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MADRAS RECORD OFFICE

Government of Madras

Judicial

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GOVERNMENT OF MADRAS.

JUDICIAL DEPARTMENT.

READ—the following paper:—

From J. A. DAVIES, Esq., Acting Registrar of the High Court of Judicature at Madras, Appellate side, to the Officiating Chief Secretary to Government, dated Madras, 10th December 1883, No. 3835.

With reference to paragraph 9 of G.O., dated 4th instant, No. 3197, Judicial, which directs that the arrangements sanctioned in paragraph 5 of the same order shall take effect from the 1st January 1884, I am directed to state that there will be no difficulty in carrying out some of the changes relating to District Munsifs' Courts on that date, and that steps are being taken accordingly. Another important arrangement that can also be effected by the 1st of January next is the establishment of the Subordinate Court at Pálghat, and as soon as the Government have appointed an additional Subordinate Judge to South Malabar, the District Judge will be directed to determine the exact area of his jurisdiction on the plan proposed by the committee. But there are other changes, which, in the opinion of the High Court, cannot be brought into force at so early a date.

2. I am to point out that the local jurisdiction of several of the proposed courts has yet to be defined in communication with the District Judges before the necessary notifications can be prepared, and that, in some instances, buildings have to be secured and adapted for use as court-houses as in the case of the new Subordinate Courts at Ellore and Tadpatri. Then, as to the Judicial officers and their establishments ordered to be transferred, it will not be feasible, with reference to their vernaculars, to transfer the entire staff from one district to another, and it will take time to make suitable selections. Time is also required to arrange for the disposal of pending suits to meet the convenience of suitors and vakils, as for instance the Small Cause cases on the file of the Subordinate Court at Cuddalore, which the District Judge is not at present competent to deal with. Moreover in many cases suitors will have paid fees to local vakils, and where a transfer of jurisdiction has been made without adequate notice they might have to pay fresh fees to vakils practising in the court to which jurisdiction is transferred. The new process establishments also will now have to be fixed with special regard to the re-organization of the courts. Further, the abolition of the Session Courts of North Tanjore and Kurnool on the 1st January seems to be impracticable, because cases must have been already committed to those courts for the January sessions, and it is assumed that the notification of the reduction in the number of sessions divisions in Tanjore and the Ceded districts must be delayed until the previous sanction of the Governor-General in Council has been obtained, as required by section 7 of the Code of Criminal Procedure.

3. In these circumstances, I am to recommend that the date fixed for the completion of the new arrangements may be extended to the 1st April 1884. This will not involve a general postponement until then, for mean while most of them can be carried out from time to time as they are made ready. The establishments to be

dispensed with are entitled under rule 2, section 100, of the Pension Code, to three months' notice or three months' pay in lieu thereof, so that no saving will be effected by their immediate removal, and as they must in any case be paid up to about the middle of March, their services may as well be utilized to facilitate the preparations for the introduction of the schemes now sanctioned. As regards the saving of two District Judges' salaries, this money is not required for any of the purposes dealt with by the order under reply.

4. With reference to the arrangements for Cochin, it is not clear whether the Government have accepted the High Court's recommendation that the officer to be appointed should have the powers of a Subordinate Judge. If so, the pay of Rs. 250 proposed by the committee is not, in the High Court's opinion, sufficient for a European or Eurasian of the stamp required.

ORDER—dated 14th December 1883, No. 3310, Judicial.

In paragraph 9 of G.O., 4th December 1883, No. 3197, for "1st January 1884," read "1st April 1884."

2. With reference to the concluding paragraph of their letter, the Honorable the Judges of the High Court will be requested to state what pay they would propose for the officer to be appointed to the Cochin Court, who, as recommended by the High Court, will be invested with the powers of a Subordinate Judge.

(True Extract.)

E. F. WEBSTER,
Offg. Chief Secretary.

To the Honorable the Judges of the High Court, with C.L.
„ Accountant-General.

Copy to the Revenue department.

ENDORSEMENT—dated 14th December 1883, No. 3311, Judicial.

Copy to the Government of India, Financial department, in continuation of letter hence, No. 3198, dated 4th December 1883.

E. F. WEBSTER,
Offg. Chief Secretary.

Govt. of (1883) Madras.

JUDICIAL.

Issued

Recd.

Encl.

G.O., &c., 14th December 1883,
Nos. 3310, 3311.

DECEMBER.

Reorganization of Courts.

Directing that certain alteration be made in G.O., No. 3197 of 1883, with reference to the High Court's proposal to extend to 1st April 1884, the date for completion of the reorganization of the existing Judicial staff; and requesting the Honorable the Judges to state what pay they would propose for the officer to be appointed to the Cochin Court.

N: 3835

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High Court of Judicature
Madras, 14th December 1883.
From, J. A. Davies Esquire,
Acting Registrar of the High Court
of Judicature at Madras.
The Honorable C. G. Master,
Chief Secretary to Government.
With reference to para 9 of
G.O. dated 4th instant N: 3197
Judicial, which directs that the
arrangements sanctioned in para 5
of the same order shall take effect
from the 1st January 1884. I am
directed to state that there will
be no difficulty in carrying out
some of the changes relating to
District Munsifs' Courts on that
date, and that steps are being
taken accordingly. Another
important arrangement that can

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also be effected by the 1st of January
next, is the establishment of
the Subordinate Court at Palghat
and as soon as the Government
have appointed an additional
Subordinate Judge to South
Malabar, the District Judge
will be directed to determine
the exact area of his jurisdiction
on the plan proposed by the Committee.
But there are other changes which
in the opinion of the High Court
cannot be brought into force at
so early a date.

I am to point out that
the local jurisdiction of several
of the proposed Courts has yet
to be defined in communication
with the District Judges before
the necessary notifications can be
prepared, and that in some instances
buildings have to be secured and
adapted for use as Court houses

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as in the case of the new Subordinate
Courts at Ellore and Tadpatri. Then as to
the judicial officers and their
establishments ordered to be transferred,
it will ^{not} be feasible with reference to
their vernaculars to transfer the entire
staff from one district to another, and
it will take time to make suitable
selections. Time is also required to arrange
for the disposal of pending suits to meet
the convenience of Sutors and Vakils, as
for instance the Small Cause Cases on the
file of the Subordinate Court at Cuddalore,
which the District Judge is not at present
competent to deal with. Moreover in many
cases Sutors will have paid fees to local
Vakils and where a transfer of jurisdiction
has been made without adequate notice
they might have to pay fresh fees to
Vakils practising in the Court to which
jurisdiction is transferred. The New
Process Establishments also will now have
to be fixed with special regard to the
reorganization of the Courts. Further
the abolition of the Sessions Courts

of North Tanjore and Rurnool
on the 1st January seems to be
impracticable because cases must
have been already committed to
those Courts for the January Sessions,
and it is assumed that the notification
of the reduction in the
number of Sessions Divisions
in Tanjore and the Ceded Districts
must be delayed until the previous
sanction of the Governor General and
Council has been obtained as
required by Section 7 of the Code
of Criminal Procedure.

In these circumstances,
I am to recommend that the date
fixed for the completion of the
new arrangements may be extended
to the 1st April 1854. This will
not involve a general postponement
until then, for meanwhile most of
them can be carried out from time
to time as they are made ready.
The establishments to be disbanded
with are entitled under Rule 2

Section 100 of the Pension Code to
3 months' notice or 3 months' pay
in lieu thereof, so that no saving
will be effected by their immediate
removal, and as they must in any
case be paid up to about the middle
of March, their services may as well be
utilized to facilitate the preparations for
the introduction of the schemes now sanctioned.
As regards the saving of two District
Judges' salaries this money is not required
for any of the purposes dealt with by
the order under reply.

With reference to the arrangements
for Cochin, it is not clear whether the
Government have accepted the High Court's
recommendation that the officer to be
appointed should have the powers of a
Subordinate Judge. If so, the pay of Rs. 250
proposed by the Committee is not, in the High
Court's opinion, sufficient for an European or
Gurani of the stamp required.

I have the honor to be,
Sir,

Your most obedient servant,

J. S. Davis

Acting Secy.

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Ind. C. 4-12-23:3197@9

Judicial { 1883 . } Department

No. _____
CURRENT No. _____
FROM
THE AG. REGISTRAR OF THE HIGH COURT
OF JUDICATURE AT MADRAS,
Appellate Side.

Dated 10th December } 1883.
Received /C

No. 3835
Enc: none.

So 2310/03

Recommending that the date fixed for the completion of re-organization of the existing Judicial Staff be extended from the 1st January to the 1st April 1884 as the necessary arrangements have not been made.

CHIEF SECRETARY
10 DEC 93
GOVERNMENT OF MADRAS

Judicial DEPARTMENT.

C No. 4716

From the Ag Registrar of the High Court, Madras, Appellate Side, dated 10th Dec-ember 1883 N. 3835, recommending that the date fixed for the completion of re-organization of the existing Judicial Department be extended to 1st January to the 1st April 1884 as the necessary arrangements have not been made.

FOR ORDERS.

Para 9 G.O. 4th Dec/83 N 3197.
may it be altered accordingly
S. F. W.

The High Court's proposal to extend to 1st April the date for completion of the new arrangements seems reasonable enough.

With ref: to their concluding paragraph that C. should be asked what pay they recommend for the police officer. It must be assumed that the Govt accepted their recommendation that the officer to be appointed should exercise the powers of a sub-judge etc.

The Hon the Judges of the High Court
Accl-Honourable
Copy to the Secy of the
19/12

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Order 14th Dec/83 No 3310.

FOR ORDERS.

In para 9 of G.O. 4th
December 1883, No 3197, for
"1st January 1884" read "1st Dec/83".

2. With reference to the
concluding paragraph of their
letter, the Hon: the Judges of the
High Court will be requested
to state what pay they would
propose for the officer to be
appointed to the Cochin
Court who, as recommended
by the High Court, will be
invested with the powers of
a subordinate judge.

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Decd 19/12/83

No 3311.

Copy to the Govt of India
Financial Dept. in con-
tinuation of letter No
No 3198 dt Dec/83.

12/12

Wm. C. ...
Secy.

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PRESS.

Just DEPARTMENT.
G.O. DATED 14th Dec/03
No. 3310 & 3311

First copy sent to Press. 14/12/03

Returned for signature.

Despatched in print. 19/12

[Despatch Abstract.]

Reorganization of Courts.

Directly that certain alterations be made in G.O. No 3197 of 1903, with regard to the High Ct's proposal to extend to 1000 A.D. 1904, the date for completion of the reorganization of the existing judicial staff & requesting the Hon. the Judges to state whether they intend to propose for the office to be applied to the Cochin Courts.