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1903.

ASSAM SECRETARIAT.

GENERAL DEPARTMENT.

HOME—A.

June.

Nos. 62-66.

Criminal and Civil Business Returns for Hill Tracts in Assam.

1903.

REFERENCES TO FORMER CASES.

Department, date, and Nos., or File No. and year.	Brief Title of File.
1. Home, Misc., B, Aug. 1876, Nos. 130 and 39-40. 2. Ditto ditto, Nos. 140-141.	Rules regarding realization of judicial fines.
3. File No. 205J. of 1883.	
4. Home, A, Dec. 1896, Nos. 118-125.	Submission of quarterly balance sheet of fines.
5. Deposit J, June 1899, No. 26.	Rules for realisation of judicial fines.
	Question regarding the submission of reports and returns by the Superintendent, Lushai Hills.

V-3-130.

REFERENCES TO LATER CASES.

Department, date, and Nos.	Brief Title of File.
H. A Nov 1904 = 236/238 Pol. B. Dec. 1905 = 82 - 85 Jud. A Feb 1907 = 1. Pol. A Mar 1907 = 20 (7-250)	

(To be continued on back, if necessary.)

PAPERS OTHER THAN PROCEEDINGS.

I.—Printed.

Notes and orders.

II.—Not printed

Nil.

ASSAM SECRETARIAT.

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HOME—A.

JUNE.

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Criminal and Civil Business Returns for Hill Tracts in Assam.

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- No. 64.—To the Superintendent, Lushai Hills, No. 592Misc.—2476J., dated the 30th May 1903.
- No. 65.—To the Superintendent, Lushai Hills, No. 592Misc.—2478J., dated the 30th May 1903.
- No. 66.—Enclosure.

NOTES.

HOME—A, JUNE 1903.

Nos. 62-66.

Criminal and Civil Business Returns for Hill Tracts in Assam.

Will office please let me have a list (with specimens) of the annual and quarterly returns which we receive, showing the disposal of (a) Criminal Court work, and (b) Civil Court work, from (i) the Assam Valley, (ii) the Surma Valley, and (iii) the hill districts.

If there is a list of all returns due to us from each of the three classes of districts, it may be submitted, and the return to which I now refer may be indicated by marks upon it.

13th September 1902.

J. B. FULLER.

* S. N. D.—20-9-1902.

Assistant Secretary (through Revenue*),

A copy of the list of returns due to the Chief Commissioner is put up. The returns referred to have been marked in the list.

We have also a statement compiled from information furnished by Deputy Commissioners for the General Administration Report, which gives revenue, criminal, and civil statistics; it is No. 105 (page 38 of the list).

M. R.—22nd September 1902.

Secretary,

22nd September 1902.

H. CORKERY.

Chief Commissioner,

24th September 1902.

F. C. HENNIKER.

Judicial-Criminal.

* No. See note on (5) below.—J. D.

(5) No. 27.—Why do we not receive this from the Cachar Hill tract and from the Lushai Hills?*

(6) No. 55.—Was this complicated return prescribed by the Government of India? Why should we not abolish it? The information is presumably all included in the returns which go to the High Court.

(7) No. 60.—Surely this can also be abolished? It must be practically always blank.

(8) No. 105.—Why should not the Deputy Commissioners include this in their annual report?

* No. See note on (5) below.—J. D. No. 26 and No. 35 (Fines).—Do we not get these from the Lushai Hills? If not, why not?*

Civil Business.

(9) No. 64 and No. 65.—I suppose that these returns are prescribed by India?

(10) Why do we not receive returns of civil business from the hill districts in some such form as No. 27? Has the point never been considered? If not, I should like to have a form drafted.

25th September 1902.

J. B. FULLER.

* S. N. D.—21-10-1902.

† A. K. Guha—25-10-1902.

Assistant Secretary (through Revenue* and General†),

(5)—We used to receive it from the North Cachar Hills, but it was

discontinued* on the representation of the Deputy Commissioner,

Cachar. From the Lushai Hills no returns have been yet called for

(except in one or two special cases). Please see some notes which

were recorded in 1899.

(6)—It was prescribed by the High Court and adopted by the Chief Commissioner. Please see rule 4, Section XVI, of the Manual of Executive Rules (page 41).

(7)—The form was prescribed by the Government of India. Please see correspondence in the marginally-noted collections.

(8)—The Deputy Commissioners are at liberty to add to or reduce the subjects of their General Administration Report (paragraph 2 of Assam Resolution No. 7773—81G.* dated the 13th October 1899). The statement is at present submitted for the Provincial General Administration Report. It was prescribed by the Government of India. The file containing the orders, however, appears to have been lost in 1897.

(9)—Yes, please see orders in the marginally-noted printed collection.*

(10)—No, we do not receive any civil statements from hill districts. The civil statements we used to receive are put up for inspection. These returns were discontinued by our Circular No. 21G.,* dated the 21st June 1901. Please see

Serial No. 15 of the statement annexed to the Circular.

M. R.—13th November 1902.

* Home, B. July 1899, Nos. 483-489, page 19. The figures were shown in the quarterly returns submitted for the Cachar district; but this return has also been discontinued, Serial No. 11 at page 4 of Home, A. July 1901, Nos. 95-96.

See also notes on No. 9 in unprinted K.-W. Nos. 1 to Home, A, July 1901, Nos. 95-96.—J. D.

Deposit, J, June 1899, No. 26.

It is used to see that the power of whipping is not abused. We had an instance of this last year in the case of Mr. Cuiquhoun* at North Lakhimpur.—J. D.

* Home, A, Nov. 1901, Nos. 63-61.

Home, A, June 1884, Nos. 32-34, and Home (Misc.), Oct. 1884, Nos. 196-197.

(8)—The Deputy Commissioners are at liberty to add to or reduce the subjects of their General Administration Report (paragraph 2 of Assam Resolution No. 7773—81G.* dated the 13th October 1899). The statement is at present submitted for the Provincial General Administration Report. It was prescribed by the Government of India. The file containing the orders, however, appears to have been lost in 1897.

This might be included in the annual report in the form of a statement. It is a statement which was required for the General Administration Report, from which statements are now to be excluded.—J. D.—11-11-1902.

* Home, A, Aug. 1901, No. 67-94.

* Home, A, July 1901, Nos. 95-96.

Secretary,

The above information answers Chief Commissioner's queries of 25th September.

13th November 1902.

J. DONALD.

Chief Commissioner has ordered that this be printed and submitted with the one about a *Kistbandi* and *Tauzi* Form.

Do so.

13th November 1902.

F. C. HENNIKER.

Chief Commissioner,

No. (5)—The notes in unprinted K.-W. Home, A, July 1901, Nos. 95-96, which led to the discontinuance of the quarterly criminal business statements formerly submitted to this office from Sylhet and Cachar. When these returns were abolished owing to an oversight no quarterly return of criminal business for the North Cachar Hills was prescribed. We may now order Return No. 27 (copies of criminal register I and criminal appeal register) to be submitted again quarterly for the North Cachar Hills.

This was unfortunate, as criminal work at Hasong is more important than at most other subdivisions whether in plains or hills.

Orders should issue as proposed.—J. B. F.

* Since discontinued and revised ones prescribed to be submitted with General Administration Report.

No. (10)—We receive annual civil justice returns* for these districts, which it was thought would be sufficient.

15th December 1902.

F. J. MONAHAN.

Extract from the Chief Commissioner's note, dated the 23rd December 1902, on Diary No. 674 Return of 1902.

No. 27.—(1) Copy of Register No. 1 of crimes reported and cases decided. (2) a copy of the entries in the appeal register.

(5) Restore the list to the North Cachar Hills and prescribe for the Lushai Hills.

(6) I have been used to the idea that whipping should be encouraged as an alternative to imprisonment in the case of those to whom it would be no special disgrace.

But the return may stand.

* Return No. 105 already abolished under Circular No. 8A, dated the 18th February 1903.—Rebatl.—17-4-1903.

(7) Useless : but may stand.

(8) Abolish.*

(9) May stand.

Extract from the Chief Commissioner's note, dated the 23rd December 1902, on Diary No. 674 Return of 1902.

Civil statements from hill districts.

10. The old form of return was useless for purposes of control. Why should we not receive each quarter a copy of the civil case register entries—with a copy of the civil appellate register entries—as we do in the case of criminal work? Would the entries be so very numerous? I think not—and should be glad if forms were drafted for approval. The Chief Commissioner is a controlling officer and should be in a position to exercise his control.

Secretary,

The action now needed in respect of the civil and criminal returns in accordance with the above orders is noted on below :

(5) *Return No. 27.*—The only point that need be brought to notice is that the form of appeal register (criminal) has recently been modified. Sir Charles Elliott's memorandum, dated the 4th October 1882, showing the old form and a revised form put up for inspection.

Two drafts put up in accordance with Chief Commissioner's orders prescribing the return for Lushai Hills and re-prescribing it for North Cachar.

(8) *Returns Nos. 26 and 35.*—(Vide Chief Commissioner's order of 25th September 1902). From the fact that Chief Commissioner has passed no subsequent orders about these, we understand

* File No. 205 of 1883, Home, A, Dec. 1896, Nos. 113-125. that it has been decided not to prescribe these for the Lushai Hills.

Forms of and authority* for the two returns are, however, put up.

(10) It appears from the General Administration Reports of the Naga Hills, Garo Hills, and Khasi and Jaintia Hills for 1901-1902, that the numbers of original, civil, and criminal cases for disposal in 1901 were as under :

						Criminal.	Civil.
Naga Hills	...	...	...	...	...	139	105
Garo Hills	...	...	...	...	...	197	90
Khasi and Jaintia Hills	...	...	...	...	...	116	162

This would indicate that if a quarterly return made up of a copy of the criminal case register can be submitted, as it is done at present, a similar return for civil suits need not be an unusually long one on the score of numerousness of entries. In these circumstances we understand Chief Commissioner's orders to prescribe the submission of a quarterly return made up of (1) a copy of the register of civil suits and (2) a copy of the register of appeals (civil). This should perhaps be prescribed for the Naga Hills, Garo Hills, Khasi and Jaintia Hills, Lushai Hills, and North Cachar.

A draft put up prescribing this return for the Naga, Garo, Khasi and Jaintia Hills, and the return has been included in the two drafts put up, requiring the submission of the similar criminal return from the Lushai Hills and North Cachar.

The forms of returns—Civil Statements A-I, A-II, B-I, B-II and D—lately abolished by our Circular No. 21G,* dated the 21st June 1901, are also submitted for inspection.

* Page 1 of Home, A, July 1901, Nos. 95-96.

It is as well to note that the High Court's forms of civil suit register and civil appeal register, which are more elaborate than our corresponding forms for hill districts will be found on pages 231 and 242 of High Court Civil Circular orders. However it is probably not intended to change the forms now.

Rebati—16th April 1903.

I have taken up this case to Chief Commissioner and prepared drafts I and II in accordance with his orders, which should issue without delay.

21st April 1903.

F. J. MONAHAN.

[To the Deputy Commissioners Khasi and Jaintia Hills, Garo Hills, and Naga Hills, No. 592Misc.—1751-1753J., dated the 23rd April 1903.]

[To the Deputy Commissioner, Cachar, and the Superintendent, Lushai Hills, No. 592Misc.—1754-1755J., dated the 23rd April 1903.]

Under-Secretary,

There is one point on which final orders have not been passed, *viz.*, prescribing returns of fines for the Lushai Hills. There are two returns :

No. 26.—Quarterly balance sheet of judicial fines.

No. 35.—Half-yearly statement of irrecoverable fines written off by the Deputy Commissioners.

Please see paragraph (8) of Rebati Babu's note, dated the 16th April 1903. I think these returns may as well be prescribed for the Lushai Hills.

C. G.—14th May 1903.

Secretary,

21st May 1903.

J. DONALD.

25th May 1903.

F. J. MONAHAN.

[To the Superintendent, Lushai Hills, Nos. 592Misc.—2476J. and 592Misc.—2478J., dated the 30th May 1903.]

ASSAM SECRETARIAT PROCEEDINGS.

Home—A.

June 1903.

Criminal and Civil Business Returns for Hill Tracts in Assam.

No. 62.

No. 592Misc.—1751-1753J., dated Shillong, the 23rd April 1903.

From—The Secretary to the Chief Commissioner of Assam,

To—The Deputy Commissioners of Garo Hills.
Naga Hills.
Khasi and Jaintia Hills.

In supersession of the orders contained in Rule 11, Section 1, Chapter III, page 70 of the Manual of Executive Rules, I am directed to say that in future you should submit every quarter (within 15 days after the close of the quarter), a copy of entries in Criminal Register I of crimes reported and cases decided, and in your criminal appeal register, relating to those cases only which were pending for over three months at the close of the quarter. A copy of entries in your register of political cases relating to cases which were pending for more than three months at the close of the quarter should be submitted at the same time. A brief note should be given in the remarks column of each return explaining the causes of delay in the disposal of each case shown therein.

2. I am to request that you will be so good as to submit by the same date for each quarter (beginning with the quarter ending the 30th June 1903, copies of entries in your register of civil suits I and in your register of civil appeals VI, relating to cases which were pending for more than six months at the end of the quarter, with explanations of the delay in disposing of each case.

No. 63.

No. 592Misc.—1754-1755J., dated Shillong, the 23rd April 1903.

From—The Secretary to the Chief Commissioner of Assam,

To—The Deputy Commissioners of Cachar.
Lushai Hills.

[] Cachar only. [In supersession of the orders contained in this office letter No. 345Retn.—696A., dated the 2nd May 1899], I am directed to request that in future you will be so good as to submit within 15 days after the close of each quarter, beginning with the quarter ending the 30th June 1903, the following returns for the North Cachar/
Lushai Hills.

(1) a copy of entries in criminal register I of crimes reported and cases decided, and in the register of political cases and criminal appeal register III relating to cases which were pending for more than three months at the close of the quarter.

(2) A copy of entries in the register of civil suits I and the register of civil appeals VI relating to cases which were pending for more than six months at the close of the quarter.

A brief note should be furnished in the remark column explaining the cause of the delay in the disposal of each case shown in the returns.

[] Lushai Hills only. [2. The maintenance of the registers referred to was sanctioned in this office letter No. 396For.—2767P., dated the 16th June 1902.]

Criminal and Civil Business Returns for Hill Tracts in Assam.

No. 592 Misc.—2476 J., dated Shillong, the 30th May. 1903.

To—The Superintendent, Lushai Hills.

I am directed to invite a reference to rule 24, Section VI, Chapter I, page 11 of the Manual of Executive Rules, and to request that in future you will be so good as to submit in the annexed form (Assam Executive Form No. 329), within 15 days after the close of each half-year, beginning with the half-year ending the 30th June 1903, a statement of irrecoverable fines written off by you during the period.

[ASSAM EXECUTIVE FORM No. 329.]

Half-yearly Statement of Irrecoverable Fines written off by Deputy Commissioners submitted for the Chief Commissioner's Commissioner's information.

Serial No. in Fine Register, with month and year.	Name of defaulter.	Date of sentence.	Amount of fine imposed.	Sentence of imprisonment.		Amount realised.	Balance written off as irrecoverable.	Date of each inquiry made by police or magisterial officer, and name of enquiring officer.	Result of the last of the enquiries referred to in column 8, showing why the amount is irrecoverable.	Date of order for writing off the irrecoverable balance.	Remarks.
1	2	3	4	Substantive.	In default of fine.	6	7	8	9	10	11
Total			Rs. a. p.			Rs. a. p.	Rs. a. p.				

Deputy Commissioner.

H. 64-64a. Criminal and Civil Business Returns for Hill Tracts in Assam.

No. 592 Misc.—2476 J., dated Shillong, the 30th May. 1903.

From—The Under-Secretary to the Chief Commissioner of Assam,
To—The Superintendent, Lushai Hills.

I am directed to invite a reference to rule 24, Section VI, Chapter I, page 11 of the Manual of Executive Rules, and to request that in future you will be so good as to submit in the annexed form (Assam Executive Form No. 329), within 15 days after the close of each half-year, beginning with the half-year ending the 30th June 1903, a statement of irrecoverable fines written off by you during the period.

No. 64A.

[ASSAM EXECUTIVE FORM No. 329.]

Half-yearly Statement of Irrecoverable Fines written off by Deputy Commissioners submitted for
the Chief Commissioner's
Commissioner's information.

[illegible]

Deputy Commissioner.

Criminal and Civil Business Returns for Hill Tracts in Assam.

H. 65-66.

No. 65.

No. 592 Misc.—2478J., dated Shillong, the 30th May 1903.

From—The Under-Secretary to the Chief Commissioner of Assam,

To—The Superintendent, Lushai Hills.

I am directed to request that in future you will be so good as to submit in the annexed form (Assam Executive Form No. 128), within 15 days after the close of each quarter, beginning with the quarter ending the 30th June 1903, the return noted in the margin.

Balance sheet of judicial fines.

No. 66.

[ASSAM EXECUTIVE FORM NO. 128.]

Balance sheet of fines for the quarter ending

Grant balance of fines outstanding.

Amount imposed during quarter, *i.e.*, total of black ink entries in column 6,

Grand total realizable.

Amount remitted on appeal, etc., or written off by Commissioner's order, *i.e.*, grand total in column 8.

Amount realized.

Of new fines _____

i.e., total of blank ink entries in column 12.Of old fines, *i.e.*, total of red ink entries in column 12.

Grand total (of column 12).

Balance—

Of new fines _____

i.e., total of black ink entries in column 13.

Of old fines _____

i.e., total of red ink entries in column 13.

Grand total (of column 13).

Certified that the total of the above realized fines has been brought to credit in the treasury accounts.

Initials of Treasury Officer

„ of Court Inspector

„ of Fine Moharrir.

Magistrate's office, .

The 1903.

Magistrate