

Public (189 6) Department.

ORDINARY MS.

G.O., No. 1179

DATED 5-11-96

[Despatch Abstract.]

Calling upon Mr. G. H. Power to explain
the delay in the adjudication of cases
and dilatoriness in replying to calls
complained of by the High Court.

BACK PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.

FURTHER PAPERS.

G.O.	No.	Department.	Date.	G.O.	No.	Department.	Date.
D.O. Decap ^d	195						
D.O. from the Public	23-487		28-4-57				

Government { 1896 } of Madras. JUDICIAL.

Recd.

Enclosures

Regd.

1896.

Spare copies

G.O., No. 1652, 20th October 1896.

OCTOBER.

Transfer of the Sub-Judge of South Canara to Nellore.

Approving the suggestion of the Honourable the Judges of the High Court that the Sub-ordinate Judge of South Canara be transferred to Nellore for a year with a view to reduce the heavy arrears in the District Court of Nellore, and requesting the Public Department to call upon Mr. G. F. T. Power, I.C.S., to submit an explanation for the large number of pending cases left by him in that court.

GOVERNMENT OF MADRAS.
JUDICIAL DEPARTMENT.

READ—the following paper :—

From D. W. G. COWIE, Esq., Registrar of the High Court of Judicature, to the Acting Chief Secretary to Government, dated Madras, 30th September 1896, Ref. on Cur. No. 4422.

It will be within the recollection of the Government that in consequence of the heavy arrears in the District Court of Nellore a Subordinate Judge was last year appointed for nine months to assist the District Judge. The Subordinate Judge did duty at Nellore from 12th August 1895 to 12th May last; but in spite of his assistance the file of the District Court has not been reduced.

2. The enclosed statement (marked A) shows the amount of civil work of all descriptions pending on August 12th, 1895, when the Subordinate Judge took charge and on September 7th last, and I am directed to state that in the opinion of the Honourable the Judges the arrears, being as bad now as then, are such as to necessitate the immediate appointment of a Subordinate Judge to sit at Nellore for a year. With a view, however, to avoid an increase in the Judicial establishments, I am to suggest that the Subordinate Judge of South Canara should be transferred to Nellore for the period named.

3. The High Court considers that the total work received by the District and Subordinate Judges of South Canara is but little more than an energetic District Judge could dispose of single-handed, and would invite the attention of the Government to the statement (marked D) enclosed which shows the quantity of work received and disposed of in the District and Subordinate Courts of South Canara in the period 1891 to 1895.

4. I am also to point out that the present District Judge of South Canara is evidently not fully occupied; for in only one of the last four months has he sat in court on more than seventeen days, while the average length of his sittings has been but four hours a day.

5. As regards the increase of work likely to fall upon the District Judge, if the suggestion that the Subordinate Judge be transferred to Nellore is adopted, the Honourable the Judges would be prepared to recommend that the District Munsif of Mangalore be invested with Small Cause jurisdiction up to Rs. 200. This would materially assist the District Judge.

6. Turning to the cause of the heavy arrears in the District Court of Nellore, I am directed to state that the Honourable the Judges consider that Mr. Power, the District Judge, is responsible, he having been in charge of the court from March 22nd, 1895, until the 10th instant, when he proceeded on furlough. In spite of the fact that the criminal work was very light (occupying only 53½ days in the fifteen months' period from April 1st, 1895, to July 1st, 1896), Mr. Power has left the arrears as heavy as they were before the Subordinate Judge was appointed; for although the number of regular appeals has been reduced from 716 to 558, that of original suits pending has increased from 102 to 139 as will be seen from the statement marked A above mentioned.

7. That there can be no doubt that Mr. Power is to blame for this result is shown by the extremely inadequate amount of work actually performed by him which is given in the statement marked B enclosed. This statement shows that in the nine full working months of the fifteen months between April 1st, 1895, and July 1st, 1896, which remained for civil work after making a deduction of two months occupied by criminal work and four months comprised in two annual recesses, Mr. Power disposed of only 4 contested original suits, 39 contested small causes, and 108 contested regular appeals. This outturn of work *plus* miscellaneous work is, in the opinion of the Honourable the Judges, no more than an ordinarily hard-working District Judge should be able to perform in three months.

8. In other words Mr. Power practically did nothing for six out of nine working months that he had at his command for disposal of civil work. At the same time there is no doubt that he can do better, for between July 1st last, and the 7th instant he disposed of 7 contested original suits and 84 contested regular appeals (statement marked C enclosed); but it must be mentioned that during this period he was receiving constant calls for explanation from the High Court and was possibly in fear of not obtaining his furlough.

9. I am to invite attention to the explanation given in his letter of July 29th last, which runs as follows:—"I have only to add that the work of a District Judge being unfamiliar to me, I find I cannot satisfactorily dispose of civil suits (original or appellate) with the expedition to which longer experience of this kind of work would probably enable me to attain. . . . The work of a District Judge is new to me and I cannot dispose of it as expeditiously as I could do were my experience longer". It should be stated here that when this explanation was written Mr. Power had been District Judge of Nellore for a year and four months besides having previously acted as District Judge in other districts. The Honourable the Judges are therefore unable to accept his plea of want of experience.

10. In conclusion I am directed to request that the attention of the Government may be invited to Mr. Power's dilatoriness in replying to the calls made upon him for information and explanation by the High Court. The statement (marked E) enclosed shows particular instances in which this dilatoriness has been most apparent.

ORDER—No. 1652, Judicial, dated 20th October 1896.

The suggestion of the Honourable the Judges of the High Court in paragraph 2 of the foregoing letter is approved, and the special attention of the District and Sessions Judge of South Canara will be invited to paragraphs 3 and 4 thereof.

2. The Public Department will be requested to furnish to Mr. Power a copy of the High Court's letter read above, and call upon him to submit an explanation for his apparent neglect of duty.

(True Extract.)

for Ag. Chief Secretary.

To the Honourable the Chief Justice, with C.L.
" District and Sessions Judge, South Canara.
" Public Department. ✓
" Financial Department.

Exd. Shaik Karim.

Copy of note by the Hon. Mr. Phipps, C.I.E., on
Judicial Current No. 1540, dated 1st October 1936.

The proposed transfer may be moved. In the one
case particular attention to be drawn to of the current. In
which it is seen that, if Mr. Joseph chooses to exert himself
to come with the work of the South Central Court early
enough. It will be well that he should know that this is ex-
pected of him.

As to Mr. Phipps, he is, I fear, a thoroughly idle
"bad brain". His laziness is a by-word in the service. The
High Court's letter should be sent him for explanation at
once, notwithstanding his being on Curfew, and if his ex-
planation is not satisfactory, he should be reduced to Sub-
Collector on his return to the country.

Copy of note by His Excellency the Governor, dated
11th October 1936.

I agree.

(1st) J.C.
2-10-36.

(1st) J.C.
2-10-36.

[G.]
[4.]

10-12-2-05.

Public DEPARTMENT.

Papers to be read in proceedings:—

Again G.O., dated

189 , No.

Again G.O., dated

189 , No.

Current No. 36/3 of 1896, dated 20/10, from *Just. Dept*

" " " 189 , " , "

" " " 189 , " , "

ORDER. N^o 1179 of 5-11-96
mis

A copy of the High Courts letter Ref on Cur No 4422 of 30 Sept. 1896 together with its five enclosures will be forwarded to Mr G. F. J. Power ~~for~~ and he will be requested to submit an explanation with reference thereto.

(From order)

MA 4.11.96

G. F. Power, J.C.S. (Sd. of cur 36/3 + copy of 5 statts in 80.1652 and 820-1072)

S

18

When given for copying 5/11
 When copied
 When examined
 When signed } 189 .

READ AGAIN G.O., No. DATED
 189 ,

CURRENT No.

ENCLOSURES TO C. No.

ORDER OF GOVERNMENT A A A A A A A

LETTER OF GOVERNMENT.

STATEMENT WITH DITTO.

PAPERS NOT FILED UP, BEING MEANT FOR DESPATCH
 IN ORIGINAL.

N.B. -

- A = Copy in full.
- B = Not to be copied
- P = Copy abstract only.
- Q = Copy heading only