

28-4-20 13711

8589.
Public Works (1896) Department.

G.O., No. 2860 W

DATED 3rd October 1896.

[Despatch Abstract.]

Liability to serve as Jurors or Assessors:

Pro: Judicial Dept. Comtg: Endorsement from
the D^y Magistrate, Cuddapah regarding the exemption
of certain clerks of the Cuddapah Division Office
from —, Comtg. to S.E. 11th Div.

O. d. S. L. 441. R 30/9

BACK PAPERS.

G.O.	No.	Department.	Date.
29624	City	Just.	17-11-84
1021 D		P.W.	10-8-84

FURTHER PAPERS.

G.O.	No.	Department.	Date.

[G.]
[63]
3,000-2-7

Judicial Department.



PROCEEDINGS OF THE MADRAS GOVERNMENT.

Read the following paper:—

Endorsement of the Public Works Department, dated 10th. August 1896, No. 1021 D, on letter from the Superintending Engineer, IIIrd. Circle, Bellary, dated 5th. August 1896, No. 1354, requesting removal of the names of 3 clerks of Cuddapah Division from the jurors list.

From the District Magistrate, Cuddapah, dated 2nd. September 1896.

Returned. The fact that the Executive Engineer's clerks had gone to Madanapalle was overlooked when the list was framed. They are entitled to exemption under the G.O. quoted, and will be omitted from next list. I think it would be illegal to alter the current year's list vide last two clauses of section 324 Code of Criminal Procedure. Exemptions have to be claimed, and orders passed in preparing or revising the list are final.

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ORDER. No. 1510, dated 18th. September 1896.

The District Magistrate's endorsement will be communicated to the Public Works Department for information.

(True extract)

[Signature]
for Chief Secretary.

To the Public Works Department. (with copy of G.O. 2962 dated 17-11-84)

[Signature] District Magistrate, Cuddapah.

Gobt. of 1884 Madras.

JUDICIAL.

Issued

Recd.

Encl.

G.O., 17th November 1884, No. 2962.

NOVEMBER.

Jurors.

Exempting, in modification of G.O., No. 1419, dated 29th May 1883, certain persons from liability to serve as — or assessors in Mufassal Courts.

17TH NOVEMBER 1884, No. 2962, 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, 6th November 1884, No. 3250.

The Session Judge of Tanjore has drawn the attention of the High Court to the inconveniences arising from the limited area from which jurors and assessors can be selected, all persons residing more than 10 miles distant from his court-house being exempted from liability to service under G.O., dated 29th May 1883, No. 1419, Judicial. The result, now that the two districts of North and South Tanjore have been united, is to throw a severe burden upon those persons who are on the present panel, while the session court is deprived of the assistance of a great many competent and well-educated gentlemen and of the superior class of merchants living in the large towns of Negapatam, Kumbakónam, Májavaram, and Mannárgudi. Mr. Parker points out that the present radius was originally fixed in 1861 before the facilities of communication were as great as they are now, when a railway journey of many miles causes less trouble and is far cheaper than a 10-mile journey by a bullock cart, and he suggests that the radius of the area of selection should be increased to 25 miles, which would include Kumbakónam, and that in addition residents within the municipality of Negapatam, Májavaram, and Mannárgudi, all in railway communication with Tanjore, should be declared eligible to serve.

2. Somewhat similar proposals have also reached the court from the Session Judge of Tinnevely, with the view of relieving the few persons in the present list from being too frequently summoned.

3. In communicating the matter to Government I am directed to state that the High Court considers that in these days of improved means of travelling by the opening out of roads as well as by the construction of railways the 10-mile radius originally adopted is unnecessarily small, and that a larger proportion of the people may fairly be called on to take their share in the administration of justice and thereby relieve those who have hitherto borne the whole burden of service. The Government have already expressed their opinion (G.O., 12th July 1883, Mis. No. 1818) that it is inexpedient to increase the radius for the sake of one court, and the High Court also thinks that any alteration made should be general, and that the radius might be extended to 20 miles in all districts without causing unreasonable inconvenience to the persons thus newly to be brought on to the panel. The limit of this radius might be further extended in districts where there is railway communication, so as to bring in such towns as Negapatam and Tuticorin, which are in direct communication by rail with their respective district courts. Then again there are towns like Mannárgudi lying within a few miles of a railway station from which it is an easy journey by rail direct to the place where the session courts is held, and *vice versa* there are towns adjacent to railway stations communicating direct with a station within a few miles of a district court, as in the case of Calicut. Taking it that a journey of 50 miles by rail is not more troublesome than one of 10 by road, the High Court would recommend that a further modification be made in the case of railway districts by adding the following proviso to the notification if His Excellency the Governor in Council is prepared to extend the radius generally to 20 miles as above proposed:—"Provided

that all persons residing in districts where there is railway communication shall be liable to serve if the journey to the town where the session court is held from the town or village in which they reside does not exceed a distance of 50 miles by rail and 10 miles by road or water."

The 10 miles of road or water might thus be all at one end of the railway journey, or part at one end and part at the other end.

4. In conclusion I am to point out that the general principle prescribed by the code is that all males between certain ages shall be liable to serve as jurors and assessors in the courts of the district in which they reside.

ORDER—dated 17th November 1884, No. 2962, Judicial.

In modification of G.O., dated 29th May 1883, No. 1419, Judicial, His Excellency the Governor in Council is pleased, under section 320 of the Code of Criminal Procedure, to exempt from liability to serve as jurors or assessors, at any trial held within the district in which they reside, all persons residing outside an area the radius of which shall be fixed at twenty miles from the place where trials before the sessions court are held in districts where there is no railway communication. Provided that all persons residing in districts where there is railway communication shall be liable to serve if the journey to the town where the session court is situated from the town or village in which they reside does not exceed a distance of 50 miles by rail and 10 miles by road or water.

(True Extract.)

Chief Secretary.

To the Registrar, High Court.
„ all Session Judges.
„ all District Magistrates.

Exd. C. Howarth.

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