

(1) Number of pages 16(2) Date of repair 24-10-62(3) Initials of the Referencer CH

MADRAS RECORD OFFICE.

Government of Madras.

Judicial DEPARTMENT.

G.O. No.	523-524	Press Mis.
Dated	29-2-	1884.

Not to be folded or roughly handled

29TH FEBRUARY 1884, Nos. 523, 524, JUDICIAL.

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 Chief Secretary to Government, dated Madras, 21st February 1884, No. 616.

I am directed to acknowledge the receipt of G.O., dated 29th January 1884, No. 256, Judicial, communicating letter from the Secretary to the Government of India, Home department (Judicial), dated 14th idem, No. 53, conveying the sanction of His Excellency the Governor-General in Council to the rules relating to the Central Nazarat scheme in this Presidency, subject to the submission of certain information called for.

2. In reply, I am to state that the rules were framed and submitted for sanction as a whole, as it was considered more convenient to exhibit the change of system in one view, and it was hardly possible to separate the rules which by law required the sanction of His Excellency the Governor-General in Council from the other rules without rendering the former unintelligible. The rules so requiring sanction are shown separately below as an annexure for submission to the Government of India.

3. As regards the points on which specific information is required with reference to the financial effect of the new scheme on the present process-service establishments, it is not possible just yet to compile a statement showing the precise effect, but it has been ascertained that there will certainly be a not inconsiderable reduction of expenditure, and it is submitted that the scheme will at the most involve the grant of certain gratuities which will be met from the savings of salaries.

4. As to the Process Service fund, the object of the provision in rule III is simply to compare receipts and charges to enable the court to control expenditure and to exhibit the results. It is not at all intended to interfere with financial arrangements.

5. The High Court have directed that the rules be brought into force from 1st April next.

Annexure.

Extract of such of the rules as strictly require by law the sanction of His Excellency the Governor-General in Council from the rules framed by the High Court of Judicature at Madras under sections 20 and 22 of the Court Fees Act, 1870, for the service and execution of processes issued by the Civil Courts outside the Presidency town in the Madras Presidency.

Under section 20, clause I, of the Court Fees Act.

Rule XX.—The presiding judge of any superior court may direct, on the application of the party applying for any particular process which would ordinarily be sent for service to an outlying court, that it be served or executed by a special process-server from head-quarters provided that the pay of such process-server, at the rate of 4 annas a-day for a peon or 8 annas for an amin, for the time he is likely to be employed on such duty, be paid in advance; and the judge may, for any sufficient reason, direct that such extra charge be costs of the suit or proceeding.

Rule XXI.—Except for very special reasons, which must be recorded in writing, no court shall direct, under section 349, that a judgment debtor be left in the custody of a peon, unless a second peon is deputed to assist him and the pay of both, at 4 annas a day for each, up to the time fixed for the adjourned hearing, be paid in advance.

sanction as a whole as it was considered more convenient to exhibit the change of system in one view and it was hardly possible to separate the rules which by law required the sanction of his Excellency the Governor General in Council from the other rules, without rendering the former unintelligible. The rules so requiring ^{sanction} are shown separately below as an annexure for submission to the Government of India.

3. As regards the points on which specific information is required with reference to the financial effect of the new scheme on the present process service establishments, it is not possible just yet to compile a statement showing the precise effect, but it has been ascertained that there will be certainly be a not inconsiderable reduction of expenditure and it is submitted that the scheme will at the most involve the grant of certain gratuities which will be met from the savings of salaries.

4. As to the Process Service Fund, the object of the provision in Rule III is simply to compare receipts and charges to enable the Court to control expenditure and to exhibit the results. It is not at all intended to interfere with financial arrangements.

5. The High Court have directed that the Rules be brought into force from 1st April next.

I have the honor to be,
Sir,
Your most obedient servant,

J. S. Davis
Ag. Registrar,
Appellate Side.

29TH FEBRUARY 1884, Nos. 523, 524, JUDICIAL.

Under section 20, clause III, of the said Act.

Rule III.—Except where the High Court may otherwise direct—

- (a) the pay of each central nazir shall be Rs. 50 a-month where there are more than two courts, and elsewhere Rs. 40;
- (b) that of each deputy nazir shall be Rs. 25;
- (c) not more than one-fourth of the amins shall receive 14 rupees and the rest 12 rupees;
- (d) not more than one-fourth of the peons shall receive 7 rupees and the rest 6 rupees.

Under section 22 of the said Act.

Rule XXII, clause 1.—Unless the High Court shall otherwise direct upon due cause being shown, the number of peons to be employed under any nazir or deputy nazir shall be sufficient, and no more than sufficient, for the execution of 250 processes a-year by each peon; provided that three peons for each court shall be told off in rotation for ten days at a time to attend the court, to help to keep order and guard the court-house, and to be available for emergent processes under rule XVIII.

Rule XXIII, clause 2.—The District Judge shall reduce the number of peons in the Central Nazarat, or any outlying court, whenever the average number of processes for each man (exclusive of those allowed under rule XXII to be in attendance in the courts) falls short of the prescribed minimum by more than ten per centum. provided that, if sufficient cause appears for lowering the minimum, he may report the matter for the orders of the High Court.

ORDER—dated 29th February 1884, No. 523, Judicial.

The High Court's letter and annexure will be communicated to the Government of India with reference to letter in the Home (Judicial) department, 14th January 1884, No. 53.

(True Extract.)

E. F. WEBSTER,
Chief Secretary.

To the Registrar of the High Court.
" Accountant-General.
" Revenue department.

ENDORSEMENT—dated 29th February 1884, No. 524, Judicial.

To the Government of India, Home department.

E. F. WEBSTER,
Chief Secretary.

Exd. J. Wright.

No 616 25 18

High Court of Judicature
Madras, 21st February 1884.

From

J. A. Davies Esquire.

Ag. Registrar of the High Court
of Judicature at Madras.

To

The Honorable E. F. Webster,

Chief Secretary to Government.

Sir,

I am directed to acknowledge the receipt of G.O. dated 29 January 1884, No. 256, Judicial, communicating letter from the Secretary to the Government of India, Home Department, (Judicial) dated 14th idem, No. 53, conveying the sanction of His Excellency the Governor-General in Council to the rules relating to the Central Nazarat scheme in this Presidency, subject to the submission of certain information called for.

In reply, I am to state that the rules were framed and submitted for

Extract of such of the Rules as strictly require by Law the sanction of His Excellency the Governor General in Council, from the Rules framed by the High Court of Judicature at Madras under Sections 20 and 22 of the Court Fees Act, 1870, for the service and execution of Processes issued by the Civil Courts outside the Presidency Town in the Madras Presidency.

Under Section 20, clause i of the Court Fees Act

Rule 28 :- The presiding Judge of any superior Court may direct, on the application of the party applying for any particular process which would ordinarily be sent for service to an outlying Court, that it be served or executed by a special process-server from head-quarters: provided that the pay of such process-server, at the rate of 4 annas a day for a Peon or 8 annas for an Amin, for the time he is likely

In p. 74/14

to be employed on such duty, be paid in advance; and the Judge may, for any sufficient reason, direct that such extra charge be costs of the suit or proceeding.

Rule XXI. - Except for very special reasons, which must be recorded in writing, no Court shall direct, under Section 349, that a judgment debtor be left in the custody of a Peon, unless a second Peon is deputed to assist him and the pay of both, at 4 annas a day for each up to the time fixed for the adjourned hearing, be paid in advance.

Under Section 20, Clause iii of the said Act.

Rule III. - Except where the High Court may otherwise direct.

(a) the pay of each Central Nazir shall be Rs 50 a month where there are more than two Courts; and elsewhere Rs 40;

(b) that of each Deputy Nazir shall be Rs 25;

(c) not more than one-fourth of the

56 48/

Amins shall receive 14 rupees and the rest 12 rupees;
(d) not more than one-fourth of the Peons shall receive 7 rupees and the rest 6 rupees.

Under Section 22 of the said Act.

Rule XXII. - Clause 1. Unless the High Court shall otherwise direct upon due cause being shown, the number of Peons to be employed under any Nazir or Deputy Nazir shall be sufficient, and no more than sufficient, for the execution of 250 processes a year by each Peon: provided that three ^{Peons} for each Court shall be told off in rotation for ten days at a time to attend the Court, to help to keep order and guard the Court-house, and to be available for emergent processes under Rule XXIII.

Rule XXIII. Cl. 2. The District Judge shall reduce the number of Peons in the Central Nazarat, or any outlying

(Enclosure to the
High Court letter
No 616 dated
21 Feby 1884.

Court, whenever the average number
of processes for each man (exclusive
of those allowed under Rule xxii to
be in attendance in the Court) falls
short of the prescribed minimum
by more than ten per centum,
provided that, if sufficient cause
appears for lowering the minimum,
he may report the matter for the
orders of the High Court.

J. S. Davis

Acting Registrar,
Appellate Side.

Int. No. 17-11-03:3018-1904

— 29-1-04:256

58

11/1/04
29 Jan 1884 No 523

Order No. 2612

Per High Court letter
2 annexure with the com.
communicated to the prob. of
India with reference to
letter in the Home (Ind.)
Dept. 4th Jan. 1884.
No. 53.

Per High Court
25-11-11
No. 524
Per prob. of India
Home (Ind.)
Dept. 57

15/2/

Judicial { 1884. } Department

No.

FROM

THE REGISTRAR OF THE HIGH COURT
OF JUDICATURE AT MADRAS,
Appellate Side.

Dated 21st February } 1884
Received

No. 6/6
Enc: 1

Submitting for sanction
an extract of the Rules
framed by the High Court
under Sections 20 & 22 of
the Court Fees Act relating
to the central Nazam scheme,
and stating that the same
will be brought into
force from the 1st April
next.

10-9-09
4-4-11 ✓
11-2-11 ✓
23.5.12 ✓
17-4-185

Govt. of 1884 Madras.
JUDICIAL.

Issued

Recd.

Encl.

G.O., &c., 29th February 1884,
Nos. 523, 524.

FEBRUARY.

Court Fees Act—Rules.

Forwarding to the Government of India letter from the High Court furnishing certain information called for in G.O., No. 256 of 1884, in connection with the rules for the service and execution of processes issued by the Civil Courts outside the Presidency town.

PRESS.

Just DEPARTMENT.
G.O. DATED *29th July 1884*
Nos. *523 & 524.*

First copy sent to Press. *29/7/84.*

Returned for signature. *73*

Despatched in print. *73.*

[Despatch Abstract.]

Court Fees Act - Rules

Forwarding to the G.O. for
from the High Ct. for
certain information called for
in G.O. No. 256 ~~29th July~~ 1884.
in connection with the rules for the
service & execution of process
issued by the Civil Ct.