

A defendant may be sued in any court within whose jurisdiction the cause of action arose, or within which he resides, or carries on business, or works for gain. Now-a-days no person, be he prince or peasant, is exempted from the jurisdiction of one or other of the civil courts. Even the Government may be sued in the ordinary way, instead of by petition of right, the Secretary of State for India being made the defendant.

The various steps in a suit in India are somewhat similar to those under the far-famed Judicature Acts. For instance, oral evidence may be supplemented and facts proved by affidavit, by leave of the Court. In civil suits pending before foreign tribunals, witnesses may be examined by interrogations, or *viva voce*, under commission issued by or to any of the High (late "Supreme") Courts of Judicature at Calcutta, Bombay and Madras, etc. Interrogatories may be administered to elucidate facts preparatory to a hearing. In exceptional cases injunctions are awarded by Mofussil Courts. One of the High Court Judges lately severely criticized this power thus:—"A jurisdiction originally belonging only to a Superior Court possessed of legal knowledge and experience is now imposed on a Mofussil Court, which shares with its victims the cruelty of inflicting such powers."

Verified lists of documents are ordered and inspection granted to both sides, after filing of written statement (answer), and subpoenas to witnesses follow in due course: Further information on Indian procedure will be found in R. Bell-chamber's Practice of the Civil Courts.

In any suit for money in which the plaintiff is a woman, the Court may at any stage make an order for security for costs, if satisfied "that such plaintiff does not possess any sufficient *immovable* property within British India, independent of the property in suit." It need scarcely be added that my eulogy of India's law does not extend to such a strongly worded section. Whatever may be its true construction, any such power of smothering a just claim is rough on ladies, Europeans and natives alike. To counterbalance this in a measure, no woman can be incarcerated for debt. Even with regard to males, imprisonment under civil process is practically abolished as regards honest debtors.

As regards witnesses, all persons (including husband and wife) capable of giving rational answers to questions put to them are competent to testify for themselves or others in both civil and criminal proceedings. All lawyers are aware that a person may, however, be competent without being compellable, but the rare instances in which the law will not permit a witness to testify, if he be willing, are in the Indian Evidence Act succinctly defined.

According to our Evidence Act the Judge is empowered, in both civil and criminal proceedings, to enquire to the utmost into the truth by putting any questions he pleases in any form to any witness or to the parties about any fact relevant or irrelevant to the matters before him, and he may, of his own motion, order the production of any document or thing.

India is a free country; it has a free press, and its legal codes "secure to all Her Majesty's subjects, without distinction of race or creed, equality before the law": Last speech of Lord Dufferin in Calcutta. The natives of India, of