is now proposed to abolish is doubtless, as has been observed, alike unfair to the suitors and to the young and inexperienced officers upon whom has been imposed the responsibility of presiding in these tribunals.

4. The office of Small Cause Court Judge can in no way fit the officer holding it for the duties of a Collector and Magistrate. Regarded as a mode of preparation for the exercise of the higher jurisdiction of a District and Sessions Judge, it is difficult to conceive any employment less suitable than that of adjudicating summarily, without appeal or revision, the class of suits exclusively cognizable by a Small Cause Court. Such a jurisdiction should be confided only to tried and experienced Judicial officers.

5. On the question of the most suitable mode of applying the funds, amounting to Rupees 87,792, which the measure contemplated will render available, I am to state that the Court will be prepared, should the Government so desire, to submit in greater detail, and with fuller explanation, their several proposals. For the present it may be sufficient to state that the scheme which the Court have in view, and which in substance is here given, will be directed (after making adequate provision for the disposal of the work now performed by the four Small Cause Courts) towards effecting some improvements in the position (first) of a certain proportion of the Subordinate Judges and District Munsifs, and (second) of the establishments of the District Munsifs' Courts. The inadequacy of the pay of the Judicial establishments, and especially of those attached to the Courts of the District Munsifs, has been so frequently brought to the notice of Government that it need not now be further insisted on.

6. The necessity is admitted of improving the position of the Subordinate Judicial Officers of all grades in the Madras Presidency. A comparison of the salaries of the same class of officers in other Presidencies will perhaps of itself suffice to show that the Native Judges in the Madras Presidency are, as a class, inadequately paid.

7. In Bengal, the salaries of the Subordinate Judges range from Rupees 500 to Rupees 800 per mensem. In Madras, no Subordinate Judge receives more than Rupees 500 per mensem. The lowest scale of pay for this class of officers in Bengal is therefore equal to the highest in Madras. In Bengal, the salaries of the Munsifs range from Rupees 200 and 250 to Rupees 400 per mensem. In Madras,

*Proceedings of the Madras Government, Judicial Department,
27th February 1875.*

no District Munsif receives more than Rupees 300 per mensem, and the greater number of them, viz., seventy-four, receive only Rupees 200 per mensem. It appears further that the Munsifs in the Madras Presidency have a jurisdiction more than twice as extensive as those of Bengal. Under Act III. of 1873, (Section 12) the jurisdiction of a Munsif in the Presidency of Madras extends to all suits of which the value of the subject-matter does not exceed Rupees 2,500, and he almost invariably possesses a summary jurisdiction in small causes to the extent of 50 Rupees.

8. Under Act VI. of 1871, (Bengal Civil Courts' Act) Section 20, the jurisdiction of a Munsif in the Presidency of Bengal extends only to suits in which the value of the subject-matter does not exceed 1,000 Rupees, and it is believed that jurisdiction in small causes is rarely possessed by him.

9. The comparatively limited sum available renders impracticable any comprehensive scheme for the improvement of the salaries of the Judges and of the Munsifs' establishments. Any improvement, however, in the existing state of things is much to be desired. The High Court anticipate that the abolition of the Small Cause Courts may render necessary some slight addition to the number of the District Munsifs' Courts, and also the establishment of (possibly) three additional Subordinate Judges' Courts.

10. The cost of the new Courts is estimated at the sum of Rupees 30,840:—

	RS.
3 Subordinate Judges and their establishments costing each Rupees 750 a month, or Rupees 9,000 per annum	27,000
1 Additional Munsif and his establishment costing Rupees 320 a month, or Rupees 3,840 per annum	3,840
Total	30,840

11. Besides this it is proposed to increase the pay of two Subordinate Judges by Rupees 200 per mensem, of four Subordinate Judges by Rupees 100 per mensem, as well as to promote eighteen Munsifs to a salary of Rupees 300 per mensem, and twenty-five Munsifs to a salary of Rupees 250 per mensem. The cost of these arrangements is as follows:—

	RS.
2 Subordinate Judges promoted from Rupees 500 to Rupees 700 per mensem	4,800
4 Subordinate Judges from Rupees 500 to Rupees 600 per mensem	4,800
18 Munsifs promoted from Rupees 250 to Rupees 300 per mensem	10,800
25 Munsifs promoted from Rupees 200 to Rupees 250 per mensem	15,000
Total	35,400

12. Lastly, it is proposed to raise the pay of the Head Gumastah in each District Munsif's establishment by a sum of Rupees 15 per mensem, and to give the 2nd Clerk also some addition to his pay. The cost of this amounts to Rupees 21,504 per annum:—

	Cost per annum. RS.
To 112 District Munsifs' Head Clerks an increase of Rupees 15 per mensem	20,160
To 112 2nd Clerks an increase of 1 Rupee per mensem	1,344
Total	21,504

*Proceedings of the Madras Government, Judicial Department,
27th February 1875.*

13. These changes, as indicated below, absorb almost the whole of the available funds, viz.:—

	RS.
Courts substituted for the abolished Small Cause Courts	30,840
Promotion of Subordinate Judges and District Munsifs	35,400
Promotion of Clerks of District Munsifs' Establishments	21,504
	87,744
Amount available	87,792
Balance	48

No. 243. ORDER THEREON, 27th February 1875, No. 480.

The proposals of the High Court are approved. Application will be at once made to the Government of India, for the utilization of the funds rendered available, in the manner suggested.

(True Extract.)

Acting Chief Secretary.

To the Honorable the Judges of the High Court.

Small Cause Courts

No. 418

1

From J. Weir Esquire
Sgt. Registrar of the High Court of
Judicature at Madras.
L.

The Honorable D. H. Carmichael
Attorney General Secretary to Government
Honorable Sir,

I have been directed to
acknowledge receipt of the Proceedings of
Government dated 13th February No. 31 and
to reply thereto.

The resolution of Government to
convert 10 of the Small Cause Courts
into a Subordinate Court and to
abolish the Small Cause Courts at
Coimbatore, Gundlupet, Alandura and
Tillore. In short, I am to state, with the
entire approval of the Judges.

The system which has been in force
since the abolition of the Subordinate
Court and the creation of the
jurisdictions which it is now pro-
posed to abolish is doubtless as has
been observed alike unfair to the
suits and to the young and inexperienced
officers upon whom has been

DEPT. OF JUSTICE
JUDICIAL.

THE HONORABLE THE JUDGES
OF THE HIGH COURT.

DEPT. OF JUSTICE

DEPT.

G.O. NO. 1000/1874 NO. 432.

RECEIVED
JAN 22-24.

Small Cause Courts—The proceedings of the High
Court for the abolition of the Small Cause Courts
approved and application ordered to be made to
the Government of India for the abolition of the
Small Cause Courts in the present proceedings.

[illegible]

provision for the disposal of the work now performed by the four Small Cause Courts) towards effecting some improvements in the position (1st) of a certain proportion of the Subordinate Judges and District Messis. and (2nd) of the establishments of the District Messis Courts. The inadequacy of the pay of the judicial establishments and especially of those attached to the Courts of the District Messis has been so frequently brought to the notice of Government that it need not now be further insisted on.

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Rs. 750 a month or Rs. 9,000
per annum.

Rs. 27,000

Besides this it is proposed to increase the pay of two Subordinate Judges by Rs. 200 per mensem, of four Subordinate Judges by Rs. 100 per mensem.

of pay for this class of Officers in
 Bengal is therefore equal to the highest
 in Madras. In Bengal the salaries of
 the officers range from Rs 200 and 250 to
 Rs 400 per mensem. In Madras the
 District Munsif receives more than Rs 300
 per mensem and the greater number of
 them, viz. 74, receive only Rs 200 per mensem.
 It appears further that the officers in
 the Madras Presidency have a jurisdiction
 more than twice as extensive as those
 in Bengal.

Lastly it is proposed to raise
 the pay of the Head Constable in
 each District Munsif's establishment
 by a sum of Rs. 15 per mensem and to
 give the 2nd Clerk also some addition
 to his pay. The cost of this amounts
 to Rs 2,150 1/4 per annum.

To 112 District Munsifs Head Clerks an increase of Rs 15 per mensem	Cash per annum 2,0,160
To 112 2 nd Clerks an increase of one Rupee per mensem	1,344
	<u>2,1,504</u>

The comparatively limited sum
 available renders impracticable any com-
 prehensive scheme for the improvement
 of the salaries of the Judges and of the
 Munsifs establishment. Any improve-
 ment however in the existing state of
 things is much to be desired. The High
 Court anticipates that the abolition of the
 Small Cause Courts may render neces-
 sary some slight addition to the
 number of the District Munsifs' Courts
 and also the establishment of (possibly)
 three additional Subordinate Judges' Courts.
 Officers of all grades in the Madras
 Presidency. A comparison of the salaries of
 the same class of Officers in other Pre-
 sidencies will perhaps of itself suffice
 to show that the Salient Judges in the
 Madras Presidency are as a class in-
 adequately paid.

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 the Subordinate Judges range from Rs 200
 to Rs 800 per mensem. In Madras the
 Subordinate Judge receives more than
 Rs 500 per mensem. The lowest grade

as well as to promote 18 Munsifs to a salary of Rupees 300 per mensem and 25 Munsifs to a salary of Rs 250 per mensem. The cost of these arrangements is as follows:-

Subordinate Judges promoted from Rs 300 to Rs 700 per mensem	Rupees 1,800
Subordinate Judges from Rupees 500 to Rs 600 -	4,800
Munsifs promoted from Rs 250 to Rupees 300 per mensem	10,800
Munsifs promoted from Rs 200 to Rs 250 per mensem	15,000

12) the jurisdiction of a Munsif in the Presidency of Madras extends to all suits of which the value of the subject matter does not exceed Rs 2,500, and he almost invariably possesses a summary jurisdiction in small causes to the extent of 50 Rupees.

under Act VI of 1871 (Madras Civil Courts' Act) section 20, the jurisdiction of a Munsif in the Presidency of Madras extends only to suits in which the value of the subject matter does not exceed 1,000 Rupees and it is believed that jurisdiction in small causes is rarely exercised.

These changes are not to be met out of the available funds.

Courts substituted for the abolished Courts -	Rupees 30,840
Promotions of Subordinate Judges and District Munsifs	35,400
Promotions of Clerks of District Munsifs' Establishments	21,504
	87,744
Balance -	111
	48

High Court of Judicature,
Madras, 22 February 1875

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

P. J. J.

Acting Registrar,
Appellate Side.

Mr 26/6. I am much obliged to you for the
 information you have given me
 in relation to the matter of the
 Commission.

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Roll of 1875

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Small Cases, Counts.

The purpose of the
 Whig Court regarding the
 abolition of the Court,
 Abolition, and application
 seems to be made to the
 report of Justice for the
 abolition of the Court
 rendered available, in
 the manner suggested.