

With Compliments of the Publisher.

To W. C. Magee Esq.

For favour of Opinion.

**THE QUESTION**  
**OF**  
**Judicial and Executive Separation**  
**AND**  
**THE BETTER TRAINING**  
**OF**  
**JUDICIAL OFFICERS.**

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**BY**  
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## **Introductory Note**

## INTRODUCTORY NOTE

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The question of the separation of the executive from judicial functions is an old one. All that could be said on the subject has possibly been said. The past literature on the subject shows that the question has been discussed threadbare. My only excuse for publishing this little book is to present to the public a collection in a convenient form, containing the more important materials connected with the discussion of this all important subject, and I shall consider my labour and trouble amply repaid if this book succeeds in supplying to a busy man, the information that he desires to obtain on the subject, but which he can not obtain without spending more time than what he can spare. I trust also that this book may, in some measure, revive the interest of the public in the subject. The book consists of five parts.

In Part I, I have discussed the question of the separation of judicial from executive duties and the cognate question of a better training of judicial officers. The first portion of this part contains mainly a historical retrospect of the subject. In drawing up this historical retrospect I have been materially helped by Mr. R. C. Dutt's draft of the memorial on the subject which was ultimately submitted to the Secretary of State over the signature of Lord Hobhouse and others. I have also derived very valuable assistance from Mr. Prithwis Roy's well-known pamphlet on the subject which was published in the year 1901 at the instance of Lord Stanley of Alderley. In the second portion of this part I have drawn up a scheme, which I venture to think, has never been presented before the authorities or the public in the particular form in which I seek to present it. The appendices and the tables will, I hope, be found useful.

by all who desire to study or to discuss the question with any degree of seriousness.

Part II gives a collection of a few cases illustrating the evils of the system. The cases are by no means exhaustive, but are only illustrative. Many more cases could, perhaps, have been included in the collection but I have for the present purposely refrained from including too many of these cases in my collection, for, unfortunately, these cases have a tendency to rake up memories which I would much rather like to see buried than brought back to life.

Our quarrel, it is hardly necessary for one to remind the reader, is with the system and not with the men. Indeed, I go so far as to say that it is due to the high moral tone of the members of the Indian Civil Service that abuses are not more frequent than what they are at the present moment. The worst instances of such abuse of power occur where the officer concerned proceeds from a misguided zeal to punish some supposed guilty person. He proceeds on the assumption that the end in view is a laudable one and he thinks that he need not be too scrutinising as to the means he would adopt to gain that end. He moreover believes that the man he is prosecuting and judging is guilty and if he is a zealous and earnest officer he naturally resents the idea of the supposed guilty man getting off without punishment. The mischievous and the pernicious system under which he works often makes it his duty practically to prejudge the supposed criminal on *ex parte*, and, perhaps, interested statements of his subordinates, often ill-paid and ill-educated and the officer concerned, would be more than human, if he could brush aside the cumulative effect of the informations so received by him in forming his judgment as to the guilt or innocence of the accused person he is trying. The result very often is that, instead of prosecuting the accused he ends in persecuting him and, instead of judging him fairly and impartially he

starts by misjudging him from the outset. Some of the cases collected will illustrate the truth of these criticisms.

The cases collected will, I believe, show at any rate that the mischief complained of still flourishes and I venture to think it will not be necessary to justify my remarks by publishing other cases which for obvious reasons had better remain unpublished. In Mr. Manomohan Ghose's well-known pamphlet cases were collected for 1874 to 1894. I have attempted to collect here only few out of the many cases we had during the last 16 years.

Part III is a reprint of the excellent pamphlet of my illustrious countryman, the late Mr. Manomohan Ghose who laboured so earnestly and ungrudgingly in the cause of the separation of the judicial from the executive functions now combined in Indian Magistrates. I am indebted to my friend Mr. Mahimohan Ghose (retired I.C.S.) for the permission he has so cheerfully given for reprinting his father's well-known pamphlet.

Part IV contains the labours of another distinguished and patriotic Indian to whom the cause I am endeavouring to place before the public owes so much—I mean the late Mr. Romesh Chunder Dutt. In this part I have given a reprint of his scheme as also a reprint of a well-known memorial which I believe was mainly drawn up by the late Mr. Dutt.

Part V is a reprint of Sir Harvey Adamson's speech and scheme. Sir Harvey Adamson's speech may be said to be the latest official pronouncement on the subject and has a value peculiarly its own as being the matured opinion of an official brought up in the traditions of the Indian Civil Service and familiar with all arguments that are usually brought forward by the members of that great service against the separation of the two functions. I say advisedly that Sir Harvey Adamson's is the latest published official pronouncement of the subject, because Sir Reginald Craddock in his recent speech in the Legislative Council only

sought to throw out the question on the ground that it was still under the consideration of the Secretary of State and also on the ground that no definite scheme had been placed before the Council and that he did not proceed on the basis that the scheme ought not to be accepted. I have ventured now to place a definite scheme and I only hope that it will be considered and discussed by the authorities and if it be found to be a reasonable one it would be given effect to, at any rate, as an experimental measure.

*34-I, Elgin Road,*

*Calcutta,*

*2nd April, 1913.*

} PROVASH CHUNDER MITTER.

**PART I**

**The Question of Separation  
and  
Better Training of Judicial Officers**

## Separation of Judicial from Executive Duties and the Better Training of Judicial Officers

The question of the separation of judicial from executive duties is almost as old as the British Empire in India. It is well known that after the grant of the Dewani in 1765 A.D. to the East India Company the administration of criminal justice was left in the hands of the Mahomedan officers appointed by the Nawab Nazim of Bengal, Behar and Orissa. By a resolution of the Governor-General in Council, dated the 6th of April, 1781 (see Colebrooke's supplement, p. 130) some powers with respect to the administration of criminal justice regarding apprehension of persons charged with dacoity and other crimes attended with violence were transferred to the Judges of the Civil Courts. The union of the offices of Judge, Magistrate and Collector was however introduced for the first time in 1787 in pursuance of the instructions of the Court of Directors brought out by Lord Cornwallis at the time of his appointment. In a well-known minute Sir John Shore, who advocated this system, observed as follows:—"People accustomed to a *despotic authority* should look to one master. It is impossible to draw a line between the revenue and the judicial departments to prevent them from clashing; and in this case either the revenues must suffer or the administration of justice must be suspended."

Lord Cornwallis, however, after gaining some experience of the country, was satisfied that the result of this system would be to sacrifice the administration of justice to the supposed fiscal interests of the Government. With his characteristic statesmanship and singular sagacity he determined to vest the duties of collection of revenue and administration of justice in separate officers. He accordingly abolished the *Mul Talat*, a (Revenue Court) and withdrew from the Collectors

of revenue all judicial powers. We therefore find in Regulation II of 1893 passed in Lord Cornwallis' time that it is pointed out in clear and unequivocal language that the combination of these two functions was extremely undesirable.

By the system so introduced by Lord Cornwallis in 1793, the duties of Judge and Magistrate were united in the same officer and the Collector was deprived of all judicial powers. This system continued till 1821 when a permissive Regulation (Reg. IV of 1821) was passed empowering the Governor-General in Council to invest a Collector with the powers of a Magistrate or Joint-Magistrate, and to invest a Magistrate with the powers of a Collector. Doubts were raised as to the validity of this arrangement and we find that in 1825 Regulation V of that year was passed to validate what had been done and to empower the Governor-General to make similar arrangements thereafter when expedient. By section 2 of Regulation VII of 1831 the Governor-General in Council was further empowered to invest the *Zilla* or City Judges with full powers to conduct the duties of the Sessions. The union of the offices so introduced continued for a few years. The Collectors were so over-worked with their legitimate duties as revenue officers that the duties of the office of the Magistrate were sadly neglected. In 1837 Lord Auckland procured the sanction of the Court of Directors to the separation of the two offices which was gradually effected in the course of the following eight years. In 1859, however, (see Despatch No. 15 of the 14th April 1859) the offices of Collector and Magistrate were again united as a temporary measure. In the meantime in the year 1838 a Committee was appointed by the Government of Bengal to draw up a scheme for the more efficient organisation of the Police. The Committee consisted of Mr. F. J. Halliday (afterwards Sir F. J. Halliday who subsequently became Lieutenant-Governor of Bengal and Member of the Council of the Secretary of State), Mr. W. W. Bird and Mr.

J. Lewis. Mr. Halliday drew up an important Minute and Messrs. Bird and Lewis approved of Mr. Halliday's views as expressed in that Minute. In that Minute Mr. Halliday pointed out in the forcible language the extreme undesirability of combining the duties of Judge, Sheriff, Justice of the Peace and Constable in the same person. He characterised such combination as absurd as well as mischievous. He pointed out further that a Magistrate ought to have no previous knowledge of a matter with which he had to deal judicially. He said "*The union of Magistrate with Collector has been stigmatised as incompatible, but the junction of thief-catcher with Judge is surely more anomalous in theory and more mischievous in practice.* So long as it lasts, the public confidence in our Criminal Tribunals must always be liable to injury and the authority of Justice itself must often be abused and misapplied and the power of appeal is not a sufficient remedy—the danger to justice, under such circumstances, is not in a few cases, nor in any proportion of cases, but in every case. In all the Magistrate is constable, prosecutor and Judge."

In 1854 Mr. C. Beadon, the Secretary to the Government of Bengal, in a letter to the Government of India, also pointed out the desirability of the separation of the executive from judicial functions. In the same year the Hon'ble Mr. (afterwards Sir) J. P. Grant as a Member of the Council of the Governor-General recorded a Minute to the effect that the combination of the duties of the Superintendent of Police, Public Prosecutor and Criminal Judge was objectionable in principle and the Government ought to "dissever as soon as possible the functions of Criminal Judge from those of thief-catcher and Public Prosecutor, now combined in the Office of the Magistrate."

In September 1856, a Despatch of the Court of Directors of the East India Company (No. 41, Judicial Department) reiterated the same views and stated that the management of the Police of each district should be taken out of the hands of the Magistrate.

In 1857 the Hon'ble Mr. J. P. Grant again recorded a Minute upon the "Union of the functions of Superintendent of Police with those of a Criminal Judge" and that eminent Judge and erudite lawyer Sir Barnes Peacock (then Mr. Peacock) agreed with the views of Mr. Grant. In that Minute Sir J. P. Grant observed "In which way is crime more certainly discovered, proved and punished, and innocence more certainly protected—when two men are occupied *each* as thief-catcher, prosecutor, and Judge or when one of them is occupied as thief-catcher and prosecutor and the other as Judge? I have no doubt that if there is any real difference between India and Europe in relation to this question, the difference is all in favour of relieving the Judge in India from all connection with the detective officer and prosecutor. *The judicial ermine is, in my judgment, out of place in the bye-ways of the detective policeman in any country, and those bye-ways in India are unusually dirty. If the combination theory were acted upon in reality—if an officer, after bribing spies, endeavouring to corrupt accomplices, laying himself out to hear what every tell-tale has to say, and putting his wit to the utmost stretch, for weeks perhaps, in order to beat his adversary in the game of detection, were then to sit down gravely as a Judge, and were to profess to try dispassionately upon the evidence given in Court the question of whether he or his adversary had won the game, I am well convinced that one or two cases of this sort would excite as much indignation as would save me the necessity of all argument a priori against the combination theory.*" These are not the words of an irresponsible critic but of a responsible English official who had worked his way up to a very high rung of the official ladder and who was presumably familiar with the system he was criticising. His official position as well as the occasion of the Minute must have led him to weigh every word that he wrote and yet no condemnation of the system he was criticising could be stronger than his. Mr. Grant thought that one or two cases of this sort would excite such indignation, as would save him the necessity of all argument *a priori* against the combination

theory. In this perhaps he was too optimistic. Perhaps the age in which he lived and the official ethics of those days lent itself to such optimism. But, alas ! to the misfortune of the Indians and to the fair name of British Justice such instances have occurred not once or twice but so repeatedly that the public has now almost ceased to take an interest in such cases. Time there was when each fresh case of this nature caused a wild outburst of public indignation but there have been so many of these cases that the public has grown callous and perhaps has come to look upon such cases as an ordinary incidence of existence in India. Is such a state of things conducive to the best interests of the British Empire in India ? Perhaps the officials of the present day who have presumably grown wiser than those statesmen and far-sighted administrators who built the empire condescend to answer the question.

To resume the thread of our historical examination of the question we find that in 1860 a Commission was appointed to enquire into the organisation of the Police. Mr. M. M. Court, C. S., N. W. P., Mr. S. Wanchope, C. B. C., S. Bengal, Mr. W. Robinson, C. S., Inspector-General of Police, Madras, Mr. (afterwards Sir) R. Temple, C. S., Panjab, Lt.-Col. Bruce, C. B., Bombay Army, Chief of Police, Oudh and Lt.-Col. Phayre, Commissioner of Pegu were the Members of the Commission. The Members represented all the Provinces of India and in the words of Sir Bartle Frere were "all men of ripe experience, especially in matters connected with Police." In this report the Police Commission stated that as a rule there should be complete severance of Executive police from Judicial authorities and the official who may be in any way connected with the prosecution of any offence or the collection of evidence should never sit in judgment—not even with a view to committal for trial before a higher tribunal. The report however went on to add that as a matter of practical and *temporary convenience* in view of the constitution of the official agency then existing in India an exception

should be made in the case of the District Officer, but they were careful to point out that such combination was open to the same objection on the question of principle, but that the principle should be temporarily sacrificed to expediency. They looked forward to the time when improvements in organisation would in actual practice determine this combination even in the District Officer, for the present however the exigencies of the situation merely enabled them to "make this departure from principle less objectionable in practice" by making the exercise of the respective functions "departmentally distinct and subordinate to its own Officers."

The recommendations of the Police Commission were adopted by the Government of India and when Sir Bartle Frere introduced in the Legislative Council in the year 1860 the bill which ultimately became Act V. of 1861 some very interesting discussions took place. The discussions show that the Government of India regarded the exceptional union of Judicial with Police functions in the District Officer as a temporary compromise. Sir Barnes Peacock from his place as the Vice-President of the Council, stated that he had always been of opinion that "a full and complete separation ought to be made between the two functions." The Hon'ble Mr. A. Sconce described the bill as a "half-and-half measure" and the Hon'ble Sir Bartle Frere assured the Hon'ble Mr. Sconce that no body was more inclined than he to make it a whole measure if only the Executive Government could be induced to support a measure that would effect as till more complete severance of the Police and Judicial functions than what the bill contemplated.

As regards the cognate question of the training of Judicial Officers the High Court in various administration reports of the sixties (notably in those of 1864, 1866, 1867 and 1869) expressed its dissatisfaction with the existing system and various District Officers, Divisional Commissioners and other high officials admitted in official correspondence that the present system of training of Judicial officers was certainly

defective and reform was urgently necessary (vide letter from Mr. E. C. Craster, C. S., District Magistrate of Monghyr to the Commissioner of the Bhagalpur Division, No. 600, dated Monghyr the 4th December 1866, letter from Mr. J. W. Dalrympe, C. S., Commissioner of the Patna Division to the Secretary to the Government of Bengal, Judicial Department, No. 7, dated Patna the 9th January 1867, letter from Mr. R. P. Jenkins, C. S., Offg. Commissioner of the Bhagalpur Division to the Under-Secretary to the Government of Bengal, No. 17, dated Bhagalpur, the 16th January 1867, letter from Mr. C. F. Montresson, C. S., Commissioner of the Burdwan Division to the Secretary to the Government of Bengal, Judicial Department, No. 16, dated Burdwan, the 19th January 1867, letter from Mr. R. B. Chapman, C. S., Offg. Commissioner of the Presidency Division to the Secretary to the Government of Bengal, Judicial Department, No. 16 Ct., dated Krishnagar the 14th February 1867, and the note of Mr. H. L. Dampier, C. S., Officiating Secretary to the Government of Bengal, dated the 27th August 1867). In this last-mentioned note Mr. Dampier observed as follows:—"I am convinced that the only true and lasting solution of the difficulty is a complete separation of judicial and executive duties." This question constantly came up for consideration by the Government and various high officials and the generally accepted opinion was that the existing system should be changed. Limitations of space preclude me from discussing this question in any greater detail but I beg to refer to the following official papers and documents an examination of which will convince one that the generally accepted official opinion was in favour of a change of the existing system (Despatch from the Secretary of State, No. 11 of the 10th January 1868 with enclosures, Letter of the Hon'ble Ashley Eden, Secretary to the Government of Bengal, Judicial Department to the Secretary to the Government of India, Home Department, dated 1st December 1869, Letter from Mr. F. R. Cockerell, C. S. to the Under Secretary

to the Government of Bengal, dated Simla the 25th July 1868, Letter from Mr. (afterwards Sir, and Lieutenant-Governor of Bengal) Rivers Thompson, C. S., Officiating Superintendent and Remembrancer of Legal Affairs to the Secretary to the Government of Bengal (No. 1335, dated Fort William the 25th July 1868), note by Mr. (afterwards Sir) H. S. Maine, Law Member to the Government of India, dated the 12th March 1868 and a Note by Sir William Markby, a Judge of the Calcutta High Court, dated the 2nd November 1868).

After all this strongly expressed official opinion, one would have expected that the "temporary compromise" and "half-and-half measure" of Sir Bartle Frere introduced in 1860 would soon be remedied. India however is a land of surprises and it is no unusual thing for us in India to find that instead of advancing with the advance of times the hand of progress is often set back specially when some important question is taken up by a high official with reactionary ideas. The "word of hope which was spoken to the ear" by such eminent officials as Sir J. P. Grant, Sir Bartle Frere, Sir Barnes Peacock, Sir Henry Summer Maine, and last but not least Sir William Markby was destined "to be broken to the heart" by that reactionary of reactionaries Sir Fitz James Stephen to whom India owes so much of her reactionary legislation and reactionary methods of administration. Unfortunately for India at the psychological moment when the hope expressed by Sir Bartle Frere was about to be fulfilled, at any rate could easily have been fulfilled, I mean when the Criminal Procedure Code was being amended in the year 1872, Sir Fitz James Stephen was reigning over the legislative destinies of India, and in a Minute (printed as No. XXXI of the Selections from the records of the Government of India, Home Department, dated 1872 and No. 89 of the Selections from the records of the Government of India, Home Department 1872) memorable for the reactionary spirit it breathes, for the half truths on which it is based, for the common places about "personal rule," "prestige" and "dignity" Sir Fitz

James Stephen rudely dashed the hopes raised by the weighty and wise words of so many distinguished officials who had preceded him and embodied a system of Judicial administration which is unique in the history of the world and which in the words of a distinguished official already quoted perpetuated a system by which it enabled "the thief-catcher and the prosecutor" to be "the Judge" in a cause in which he was really in the position of the prosecuting officer, and which enabled such officer "after bribing spies, endeavouring to corrupt accomplices, laying himself out to hear what every tell-tale has to say, putting his wit to the utmost stretch, for weeks perhaps, in order to beat his adversary in the game of detection," to sit in the solemn farce of judging gravely and dispassionately the cause in which he has taken so much interest as the real prosecutor. No body questions the eminence of Sir Fitz James Stephen as a lawyer and a jurist and if the reasons assigned by him for perpetuating this cruel wrong were the reasons of a lawyer or of a jurist one could have understood the position. But the reasons assigned by him were that "under the circumstances of British India" the system must continue, that the "maintenance of the position of the District Officers is essential to the maintenance of British Rule in India, and that any diminution in their influence and authority over the natives would be dearly purchased even by an improvement in the administration of justice." Surely these were matters in which the opinion of Sir J. P. Grant, Sir Bartle Frere, the distinguished officials who composed the Police Commission of 1860, or the Police Committee of 1838, or Lord Cornwallis who was responsible for the regulation of 1793 were entitled to far greater weight than that of Sir Fitz James Stephen however eminent he might be as a lawyer and as a jurist. Most of these officials had spent their life-time in India at a time when it was usual for Indian officials to speak the language of the country like the Indians themselves; had worked and moved amongst the Indian people; knew the thoughts, prejudices,

ideas and aspirations of the Indian people and above all belonged to a period of Indian history when the officials of the East India Company were building for England her Indian Empire. Surely in a matter as to what was best for "the maintenance of the British rule in India," or what "were the circumstances of British India" the opinion of these veterans, these empire-builders must unhesitatingly be accepted before the opinion of a gentleman to whom the Indian languages, Indian thoughts and aspirations were perhaps a sealed book. He had come out to India to fill a comfortable office for a comparatively short period of five years after all the stress and strain of the empire-building was over, and whose sole right to arrogate to himself the authority to speak on matters such as these was derived from an arm-chair study of thrice distilled dockets of reports of officials, who in their turn were certainly far less competent to speak about real India than their distinguished predecessors and who came to serve in India at a time when it was the exception rather than the rule to know the Indian languages intimately when, thanks to the convenient rules of leave and furlough and the annihilation of distance by the opening of the Suez Canal and of the steamship companies, it had come to be the exception rather than the rule to know Indians intimately, or to visit Indians at their own homes, and who came out to rule India at a time when they could afford to talk glibly of "prestige," "diminution of influence and authority over natives" instead of turning their thoughts (unlike those distinguished predecessors of theirs) to win the hearts of the people by making British Justice more broad-based or to make British rule more loved and respected rather than feared by bringing contentment and goodwill to the teeming millions of British subjects in India.

The Criminal Procedure Code of 1872 embodied Sir Fitz James Stephen's re-actionary methods of government and continued the serious blot in Indian administration of combining the judicial with executive functions in the same

officer. A system so defective as this was bound to create serious dissatisfaction and result in miscarriage of justice in many cases. The late Mr. Manomohan Ghose brought out two excellent pamphlets, in one of which (published in 1896), he collected 20 typical cases from 1876 to 1894 which forcibly demonstrate the evils of the present system. The late Mr. Romesh Chunder Dutt published in the year 1893 an excellent Scheme of separation of the judicial from executive duties, and it was mainly through the exertion of those two distinguished Indians that the question was kept before the public, both in England and in India. It was also through the exertion of those two gentlemen that opinions of several distinguished retired Indian Chief Justices and High Court Judges were collected and published. Statements favourable to the Scheme of separation from Lord Hobhouse, Sir Richard Garth, Sir Richard Couch, Sir John Budd Phear, Sir William Markby and Sir Raymond West were published in the columns of "India." Ultimately a memorial was submitted to the Secretary of State by a number of distinguished Anglo-Indian Judges and administrators in the year 1899. The memorial was subscribed by Lord Hobhouse, Sir Richard Garth, Sir Richard Couch, Sir Charles Sargent, Sir William Markby, Sir John Budd Phear, Sir John Scott, Sir William Wedderburn, Sir Ronald Wilson and Mr. H. J. Reynolds. Questions were often asked in Parliament as also in the Legislative Councils in India. Vague and indefinite promises of reform were often held out, but nothing definite was done. In the year 1908, however, Sir Harvey Adamson, the then Home Member, in his budget speech, delivered on the 27th March of that year, promised to effect a separation of judicial and executive duties in Bengal and in Eastern Bengal and formulated a Scheme for the purpose, but even that Scheme has not been carried into effect. The Scheme formulated by Sir Harvey Adamson is however defective in many respects and will hardly form an effective remedy of the defects of the existing system. It is useful however as an admission by a responsible executive

official that separation is needful. Sir Harvey Adamson in the course of his speech observed as follows :—" I fully believe that subordinate Magistrates very rarely do an injustice wittingly. But the inevitable result of the present system is that criminal trials, affecting the general peace of the district, are not always conducted in that atmosphere of cool impartiality which should pervade a Court of Justice. *Nor does this completely define the evil, which lies not so much in what is done, as in what may be suspected to be done ; for it is not enough that the administration of justice should be pure ; it can never be the bedrock of our rule unless it is also above suspicion.* "

Two objections are mainly urged by the officials against the separation of executive from judicial functions.

- I. That the separation of the executive from judicial functions will involve considerable additional expense.
- II. That the District Magistrate cannot be deprived of his judicial powers without loss of prestige and influence over the people.

As regards objection No. I it is submitted that according to the Scheme submitted below no additional cost will be incurred. But even if additional expense were necessary such expense ought not to be grudged. In the words of Sir Harvey Adamson " the experiment may be a costly one, but we think that the object is worthy. "

As regards objection No. II the better opinion is against it. I have already drawn attention to the opinion of distinguished Indian officials, Judges and Chief Justices who are in favour of separation and it is hardly necessary to dilate on the point in any greater detail. I may be permitted however to quote the following passage from the speech of Sir Harvey Adamson :—

" Those who are opposed to a separation of functions are greatly influenced by the belief that the change would materially weaken the power and position of the District Magistrate and would thus impair the authority of the

Government of which he is the chief local representative. The objection that stands out in strongest relief is that prestige will be lowered and authority weakened if the officer who has control of the police and who is responsible for the peace of the district is deprived of control over the Magistracy who try police cases. Let me examine this objection with reference to the varying stages of the progress of a community. Under certain circumstances it is undoubtedly necessary that the executive authorities should themselves be the judicial authorities. The most extreme case is the imposition of martial law in a country that is in open rebellion. Proceeding up the scale we come to conditions which I may illustrate by the experience of Upper Burma for some years after the annexation. Order had not yet been completely restored and violent crime was prevalent. Military law had gone and its place had been taken by civil law of an elementary kind. District Magistrates had large powers extending to life and death. The High Court was presided over by the Commissioner, an executive officer. The criminal law relaxed, and evidence was admitted which under the strict rules of interpretation of a more advanced system would be excluded. All this was rendered absolutely necessary by the conditions of the country. Order would never have been restored if the niceties of law as expounded by lawyers had been listened to, or if the police had not gone hand in hand with the judiciary. Proceeding further up the scale we come to the stage of a simple people, generally peaceful, but having in their character elements capable of reproducing disorder, who have been accustomed to see all the functions of Government united in one head, and who neither know nor desire any other form of administration. The law has become intricate and advanced, and it is applied by the Courts with all the strictness that is necessary in order to guard the liberties of the people. Examples would be easy to find in India of the present day. So far I have covered the stages in which a combination of magisterial and police duties is

either necessary or is at least not, inexpedient. In these stages the prestige and authority of the Executive are strengthened by a combination of functions. I now come to the case of a people among whom very different ideas prevail. The educated have become imbued with Western ideals. Legal knowledge has vastly increased. The lawyers are of the people, and they have derived their inspiration from Western law. Anything short of the most impartial judicial administration is contrary to the principles which they have learned. I must say that I have much sympathy with Indian lawyers who devote their energies to making the administration of Indian law as good theoretically and practically as the administration of English law. Well, what happens when a province has reached this stage and still retains a combination of magisterial and police functions? The inevitable result is that the people are inspired with a distrust of the impartiality of the judiciary. You need not tell me that the feeling is confined to a few educated men and lawyers and is not shared by the common people. I grant that if the people of such a province were asked one by one whether they objected to a combination of functions, ninety per cent of them would be surprised at the question and would reply that they had nothing to complain of. But so soon as any one of these people comes into contact with the law his opinions are merged in his lawyer's. If his case be other than purely private and ordinary, if for instance he fears that the police have a spite against him or that the District Magistrate as guardian of the peace of the district has an interest adverse to him, he is immediately imbued by his surroundings with the idea that he cannot expect perfect and impartial justice from the Magistrate. It thus follows that in such a province the combination of functions must inspire a distrust of the Magistracy in all who have business with the Courts. Can it be said that under such circumstances the combination tends to enhancement of the prestige and authority of the Executive? Can any Government be

strong whose administration of justice is not entirely above suspicion? The answer must be in the negative. The combination of functions in such a condition of society is a direct weakening of the prestige of the Executive."

After this latest pronouncement of high official opinion the objection hardly deserves any further consideration.

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### THE SCHEME

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I shall now proceed to place before you a Scheme which I submit will effectually do away with all the defects of the existing system. The scheme will not entail any additional expense and will also secure proper training for Judicial Officers.

I propose a complete separation of judicial from executive duties. I further propose that all officers who exercise any judicial powers, whether civil or criminal, should be subordinate to the District Judge and not to the District Officer as at present. I also propose that the District Officer who at present discharges the duties of a District Magistrate and of a District Collector should be relieved of his magisterial duties. Such officer after being relieved of such duties may well be known as "District Officer." Even when relieved of his magisterial duties he will have his hands quite full. It is well known that very little judicial work is usually done by the District Magistrate. He will still have to look after the following amongst other branches of administration, namely, Land Revenue, Excise, Jails, Police, Sanitation, Dispensaries, Education, Municipalities, and various other matters. It is a matter of constant complaint that District Officers have too much work on their hands. The relief of judicial duties will go to mitigate this complaint and leave them more time to look after the legitimate duties of an executive Officer, amongst which the proper supervision of the duties of the Police Officers of his district ought to form an important item. The judicial work of a district, both Civil and Criminal, should be under the

supervision of the District and Sessions Judge. He should be assisted in very heavy districts with an additional District and Sessions Judge and one or two Civil Judges who should exercise the powers of a Subordinate Judge and who should also be given the criminal powers of an Assistant Sessions Judge as also the Judicial powers that are exercised by a District Magistrate under the Criminal Procedure Code; in districts where the work is neither very heavy nor very light there need not be any additional District and Sessions Judge but only one Additional Judge who will exercise the powers of a Subordinate Judge, an Assistant Sessions Judge as also the Judicial powers of a District Magistrate under the Cr. P. C. and in very light districts the District and Sessions Judge may be assisted by a Subordinate Judge who will also exercise the Judicial powers of a District Magistrate under the Cr. P. C. As I proceed to develop the Scheme I propose to show in detail the distribution of judicial work for the districts in the Presidency of Bengal, and for the other provinces, such distribution of work may be easily worked out on the lines indicated in the Bengal Scheme. The District Judges and all Judicial Officers under them should be placed under the High Court, in all matters, namely pay, promotion, leave, suspension, punishment etc., and will not have any concern with the District Officer or Divisional Commissioner or the Local Government. As a part of this scheme the Judicial Department of the Local Government may well be placed under the High Courts. This arrangement will also mean some further saving of expenses, for at present the High Courts have an expensive staff under the English Department and the local governments have a more expensive staff for its judicial department. These two departments after amalgamation can surely be run with lesser expense and possibly with lesser friction. I propose further that the Judicial Service in India should be divided into two branches, one an Imperial Judicial Service for the whole of India and the other a Provincial Judicial Service for each Province. The Imperial Judicial

Service may well be recruited and trained in the manner following.

I propose that 60 p. c. of the vacancies of this service should be filled up by a competitive examination held in London and 40 p. c. should be recruited locally. Any person (British or Indian) who holds a degree of Bachelor in Law of a British or Indian University or a Barrister-at-Law, who holds a degree of Bachelor in Arts of any English or Indian University will be eligible for this examination. Candidates should be between 25 to 30 years of age. No candidate should be allowed to appear more than twice in the said examination. The examination should be held to test the fitness of the candidates in the following subjects:—(1) English Law with special reference to the candidates' grasp of general principles with regard to the following subjects of English law, namely, Jurisprudence both historical and analytical, Equity, Contract and Torts, Wills, Private International Law, the Law of Evidence and Criminal Law of England, (2) some important Indian Statutes such as the Penal Code, the Criminal Procedure Code, the Civil Procedure Code, the Indian Contract Act, the Transfer of Property Act, the Succession Act, the Limitation Act and other important Statutes relating to the whole of British India, (3) Constitutional Law, English and Indian, (4) Hindu and Mahomedan Law, (5) Elements of Roman Law. The examination should be a fairly searching one and candidates, who will pass this examination may, be fairly expected to possess a thorough grasp of legal principles and a fair knowledge of Indian Law. After passing this examination successful candidates will be appointed Members of the Indian Judicial Service and will forthwith come out to India. After coming out to India they should be posted to one of the three Presidency towns of India, (Calcutta, Madras and Bombay) for a period of two years during which time they will have to qualify themselves for the discharge of their future duties. While residing in the Presidency towns they should

attend the High Court (Original Side and Sessions and the Appellate Side) and some other Courts near the Presidency towns, namely, Courts of Sessions Judges, District Judges, Subordinate Judges and Presidency and Provincial Small Cause Courts and Courts of Magistrates. They will have to take notes of cases and keep a diary of their attendance in these various Courts and submit the same to some selected senior Judicial Officer once a month. During this period they will have to pass departmental examinations in (1) the vernacular of the Province where they will serve and will have to shew a fair working knowledge of the language as written and spoken, a fair ability to read petitions and documents filed in records of cases, (2) an examination in the land tenures and statutes relating to the province where the officer will be placed, (3) an examination showing that the officer has a fair knowledge of Indian Case Law, and (4) an elementary knowledge of practical surveying and mensuration, as also some familiarity with the system of survey and settlement work of the Province in which he will be placed.

So long as an officer does not pass this departmental examination he will not be promoted to the next higher grade. During these two years the officer will draw a salary of Rs. 500 per mensem. His real position will be that of a probationer, but, as he will have to leave England and come out to India, I have proposed that his service will commence from the date he reaches India.

After spending these two years purely for the purpose of qualifying himself for his future work the officer will be entrusted with judicial work, Civil and Criminal. The nature of such work and the grades of his service are noted below :—

- (1) He will serve on a salary of Rs. 750 for a period of, say, 2 years. During this period the officer will exercise the powers of a Munsiff as a Civil Judge and the powers of a Magistrate of the 2nd and 3rd Class and will try both Civil and Criminal cases. This period will really be the second period, in his

training and during this period he will receive a practical training in trying original cases, Civil and Criminal which will be of great service to him in his future work.

- (2) Rs. 900 to Rs. 1,250 for a period of say 4 years. During this period the officer will at first exercise the powers of a Subordinate Judge, as a Civil Judge and of a Magistrate of the 1st Class. After he has gained some experience he may be gradually entrusted with the Judicial powers of a District Magistrate and of an Assistant Sessions Judge as also with Appellate work, Civil and Criminal.
- (3) Rs. 1,500 say for a period of three years. During this period the officer will be given the full powers of a District and Sessions Judge.
- (4) Rs. 2,000 for such period as he may have to serve in this grade.
- (5) Rs. 2,500 for such period as he may have to serve in this grade.
- (6) Rs. 3,000 for such period as he may have to serve in this grade.
- (7) Rs. 4,000 as High Court Judge.

I propose that at least 40 p. c. of High Court Judgeships should be reserved for the Members of this Service. Regard being had to the recent alteration of the statute and regard being had also to the fact that many of the Members of this Service will be Barristers there will not be any Statutory difficulty in allowing 40 p. c. of the High Court Judgeships to the Members of this Service. I further propose that two of the Small Cause Court Judgeships and two of the Presidency Magistrateships should also be reserved for the Members of this Service. The post of the Administrator General, the Official Assignee, and the Official Trustee may also be reserved for the members of this service. Pension and leave rules for the Members of this Service should be liberal.

As regards the remaining 40 p. c., I propose that 20 p. c. should be recruited from Barristers and Vakeels of approved merit and the other 20 p. c. by promotion from 1st Class Munsiffs of approved merit. The officers so recruited will at once start with a salary ranging from Rs. 750 to 1,000 as the High Court may think proper.

As regards the Subordinate Judicial Service I propose that Munsiffs and Subordinate Judges should also exercise the powers now exercised by the Deputy Magistrates. I also propose that some selected Subordinate Judges should be given the powers of Assistant Sessions Judges and some should be vested with the Judicial powers of a District Magistrate. These officers will be specially useful in light districts. I would give an additional grade of Rs. 1,200 to Subordinate Judges and would increase the present strength in the grade of the Munsiffs drawing Rs. 500. I would throw open all the Small Cause Court Judgeships (excepting the 2 reserved for the Indian Judicial Service) and all the Presidency Magistrateships (excepting the two reserved for the Indian Judicial Service) to the Members of this Service.

This scheme is likely to be financially sound as will appear from the scales of the proposed salaries. Further, it will not obviously necessitate the appointment of any additional officers. The strength of the Subordinate Judicial Service will have to be increased, but that increase will mean a reduction of the strength of the Subordinate Executive Service.

The additional appointments in the Indian Judicial Service will not mean any financial burden as the total strength of the Indian Civil Service will be reduced. In the Scheme suggested by the late Mr. Romesh Chunder Dutt, the only weak point was the arrangement for the trial of Criminal cases in the Sub-divisions. According to the present Scheme there will be no difficulty on that head as there are Munsiffs not only in all Sub-divisional head-quarters but also in Chowkis which are not Sub-divisions.

At the present moment there are 27 Districts in the Presidency of Bengal. There are three District and Sessions Judges on a salary of Rs. 3,000, 13 District Judges on a salary of Rs. 2,500 and 15 District Judges on a salary of Rs. 2,000, altogether 31 District Judges. There are 17 Joint-Magistrates and Deputy Collectors on a salary of Rs. 900. There are 17 2nd grade Joint-Magistrates on a salary of Rs. 700. In the Subordinate Executive Service there is at the following moment the following cadre for the Presidency of Bengal.

Grade.	Salary.	Members.
First	Rs. 800	5
Second	Rs. 700	7
Third	Rs. 600	16
Fourth	Rs. 500	48
Fifth	Rs. 400	71
Sixth	Rs. 300	73
Seventh	Rs. 250	79

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Total ... 299

The present strength of the Provincial Judicial Service is as follows :

Subordinate Judges		
Grade.	Salary.	Members.
First	Rs. 1,000	6
Second	Rs. 800	7
Third	Rs. 600	14
Munsiffs		
First.	Rs. 500	12
Second	Rs. 400	40
Third	Rs. 300	50
Fourth	Rs. 250	66
Fifth	Rs. 200	36

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Total ... 231

In the Appendix the reader will find the necessary particulars of the scheme.

In Appendix A is shown on the left hand column the present distribution list of Executive and Judicial officers of each of the 27 districts of Bengal as it appears from the civil list of January 1913. On the right hand column appears the proposed distribution list after the scheme for separation has been given effect to.

In Appendix B is set forth a detailed calculation district by district showing how the scheme will work financially. In making this calculation I have taken an average of the pay of each class of officials as shewn there. It may be quite possible that in actual working there may be some difference here and there, but I venture to think that the detailed calculation will convince any one who approaches the financial question with an open mind that in any view of the matter the change proposed will not add to the expenses of the judicial administration of the Presidency of Bengal. It has been shown on the other hand that there will be a considerable saving. I am quite alive to the fact that some criticism in the details may be possible.

In Appendix C is set forth the different grades of the Indian Judicial Service and of the Provincial Judicial Service.

It will be clear from the detailed calculation (vide Appendices) that the expenses after the scheme is given effect to will be much less than the expenses that are at present incurred in connection with the judicial administration of the Province. But even if it means more expense the reform ought to be effected. I may be permitted to repeat the words of Sir Harvey Adamson "the experiment may be a costly one but we think that the object is worthy." Then again I may point out that there can be no doubt that the expenses of the present Scheme will certainly be much less than that of Sir Harvey Adamson's. In this connection I may also note the fact that it is admitted on all hands that the Judicial Officers of the Indian Civil Service are urgently in need of a better legal training. This fact has been admitted for the last half

a century (vide the official papers referred to in an earlier part of this note). Very recently Sir Robert Fulton in a newspaper article has admitted this fact. Sir Herbert Carnduff, Sir Basil Scott and many members of the Indian Civil Service in their evidence before the Royal Commission have also admitted this fact. The improvement in the training of Judicial Officers as suggested by Sir Herbert Carnduff will certainly be much more expensive and much less effective. According to Sir Herbert Carnduff's suggestion an officer before taking up the duties of a District Judge should have a few years' (I presume it must be 3 years') training in England to qualify himself as a Barrister and should work in the Chambers of some Barrister in England. At this period of his service the officer's salary will be something between Rs. 1,200 to Rs. 1,500. To pay this salary or a good portion of it for a period of 3 years and then to pay the Call-fee and the Chamber-fee will come up to an enormous sum. The training too will be less effective, because apart from other reasons the officer will not qualify himself in trying original cases in India nor will he qualify himself in Indian Law, Indian Procedure and Indian languages. I venture to think that upon a proper consideration of the history of the question, the opinion of the high authorities who have expressed themselves in favour of this Scheme, the cogent reasons which exist to meet the objections that have been raised, the undoubted improvement in the training and tone of the Judiciary as also for the other important reasons pointed out in this note this much deferred and much needed reform should at once be given effect to and the Scheme set forth in this note should be accepted. There can be no doubt that the acceptance of the Scheme will make British Justice more loved, honoured and respected and will secure to India equal justice for all classes of the people.

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## APPENDIX A

### Disposition of Officers

#### District by District.

#### BACKERGANJ

<i>EXISTING</i>		<i>PROPOSED</i>
Magistrate and Collector	... 1	District Officer and Collector ... 1
Additional District Magistrate	... 1	Joint-District Officer and Collector 1
Joint-Magistrate and Deputy Collector	... 1	Assistant Collector ... 2
Assistant Magistrate and Collector	... 3	Deputy Collector ... 3
Deputy Magistrate and Deputy Collector	... 15	Sub-Deputy Collector ... 9
Sub-Deputy Collector	... 11	District and Sessions Judge ... 1
District and Sessions Judge	... 1	Assistant Sessions Judge with the judicial powers of a District Magistrate and Sub-Judge ... 2
Additional District and Sessions Judge	... 1	Sub-Judge with the powers of a 1st class Magistrate ... 4
Sub-Judge	... 3	Munsiff and Deputy Magistrate ... 25
Munsiff	... 17	

#### BANKURA

Magistrate and Collector	... 1	District Officer and Collector ... 1
Deputy Magistrate and Collector	5	Deputy Collector ... 2
Sub-Deputy Collector	... 1	Sub-Deputy Collector ... 2
District and Sessions Judge	... 1	District and Sessions Judge ... 1
Sub-Judge	... 1	Sub-Judge with the judicial powers of a District Magistrate ... 1
Munsiff	... 7	Sub-Judge with the powers of a 1st class Magistrate common with Birbhum ... 1
		Munsiff and Deputy Magistrate ... 8

## BIRBHUM

<i>EXISTING</i>		<i>PROPOSED</i>	
Magistrate and Collector	... 1	District Officer and Collector	... 1
Deputy Magistrate and Collector	4	Deputy Collector	... 2
Assistant Magistrate and Collector	... 1	Assistant Collector	... 1
Sub-Deputy Collector	... 3	Sub-Deputy Collector	... 3
District and Sessions Judge	... 1	District and Sessions Judge	... 1
Sub-Judge	... 1	Sub-Judge with the judicial powers of a District Magistrate	... 1
Munsiff and Deputy Magistrate...	6	Munsiff and Deputy Magistrate...	8

## BOGRA

Magistrate and Collector	... 1	District Officer and Collector	... 1
Deputy Magistrate and Collector	8	Deputy Collector	... 5
Sub-Deputy Collector	... 4	Sub-Deputy Collector	... 4
District and Sessions Judge common with Pabna	... 0	District and Sessions Judge common with Pabna	... 0
Sub-Judge common with Pabna	1	Sub-Judge with the judicial powers of a District Magistrate	1
Munsiff	... 7	Munsiff and Deputy Magistrate...	9

## BURDWAN

Magistrate and Collector	... 1	District Officer and Collector	... 1
Joint-Magistrate and Collector	... 1	Joint District Officer and Collector	... 1
Assistant Magistrate and Assistant Collector	... 2	Assistant Officer and Collector	... 1
Deputy Magistrate and Deputy Collector	... 12	Deputy Collector...	... 8
Sub-Deputy Collector	... 8	Sub-Deputy Collector	... 7
District and Sessions Judge	... 1	District and Sessions Judge	... 1
Sub-Judge	... 2	Assistant Sessions Judge with the powers of a District Magistrate and Sub-Judge	... 1
Munsiff	... 10	1st class Magistrate and Sub-Judge	... 3
		Munsiff and Deputy Magistrate...	2

**CHITTAGONG****EXISTING****PROPOSED**

Magistrate and Collector	...	1	District Officer and Collector	...	1
Joint-Magistrate and Collector	...	2	Joint District Officer and Collec-		
Assistant Magistrate and Collec-			tor	...	1
tor	...	4	Assistant District Officer and		
Deputy Magistrate and Deputy			Collector	...	3
Collector	...	9	Deputy Collector	...	6
Sub-Deputy Collector	...	8	Sub-Deputy Collector	...	7
District and Sessions Judge	...	1	District and Sessions Judge	...	1
Additional do.	...	1	Sub-Judge with the judicial		
Sub-Judge	...	2	powers of a District Magistrate		
Munsiff	...	17	and Assistant Sessions Judge	...	3
			Sub-Judge and 1st class Magistrate	2	
			Munsiff and Deputy Magistrate	...	23

**CHITTAGONG HILL TRACTS****(NON-REGULATION DISTRICT)****NO CHANGE****DACCA**

Magistrate and Collector	...	1	District Officer and Collector	...	1
Additional Magistrate and Col-			Assistant District Officer and		
lector	...	1	Collector	...	4
Assistant Magistrate and Collector	6		Deputy Collector	...	10
Deputy Magistrate and Collector	17		Sub-Deputy Collector	...	6
Sub-Deputy Collector	...	7	District and Sessions Judge	...	1
District and Sessions Judge	...	1	Sub-Judge with the judicial powers		
Additional District and Sessions			of a District Magistrate and		
Judge	...	1	Assistant Sessions Judge	...	3
Judge Small Cause Court	...	1	Sub-Judge with the powers of a		
Sub-Judge	...	3	1st class Magistrate	...	4
Munsiff	...	21	Small Causes Court Judge with the		
			powers of a 1st class Magistrate	1	
			Munsiff and Deputy Magistrate	...	30

**DARJEELING****(NON-REGULATION DISTRICT)****NO CHANGE**

## APPENDIX

### DINAJPUR

<i>EXISTING</i>		<i>PROPOSED</i>	
Magistrate and Collector	... 1	District Officer and Collector	... 1
Deputy Magistrate and Collector	7	Deputy Collector	... 4
Sub-Deputy Collector	... 4	Sub-Deputy Collector	... 4
District and Sessions Judge	... 1	District and Sessions Judge	... 1
Sub-Judge	... 1	Assistant Sessions Judge with the	
Munsiff	... 7	judicial powers of a District	
		Magistrate and Sub-Judge	... 1
		Munsiff and Deputy Magistrate	9

### FARIDPUR

Magistrate and Collector	... 1	District Officer and Collector	... 1
Deputy Magistrate and Collector	9	Deputy Collector	... 5
Assistant Magistrate and Collector	... 1	Assistant District Officer and	
	... 1	Collector	... 1
Sub-Deputy Collector	... 9	Sub-Deputy Collector	... 8
District and Sessions Judge	... 1	District and Sessions Judge	... 1
Additional District and Sessions		Assistant Sessions Judge with the	
Judge	... 1	judicial powers of a District	
Sub-Judge	... 2	Magistrate and Sub-Judge	... 2
Munsiff	... 14	Sub-Judge with the powers of a	
		1st class Magistrate	... 2
		Munsiff and Deputy Magistrate	... 18

### HUGHLY

Magistrate and Collector	... 1	District Officer and Collector	... 1
Deputy Magistrate and Collector	9	Deputy Collector	... 4
Sub-Deputy Collector	... 8	Assistant District Officer and Col-	
Assistant Magistrate and Collec-		lector	... 1
tor	... 1	Sub-Deputy Collector	... 8
District and Sessions Judge	... 1	District and Sessions Judge	... 1
Additional Sessions Judge	... 1	Sub-Judge with the judicial powers	
Sub-Judge	... 3	of a District Magistrate and	
Munsiff	... 12	Assistant Sessions Judge	... 2
		Sub-Judge with the powers of a	
		1st class Magistrate	... 4
		Munsiff and Deputy Magistrate	... 15

## **APPENDIX**

### **HOWRAH**

<i>EXISTING</i>		<i>PROPOSED</i>	
Magistrate and Collector	... 1	District Officer and Collector	... 1
Joint-Magistrate and Deputy Collector	... 1	Deputy District Officer and Collector	... 9
Deputy Collector	... 13	Sub-Deputy Collector	... 4
Sub-Deputy Collector	... 4	District and Sessions Judge	
		(joint with Hughly)	
Sessions Judge (joint with Hughly)	1	Sub-Judge with the judicial powers of a District Magistrate	1
Sub-Judge (joint with Hughly)	1	Sub-Judge with the powers of a 1st class Magistrate	1
Munsiff	... 6	Munsiff and Deputy Magistrate...	8

### **JALPAIGURI**

NO CHANGE

### **JESSORE**

Magistrate and Collector	... 1	District Officer and Collector	... 1
Joint-Magistrate and Collector	... 1	Assistant District Officer and Collector	... 1
Assistant Magistrate and Collector	1	Deputy District Officer and Collector	... 7
Deputy Magistrate and Collector	11	Sub-Deputy Collector	... 3
Sub-Deputy Collector	... 4	District and Sessions Judge	... 1
District and Sessions Judge	1	Sub-Judge	... 2
Sub-Judge	... 2	Sub-Judge with the judicial powers of a District Magistrate and Assistant Sessions Judge	... 1
Munsiff	... 12	Sub-Judge with the powers of a 1st class Magistrate	... 2
		Munsiff and Deputy Magistrate	15

## APPENDIX

KHULNA

<i>EXISTING</i>		<i>PROPOSED</i>	
Magistrate and Collector	... 1	District Officer and Collector	... 1
Deputy Magistrate and Collector	11	Deputy District Officer and Col-	
Sub-Deputy Collector	... 6	lector	... 6
District and Sessions Judge	... 1	Sub-Deputy Collector	... 5
Sub-Judge	... 2	District and Sessions Judge	... 1
Munsiff	... 9	Sub-Judge with the judicial powers	
		of a District Magistrate and	
		Assistant Sessions Judge	... 1
		Sub-Judge with the powers of a	
		1st class Magistrate	... 2
		Munsiff and Deputy Magistrate	12

MALDA

Magistrate and Collector	... 1	District Officer and Collector	... 1
Deputy Magistrate and Collector	2	Deputy District Officer and Col-	
Sub-Deputy Collector	... 1	lector	... 1
District and Sessions Judge (joint		Sub-Deputy Collector	... 1
with Rajshahi)	... 1	District and Sessions Judge (joint	
Munsiff	... 1	with Rajshahi)	... 1
		Sub-Judge with the judicial powers	
		of a District Magistrate	1
		Munsiff and Deputy Magistrate	1

MIDNAPUR

Magistrate and Collector	... 1	District Officer and Collector	... 1
Additional Magistrate and Col-		Joint District Officer and Collector	1
lector	... 1	Deputy District Officer and Col-	
Assistant Magistrate and Collector	3	lector	... 9
Joint-Magistrate and Collector	... 1	Sub-Deputy Officer and Collec-	
Deputy Magistrate and Collector	15	tor	... 4
Sub-Deputy Collector	... 4	District and Sessions Judge	... 1
District and Sessions Judge	... 1	Sub-Judge with the judicial powers	
Sub-Judge	... 2	of a District Magistrate and	
Munsiff	... 14	Assistant Sessions Judge	... 1
		Sub-Judge with the powers of a 1st	
		class Magistrate	... 3
		Munsiff and Deputy Magistrate	20

## MURSHIDABAD

## EXISTING

## PROPOSED

Magistrate and Collector	...	1	District Officer and Collector	...	1
Deputy Magistrate and Collector	10		Deputy District Officer and Col-		
Sub-Deputy Collector	...	6	lector	...	6
District and Sessions Judge	...	1	Sub-Deputy Collector	...	5
Sub-Judge	...	1	District and Sessions Judge	...	1
Munsiff	...	9	Assistant Sessions Judge, District		
			Magistrate and Sub-Judge	...	1
			Sub-Judge with the powers of a		
			1st class Magistrate	...	1
			Munsiff and Deputy Magistrate...		13

## MYMENSING

Magistrate and Collector	...	1	District Officer and Collector	...	1
Additional Magistrate and Collec-			Joint District Officer and Col-		
tor	...	1	lector	...	2
Joint-Magistrate and Collector	...	3	Assistant District Officer and Col-		
Assistant Magistrate	...	1	lector	...	1
Deputy Magistrate and Collector	18		Deputy District Officer and Col-		
Sub-Deputy Collector	...	6	lector	...	11
District and Sessions Judge	...	1	Sub-Deputy Collector	...	5
Additional District and Sessions			District and Sessions Judge	...	1
Judge	...	2	Additional District and Sessions		
Sub-Judge	...	2	Judge	...	1
Munsiff	...	25	Sub-Judge with the judicial		
			powers of a District Magistrate		
			and Assistant Sessions Judge...		3
			Sub-Judge with the judicial		
			powers of a District Magistrate		1
			Sub-Judge with the powers of a		
			1st class Magistrate	...	3
			Munsiff and Deputy Magistrate	...	33

## NADIA

## EXISTING

## PROPOSED

Magistrate and Collector	...	1	District Officer and Collector	...	1
Deputy Magistrate and Collector	...	10	Deputy District Officer and Col-		
Sub-Deputy Collector	...	8	lector	...	6
District and Sessions Judge	...	1	Sub-Deputy Collector	...	7
Sub-Judge	...	1	District and Sessions Judge	...	1
Munsiff	...	9	Sub-Judge with the judicial		
			powers of a District Magistrate,		
			Sub-Judge and 1st class Magistrate		1
			Munsiff and Deputy Magistrate	...	12

## NOAKHALI

Magistrate and Collector	...	1	District Officer and Collector	...	1
Deputy Magistrate and Collector	...	8	Deputy District Officer and Col-		
Sub-Deputy Collector	...	5	lector	...	4
District and Sessions Judge	...	1	Sub-Deputy Collector	...	5
Sub-Judge	...	1	District and Sessions Judge	...	1
Munsiff	...	10	Sub-Judge with the judicial powers		
			of a District Magistrate	...	1
			Sub-Judge with the powers of a		
			1st class Magistrate	...	1
			Munsiff and Deputy Magistrate	...	13

## PABNA

Magistrate and Collector	...	1	District Officer and Collector	...	1
Deputy Magistrate and Collector	...	7	Deputy District Officer and Col-		
Assistant Magistrate and Collec-			lector	...	4
tor	...	1	Assistant District Officer and Col-		
Sub-Deputy Collector	...	4	lector	...	1
District and Sessions Judge	...	1	Sub-Deputy Collector	...	4
Sub-Judge	...	2	District and Sessions Judge	...	1
Munsiff	...	8	Sub-Judge with the judicial		
			powers of a District Magistrate		1
			Sub-Judge with the powers of a		
			1st class Magistrate	...	2
			Munsiff and Deputy Magistrate	...	10

**RAJSHAHI****EXISTING****PROPOSED**

<b>Magistrate and Collector</b>	...	1	<b>District Officer and Collector</b>	...	1
<b>Assistant Magistrate and Collector</b>	...	1	<b>Assistant District Officer and Collector</b>	...	1
<b>Deputy Magistrate and Collector</b>	...	7	<b>Deputy District Officer and Collector</b>	...	3
<b>Sub-Deputy Collector</b>	...	4	<b>Sub-Deputy Collector</b>	...	4
<b>District and Sessions Judge</b>	...	1	<b>District and Sessions Judge</b>	...	1
<b>Sub-Judge</b>	...	1	<b>Sub-Judge with the judicial powers of a District Magistrate</b>	...	1
<b>Munsiff</b>	...	4	<b>Sub-Judge with the powers of a 1st class Magistrate</b>	...	1
			<b>Munsiff and Deputy Magistrate</b>	...	6

**RANGPUR**

<b>Magistrate and Collector</b>	...	1	<b>District Officer and Collector</b>	...	1
<b>Deputy Magistrate and Collector</b>	...	10	<b>Deputy District Officer and Collector</b>	...	6
<b>Sub-Deputy Collector</b>	...	3	<b>Sub-Deputy Collector</b>	...	3
<b>District and Sessions Judge</b>	...	1	<b>District and Sessions Judge</b>	...	1
<b>Sub-Judge</b>	...	1	<b>Sub-Judge with the judicial powers of a District Magistrate</b>	...	1
<b>Munsiff</b>	...	8	<b>Munsiff and Deputy Magistrate</b>	...	10

**TIPPERAH**

<b>Magistrate and Collector</b>	...	1	<b>District Officer and Collector</b>	...	1
<b>Additional Magistrate and Collector</b>	...	1	<b>Assistant District Officer and Collector</b>	...	4
<b>Assistant Magistrate and Collector</b>	...	4	<b>Deputy District Officer and Collector</b>	...	8
<b>Deputy Magistrate and Collector</b>	...	13	<b>Sub-Deputy Collector</b>	...	9
<b>Sub-Deputy Collector</b>	...	10	<b>District and Sessions Judge</b>	...	1
<b>District and Sessions Judge</b>	...	1	<b>Sub-Judge with the judicial powers of District Magistrate and Assistant District and Sessions Judge...</b>	...	2
<b>Sub-Judge</b>	...	3	<b>Sub-Judge with the powers of a 1st class Magistrate</b>	...	3
<b>Munsiff</b>	...	21	<b>Munsiff and Deputy Magistrate</b>	...	27

## 24-PERGANAS

<i>EXISTING</i>			<i>PROPOSED</i>		
Magistrate and Collector	...	1	District Officer and Collector	...	1
Joint-Magistrate and Collector	...	8	Joint District Officer and Collector	...	4
Assistant Magistrate and Collector	...	2	Assistant District Officer and Col-		
Deputy Magistrate and Collector	...	23	lector	...	2
Sub-Deputy Magistrate and Col-			Deputy District Officer and Col-		
lector	...	10	lector	...	16
District and Sessions Judge	...	1	Sub-Deputy District Officer and		
Additional District and Sessions			Collector	...	9
Judge	...	2	District and Sessions Judge	...	1
Sub-Judge	...	5	Additional District and Sessions		
Munsiff	...	18	Judge	...	1
			Sub-Judge with the judicial powers		
			of a District Magistrate and		
			Assistant Sessions Judge	...	3
			Sub-Judge with the judicial powers		
			of a District Magistrate	...	1
			Sub-Judge with the powers of a		
			1st class Magistrate	...	7
			Munsiff and Deputy Magistrate	...	28

## APPENDIX B

Comparative Statement of Expenditure and Saving before  
and after Separation based on the Distribution

## List of Appendix A

## BACKERGANJ

It is proposed to take away the following officers from the existing staff. Roughly speaking the average will be as follows :

	Ra.
1 Additional District Magistrate ...	1,800
1 Assistant Magistrate and Collector ...	450
7 Deputy Magistrate and Collector ...	3,500
2 Sub-Deputy Collector at Rs. 150 per month ...	300
1 Additional District and Sessions Judge ...	2,500
Total monthly saving.	Ra. 8,550

The proposed additional appointments are :

1 Assistant Sessions Judge with judicial powers of a District Magistrate (Indian Judicial Service) ...	1,250
1 Assistant Sessions Judge with powers of a District Magistrate (Provincial Judicial Service) ...	1,200
1 Subordinate Judge with the powers of a 1st class Magistrate ...	600
8 Additional Munsiff and Deputy Magistrate ...	3,200

Total monthly extra expenditure Ra. 6,250  
Net monthly saving 8550-6250 = Rs. 2,300

## BANKURA

Saving in expenses :

3 Deputy Collector ...	1,500
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Extra expenses :

1 Sub-Deputy Collector ...	175
1 Sub-Judge with the powers of a District Magistrate ...	1,000
1 Munsiff and Deputy Magistrate ...	300

Ra. 1,475

Net saving Rs. 25

**BIRBHUM****Saving in expenses:**

			Rs.
2	Deputy Magistrate at Rs. 400 per month ...	...	800
<b>Extra expenses:</b>			
2	Munsiff ... ..	...	600
	Additional pay of the Sub-Judge with the powers of a		
	District Magistrate ... ..	...	200
			<hr/>
			Rs. 800

Net saving nil.

**BOGRA****Saving in expenses:**

3	Deputy Magistrate ... ..	...	1,200
<b>Extra expenses:</b>			
2	Munsiff and Deputy Magistrate ... ..	...	600
	Additional pay of one Sub-Judge with the powers of a		
	District Magistrate ... ..	...	200
			<hr/>
			Rs. 800

Saving Rs. 400

**BURDWAN****Saving in expenses:**

1	Assistant Magistrate and Collector ... ..	...	450
4	Deputy Magistrate and Collector ... ..	...	1,600
1	Sub-Deputy Collector ... ..	...	150
			<hr/>
			Rs. 2,200

**Extra expenses:**

1	Assistant District and Sessions Judge with judicial powers of a District Magistrate and of a Sub-Judge (Indian Judicial Service) ... ..	...	1,250
3	Munsiff and Deputy Magistrate ... ..	...	900
			<hr/>

Rs. 2150

Saving Rs. 50

## APPENDIX

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### CHITTAGONG

**Saving in expenses:**

	Rs.
1 Joint-Magistrate and Deputy Collector ...	900
1 Assistant Magistrate and Deputy Collector ...	450
3 Deputy Magistrate and Deputy Collector ...	1,500
1 Sub-Deputy Collector ...	150
1 Additional District and Sessions Judge ...	2,500
	Rs. 5,500

**Extra expenses:**

2 Assistant Sessions Judge with the judicial powers of a District Magistrate and of a Sub-Judge (Indian Judicial Service) ...	2,500
5 Munsiff and Deputy Magistrate ...	1,500
	Rs. 4,000

Net saving Rs. 1,500

### CHITTAGONG HILL TRACTS

#### NO CHANGE

#### DACCA

**Saving in expenses:**

	Rs.
1 Additional District Magistrate ...	1,800
2 Assistant Magistrate and Collector ...	900
7 Deputy Magistrate and Deputy Collector ...	3,500
1 Sub-Deputy Collector and Magistrate ...	150
1 Additional District and Sessions Judge ...	2,000
	Rs. 8,350

**Extra expenses:**

1 Assistant Sessions Judge with powers etc. (Indian Judicial Service) ...	1,250
1 Assistant Sessions Judge with judicial powers of a District Magistrate (Provincial Judicial Service) ...	1,200
1 Sub-Judge with powers of a 1st class Magistrate ...	800
9 Munsiff and Deputy Magistrate ...	3,600
	Rs. 6,850

Saving Rs. 1,500

### DARJEELING

#### NO CHANGE

## APPENDIX

DINAJPUR

## Saving in expenses :

				Rs.
3	Deputy Collector	...	...	1,500

## Extra expenses:

1	Sub-Judge with powers of a District Magistrate (Provincial Judicial Service)	...	...	1,000
2	Munsiff and Deputy Magistrate	...	...	600
				Rs. 1,600

Net extra expenditure 100

FARIDPUR

## Saving in expenses:

				Rs.
4	Deputy Collector and Deputy Magistrate	...	...	2,000
1	Sub-Deputy Magistrate and Collector	...	...	150
1	Additional District and Sessions Judge	...	...	2,500
				Rs. 4,650

## Extra expenses:

1	Assistant District and Sessions Judge with the judicial powers of a District Magistrate (Indian Judicial Service)	...	...	1,250
1	Assistant Sessions Judge with powers etc. (Provincial Judicial Service)	...	...	1,200
4	Munsiff and Deputy Magistrate	...	...	1,200
				Rs. 3,650

Saving Rs. 100

HUGHLY

## Saving in expenses:

				Rs.
5	Deputy Magistrate and Collector	...	...	2,000
1	Additional District and Sessions Judge	...	...	2,000
				Rs. 4,000

## Extra expenses:

1	District and Sessions Judge	...	...	1,250
1	Assistant Sessions Judge with judicial powers of a District Magistrate	...	...	1,200
1	Sub-Judge with 1st class power	...	...	600
3	Munsiff and Deputy Magistrate	...	...	900
				Rs. 3,950

Saving Rs. 50

## APPENDIX

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### HOWRAH

Saving in expenses :				Rs.
1	Joint-Magistrate	...	...	900
4	Deputy Magistrate and Collector	...	...	1,600
				Rs. 2,500
Extra expenses :				
1	Assistant Sessions Judge and District Magistrate ( Indian Judicial Service)	...	...	1,250
2	Munsiff and Deputy Magistrate	...	...	600
				Rs. 1,850

Saving Rs. 650

The Salary of a Sub-Judge with the powers of a 1st Class Magistrate whose services will be available for Hooghly, as well has been debited to Howrah.

### JALPAIGURI

NO CHANGE

### JESSORE

Saving in expenses :				Rs.
1	Joint-Magistrate	...	...	700
4	Deputy Magistrate	...	...	2,000
1	Sub-Deputy Collector and Magistrate	...	...	150
				Rs. 2,850
Extra expenses :				
1	Assistant District and Sessions Judge with powers of a District Magistrate (Indian Judicial Service)	...	...	1,250
3	Munsiff and Deputy Magistrate	...	...	1,200
				Rs. 2,450

Saving Rs. 400

### KHULNA

Saving in expenses :				Rs.
5	Deputy Magistrate and Collector	...	...	2,000
1	Sub-Deputy Magistrate and Collector	...	...	150
				Rs. 2,150
Extra expenses :				
1	Sub-Judge with powers of a District Magistrate	...	...	1,000
3	Munsiff and Deputy Magistrate	...	...	900
				Rs. 1,900

Saving Rs. 250

## APPENDIX

### MALDA

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**Saving in expenses :**

1 Deputy Magistrate and Collector	...	...	500
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**Extra expenses:**

Sub-Judge with powers of a District Magistrate	...	1000
Extra expenditure	500	

### MIDNAPUR

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**Saving in expenses:**

1 Additional District Magistrate	...	...	2,250
6 Deputy Magistrate and Collector	...	...	3,000
1 Assistant Magistrate and Collector	...	...	450
		Rs.	5700

**Extra expenditure :**

1 Assistant Sessions Judge with powers of a District Magistrate (Indian Judicial Service)	...	...	1,250
1 Sub-Judge with powers of a 1st class Magistrate	...	...	600
6 Munsiff and Deputy Magistrate	...	...	2,400
		Rs.	4,250

Saving Rs. 1,450

### MURSHIDABAD

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**Saving in expenses:**

4 Deputy Magistrate and Deputy Collector	...	...	2,000
1 Sub-Deputy Magistrate and Collector	...	...	175
		Rs.	2,175

**Extra expense :**

1 Assistant Sessions Judge with powers of a District Magistrate (Indian Judicial Service)	...	...	1,250
3 Munsiff and Deputy Magistrate	...	...	900
		Rs.	2,150

Saving Rs. 25

MYMENSING**Saving in expenses:**

	Rs.
1 Additional Magistrate ...	1,800
1 Joint-Magistrate ...	700
7 Deputy Magistrate and Deputy Collector ...	2,800
1 Sub-Deputy Magistrate and Collector ...	150
1 Additional District and Sessions Judge ...	2,000

Rs. 7,450

**Extra expenses :**

1 Assistant District and Sessions Judge (Indian Judicial Service) ...	1,250
1 Assistant District Sessions Judge (Provincial Judicial Service) ...	1,200
1 Sub-Judge with the powers of a District Magistrate ...	1,000
1 Sub-Judge with powers of a 1st class Magistrate ...	600
8 Munsiff and Deputy Magistrate ...	3,200

Rs. 7,250

Saving Rs. 200

NADIA**Saving in expenses :**

4 Deputy Magistrate and Deputy Collector ...	2,000
1 Sub-Deputy Collector ...	150

Rs. 2,150

**Extra expenses :**

1 Sub-Judge with the powers of a District Magistrate (Provincial Judicial Service) ...	1,000
3 Munsiff and Deputy Magistrate ...	900

Rs. 1,900

Saving Rs. 250

NOAKHALI**Saving in expenses :**

4 Deputy Magistrate and Deputy Collector ...	2,000
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**Extra expenses :**

1 Sub-Judge with powers of a District Magistrate ...	1,000
3 Munsiff and District Magistrate ...	900

Rs. 1900

Saving Rs. 100

**APPENDIX**  
**PABNA**

<b>Saving in expenses:</b>		<b>Rs.</b>
3 Deputy Magistrate and Collector	...	1,500
<b>Extra expenses:</b>		
1 Sub-Judge with powers of a District Magistrate	...	1,000
2 Munsiff and Deputy Magistrate	...	600
		<b>Rs. 1,600</b>

Extra expenditure Rs. 100

**RAJSHAHI**

<b>Saving in expenses:</b>		
4 Deputy Magistrate and Deputy Collector	...	2,000
<b>Extra expenses:</b>		
1 Sub-Judge with powers of a District Magistrate	...	1,000
2 Munsiff and Deputy Magistrate	...	600
		<b>Rs. 1,600</b>

Saving Rs. 400

**RANGPUR**

<b>Saving in expenses:</b>		
4 Deputy Magistrate and Deputy Collector	...	2,000
<b>Extra expenditure:</b>		
1 Sub-Judge with powers of a District Magistrate	...	1,000
2 Munsiff and Deputy Magistrate	...	600
		<b>Rs. 1,600</b>

Saving Rs. 400

## 24-PERGANAS

### Saving in expenses:

1	Additional District Sessions Judge ...	...	3,000
4	Joint-Magistrate ..	...	3,600
7	Deputy Magistrate and Collector at different scales of pay ..	..	3,700
1	Sub-Deputy Magistrate and Collector	.	200
			Rs. 10,500

### Extra expenditure:

2	Assistant Sessions Judge and District Magistrate (Indian Judicial Service) ...	...	2,500
1	Assistant Sessions Judge and District Magistrate (Provincial Judicial Service) ..	...	1,200
1	Sub-Judge with powers of a District Magistrate	...	1,000
2	Sub-Judge with powers of a 1st class Magistrate	...	1,200
10	Munsiff and Deputy Magistrate	...	4,000
			Rs. 9,900

Saving Rs. 600

# APPENDIX

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## TIPPERAH

### Saving in expenses:

	Ra.
1 Additional Magistrate ...	2,350
5 Deputy Magistrate and Deputy Collector ...	2,000
1 Sub-Deputy Magistrate and Collector ...	150
	<u>Ra. 4,400</u>

### \*Extra expenditure:

1 Assistant Sessions Judge with powers of a District Magistrate and Sub-Judge (Indian Judicial Service) ...	1,350
1 Assistant Sessions Judge with powers of a District Magistrate and Sub-Judge (Indian Provincial Service) ...	1,300
6 Munsiff and Deputy Magistrate ...	1,500
	<u>Ra. 4,150</u>

Saving Ra. 150

## 24-PERGANAS

### Saving in expenses:

4 Joint-Magistrate ...	3,600
7 Deputy Magistrate and Collector ...	3,500
1 Sub-Deputy Magistrate and Collector ...	150
	<u>Ra. 7,250</u>
2 Additional District Sessions Judge and District Magistrate (Indian Judicial Service) ...	2,250
	<u>Ra. 10,500</u>
1 Assistant District and Sessions Judge and District Magistrate (Provincial Judicial Service) ...	1,300
1 Sub-Judge with powers of a District Magistrate ...	1,000
2 Sub-Judge with powers of a 1st class Magistrate ...	1,200
10 Munsiff and Deputy Magistrate ...	4,000
	<u>Ra. 9,900</u>

Saving Ra. 600

## Calculation of Net Saving

		Net Saving	Net Excess
1	Backerganj	2,300	0
2	Bankura	25	0
3	Birbhum	0	0
4	Bogra	400	0
5	Burdwan	50	0
6	Chittagong	500	0
7	Chittagong Hill Tracts	0	0
8	Dacca	1,500	0
9	Darjeeling	0	0
10	Dinajpur	0	100
11	Faridpur	700	0
12	Hughly	50	0
13	Howrah	650	0
14	Jalpaiguri	0	0
15	Jessore	400	0
16	Khulna	250	0
17	Malda	0	500
18	Midnapur	1,450	0
19	Murshidabad	25	0
20	Mymensing	200	0
21	Nadia	250	0
22	Noakhali	100	0
23	Pabna	0	100
24	Rajshahi	400	0
25	Rungpur	400	0
26	Tipperah	350	0
27	24-Perganas	600	0

Total Rs. 10,600      Rs. 700

Total net monthly saving Rs. 9,900

Besides Rs. 9,900 there will be further saving in the salary of eight District and Sessions Judges by the creation of an additional grade of Rs. 1,500. This saving will come up to at least Rs. 4,000 per month. The total monthly saving will thus amount to Rs. 9,900 + Rs. 4,000 = Rs. 13,900.

The total yearly saving will be Rs. 1,66,800.

# APPENDIX

## APPENDIX C

### An Abstract of the Total Number of Officers Required According to Appendix A

District	District Judge	Assistant Sessions Judge with the powers of a District Magistrate and Sub-Judge	Sub-judge with the powers of a District Magistrate	Sub-judge with the powers of a 1st class Magistrate	Munsiff and Deputy Magistrate
24-Perganas ...	2	3	1	7	28
Tipperah ...	1	2	0	3	27
Rangpur ...	1	0	1	0	10
Rajshahi ...	1	0	1	1	6
Pabna ...	1	0	1	1	10
Noakhali ...	1	0	1	1	13
Nadia ...	1	0	1	1	12
Mymensing ...	2	2	1	3	33
Murshidabad ...	1	1	0	1	12
Midnapur ...	1	1	0	3	20
Maldah ...	0	0	1	0	1
Khulna ...	1	1	0	2	12
Jessore ...	1	1	0	2	15
Howrah ...	0	0	1	1	8
Hughly ...	1	2	0	4	15
Faridpur ...	1	2	0	2	18
Dinajpur ...	1	0	1	1	9
Dacca ...	1	2	0	5	30
Chittagong ...	1	2	0	2	22
Burdwan ...	1	1	0	2	13
Bogra ...	0	0	1	0	9
Birbhum ...	1	0	1	0	8
Bankura ...	1	0	1	1	8
Backerganj ...	1	2	0	4	25
	23	22	13	47	364

It will be seen from the above table that the total strength of judicial officers necessary for the administration of justice for the Mofussil Districts will be as follows:—

District and Sessions Judges	...	23
Assistant Sessions Judges with the powers of District Magistrate and Sub-Judge	...	22
Sub-Judges with the judicial powers of the District Magistrate	...	13
Sub-Judges with the powers of the 1st class Magistrates	...	47
Munsiffs also exercising the powers of 1st, 2nd and 3rd class Magistrates	...	364

### Indian Judicial Service

The 23 District Judges should all be members of the Indian Judicial Service.

Of the 22 Assistant Sessions Judges 9 may be recruited from the Indian Judicial Service and 13 from the Provincial Judicial Service.

Of the 13 Sub-Judges exercising the Judicial powers of a District Magistrate 5 may be recruited from the Indian Judicial Service and 8 from the Provincial Judicial Service.

Of the 47 Sub-Judges with the powers of a 1st class Magistrate 5 may be recruited from the Indian Judicial Service and 42 from the Provincial Judicial Service.

Of the 364 Munsiffs and Deputy Magistrates 5 may be recruited from the Indian Judicial Service and 359 from the Provincial Judicial Service.

The grades of pay and the strength of each grade including the officers that will be necessary for the Presidency town will be as follows :—

District and Sessions Judge	... 23	} Pay from Rs. 1,500 to Rs. 3,000
Administrator General	... 1	
Assignee and Official Trustee	... 1	
Chief Presidency Magistrate	... 1	
Chief Small Causes Court Judge	... 1	
Judicial Secretary to the High Court	... 1	
Joint Judicial Secretary and Registrar High Court	... 1	
Second Judge Small Causes Court	... 1	
	30	
Assistant District and Sessions Judge and District Magistrate	... 9	
Second Presidency Magistrate	... 1	
	10	Pay Rs. 1,250
District Magistrate and Sub-Judge	5	Pay Rs. 1,000
First Class Magistrate and Sub-Judge	... 5	Pay Rs. 900
Munsiff and Deputy Magistrate	... 5	Pay Rs. 750
	55	

### Provincial Judicial Service

Assistant Sessions Judge and District Magistrate and Sub-Judge	... 13	} Pay Rs. 1,200
Presidency Small Cause Court Judge	... 1	
	12	
District Magistrate and Sub-Judge	8	} Pay Rs. 1,000
Presidency Small Cause Court Judge	... 2	
	10	

Sub-Judges	...	16	} Pay Rs. 800
Sub-Judges as Registrar, Small Cause Court	...	1	
		17	

Sub-Judges	...	26	} Pay Rs. 600
Sub-Judge as Presidency Magistrate	...	3	

Munsiffs and Deputy Magistrates 364

Deduct 5 appointments of the Indian Judicial Service ... 5

Total 359

Add one who will hold the office of a Presidency Magistrate .. 1

Total 360

Munsiffs and Deputy Magistrates

		Number
1st grade	Rs. 500	51
2nd grade	Rs. 400	71
3rd grade	Rs. 300	120
4th grade	Rs. 250	70
5th grade	Rs. 200	48
		360

From the above it will appear that the following officers with the grades and pay mentioned below will suffice for the Presidency of Bengal including the Presidency Town

#### Gradation list of the Indian Judicial Service

GRADE	PAY	NUMBER	REMARKS
1st Grade	Rs. 3,000	4	2 as District Judges, 1 as Judicial Secretary and 1 as Administrator General. There will be some saving in the pay of the Administrator General.
2nd Grade	Rs. 2,500	10	8 as District Judges, 1 as Official Assignee 1 as Chief S. C. Judge.
3rd Grade	Rs. 2,000	8	4 as District Judges, 1 as Registrar, High Court.
4th Grade	Rs. 1,500	8	6 as District Judges, 1 as Chief Presidency Magistrate and 1 as 2nd Judge, Small Cause Court.
5th Grade	Rs. 1,250	10	9 Assistant District and Sessions Judge with the powers of District Magistrate and Subordinate Judge and 1 as 2nd Presidency Magistrate.
6th Grade	Rs. 1,000	5	To exercise the Judicial powers of a District Magistrate and the powers of a Sub-Judge as a Civil Judge.

7th Grade	Rs. 900	5	...	To exercise the powers of a 1st class Magistrate as also of a Sub-Judge.
8th Grade	Rs. 750	5	...	To exercise the powers of a 2nd class and 3rd class Magistrate and of a Munsiff.

#### Gradation List of the Subordinate Judicial Service

GRADE	PAY	NUMBER	REMARKS
1st Grade	Rs. 1,200	14	13 will exercise the powers of an Assistant District and Sessions Judge, District Magistrate and Sub-Judge, and 1 as Presidency Small Cause Court Judge.
2nd Grade	Rs. 1,000	10	8 will exercise the Judicial powers of a District Magistrate, and the powers of a Sub-Judge, 2 will be Presidency Small Cause Court Judge.
3rd Grade	Rs. 800	17	15 will exercise the powers of a 1st class Magistrate and the civil powers of a Sub-Judge, 2 will be Presidency Small Cause Court Judge.
4th Grade	Rs. 600	29	26 will exercise the powers of a 1st class Magistrate and the civil powers of a Sub-Judge and 3 will be Presidency Magistrates.
		Total 69	

#### Gradation List of the Munsiffs and Deputy Magistrates

GRADE	SALARY	NUMBER	REMARKS
1st Grade	Rs. 500	51	50 will exercise the powers of a Munsiff and of a 1st class Magistrate 1 will be a Presidency Magistrate.
2nd Grade	Rs. 400	71	All these officers will exercise the powers of a Munsiff and of a 1st class Magistrate.
3rd Grade	Rs. 300	120	All these officers will exercise the powers of a Munsiff and of a 1st class Magistrate.
4th Grade	Rs. 250	70	All these officers will exercise the powers of a Munsiff and of a 1st class Magistrate.
5th Grade	Rs. 200	48	All these officers will exercise the powers of a Munsiff and of a 2nd and 3rd class Magistrate.
		Total 360	

PART II

Cases

## Ratneswari Pershad Narayan Singh's Case—1897

2, Calcutta Weekly Notes 498

On the 17th December 1897, one Heralall complained before Mr. L., Sub-divisional Magistrate of Sewan against Gopi Kurmi and 7 others, servants of Babus Ratneswari and Brijnundun, who were wealthy zemindars, owning considerable property. The charge was under secs. 325, 323 and 379, I. P. C. for severely assaulting one Sajiban Lal, and committing other offences. The Sub-divisional Magistrate thereupon ordered a Police investigation into the case, and the complaint was entered as the first information and the Police began to investigate. Sajiban was sent to Sewan Hospital by order of the Joint-Magistrate where he died on 21st December. The *post mortem* report showed that the man died of "Pneumonia induced probably by the injuries on his chest and back." On the 18th December, Mr. L. went to the house of Ratneswari and, it was alleged, said to him, "you are concealing yourself after killing a man." [The Magistrate subsequently denied making the alleged statement.] On the same day Mr. L. visited the house of Babu Brijnundun, another accused in the case, and inquired where he was and on being told that he was out on business, the Magistrate was very angry. On the same day, the Magistrate commenced to examine some of the witnesses at the house of Hera Lal, informant, the question being put by the Joint-Magistrate himself, while the answers were recorded by the head constable. [The Magistrate stated in his explanation, in the High Court, that the Police examined and he only suggested questions.] While the said examination was going on, Mr. L. sent some chowkidars and a constable to Ratneswari with orders to bring him immediately *paidal* (on foot.) [The Magistrate however stated that he only ordered that Ratneswari should leave his elephant behind and he