M.R.O. 1—5,000—16-10-50.

(1) Number of pages 52
(2) Date of repair 25.9.1961
(3) Initials of the Referencer

MADRAS RECORD OFFICE

Government of Madras

Judicial DEPARTMENT

G.O. No. 2179 Press
~~B.P. No.~~ ~~Mis.~~

Dated 22.10.1888 ~~195~~.

Not to be [illegible] **lled**

22nd October 1888, No. 2179, Judicial.

GOVERNMENT OF MADRAS.

JUDICIAL DEPARTMENT.

Read—the following papers:—

From J. W. HANDLEY, Esq., Chief Judge, Presidency Small Cause Court, Madras, to the Chief Secretary to Government, dated Madras, 25th July 1888, No. 562.

G.O., 14th April 1887, No. 795.

I have the honor to request that you will lay before His Excellency the Governor in Council the following proposals for the re-organization of the establishment of the Madras Court of Small Causes upon the principle of separating that part of it which is concerned with the preparation and service of processes from the rest of the establishment. In the order reviewing the administration report of the Judges of the Madras Court of Small Causes for 1886, Government remarked (in paragraph 7): "In future, it will be convenient to show the process fees separately, and also to distinguish the cost of the process establishment paid from such fees. The Nazarat system recently introduced in the Courts up-country must be extended to the Presidency Small Cause Court as soon as the question of transferring to it a portion of the High Court's Original Jurisdiction has been settled." As that question has not yet been settled and may not be so for some time to come, I consider that I shall be furthering the wishes of Government as expressed in the above order by not delaying any longer in submitting a statement distinguishing between the process and other fees received in our Court, and also between the process establishment and its cost and the regular establishment and its cost, taking the opportunity at the same time to propose certain additions to, and modifications in, the establishment, the necessity for which has long been felt by myself and my colleagues.

2. The following table shows the net balance received from process fees after allowing for refunds in the years 1883 to 1887, inclusive, and the annual saving which accrued to Government on that part of the establishment, taking the annual cost of the process establishment at the present figure, Rs. 11,004. If the actuals were [illegible], the cost would be less. The total process fees for the year were shown in our administration reports, but the refunds on process and other revenue were shown together, and the cost of the process servers only was shown separately and not that of the Nazir and process clerks:—

Years.	Process fees levied.	Process fees refunded.	Balance.	Cost of the whole process establishment.	Saving.
	RS.	RS.	RS.	RS.	RS.
1883	35,360	4,633	30,727	11,004	19,723
1884	40,238	4,561	35,677	11,004	24,673
1885	43,981	4,161	39,820	11,004	28,816
1886	44,386	4,656	39,730	11,004	28,726
1887	44,065	4,925	39,140	11,004	28,136

These figures do not include two items of revenue which I think should properly come under the head of process revenue, but which are now separately dealt with. These are—(1) Sums deducted as sale commission from the proceeds of sale of property sold in execution of decrees or under distress warrants; (2) Fees realized under the distraint provisions of the Presidency Small Cause Courts Act. Sums realized under both those heads have hitherto been treated as a separate fund and distributed in certain proportions between the head bailiff and appraiser, the court and deposit keeper, and the bailiffs who act as criers at the sales. The average annual amount realized under these two heads for the five years 1883 to 1887, inclusive, has been, under (1), after allowing for costs of printing catalogues and other expenses of sales, Rs. 719, under (2) Rs. 264, making a total average of Rs. 983 a year, or nearly Rs. 82 a month. I propose in future to treat the income arising from these sources as process income, and, in lieu of the amounts distributed between the head bailiff and appraiser, court and deposit keeper and bailiffs, to make the small permanent additions to the salaries of these officials hereinafter explained.

Statement D.

G.O., Judicial, 26th July 1883, No. 1968.

3. The present actual monthly cost of our whole establishment is Rs. 2,799-8-0, but it was reduced to this figure from Rs. 2,929-8-0 by the operation of an order of Government in 1883 reducing the salaries of the Head Clerk and Head Interpreter from Rs. 300 and Rs. 150 a month to Rs. 200 and Rs. 120, respectively, upon the vacation of office by the then incumbents. In paragraph 9 of that order, it is stated that on the retirement of the then incumbents, Government would be prepared to consider whether the saving which would then accrue might not be applied to raising the salary of the Registrar and to bettering the position of some of the clerks of the Court. These savings have accrued by the death of the Head Interpreter on 2nd June 1886, and the retirement of the Head Clerk on 30th October 1887. Upon my submitting certain proposals with reference to these contingencies for carrying out the suggestion of Government in paragraph 9 of the last quoted order, I was informed that my recommendations would be considered when the question of the transfer of a part of the Original Jurisdiction of the High Court to this Court was settled. I propose therefore, in separating the cost of the process establishment from that of the regular establishment, to take the total monthly cost of the establishment at its figure, Rs. 2,929-8-0, before the above-mentioned reduction, as I understand it was the intention of Government not to treat the saving effected by that reduction as permanent, but to apply it in raising the salaries of some of the officers of the establishment.

G.O., 7th April 1888, Mis. No. 899.
„ 14th July „ „ 1840.

4. Taking then the total monthly cost of the whole establishment at Rs. 2,929-8-0 (instead of at Rs. 2,799-8-0, the present cost), of this sum, Rs. 917 is the present monthly cost of the process service, and by transferring that charge from the general revenue to the process-fees account, the general revenue will, as a matter of account, be relieved to that extent. Of this saving to general revenue of Rs. 917 a month, I propose to employ Rs. 270 a month together with the aforesaid reserved monthly saving of Rs. 130, making a total sum of Rs. 400 a month, in increasing the pay and improving the strength and efficiency of the regular establishment.

5. For the purpose of explaining the revision of the establishment which I propose, it will be convenient, besides dividing the establishment into two divisions—

I.—Regular Service,
II.—Process Service,

to again sub-divide each of these into two branches, viz.—

I (*a*).—Judges' Department.
(*b*).—Registrar's Department.
II (*a*).—Process Preparation Department.
(*b*).—Process Execution Department.

Tabular Statements A and B annexed hereto show the cost of each of these branches upon the present and proposed new scale, respectively. Statement C shows the effect upon the general revenue of the separation of the regular and process departments. It will be seen from these statements that the increased cost under the proposed new scale is entirely in the regular establishment,—the cost of the process establishment, taking into account the commission on sales and distraint fees which it is now proposed to treat as process revenue, being the same under the proposed new scale. I shall now proceed to explain the nature of the alterations in the different branches proposed to be made by the new scale.

6. *I (a), Judges' Department—Tabular Statement A, I (a).*—The most important change proposed to be made in this branch is the addition of three Tamil and Telugu Interpreters and Translators, two on Rs. 80 and one on Rs. 75 a month. In 1869, there were three interpreters and two translators attached to the Court. These have been from time to time abolished except one Tamil and Telugu and one Hindustani interpreter on the ground that the 2nd and 3rd Judges of the Court, being now always natives of India, do not require the services of an interpreter. The last order on this subject was in 1883. My colleagues and myself have frequently protested against the assumption on which this abolition of interpreters, except in the Chief Judge's Court, was founded, as being altogether erroneous. Interpreters are absolutely necessary even if the presiding Judge is perfectly conversant with both Tamil and Telugu, which is not the case with all native Judges, because their services are required not only for the sake of the Judge, but for that of the parties and their counsel, attorneys or pleaders. The presiding Judge cannot, even if he be competent to do so, discharge the duties of an interpreter and at the same time take notes of evidence and in other respects perform the functions of a Judge. Besides the interpretation of oral evidence, the translation of documents, which has to be done in the course of many cases either in Court or out of Court, cannot properly be undertaken by the Judge. The only result of the abolition of interpreters has been that the Judges' clerks in the 2nd and 3rd and Registrar's Courts have been obliged to perform the duties of interpreters, and clerks from the Registrar's establishment have been taken to perform the duties of the Judges' clerks. I propose, therefore, to recognize the necessity for an interpreter in each Court, which has all along been acted upon, by giving an interpreter to each of the 2nd and 3rd Judges on Rs. 80 a month and one to the Registrar on Rs. 75. At the same time, I propose to reduce the number of Judges' clerks from 8 to 5 and their total pay from Rs. 390 to Rs. 160, thus saving Rs. 230 on that head, which will cover the cost of the new interpreters all but Rs. 5. Thus, instead of Judge's clerks so called doing interpreter's work and other clerks their work, there will be properly-qualified and responsible officials doing the work of the office which they hold. In each of the Judges' Courts, there will be an interpreter and a Judge's clerk, and in the Registrar's Court an interpreter and two clerks, the latter being necessary in that Court because of the great number of formal orders and proceedings to be recorded. The present Judges' clerks may be appointed the first interpreters under the proposed scheme.

G.O., dated 26th July 1883, No. 1968.

7. The other changes proposed in the Judges' Department consist in providing Court keepers for the 2nd and 3rd Judges' and Registrar's Courts and an attender for each Court and a punkah-puller for the Registrar's Court, in increasing the pay of the European court and deposit keeper by Rs. 5, as he is no longer to share in the distraint fees and commission on sales, and in slightly increasing the pay of some of the peons and attenders, so as to have a graded scale of pay, which I believe conduces much to the efficiency of an establishment. The total proposed increase in the Judges' Department is Rs. 45 per month.

8. *I (b) Registrar's Department—Tabular Statement A, I (b)—Registrar.*—I propose to increase this officer's pay by Rs. 100 a month. Mr. Maskell's predecessor in the office of Chief Clerk, as it was then styled, drew Rs. 650 a month. In 1869, it was proposed to create a Registrar on a salary of Rs. 600 rising to Rs. 700, and this proposal was approved of by this Government and submitted for the sanction of the Government of India, pending which Mr. Maskell was appointed Chief Clerk and 4th Judge on the minimum pay of Rs. 500. The sanction of the Government of India was not accorded, and Mr. Maskell's pay has remained at the same figure for the last 19 years, notwithstanding the changes introduced by the Act of 1882 by which he became Registrar and *ex-officio* Judge in suits for Rs. 20 and under in value and the very considerable additions to his work and responsibility which have in various ways

been made since his appointment. The matter has frequently been brought to the notice of Government, and in the order above quoted reducing the salaries of the Head Clerk and Interpreter, the question of the application of part of the saving thereby effected to the increase of the Registrar's pay was reserved for consideration on that reduction taking effect. I trust therefore that, should Government approve of the present proposal to re-organize the establishment, it will consider this a fitting opportunity to grant this long postponed and well-deserved increase to the Registrar's salary.

G.O., dated 26th July 1883, No. 1968.

9. I propose to create an assistant clerk on Rs. 70 a month to assist the Head Clerk in the receipt of plaints and in his other duties. Such assistance is absolutely required, and at present the Nazir is obliged to render it to the prejudice of his proper duties. √

10. *Record Room Officials.*—At present, this is the worst part of our establishment and the one of which most complaints are made. This is partly due to the fact that we have no proper record room, but also to the insufficiency of the staff. There is a record and plaint clerk on Rs. 40 a month, and an assistant on Rs. 20 a month, but they do other work besides that connected with the custody and arrangement of records. I propose, considering the importance and responsibility of the office of record-keeper, to raise his pay to Rs. 50 and that of his assistant to Rs. 25, and to confine their work entirely to that connected with the records, giving them two special attenders on Rs. 12 and Rs. 10 pay, respectively. I propose this high rate of pay for the record office attenders because they must be men of some education, and also because they are exposed to peculiar temptations to dishonesty and corruption.

11. *Clerks.*—Instead of 2 so-called examiners on Rs. 25 and 4 clerks at Rs. 20, I propose to have 7 clerks on a graded scale of pay from Rs. 21 to Rs. 35. The increased cost on this head would be Rs. 50. The distribution of these clerks according to the work to be done by them is shown in the addendum to Statement A-I (*b*).

12. *Accounts Department.*—This is also at present insufficiently manned. There is only one clerk specially devoted to this work, called a Book-keeper, on a pay of Rs. 40. I propose to raise his pay to Rs. 50 and call him Head Accountant and Book-keeper, and to give him an assistant on Rs. 30 a month and two accountants on Rs. 25 and Rs. 20, respectively, and an attender on Rs. 8. I propose to leave the Treasury Department as it is, except that the attender attached to it, in common with all the attenders, will receive Rs. 8 instead of Rs. 7.

13. The other proposed changes in the Registrar's Department are the increase of the pay of the Muchee and Assistant Muchee from Rs. 12 and 5 to 14 and 7, respectively. Their duties are somewhat responsible and require a certain amount of education. The number of attenders is increased from 3 to 5, and their pay increased as before mentioned. The pay of the sweeper and scavenger is increased from Rs. 3-8-0 to Rs. 4 each. A peon on Rs. 7 is proposed to be added to the Head Clerk's establishment. The total proposed increase in the cost of the Registrar's Department is Rs. 355 a month.

14. *Process Department, divided into II (a) Process Preparation, and II (b) Process Service.*—Tabular Statement B shows the proposed new scale in this department, and the addendum thereto shows the same as divided between the two branches, II (*a*) and II (*b*). The principal change proposed in this department is the creation of two new offices, viz., that of Process Superintendent and Assistant to the Nazir on salaries of Rs. 50 and Rs. 30, respectively. The former is very much required for the immediate supervision and control of the clerks engaged in the preparation of processes, and the latter to assist the Nazir in his duties, which, if properly carried out, are more than one man can perform. Instead of the 14 clerks now nominally employed in process preparation but many of them in fact doing accounts and other work, I propose to have a Process Superintendent as above and 9 clerks on a graded scale of pay from Rs. 35 to 15 to be employed in process preparation alone, and to allot 2 attenders on Rs. 8 a month to this part of the establishment. I propose to raise the pay of the Head European bailiff, who is also sworn broker and appraiser, from Rs. 100 to Rs. 125, as he is not now to share in the distrained fees and commission on sales. I propose to raise the number of native bailiffs from 19 to 20. An additional bailiff is urgently required for the service of processes from the Mofussil Courts. At present, one bailiff has to perform this duty over the whole area of Madras. I propose to grade the salaries of the native bailiffs from Rs. 12 to Rs. 25, and to add an attender on Rs. 8 a month to the process service establishment. The total cost of the proposed new process establishment is Rs. 999, and taking into account the distrained fees and commission on sales at present distributed amongst the process establishment, but now proposed to be added to process revenue, there will be no increase of expenditure.

15. To sum up the results of the proposed new scales. The cost of the establishment will be Rs. 3,281-8-0 monthly or Rs. 39,378 annually, as against Rs. 2,799-8-0 and Rs. 33,594 at present—an increase of Rs. 482 and Rs. 5,784. But from this apparent increase, Rs. 82 monthly, or Rs. 984 annually, must be deducted on account of the distraint fees and sale commission at present distributed amongst certain officials, but in future proposed to be treated as process revenue, leaving the increased cost at the figures of Rs. 400 and Rs. 4,800 monthly and annually. Of this increase, Rs. 130 a month, or Rs. 1,560 a year, is the saving accruing on the vacancies in the offices of the Head Clerk and Interpreter which was reserved by Government for raising the salary of the Registrar and bettering the position of some of the clerks. Thus the actual increased cost of the proposed new establishment would only be Rs. 270 a month, or Rs. 3,240 a year. This will come out of the saving of Rs. 917 a month or Rs. 11,004 a year to the general revenue, which will be effected by the transfer of the cost of the process establishment to process-fees account, and considering that the average annual saving to Government in the last 5 years on those fees after paying the whole cost of the process establishment has been about Rs. 26,015 in addition to a large saving on the other revenues of the Court, I feel sure that Government will not consider this too large a sum to devote to increasing the pay and efficiency of the establishment.

From the Accountant-General, dated 14th August 1888, No. A.D.S.-553.

ORDER—dated 22nd October 1888, No. 2179, Judicial.

In the first of the foregoing papers, the Chief Judge of the Presidency Small Cause Court submits proposals for separating the process from the regular establishment, and for carrying out a revision of both. The Government entirely agree as to the propriety of effecting this separation, and proceed to pass orders on the detailed proposals made.

2. Taking those which affect the process establishment first, it appears that the present establishment costs Rs. 917 per mensem and receives fees averaging Rs. 82 per mensem, which will henceforth be credited to Government. The proposed establishment will cost a sum exactly equal to the aggregate of these amounts, viz., Rs. 999 per mensem. The Government approve of the Chief Judge's suggestions, subject to the following modifications :—

1*st*—The clerks will be graded as follows in place of that shown in the statement submitted :—

	RS.
One on	35
One on	30
Two on	25
Three on	20
Two on	17½
Total monthly charge ..	210

2*nd*—The addition to the Head European Bailiff will be Rs. 20 instead of Rs. 25 ; and it will be distinctly understood that this increase is subject to reconsideration on the occurrence of the next vacancy.

3*rd*—The Government consider that two attenders will be sufficient at Rs. 8 per mensem each, instead of three.

4th—In place of the proposed grading of native bailiffs, the following seems preferable :—

	Per mensem. Rs.
1st Grade, 1 on	40
2nd do. 4 on	30
3rd do. 4 on	9
4th do. 8 on	8

making a total monthly charge of Rs. 260. But it appears to the Government that the mofussil system of dividing the process servers into two classes according to the nature of the processes to be served or executed ought to be adopted in Madras. The Judges will submit fresh proposals in this matter, and meanwhile the present rates of pay will be maintained. It is not necessary that there should be an absolutely hard and fast line between the amins and peons, so that one should be incapable of serving a process usually entrusted to the other, but it is obvious that a man whose general duty is to make distraints should be more highly paid than one who rarely does more than serve summonses, and for whom a salary of Rs. 8 or 9 should be ample. Some information should be given as to the number of processes of each class requiring to be served or executed annually. It appears from the Chief Judge's letter that at present the service of all mofussil processes all over the town is entrusted to one man. This system should be abandoned, and such processes distributed precisely like those of the Small Cause Court itself.

3. As regards the regular establishment, the Government are not satisfied that any addition is necessary to the Registrar's pay, and they are not prepared to make any recommendation on the subject. Nor do they consider any sufficient cause is shown for the increase of Rs. 5 per mensem to the European Court-keeper. The other proposals of the Chief Judge are approved subject to the following modifications :—

1st—Judge's Establishment.

(1) Three Interpreters on Rs. 80, 75, and 70, instead of two on Rs. 80 and one on Rs. 75.

(2) Instead of the three court attenders on Rs. 9, there will be three extra peons allowed, and all the peons must be graded together.

2nd—Registrar's Establishment.

(1) An attender on Rs. 8 will be allowed for the Account branch.

(2) Rupees 12 seems a sufficient salary for the muchi, and will stand.

(3) Of the three attenders, the pay of two only will be raised to Rs. 9, the third remaining at Rs. 8 per mensem.

(4) The seven clerks will be graded as follows, in lieu of the grading shown in the proposition statement :—

	RS.
One on	35
One on	30
Two on	25
Two on	20
One on	17½
Total monthly charge	172½

4. The effect of these changes in the scheme submitted by the Chief Judge is to reduce the net increased charge from Rs. 355 to Rs. 166½ per mensem, which is sanctioned. A revised proposition statement for giving effect to the orders now passed should be submitted through the Accountant-General.

(True Extract.)

J. F. PRICE,
Ag. Chief Secretary.

To the Chief Judge, Presidency Small Cause Court.
„ Accountant-General.

Exd. A. Raitt,

Govt. of {1888} Madras.

JUDICIAL.

Issued

Recd. Encl.

G.O., 22nd October 1888, No. 2179.

OCTOBER.

Presidency Small Cause Court.

Passing orders on the proposals of the Chief Judge of the — for separating the process from the regular establishment and for carrying out a revision of both.

ET

A

Statement of Proposition for Revision of Establishment. Regular service

Order sanctioning present Establishment, Government of Department: No.	Date	Office to which the Proposition refers	Present Scale: No.	Present Scale: Designation	Present Scale: Pay, Minimum	Present Scale: Pay, Maximum	Proposed Scale: No.	Proposed Scale: Designation	Proposed Scale: Pay, Minimum	Proposed Scale: Pay, Maximum	Permanent: Increase per month, Amount	Permanent: Decrease per month, Amount	Temporary: Increase per month, Period	Temporary: Increase per month, Amount	Temporary: Decrease per month, Period	Temporary: Decrease per month, Amount	Grounds of Proposition	Local Government's recommendation	Orders of the Government of India: Department, Remarks	Orders of the Government of India: Financial Department, Remarks	Orders
Madras G.O. 21 July 1869, No 1168 " " " 20 January 1873, No 156 " " " 7 Decr 1874, No 2187 " " " 1 March 1883, No 575 " " " 26 July 1883, No 1968		Presidency Small Causes Court Madras		I(a)																	
				Judges Department																	
				Head Interpreter, Tamil & Telugu		120 - -		Head Interpreter & Translator Tamil & Telugu		120 -											
			1	Interpreter, Persian & Hindustani		100 - -	1	Interpreter & Translator Persian & Hindustani		100 -											
			4	Clerks at Rs 70 each		280 - -	2	Interpreters & Translators Tamil & Telugu at Rs 80 each		160 -											
			1	Clerk		35 - -	1	Ditto Ditto		75 -											
			3	Clerks at Rs 25 each		75 - -	1	Judge's Clerk		40 -											
			1	Court & Deposit keeper (European)		60 - -	2	Ditto at Rs 35 each		70 -											
			6	Court peons at Rs 9 each		54 - -	1	Ditto		30 -											
			4	Judge's peons at Rs 7½ each		30 - -	1	Ditto		20 -											
			1	Attender		8 - -	1	Court & Deposit keeper (European)		65 -		5					Vide letter				
			3	Punkahpullers at Rs 4 each		12 - -	2	Court keepers at Rs 10 each		20 -											
							1	Ditto		9 -											
							3	Attenders at Rs 9 each		27 -											
							1	Ditto		8 -											
							3	Court peons at Rs 9 each		27 -											
							1	Ditto		7 -											
							1	Judge's peon		9 -											
							2	Ditto at Rs 8 each		16 -											
							4	Punkahpullers at Rs 4 each		16 -											
				Carried forward		774 - -				819 -	45 - -										

Presidency Small Causes Court Madras
25 July 1888

To
The Secretary to Government Department.
Through the Accountant-General, with reference to G.O., No. 1695, dated the 23rd September 1878, Financial Department.

(Officer's Designation) Chief Judge

(Signature)

Continuation of A

Statement of Proposition f

Order sanctioning present Establishment. Government of Department. No.	Date.	Office to which the Proposition refers.	NATURE OF CHARGE. Present Scale. No.	Designation	Pay. ~~Minimum.~~ RS.	A.	P.	Maximum. RS.	A.	P.	Proposed Scale. No.	Designation.	Pay. ~~Minimum.~~ RS.	A.	P.	Maxim RS.
			I (b)	Registrar's Department												
				Brought forward				774	-	-		Brought forward				819
				Registrar				500	-	-		Registrar				600
				Head clerk				200	-	-		Head clerk				200
			1	Record & Plaint clerk				40	-	-		Assistant clerk				70
			1	Assistant Record keeper				20	-	-	1	Clerk				35
			1	Book keeper				40	-	-	1	Ditto				30
			2	Examiners at Rs 25 each				50	-	-	1	Ditto				25
			4	Clerks at Rs 20 each				80	-	-	1	Ditto				24
				Treasurer				87	8	-	1	Ditto				23
			1	Shroff				20	-	-	1	Ditto				22
			1	Gollah				12	-	-	1	Ditto				21
			1	Moochy				12	-	-	1	Record keeper				50
			1	Assistant Ditto				5	-	-	1	Assistant Ditto				25
			3	Attenders at Rs 7 each				21	-	-		Head Accountant & Book keeper				50
			2	watchmen at Rs 7 each				14	-	-	1	Assistant Accountant & Book-keeper				30
			1	water woman				3	8	-	1	Accountant				25
			1	Toty				3	8	-	1	Ditto				20
												Treasurer				87
											1	Shroff				20
											1	Gollah				12
											1	Moochy				14
											1	Assistant Moochy				7
											1	Attender				12
											1	Ditto				10
											3	Attenders at Rs 8 each				24
											1	Court peon				7
											2	watchmen at Rs 6 each				12
											1	Sweeper				4
											1	Scavenger				4
				Total Rs				1882	8	-						

Presidency Small Cause Court
Madras
25 July 1888

To

The Secretary to Govern
through the Acc

B 13 41 13

Statement of Proposition f

NATURE OF CHARGE.

Order sanctioning present Establishment. Government of Department. No.	Date.	Office to which the Proposition refers.	PRESENT SCALE. No.	Designation	Pay. ~~Minimum~~ RS. A. P.	Pay. Maximum. RS.	A.	P.	PROPOSED SCALE. No.	Designation.	Pay. ~~Minimum~~ RS. A. P.	Pay. Maxim RS.
				II^a Process preparation Department								
			1	Clerk		40	-	-		Process Superintendent		50
			2	clerks at Rs25 each		50	-	-	1	Clerk		35
			11	clerks at Rs20 each		220	-	-	1	Ditto		30
									3	Clerks at Rs25 each		75
									2	Ditto at Rs21 each		42
									1	Ditto		20
									1	Ditto		15
									2	Attenders at 8 Rs each		16
				II^b Process Execution Department								
				Nazir		70	-	-		Nazir		70
										Assistant to Nazir		20
			1	Bailiff Sworn broker & appraiser (European)		100	-	-		Head Bailiff Sworn broker & appraiser (European)		125
			1	Bailiff (European)		100	-	-	1	Bailiff (European)		100
			1	Bailiff (European)		75	-	-	1	Ditto Ditto		75
			3	Bailiffs at Rs18 each		54	-	-	1	Native Bailiff		25
			4	Ditto at Rs.17½ each		70	-	-	1	Ditto		21
			2	Ditto at Rs.15 each		30	-	-	1	Ditto		20
			2	Ditto at Rs.14 each		28	-	-	2	Ditto at Rs19 each		38
			4	Ditto at Rs.12 each		48	-	-	2	Ditto at Rs18 each		36
			1	Ditto at Rs10		10	-	-	2	Ditto at Rs17 each		34
			1	Head watch peon		8	-	-	2	Ditto at Rs16 each		32
			2	watch peons at Rs7 each		14	-	-	2	Ditto at Rs15 each		30
				Total Rs		917	-	-	2	Ditto at Rs14 each		28
				NB. To this cost add commission on		1771	8	-	2	Ditto at Rs 12 each		24
				sales and distraint fees now					1	attender		8
				collected & distributed among					1	Head watchman		8
				the Process establishment at					2	watchmen at Rs6 each		12
				the average (for the last 5 years)								
				per mensem Rs		82	-	-				
						999	-	-		Total Rs		999
				(Vide statement D)								

Presidency Small Cause Court, Madras
25th July 1888

To
The Secretary to Gover
through the Acc

CHIEF SECRETARY
15 AUG 1888

Accountant-General's Report.

No. $\frac{A\ 4\ 8}{5\ 3}$

The entries in the Column of "Present Scale" have been compared with the Registers of this Office, and are correct with the exception of the ~~items altered in which~~ last entry of Rs 82 – – in red ink representing Commission on sales and distraint fees regarding which this office has hitherto had no knowledge.

2. The previous sanction of the Government of India will be necessary for raising the pay of the Registrar (Rule 5 Clause 3 Chapter 16 Civil Account Code, Volume I 4th Edition).

Offg: Accountant-General.

Accountant-General's Office,
Fort St. George,
14 August 1888

Government of Madras,
Department.
No.

Fort St. George,
The 188

Secretary to the Government
of Fort St. George.

Statement showing the effect … the general revenue of the Sc

Particulars	Cost per month Rs	As	P	Cost per year Rs	As	P
General Revenue						
Cost of establishment as it at present stands, including cost of Process establishment ⓟ	2799	8	–	33,594	–	–
Savings reserved on accruement to increase salary of the Registrar and some other clerks, and which accrued on the 2d June 1886 + 30th October 1887 respectively by the deaths of the late Head Interpreter and the retirement of the late Head Clerk, vide In G.O. 26th July/83, No 1968	130	–	–	1560	–	
	2929	8	–	35,154	–	
Deduct cost of establishment other than Process establishment as per new scale	2282	8	–	27390	–	
Net saving to General Revenue	647	–	–	7764	–	
Process Revenue						
ⓟ Cost of Process establishment taken separately	917	–	–	11,004	–	
Commission on sales and distraint fees now realised and distributed amongst the … at the average (for the last five years) per month	82	–	–	984	–	
Total	999	–	–	11988	–	

Presidency Court of Small Causes, Madras.
25 July 1888

Amount of Commission on Sales rea[illegible] year from Jan-y 1883 to [illegible]
& disbursed as particularized below.

+17 +17

Year	Designation of Off[illegible]					Grand Total
	Appraisement	Catalogue Charge	Store-keeper	Diftan criers	Total	
1883	356 13 3	84 4 -	174 5 3	178 7 -	793 13 6	
1884	374 11 -	74 8 -	187 5 3	187 5 9	823 14 -	
1885	370 6 6	56 4 -	185 2 11	185 3 7	797 1 -	
1886	266 15 7	59 - -	133 7 7	133 8 1	592 15 3	
1887	430 11 -	64 4 -	215 5 2	215 5 10	926 10 -	
Total Rs	1799 9 4	338 4 -	895 1[illegible] 2	899 14 3	3933 5 9	

Deduct amount of Catalogue charges f[illegible] 1883 to 18[illegible] —— 338 4 -
Net amount of Appraisement for 5 y[illegible] —— [illegible] 1 9
Average for One year —— 719 - 4
Average for One month —— 59 14 8

Distress fees realized from 1883 to 1887

Year		Amount of Distress fees
1883	Fees realized	217 15 9
1884	Do	236 8 9
1885	Do	252 12 -
1886	Do	245 12 -
1887	Do	368 8 -
	Total Rs	1321 8 6

Average for One year Rs 264-4-11
Average for One month Rs 22-–5

N.B. Average of appraisement fees per month Rs 59-14-8
Ditto of Distress fees per month Rs 22-–5
Total Rs 81-15-1

Presidency Court of Small Causes Madras
25 July 1888

J. H. B[illegible]
Chief Judge

Enclosures to letter
no 562 dated 25 July/88.

A Proposition Statement of
Regular service

B Proposition Statement of
Process service

C. ~~Statement showing the
effect upon the general
revenue of the Separation
of the Regular and Process
Departments.~~

D Statement showing the
amount of Commission
on Sales realized from
January/83 to December
1887.

(G.O. 2178 22/9/88)

333/R

Madras Court of Small Causes.

No. 562

25th July 1888.

21

CURRENT NO.

21

From

J. W. Handley Esquire,
Chief Judge,
Presidency Small Cause Court,
Madras.

To

J. F. Price Esquire,
Acting Chief Secretary to the
Government of Madras.

Sir,

I have the honor to request that you will lay before His Excellency the Governor in Council the following proposals for the reorganization of the establishment of the Madras Court of Small Causes upon the principle of separating that part of it which is concerned with the preparation and service of processes from the rest of the establishment. In the Order reviewing the Administration Report of the Judges of the Madras Court of Small Causes for 1886, Government remarked (in para 7) "In future it will be convenient to show the process fees separately and also to distinguish the cost of the Process establishment paid from such fees. The

G.O. 14th April 1887,
No. 795.

nazarat system recently introduced in the Courts up-Country must be extended to the Presidency Small Cause Court as soon as the question of transferring to it a portion of the High Courts Original Jurisdiction has been settled". As that question has not yet been settled and may not be so for some time to come, I consider that I shall be furthering the wishes of Government as expressed in the above order by not delaying any longer in submitting a statement distinguishing between the Process and other fees received in our Court, and also between the Process Establishment and its cost and the Regular Establishment and its cost, taking the opportunity at the same time to propose certain additions to and modifications in, the establishment, the necessity for which has long been felt by myself and my colleagues.

2. The following table shows the net balance received from Process fees after allowing for refunds in the years 1883 to 1887 inclusive and the annual saving which accrued to Government on that part of the establishment, taking the annual cost of the process establishment at its present figure Rs 11,004.

So

If the actuals were taken the cost would be less. The total Process fees for the year were shown in our Administration Reports, but the Refunds on Process and other revenue were shown together and the cost of the Process servers only was shown separately and not that of the Nazir and Process Clerk

Years	Process fees levied	Process fees refunded	Balance	Cost of the Whole Process Establishment	Saving
1883	35,360	4633	30,727	11,004	19,723
1884	40238	4,561	35,677	11004	24,673
1885	43,981	4,161	39,820	11,004	28,816
1886	44386	4,656	39,730	11,004	28,726
1887	44,065	4925	39,140	11,004	28,136

These figures do not include two items of revenue which I think should properly come under the head of process revenue, but which are now separately deal with. These are (1) sums deducted as sale commiss from the proceeds of sale of property sold in executio of decrees or under distress warrants, (2) Fees realized under the distraint provisions of the Presidenc Small Cause Courts Act. Sums realized unde both these heads have hitherto been treated as a separate fund and distributed in certain proportions between the head bailiff and appraiser, the court and deposit keeper, and the bailiffs who act as criers at the sales. The average annual amount realized under these two heads for the five years 1883 to 1887 inclusive has been, under (1), after allowing for costs of printing catalogues and other expenses of sales Rupees 719, under (2) Rs 264, making a total average of Rupees 983 a year or nearly Rupees 82 a month. I propose in future to treat the income arising from these sources as process income and in lieu of the amounts distributed between the head bailiff and appraiser, court and deposit keeper and bailiffs to make the small permanent additions to the salaries of these officials hereinafter explained.

Statement D

3 The present actual monthly cost of our whole establishment is Rupees 2790-8-0 but it was reduced to this figure from Rupees 2929-8-0 by the operation of an order of Government in 1883 reducing the salaries of the Head Clerk and Head Interpreter from Rupees 300 & Rupees 150 a month to Rupees 200 & Rupees 120 respectively upon the vacation of office by the then incumbents. In [illegible]a 9 of that order

G.O. Judicial, 26th July 1883 no 1968

it is stated that on the retirement of the then incumbents Government would be prepared to consider whether the saving which would then accrue might not be applied to raising the salary of the Registrar and to bettering the position of some of the clerks of the Court. These savings have accrued by the death of the Interpreter on 2nd June 1886 and the retirement of the Head Clerk on 30th October 1887. Upon my submitting certain proposals with reference to these contingencies for carrying out the suggestion of Government in para 9 of the last quoted order, I was informed that my recommendations would be considered when the question of the transfer of a part of the Original Jurisdiction of the High Court to this Court was settled. I propose therefore in separating the cost of the Process Establishment from that of the Regular Establishment to take the total monthly cost of the establishment at its figure Rupees 2929-8-0 before the abovementioned reduction as I understand it was the intention of Government not to treat the saving effected by that reduction as permanent but to apply it in raising the

G.O. 7th April 1886, no 899, mis.
G.O. 14th July 1886, no 1840, mis.

salaries of some of the Officers of the establishment.

4 Taking then the total monthly cost of the whole establishment at Rupees 2929-8-0 (instead of at Rupees 2799-8-0 the present cost), of this sum Rs 917 is the present monthly cost of the Process service and by transferring that charge from the general revenue to the process fees account, the general revenue will as a matter of account be relieved to that extent. Of this saving to General Revenue of Rupees 917 a month I propose to employ Rs 270 a month together with the aforesaid reserved monthly saving of Rupees 130, making a total sum of Rupees 400 a month, in increasing the pay and improving the strength and efficiency of the regular establishment.

5 For the purposes of explaining the revision of the establishment which I propose, it will be convenient besides dividing the establishment into two divisions–

I Regular Service,
II. Process Service

to again subdivide each of these into two branches–

(viz) I (a) Judges Department,
(b) Registrar's Department,

II (a) Process preparation Department,
(b) Process Execution Department.

Tabular

Tabular statemen A + B annexed hereto show the cos of each of these branches upon the present and propose new scale respectively. Statement C shows the effect upon the general revenue of the separation of the regula and process departments. It will be seen from these statements that the increased cost under the proposed new scale is entirely in the Regular establishment, the cost of the Process establishment, taking into account the commission on sales and distraint fees which it is now proposed to treat as process revenue, being the same under the proposed new scale. I shall now proceed to explain the nature of the alterations in the different branches proposed to be made by the new scale.

6 I (a). Judges Department. Tabular statement A, I (a).

The most important change proposed to be made in this branch is the addition of three Tamil and Telugu Interpreters and Translators, two on Rupees 80 and one on Rupees 75 a month. In 1869 there were three Interpreters and two Translators attached to the Court. These have been from time to time abolished except one Tamil and Telugu and one Hindustani Interpreter on the ground that the 2nd and 3rd Judges of the Court being now always natives of India do not require the services of an Interpreter. The last order on this subject was in 1883. G.O. 26th July 1883, No 1968. My colleagues and myself have frequently protested against the assumption on which this abolition of Interpreters except in the Chief Judge's Court was founded as being altogether erroneous. Interpreters are absolutely necessary even if the presiding Judge is perfectly conversant with both Tamil and Telugu, which is not the case with all native Judges, because their services are required not only for the sake of the Judge but for that of the parties and their Counsel, attorneys or pleaders. The presiding Judge cannot, even if he be competent to do so, discharge the duties of an Interpreter and at the same time take notes of evidence and in other respects perform the functions of a Judge. Besides the interpretation of oral evidence the translation of documents, which has to be done in the course of many cases either in Court or out of Court, cannot properly be undertaken by the Judge. The only result of the abolition of Interpreters has been that the Judges' clerks in the 2nd and 3rd and Registrar's Courts have been obliged to perform the

duties

duties of Interpreters, and clerks from the Registrar's establishment have been taken to perform the duties of the Judges' clerks. I propose therefore to recognize the necessity for an Interpreter in each Court, which has all along been acted upon, by giving an Interpreter to each of the 2nd and 3rd Judges on Rupees 80 a month and one to the Registrar on Rs 75. At the same time I propose to reduce the number of Judges' clerks from 8 to 5 and their total pay from Rupees 390 to Rupees 160, thus saving Rupees 230 on that head, which will cover the cost of the new Interpreters all but Rupees 5. Thus instead of Judges' clerks so called doing interpreters work and other clerks their work there will be properly qualified and responsible officials doing the work of the Office which they hold. In each of the Judges' Courts there will be an Interpreter and a Judge's clerk, and in the Registrar's Court an Interpreter and two clerks, the latter being necessary in that Court because of the great numb of formal orders and proceedings to be recorde

The present Judges clerks may be appointed the 1st Interpreters under the proposed scheme.

7. The other changes proposed in the Judges' Department consist in providing Court keepers for the 2nd & 3rd Judges' and Registrar's Courts and an attender for each Court and a punkah puller for the Registrar's Court, in increasing the pay of the European Court and deposit keeper by Rupees 5––– as he is no longer to share in the distraint fees and Commission on sales, and in slightly increasing the pay of some of the peons and attenders so as to have a graded scale of pay which I believe conduces much to the efficiency of an establishment. The total proposed increase in the Judges' Department is Rupees 45––– per month.

(8). I (b). Registrar's Department.

Tabular statement A, I (b).

Registrar - I propose to increase this Officer's pay by Rupees 100 a month. Mr Maskell's

predecessor

predecessor in the Office of Chief Clerk, as it was then styled, drew Rupees 650 a month. In 1869 it was proposed to create a Registrar on a salary of Rupees 500 rising to Rupees 700 and this proposal was approved of by this Government and submitted for the sanction of the Government of India, pending which Mr Maskell was appointed Chief Clerk to the 4th Judge on the minimum pay of Rupees 500. The sanction of the Government of India was not accorded and Mr Maskell's pay has remained at the same figure for the last 19 years, notwithstanding the changes introduced by the Act of 1882 by which he became Registrar and ex-Officio Judge of suits for Rupees 20 and under in value and the very considerable additions to his work and responsibility which have in various ways been made since his appointment. The matter has frequently been brought to the notice of Government and in the order above quoted

G.O. 26 July 1883,
No 1965

reducing the salaries of the Head Clerk and Interpreter the question of the application of part of the saving thereby effected to the increase of the Registrar's pay was reserved for consideration on that reduction taking effect. I trust therefore that, should Government approve of the present proposal to reorganize the establishment, it will consider this a fitting opportunity to grant this long postponed and well deserved increase to the Registrar's salary.

9 I propose to create an assistant clerk on Rs70 a month to assist the Head Clerk in the receipt of plaints and in his other duties. Such assistance is absolutely required and at present the Nazir is obliged to render it to the prejudice of his proper duties.

10. Record room Officials.

At present this is the worst part of our establishment and the one of which most complaints are made. This is partly due to the fact that we have no proper record room but also to the insufficiency of the staff. There is a record and plaint clerk on Rs40 a month and an assistant on Rupees 20 a month, but they do other work

work besides the connected with the custody an arrangement of ecords. I propose, considering the importance and responsibility of the Office of Record Keeper, to raise his pay to Rupees 50 and that of his assis nt to Rupees 25 and to confine their work entire to that connected with the records, giving them two ecial attenders on Rs 12 and Rs 10 pay respectively. I propose this high rate of pay for the record Office tenders because they must be men of some edu tion and also because they are exposed to peculia temptations to dishonesty and corruption.

11 Clerks - Instead - 2 so called examiners on Rs 25 and 4 clerks at Rupe 20, I propose to have 7 clerks on a graded scale of y from Rs 21 to Rs 35. The increased cost on this head . uld be Rupees 50. The distribution of these clerks according to the work to be done by them is shown in the addendum to statement A. F(a)

12 Accounts Department - This is also at present insufficiently manned. There is only one clerk specially devot to this work called a Bookkeep on a pay of Rup s 40. I propose to raise his pay to Rupees 5 and call him Head Accountant

and Book keeper and to give him an assistant on Rs 30 a month and two accountants on Rupees 25 and Rupees 20 respectively and an attender on Rupees 8. I propose to leave the Treasury Department as it is except that the attender attached to it in common with all the attenders will receive Rupees 8 instead of Rupees 7.

no extra attender is provided except for record

13. The other proposed changes in the Registrar's Department are the increase of the pay of the Munshee and assistant Munshee from Rupees 12 and 5 to 14 and 7 respectively. Their duties are somewhat responsible and require a certain amount of education. The number of attenders is increased from 3 to 5 and their pay increased as before mentioned. The pay of the sweeper and scavenger is increased from Rs 3-8-0 to Rs 4 each. A peon on Rupees 7 is proposed to be added to the Head Clerk's establishment. The total proposed increase in the cost of the Registrar's Department is Rupees 355-–-– a month.

14. Process department divided into II(a) Process preparation and II(b) Process service. Tabular statement B shows the proposed new scale in this department and the addendum thereto shows the same as divided between the two branches,

II (a)

II (a) and II (b). . . . principal change proposed in the Department is the creation of two new offices, viz., that of Process Superintendent and Assistent to the Nazir on salaries of Rupees 50 and Rs 30 respective. The former is very much required for the imme supervision and control of the clerks engaged in the preparation of processes, and the latter to assist the Nazir in his duties, which if properly carried out are more than one man can perform. Instead of the 14 clerks now nominally employed in process preparatio but many of them in fact doing accounts and other work, I propose to have a process superintendent as abo and 9 clerks on a graded scale of pay from Rs 35 to 15 to be employed in process preparation alone and to allow 2 attenders on Rupees 8 a month to this part of the establi ment. I propose to raise the pay of the Head European bailiff who is also sworn broker and appraiser, from Rupees 100 to Rupees 125 as he is not now to share in the distraint fees and Commission on sales. I propose to raise the number of native bailiffs from 19 to 20. An additional bailiff is urgently required for the service of processes from the Mofussil Courts. At present one bailiff has to perform this duty over the whole area of Madras. I propose to grade the salaries of the native bailiffs from Rs 12 to Rs 25 and to add an attender on Rs 8 a month to the Process service establishment. The total cost of the proposed new process establishment is Rupees 999 and, taking into account the distraint fees and commission on sales at present distributed amongst the Process establishment but now proposed to be added to process revenue, there will be an increase of expenditure.

15. To sum up the results of the proposed new scales. The cost of the establishment will be Rs 3281-8 monthly or Rs 39,378 annually as against Rs 2799-8 and Rupees 33594 at present, an increase of Rupees 482 and Rupees 5,784. But from this apparent increase, Rupees 82 monthly or Rs 984 annually must be deducted on account of the distraint fees and sale commission at present distributed amongst certain officials but in future proposed to be treated as process revenue, leaving the increased cost at the figures of Rs 400 and Rs 4800 monthly and annually. Of this increase Rs 130 a month or Rs 1560 a year is the saving accruing on the vacancies in the offices of the Head Clerk and

Interpreter

Interpreter which was reserved by Government for raising the salary of the Registrar and bettering the position of some of the clerks. Thus the actual increased cost of the proposed new establishment would only be Rupees 270 a month or Rupees 3,240 a year. This will come out of the saving of Rupees 917 a month or Rs 11,004 a year to the General Revenue which will be effected by the transfer of the cost of the Process Establishment to Process fees account, and considering that the average annual saving to Government in the last 5 years on these fees after paying the whole cost of the process establishment has been about Rs 26,015 in addition to a large saving on the other revenues of the Court, I feel sure that Government will not consider this too large a sum to devote to increasing the pay and efficiency of the establishment.

I have the honor to be,

Sir,

Your most obedient servant,

Chief Judge

ACCOUNTANT GENERAL
26 JUL 93
MADRAS
37

241 From the Accountant General, 15th Aug

Dr. A. [illegible]

4 9

2 1

Judicial

1888

Madras Court of Small Causes

From

J. W. Handley Esqre
Chief Judge, Madras
Court of Small Causes

To

J. F. Price Esqre
Acting Chief Secretary to the
Government of Madras

No. 562

Dated 25
Despatched " } July 1888
Received 15 " August 1888

Enclosures 4

No

Submitting certain proposals for the revision of the Courts establishment by separation of the Regular and Process Departments

---

Regular. (a) Judges' Dept	Rs. 45	}
(b) Registrar's Dept	Rs. 355	}
Process-service estt.	Rs. 82.	
	Rs. 482	

These proposals are founded on some hints wh. I gave Mr [illegible] Pillay nearly 2 years ago.

There can, I think, be no question as to the propriety of extending to the S.C. Ct the separation of the Process from the regular Establt.

Taking the former point the present establt costs 917 & gets fees averaging Rs 82 wh. will henceforth be credited to Govt. The proposed estabt will cost exactly these sums aggregating Rs 999.

I approve generally of the Judge's proposals but subject to the foll. remarks.

(1) I think 20 extra ample for the Head Bailiff & even this ~~to be subject to reduction at the next vacancy~~. I doubt if a European is required: a native wd probably be better.

(2) I think 2 attenders enough instead of 3.

(3) I think there are too many peons especially among the Bailiffs

---

CN 3553.

From Chief Judge, S.C. Causes no 562
25 July 1888

Acct Genl. no. 435 [illegible] - 14 Aug 88

For Orders.

In this paper the Chief Judge of the Madras Court of Small Causes submits proposals involving an increase of expenditure amounting to Rs. 482 per mensem or Rs. 5784 per annum by a revision of Establishment.

But of this amount Rs. 82 is the average value of distraint fees wh. have hitherto not come to Govt but been distributed among certain officials.

The actual increase is ∴ Rs. 400 p.m. or Rs. 4800 per annum.

Of this sum, the Chief Judge claims a further portion Rs. 130 p.m. or Rs. 1560 to be no increase but the result of previous savings, which in G.O. 26 July 1883 No 1968 the Govt partly promise to devote to improving the position of some of the establishment.

The letter is accompanied by Proposition Statements, of which an abstract is attached hereto. The Chief Judge's letter is very clear & complete in itself.

It is a little inconvenient to revise the Establishment of the S.C. Court, while the question of transfer of origl. Jurisdn. fr. the High Court is still unsettled. In G.O. nos. 899 & 1840 dated 7 Ap. & 14 July 1886, the Govt postponed dealing with the matter for this reason; but it is not unnatural that the Chief Judge should get tired of waiting for a change [illegible] appears to be no nearer now than it was in July 1886.

The proposed increase of Rs 100 to the Registrar [illegible] require the sanction of the Secy of St.

[illegible] the rates sanctioned for
the High Court & allow 3 [illegible]
[illegible] in lieu of the 3 attenders
there would then apparently be 11 in
all, of whom 1 might get 9 &
~~five~~ 8 & 7 10 respectively - if these
are the H.Cᵗ rates. total cost 110 agst

3 attʳˢ on	27
3 peons on	27
1 do	7
1 do	9
1 do	7
2 do	16
	93

Reduction 17

I approve the Record staff except
the second attender; 1 on 12 seems
enough. I also approve the
Accᵗ staff including the
omitted attender on 8 — not reduction ~~10~~ 2

The asstᵗ Munshi is underpaid on
5 & so get 7 but I doubt if 12
is not enough for the Munshi 2

Sweeper & waterman accepted.

Rs 3 is proposed to raise the
pay of attenders of whom there
will now be four besides the
man on 12 in the record room 1
Two might get 9 instead of [illegible] provided

For the 7 clerks I give 175 instead
of 180 as noted in the statement
overleaf 5

saving 137
proposed increase 355
218

I am disposed to allow the net
increase of 218 (deducting 27½ 35
noted above for the process estᵗ)
173 ~~[illegible]~~ p.m. i.e. 2076 per annum

[illegible] the work now properly provided for
has really been done by process
peons. The surplus fee comes to
[illegible] a year
[illegible] and [illegible] also
[illegible] to them

T.H.T.
27 Sept

II Process Establishment

(a) + (b)

(a) abolish

	Rs
1 Clerk	40
2 clerks on Rs 25	50
11 clerks on Rs. 20	220
Total	310

14

Substitute

	Rs
1 Process Supᵗ	50
1 clerk on 30 + 1 on Rs 35	65
3 clerks on Rs 25 each	75
2 clerks on Rs. 21 each	42
1 clerk on Rs 20 + 1 on Rs 15	35
2 attenders on Rs 8 each	16
Total	Rs. 280

7

add

Asstᵗ to Nazir	Rs. 30
Rs. 25 extra to Sworn broker	Rs. 25
attender Rs. 8	Rs. 8
	Rs. 63

(b) abolish

native bailiffs	
3 Rs. 18 each	54
4, Rs 17½ each	70
2, Rs. 15 each	30
2, Rs. 14 each	28
4, Rs. 12 each	48
1, Rs 10	10
16	Rs 240

Substitute native bailiffs

1	Rs. 25	Rs 25
1	Rs. 21	Rs 21
1	Rs. 20	Rs 20
2	Rs. 19	Rs 38
2	Rs. 18	Rs 36
2	Rs. 17	Rs 34
2	Rs. 16	Rs 32
2	Rs. 15	Rs 30
2	Rs. 14	Rs 28
2	Rs. 12	Rs 24
17		Rs. 288

deduct. 1 R each on 2 watch peons. Rs. 2.

Total savings Rs 552

Total increases Rs. 634
deduct decreases Rs. 552
Net increase Rs. 82.

Bailiffs 1 on	25	25
2	20	40
3	17½	52½
	15	45
		42
4	12	48

Proposed reorganizn of Establishment of S.C. Court, Madras

116

Jud¹. Department.

PROCEEDINGS OF THE MADRAS GOVERNMENT.

READ the following paper

a — From the Chief Judge, Presidency S.C. Court, no. 562, 25th July 88.

b — " the Acct Genl. no A.B.S. 553, 14 Aug 88.

Order, 22-10-88 No 2177

In the first of the foregoing papers the Chief Judge of the Presidency S.C. Court submits proposals for separating the Process from the Regular Establishment, and for carrying out a revision of both. The Govt. entirely agree as to the propriety of ~~making~~ effecting this separation & proceed to pass orders on the detailed proposals made.

2. Taking those wh. affect the Process Establishment first, it appears that the present establishment costs Rs. 917 p.m. & receives fees averaging Rs. 82 p.m. wh. will henceforth be credited to Govt. The proposed establishment will cost a sum exactly equal to the aggregate of these amounts, viz. Rs. 999 per mensem. The Govt. approve of the Chief Judge's suggestions subject to the following modifications:—

1st The Clerks will be graded as follows in place of that shown in the Statement submitted.—

1 on Rs 35
1 on Rs. 30
2 ~~1~~ on Rs. 25
3 on Rs. 20
2 ~~1~~ on Rs. 17½

2nd the addn. to the Head European Bailiff will be Rs. 20/ instead of Rs. 25/-, & it will be understood that this increase is personal ([illegible] both)

to reconsideration on the occurrence of the next vacancy.

3rd the Govt ~~[illegible]~~ consider ~~[illegible]~~ that 2 attenders will be ~~in~~sufft. at Rs 8 p.m. each instead of 3.

4th in place of the proposed grading of native bailiffs, the following ~~will be adopted~~ seems preferable:—

1st grade	1	on Rs. 40 p.m.
2nd grade	4	on Rs. 30 p.m.
3rd grade	4	on Rs. 9 p.m.
4th grade	8	on Rs. 8 p.m.
~~[illegible]~~		Rs. 260.

making a total monthly charge of Rs. 260. ~~The responsible duties of conducting sales and distraints wd. be entrusted to the men in the higher grades, & those of serving processes to the less highly paid men.~~ But it appears to the Govt that the proposed system of dividing the ~~Bailiffs~~ process servers into two classes ~~ought~~ according to the nature of the processes to be served or executed ought to be adopted in Madras. The Judges will submit fresh proposals in regard to this matter, and meanwhile the pay will be maintained. It is not necessary that there sd be an absolutely hard & fast line between the commissions so that one sd be incapable of serving a process usually entrusted to the other but it is obvious that ~~[illegible]~~ ~~[illegible]~~ a man whose general duty is to make distraints sd be more highly paid than one who rarely does more than serve summonses & for whom a salary of Rs 8 or 9 sd be ample. Some information sd be given as to the no. of processes of each class requiring to be served or executed annually.

~~[illegible]~~

It appears fr. the Chief Judge's letter that at present the service of all mofussil processes all over the town is entrusted to one man. This system shd be abandoned & such processes distributed precisely like those of ~~the~~ from the Small Court itself.

As regards the Regular Establisht, the Govt are not satisfied that any addition is necessary to the Regr's pay, & they are not prepared to make any recommendation on the subject. Nor do they consider any sufft cause is shown for the increase of Rs. 5 p.m. to the European Court Keeper. The other proposals of the Chief Judge are approved subject to the following modifications:—

1st Judges' establishment.

[illegible] interpreters on Rs 30, 75, 170 — instead of 2 on [illegible]

and all the process [illegible]

2nd Registrar's Establishment

~~(1) one attender in the Record Room on [illegible] pm~~ will be allowed instead of two.

(2) an attender on Rs 8. will be allowed for the account branch.

(3) Rs. 12 seems a sufft salary for the muchi will stand

(4) of the three attenders, the pay of two only be raised to Rs 9, the third remaining at Rs 8 p.m.

(5) the seven clerks will be graded as follows in lieu of the grading shown in the propn statement —

1 on Rs 35
1 on Rs. 30.
2 on Rs. 25
~~2~~ on Rs. 20.
1 on ~~Rs 175~~ Rs. 17½
172½

4. The effect of these changes in the scheme submitted by the Chief Judge is to reduce the net increased charge from Rs. 355 to * Rs. ~~186~~ 101½ p.m. wh is sanctioned. A revised Proposition Statement for giving effect to the orders now passed ~~[illegible]~~ should be submitted thro' the Acct Genl.

From orders. In
[illegible] 16th
Oct

Chief Judge, Presidency S. C. Ct.
Acct General
Despd 3/11/

* Note.
Process Establisht. Revised grading of clerks — 7
" " Head European Bailiff — 5
" " one attender on Rs 8 — 8
" " revised grading of bailiffs
Regular Establisht. Registrar — 10
" European Ct keeper
" Interpreters — 16
" court attenders
" ~~one attender Record Room~~
" muchi
" one attender Acct depts
" one attender
" regrading of clerks

Revision of Establishmt. of S.C. Court

Hon Mr. Hutchins C.S.I.

Presently done apparently, tho' not in the dept.
[illegible]

Print 80 Copies [illegible]
[illegible]
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21-9-20

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[Despatch Abstract.]

Presidency Small Cause Court

Passing orders on the proposals of the Chief Judge of the ___ for separating the Process from the Regular establishment and for carrying out the revision of both.