

**Punjab & Haryana High Court Rules and Orders
Volume-4**

**(Administrative and other matters of Subordinate Courts)
Chapter-1
Canons of Judicial Ethics**

Following norms are being laid down by the High Court for guidance of all Judicial Officers. These norms are not statutory rules. However, in view of power of superintendence over subordinate Courts conferred on the High Court by virtue of Article 227 of Constitution of India, these norms are being prescribed to be followed in letter and spirit by the Judicial Officers so as to make them good Judicial Officers. These are canons for professional and personal conduct of Judicial Officers and should be observed not only in discharge of their official functions but also in their private life, so as to avoid any conduct unbecoming of a Judicial Officer. These norms would help the Judicial Officers in maintaining good image expected from them by the litigants/general public. These norms are not exhaustive but are in the nature of general guidance and are in addition to the existence of the other equally imperative duties. These norms are in addition to and not in derogation of the conduct rules framed by the Governments.

1. The assumption of the office of Judicial Officer casts upon the incumbent duties in respect to his personal and professional conduct in relation to the State, general public, the litigants before him, advocates, witnesses, Court staff and other persons attending the Court.
2. Impartiality, honesty and integrity of a Judicial Officer are of utmost importance. A Judicial Officer should not only maintain absolute impartiality, honesty and integrity, but should also carry such an image in the eyes of general public, litigants and Advocates and should command their absolute confidence. Dishonesty includes not only financial dishonesty, but also any extraneous consideration or reason in passing an order or judgment or otherwise dealing with

any case. Judicial Officers should remain true to their oath in letter and spirit. They should not bow or succumb to any influence or pressure, particularly from the Bar members, in the discharge of their official functions. They should act faithfully and conscientiously and without fear or favour, affection or ill-will. We are governed by rule of law. Judicial Officers should not be influenced in any manner by the status of any litigant, witness or other person. They should uphold the majesty of law. Their personal and professional conduct and behavior should be beyond reproach and free from any impropriety and the appearance of any impropriety. Judicial Officers should promote justice and thus serve public interest for which the Courts exist.

3. Punctuality is the next important attribute of a Judicial Officer. Lack of punctuality by a Judicial Officer results in wastage of precious time of Advocates, litigants and witnesses and also adversely affects the image of the Judicial Officer.

4. Judicial Officers should be prompt in the performance of their official functions. Justice delayed is justice denied. Judicial Officers should, therefore, strive to administer justice efficiently and without undue delay. At the same time, care should be taken that quality of work is not adversely affected. Judicial Officers should be careful in their decisions. They should also maintain decorum and dignity in the Court.

5. The Judicial Officers should be temperate, attentive, patient, polite but firm, and impartial. They should be studious and diligent.

6. The Judicial Officers should not tolerate improper behaviour and conduct by Advocates, Clerks, litigants, witnesses etc. Good nature of the Judicial Officer should not be allowed to be construed as his weakness.

7. Every Judicial Officer should maintain cordial relationship with other Judicial Officers-seniors, colleagues and juniors. He should also be polite and

courteous with Advocates, litigants and witnesses. Young and inexperienced Advocates should not be demoralized. He should also enforce similar courtesy and politeness on the part of Advocates, litigants and witnesses.

8. Unprofessional or improper conduct of any Advocate should not be tolerated and should be commented upon to correct the same. Any such serious matter (not trifles) should be reported at once to the High Court.

9. Trustees, receivers, liquidators, guardians and others persons appointed by a Judicial Officer in exercise of judicial function should have the strictest probity and impartiality and should be selected solely with a view to their character, suitability and fitness. The power should not be exercised for personal, partisan, communal or any extraneous advantage. Excessive allowances and fees should not be allowed to such appointees, even by the consent of parties or counsel.

10. The Judicial Officer should not deal with any case in which he has personal interest or he or his near relative is a party. He should not create an impression that he can be improperly influenced by any party or other person. He should act independently and should not be swayed by partisan or communal demands, public clamour or personal popularity or notoriety nor he should be apprehensive of unjust criticism or false and frivolous complaints.

11. A Judicial Officer should not exhibit undue interference, participation, impatience or harsh attitude during examination of witnesses. At the same time, he may properly intervene, wherever necessary, in the trial to promote expediency and to prevent unnecessary waste of time, or to clear some obscurity. While having necessary conversation with any counsel at the hearing of any case, the Judicial Officer should avoid unnecessary controversies. Ordinarily, Advocates

should not be interrupted during arguments except to clarify some point. He should avoid premature expression of opinion.

12. Ordinarily, cases including applications for interim reliefs should not be heard ex parte when the other party is being represented. When absolutely essential to hear some urgent application ex parte, the Judicial Officer should scrupulously ascertain and examine the facts and principles of law and relief should be granted only when fully satisfied that the law permits and the emergency demands it. Temporary injunction should not be granted or refused lightly.

13. The Judicial Officer should not permit private interview, arguments or communications designed to influence his judicial action except in accordance with law. Written arguments presented by any party should not be concealed from the opponent.

14. Adjournments should not be granted lightly or merely at the asking. However, he should not be arbitrary in forcing an unprepared counsel to conduct trial unreasonably and unjustly.

15. In disposing of contested cases, a Judge should indicate the reasons for his decision in the order/judgment depicting application of mind. Serious arguments of counsel should not be omitted to be dealt with. He should avoid suspicion of arbitrary conclusion and should promote confidence in his intellectual integrity. Judgments and orders should be clear and concise.

16. Appellate or Revisional Courts should avoid passing strictures against the Lower Courts in the judgments/orders, but may write a separate note, if necessary, regarding their errors or defects, so as to guide them in future.

17. Personal opinion or consideration regarding substantial justice in a particular case should not influence the decision of the Judge. He has to decide according to law and not according to what should be the law in his opinion. He is not a depository of arbitrary power, but a Judge under the sanction of law.

18. A Judge should exercise discretion judiciously. He should adopt the usual and expected method of doing justice and should not be extreme, peculiar, spectacular or sensational. He should not compel persons brought before him to submit to some humiliating act or discipline of his own devising, without authority of law, merely because he thinks that it will have a beneficial corrective influence. In imposing sentence, he should endeavour to conform to a reasonable standard of punishment and should not seek popularity or publicity by undue severity or leniency.

19. A Judge should avoid giving ground for any reasonable suspicion of misuse or abuse of power or prestige of his office. He should not persuade or coerce others to patronize or contribute, to any private business or to charitable entities. He should not use his office or name to promote the business of anybody nor he should solicit for charities. He should not enter into any business relation which might come in conflict with his official duties.

20. A Judge should abstain from making personal investments in enterprises which are apt to be involved in litigation in the Court. He should maintain his complete judicial impartiality. He should enjoy public confidence in his integrity. He should not utilize information coming to him in judicial/official capacity, for personal use or speculative investment etc.

21. A Judge should not accept or continue to hold any fiduciary or other position, if it would tend or seem to interfere with the proper performance of his judicial duties.

22. While entitled to have his personal views on political questions and enjoying his rights or opinions as a citizen, a Judge should not become promoter of the interests of any political party. He should avoid making political speeches, making or soliciting contributions to party funds or participation in party politics.

23. A Judge should not accept any presents or favours from litigants or prospective or potential litigants, or Advocates (except some minor usual customary gift on some special occasion or festival).

24. A Judge may not live in absolute seclusion or retirement. However, he should be very careful in socializing so as to maintain his high image and to avoid any suspicion in pending or prospective litigation.

25. In brief, in every particular, conduct of a Judicial Officer should be above reproach. He should be conscientious, studious, thorough, courteous, patient, punctual, just, impartial, fearless of public clamour, regular regardless of public praise, and indifferent to private, political or partisan influences; he should administer justice according to law, and deal with his appoints as a public trust; he should not allow other affairs or his private interests to interfere with the prompt and proper performance of his judicial duties, nor should he administer the office for the purpose of advancing his personal ambitions or increasing his popularity.

26. The dress of the Judicial Officer should be in keeping with the dignity of his office. Shorts and half-sleeve shirts are unsuitable for him. Judicial officers

should wear a white shirt, black coat, black necktie or white bands, and grey or white trousers. The necktie will not be worn with a high collared coat. The Judicial officer wearing turban should wear white or off white (matia) coloured turbans. Lady Judicial Officers should wear white sari with black blouse or white shirt and white salwar, and black coat. During the period from 16th April to 15th September, each year, the wearing of coat by Judicial Officers and Advocates appearing before them shall be optional. Advocates (including Government Law Officers) appearing in Subordinate Courts should wear white shirts, black coats, grey or white trousers, and black necktie or white bands.

27. Except with previous sanction of the High Court, no Judicial Officer shall participate in a discussion programme on television or in radio broadcast, or publish a book.

Chapter 2

Superintendence and Control-General

1. Supervision by controlling Courts:

(i) Controlling Courts are required to exercise an active and continuous supervision over subordinate courts in regard to all executive matters and should take reasonable steps to prevent the occurrence of irregularities and to enforce the directions of the High Court.

(ii) District and Sessions Judges are responsible not only for proper distribution of work amongst the Courts and for the disposal of their own work but are also required to see that subordinate Courts follow the prescribed procedure in all their proceedings and are not left without guidance when they may be found to be at fault. The supervision to be exercised over inexperienced officers should be specially thorough and vigilant. Their work should be watched keenly, guidance being afforded to them on all proper occasions. Their judgments/orders should be examined periodically and necessary guidance, if any, be afforded to them. Report about quality of judgments and work and conduct of probationers should be sent to the High Court half-yearly.

(iii) Appellate/Revisional Courts should bring to the notice of subordinate Courts errors or irregularities which may be observed in the course of hearing appeals/revisions. Unnecessary adjournments, too harshness or leniency in cases of default in attendance or producing evidence and similar matters should always be brought to the notice of the Officer concerned in a note separate from the judgment. Passing of strictures against lower courts in judgments of Appellate/Revisional Courts should ordinarily be avoided.

(iv) Recommendation, if any, for grant of commendatory letter to any Judicial Officer who has done exceptionally good work should be sent by the District and Sessions Judge to the High Court in the month of April.

2. Acquaintance with law:

Every Judicial Officer should acquaint himself with the Rules and Orders of the High Court and with the law. He should regularly read some law journals or judgments of High Courts and Supreme Court on internet to acquaint himself with latest law. He should also supervise the work of the staff attached to his Court.

3. Punctuality:

All Judicial Officers should be scrupulously punctual. Serious notice will be taken of habitual unpunctuality. It is also the duty of District & Sessions Judges to ensure that the Judicial Officers subordinate to them maintain punctuality. Surprise visits may be paid when necessary. Report to High Court may be made only if any Officer is habitually not punctual.

4. Proper accounting and application of money and property:

The Presiding Officer of every court is responsible to see that the Registers and accounts of his Court are regularly and correctly kept and that money and property passing through his hands or dealt with under his orders are duly accounted for and applied. Controlling Officers should bring home this responsibility to their Subordinate Officers. Arrangement should also be made for receipt of money orders during the absence of the Officer on leave or vacation. Cheques from private persons in lieu of cash should not be accepted. Special vigilance is necessary to supervise the pecuniary transactions of the Courts. Controlling Officers should frequently and carefully inspect the accounts and registers of Subordinate Courts.

5. Defalcation/loss to be reported:

(i) Whenever defalcation in the accounts of any Court or loss of public money comes to notice, it should be forthwith reported and an enquiry instituted. After full enquiry, further complete report should be submitted, intimating the prospects of effecting a recovery of the amount in whole or in part and the nature of error and neglect of rules resulting in defalcation or loss, along with names of officials directly or indirectly responsible. The reports will be submitted to the High Court by the District and Sessions Judge direct and by other Judicial Officers through the District and Sessions Judge. If the defalcation/loss exceeds the prescribed amount or merits detailed investigation and consideration, copies of the reports will also be forwarded to the Accountant General, as required by Punjab Financial Rules, Volume-1.

(ii) Drawing and Disbursing Officers and Controlling Officers should also properly supervise payment of pay and allowances etc. to avoid any loss to the Government due to any overpayments.

6. Receipt of money and property:

Money and property should in every case be received by or in the presence of the Judicial officer concerned and a proper acknowledgement on prescribed printed form (not on manuscript form) signed by the Judicial Officer or authorized responsible officer should be given. Officials like civil nazars, who are authorized to conduct certain pecuniary transactions, should be closely watched. Required security should be rigidly taken from the ministerial staff having duty of pecuniary nature.

7. Cancellation of stamps:

Court fee stamps and labels attached to pleadings or other documents filed in the Court have to be cancelled according to law by punching out the figurehead, without touching the amount designed on the stamp. The rules on the subject must be strictly observed. Judicial Officer should supervise the cancellation properly and vigilantly. If not properly cancelled, stamps or labels may be removed and used again. Some instances of this kind have come to light. Where any fraud comes to light, it should be forthwith reported to the High Court.

8. Deposit of money:

All monies received by a Government servant in his official capacity must be paid into the treasury on the same day or on the morning of the next working day at the latest as revenue deposit or civil court deposit as the case may be.

9. Inspection of subordinate courts:

(i) A portion of the civil and criminal work of each subordinate Court should be quarterly examined and commented upon by the District and Sessions Judge who should keep himself acquainted with the working of his subordinate Courts. The registers of subordinate courts should also be periodically inspected.

(ii) While examining their records, particular attention should be paid to the number of adjournments granted in any case and the reasons for the same, and necessary guidance, if any, be given.

(iii) In the months of November/December, detailed annual inspection of the Courts of Civil Judges/Judicial Magistrates should also be done by the District and Sessions Judge who should send copy of his annual inspection note to the High Court and to the Court concerned. Follow up action, where required, should be taken by the court concerned and monitored by the District & Sessions Judge.

10. Inspection by Presiding Officer:

Every Presiding Officer should conduct quarterly inspection of his own court in the months of January, April, July and October. Work and registers of the ministerial staff should be inspected in detail. Destruction of registers liable to be destroyed should be arranged. Oldest pending files may be looked into to find out the cause of delay. Some files may be checked at random to see that they are properly maintained with proper indexes.

The quarterly inspection note to be recorded by the Presiding Officer shall also give information regarding number of old and pending cases of each category at the beginning of the quarter, becoming old and instituted during the quarter and pending at the end of the quarter, and reasons for increase, if any. Month-wise disposal in terms of units shall also be recorded. Defects, if any, found should also be mentioned. Inspection notes by Civil Judges/Judicial Magistrates shall be submitted to the District and Sessions Judge who need not send them to the High Court but he may submit a report to the High Court on their work and conduct. However, inspection note of District and Sessions Judge and those of Additional District & Sessions Judges shall, after verification by the former, be submitted to the High Court. Follow up action, where required, should be taken by the Court concerned.

The Presiding Officer shall not comment on or criticise the work done by his predecessor and shall confine the note to his own period.

11. Assumption and relinquishment of charge:

- (i) The assumption and relinquishment of charge by every Judicial Officer should be reported to the High Court and the Accountant General without delay.
- (ii) Relieving Officer should satisfy himself at the time of assuming charge that all public money or property (including books supplied) is duly taken over and

accounted for. If the deficiency, if any, is not reported at the time of taking charge, the relieving officer will be held responsible for the same.

(iii) When a District & Sessions Judge relinquishes charge, the report should state that the key (and the Treasurer's receipt for duplicate key) of the iron safe provided for the custody of Wills has been taken over by the relieving officer.

(iv) Charge relinquishing report should be accompanied by certificate by the Officer that he has written, pronounced and signed judgments in all cases in which he had heard arguments.

12. Acquisition and disposal of property:

(i) Rules relating to acquisition and disposal of property (moveable as well as immovable) are to be found in the Government Servants Conduct Rules framed by State Governments. These rules should be scrupulously followed while acquiring or disposing of any property. Where such rules require previous sanction of, or intimation to, the Government, Judicial Officers are required to obtain previous sanction of, or make intimation to, the High Court.

(ii) Annual declaration of moveable and immovable property held by the Judicial Officer, his spouse and dependants has to be furnished in prescribed form to the High Court for each financial year. The same should be submitted by the end of April every year. Such declaration should be treated as confidential document.

(iii) Similar declarations of moveable and immovable property shall also be obtained by District and Sessions Judge from the staff of the Courts. The same shall be scrutinized by him and maintained in his office with the service book or character rolls of the employee concerned.

(iv) Judicial Officers or Court staff should not indulge in any benami transaction of any property.

13. Position of Additional District and Sessions Judges:

Some misunderstanding existed regarding the position of Additional District and Sessions Judges in relation to the District and Sessions Judge. It is, therefore, clarified that in administrative matters, subject to the general superintendence and control of the High Court, the District and Sessions Judge has administrative control over the Additional District and Sessions Judges in his District/Sessions Division, for purposes such as the grant of leave, appointment of staff, general discipline and correspondence with the High Court. Distribution of work on judicial side also rests with the District and Sessions Judge. Additional District and Sessions Judges may be made acquainted with this position.

14. Appearance of advocates:

No advocate should appear professionally before any Judicial Officer to whom he is nearly related, or in any Court where a near relative of his holds post of Reader, Judgment Writer or Stenographer or any other position necessitating his presence in Court during the hearing of the cases. The term 'near relative' includes father, brothers, sisters, sons, daughters, nephews, nieces, uncles and aunts on either side, brothers-in-law, sisters-in-law, sons-in-law, daughters-in-law, father-in-law and mother-in-law. Any breach of this rule coming to the notice of District and Sessions Judge should at once be reported to the High Court.

15. Control over establishments of Courts

In exercise of the powers delegated by the State Government, the High Court has framed separate Rules for the States of Punjab and Haryana and Union Territory, Chandigarh, with the previous approval of the concerned Governments, regulating the recruitment and general conditions of service of employees of the Courts subordinate to the High Court. The District and Sessions Judge is the Appointing and Punishing Authority for all the posts other than Superintendent.

District and Sessions Judge may also impose any minor penalty on the Superintendent. Besides it, under Section 36 of the Punjab Courts Act, 1918, a Court may impose fine, not exceeding one month's salary, on any ministerial Officer (not on Class-IV employee) of the Court for misconduct or neglect in the performance of his duties.

Chapter-3

Superintendence and Control – Civil Courts

1. Controlling Authority

The general superintendence and control over all District and subordinate Courts is vested in, and all such Courts are subordinate to, the High Court. Subject thereto, every District Judge has control over all other Civil Courts in the District.

2. Inspection of Subordinate Courts

(i) The general instructions for the inspection of subordinate civil courts are contained in Rules 9 and 10 of Chapter 2 of this Volume.

(ii) The annexed list of points for enquiry during inspection is intended for the assistance of the Inspecting Officers. The said list is not exhaustive. Therefore, inspection may not necessarily be confined to the matters specified therein nor each inspection may necessarily embrace all the points mentioned therein.

(iii) The District Judge should inspect his own records and registers and the Nazir's registers at least once a year.

(iv) The District Judge should make surprise inspection of the Record Rooms at least once a year to see that the prescribed instructions regarding the checking, punching and cancellation etc. of Court fee labels/stamps are strictly followed.

List of points to be attended by the Inspecting Officers

(i) State of Court House

- Report on the court-house including Record Rooms and Nazirs' malkhana, whether it is in good repair and properly kept and provides adequate accommodation.

(ii) **Library**

- Whether libraries are in good order and prescribed rules are being complied with?
- Whether minimum prescribed library has been furnished to each Court?
- Whether books of reference are sufficient?
- Whether correction slips/pamphlets have been pasted and filed at proper places?

(iii) **Accommodation for the Bar**

- Whether the accommodation for the Bar is sufficient and in proper shape?

(iv) **Court establishment**

- Is the Court establishment sufficient and capable?

(v) **Civil Registers**

- Examine all prescribed civil registers.
- Whether all cases up-to-date have been entered?
- Check entries of at least 10 decided suits and executions in the registers with records thereof.
- Whether relevant columns are kept up-to-date?
- Whether decrees are promptly executed?
- Whether objections in executions are properly and promptly disposed of?
- Whether files of decided cases have been consigned to Record Room in time?
- Whether adjournments have been granted unnecessarily?
- Whether the registers are neatly and properly maintained as per instructions?

- Errors and omissions noticed at previous inspection have been corrected and supplied.

(vi) **Pending Records**

- Who is custodian of bundles of pending records of different categories of cases?
- Are the records neatly kept and arranged according to date?
- Whether there has been noticeable increase or decrease in litigation during the current year vis-a-vis the previous year?
- Records of 5 oldest pending cases of each category may be examined to see if there has been unnecessary delay or adjournments.
- Some pending cases may be picked up at random and examined to see whether the proceedings have been conducted properly and without unnecessary delay.
- Whether execution work is being attended to properly by the Presiding Officer himself?
- See whether large number of cases have been dismissed in default or decided ex parte and how many of them were subsequently restored and if reasons for dismissal in default, ex parte proceedings and restoration were sufficient and satisfactory.

(vii) **Nazir**

- Check the registers of receipts and repayments of deposits, and see whether there are any long standing deposits.
- Examine registers of Process Serving Agency and see whether the distribution of work is fair and service of processes is satisfactory.
- Is the staff sufficient, excessive or deficient?

- Register of property received into Nazir's Store Room be examined carefully.
- Store items may be checked with some entries at random.
- Is the property being stored and preserved satisfactorily?

(viii) **Copying Agency**

- See whether there has been unnecessary delay in the preparation of copies.
- Are there any unclaimed copies lying there?

(ix) **Records in Record Rooms**

- Are the records properly kept and promptly furnished as required for purposes of inspection and copying? Registers of the Record-keeper should also be checked.
- Check whether stamps have been properly punched or not.
- Index has been properly prepared or not in the case files.

(x) **Petition Writers**

- Registers of Petition-writers should also be checked to see if the same are properly maintained.

(xi) **Inspection of records of suits**

In examining records of pending or decided cases, note if the pleadings and documents are properly stamped and the stamps duly cancelled.

- Whether Presiding Officer pays personal attention to service of process?
- Are adjournments granted without sufficient cause or without examining witnesses in attendance?
- Whether proper proof of service has been taken before ordering ex parte proceedings?

- Whether applications for restoring cases dismissed in default or for setting aside ex parte decrees are decided by following proper procedure?
- Whether documents admitted in evidence have been duly exhibited, endorsed and stamped and whether documents not admitted in evidence have been returned?
- Whether zimni orders are regularly and correctly recorded in chronological sequence?
- Decrees should be carefully examined to see whether relief claimed in the plaint and granted as per judgment has been properly mentioned or not and also regarding costs.
- Whether grounds for rejection or return of plaint are adequate?
- Whether applications to sue as indigent persons are in large number and proper enquiry into indigency of the applicant was made?
- Whether notice was served on the Collector/Deputy Commissioner?

(xii) **Inspection of records of appeals**

- Whether appeals are properly stamped and the stamps properly cancelled?
- Whether appeals are rejected in limine in large number?
- Whether the judgment in appeal conforms with the requirements of Order XLI Rule 31 of the Code of Civil Procedure?
- Are remands made frequently and on adequate grounds or not?
- Decree is framed in appeals rejected in limine.

Chapter-4

Superintendence and Control-Criminal Courts

1. Controlling Authority

All Criminal Courts are subordinate to the High Court. Subject thereto, Sessions Judge has control over all other Criminal Courts (Judicial) in the Sessions Division. Subject to the general control of the Sessions Judge, Judicial Magistrates are also subordinate to the Chief Judicial Magistrate. However, administrative control for grant of leave, appointment and posting of staff etc. does not vest in the Chief Judicial Magistrate. For this purpose, Sessions Judge has administrative control over all other Criminal Courts in the Sessions Division. The Sessions Judge, besides being the ordinary official channel of communication between the Criminal Courts and the High Court, is also required to see that Rules and Orders and other instructions of the High Court are duly carried out within his Sessions Division and to bring to the notice of the High Court any matter requiring attention. The Sessions Judge should from time to time satisfy himself as to the state of business in the Criminal Courts and the quality and quantity of the work done by the Presiding Officers by himself scrutinizing with care the monthly statements of the Courts. By inspection of Jail at least once a month, Sessions Judge may also keep check on delay in disposal of cases of undertrial prisoners. The Sessions Judge has to impress on all the Criminal Courts, the desirability of speedy disposal of cases, particularly those in which the accused are in custody. The Sessions Judge should himself be punctual and also check and ensure punctuality of all other Judicial Officers.

2. Inspection of Subordinate Courts

(i) The general instructions for the inspection of subordinate criminal courts are contained in Rules 9 and 10 of Chapter 2 of this Volume.

(ii) The annexed list of points for enquiry during inspection is intended for the assistance of the Inspecting Officers. The said list is not exhaustive. Therefore, inspection may not necessarily be confined to the matters specified therein nor each inspection may necessarily embrace all the points mentioned therein.

List of points to be attended by the Inspecting Officers

(i) Registers

- All prescribed criminal registers should be properly examined to see whether these are neatly and properly maintained as per instructions and all relevant columns have been filled in and kept up-to-date. Also to see that all cases up-to-date have been entered therein.
- Peshi registers may be checked with the records of at least 10 decided cases to see whether the cases were heard on the dates fixed and also whether adjournments were frequent and on sufficient grounds or not.
- Fine registers may be examined to see that correct amount of fine has been entered and that the fine amount was deposited in Treasury in time.
- Registers of summary trials may be examined, particularly to see compliance with requirements of Section 263 of the Code of Criminal Procedure.
- It may also be seen whether errors and omissions noticed at previous inspection have been corrected and supplied.

(ii) Records

- Records of some pending and decided cases may be examined at random to see that the witnesses are promptly examined and witnesses in attendance do not go unexamined.
- Note that adjournments are granted for sufficient cause.

- Whether complaint cases are referred to the Police or other Agency for enquiry in routine or as a rule?
- Whether service of processes is satisfactory?
- Whether evidence has been properly recorded in accordance with Sections 274 to 276 of the Criminal Procedure Code?

Chapter 5

Court fees and Stamps

1. Reduction and remission of Court-fees:

In exercise of powers conferred by Section 35 of the Court-fees Act, 1870, notifications No. 16406-Judl. dated the 9th June 1933, Revenue Department No. 1486-St., dated the 23rd September, 1940, No. 181-St., dated the 11th February, 1941, No. 1799-St., dated 8th December, 1941, No. F.233/42-C&G(Judl.) dated the 2nd May, 1942, No. 1803St. dated the 18th October, 1943, No. 1552-E and T, dated the 9th April, 1948, No. 3908-E and T, dated the 10th September, 1948, No. 3558-E and T, dated the 6th August, 1949, No. 6027-E & T-50/3966, dated the 15th July, 1950, No. 6003-St.-532-Spl, dated the 22nd December, 1953 and No. 51-Stamps-55/45(CH), dated the 31st January, 1955 have been issued by Punjab Government to make reduction and remission in Court fees to the extent mentioned therein. The said notifications (available at High Court website under the Head 'High Court Rules and Orders) may be looked into whenever necessary.

(Note. Subsequent notifications, if any, may also be included).

2. Description of Stamps:

The Punjab Court-fee Stamps Rules, 1934 have been framed by Punjab Government for regulating the kind and number of stamps to be used for denoting fees chargeable under the Court-fees Act, 1870. The said rules (accessible at High Court website under the Head 'High Court Rules and Orders') may be kept in view.

3. Cancellation of Court fee Stamps:

The following Rules have been made by the High Court for regulating the cancellation by Court-fee Stamps:

1. **Cases when cancellation of Court-fees is to be effected.** – The cancellation of court-fee stamps shall be effected
 - (a) when a document bearing a court-fee stamp is received by a court competent to receive the same;
 - (b) when a court-fee stamp is paid in on account of process-fee;
 - (c) when a court-fee stamp is affixed to a document issued by any court or office;
 - (d) when the record of a case in which court-fee stamps have been filed is finally made over to the Record-keeper for safe custody.

II. Mode of cancellation of stamps:

- (i) Court-fee stamps falling under clauses (a) and (b) of the foregoing rule shall be cancelled immediately on receipt of the document or stamp, by such officer as the court may from time to time appoint, in writing, in the manner prescribed by Section 30 of the Court-fees Act. As an additional precaution, the cancelling officer should affix his signature, and the date, across each label, at the time of cancellation, in durable ink.
- (ii) In regard to stamps on documents falling under clause (c) of rule 1, the Central Government have directed in financial Department resolution No. 3373, dated the 24th September, 1875, that the court or office issuing copies, certificates, or other similar documents liable to stamp duty under the

Court-fees Act shall, before issue, cancel the labels affixed to them by punching out a portion of the label in such a manner as to remove neither the figure-head nor that part of the label on which its value is expressed, and that, as an additional precaution, the signature of the officer attesting the document, with the date, shall be written across the label, and upon the paper on either side of it.

- (iii) **Note** – In order to ensure compliance with the rules II and III and uniformity of practice, it has been decided that round punches shall be used by courts and offices and triangular punches by the record room staff. Care should be taken to see that all round punches in courts and offices in a district are of a uniform size in order to prevent fraud arising from the stamps, already punched being punched again with a larger punch.

III. **Cancellation of stamps by Record-keeper.** –

The rules for the cancellation of court-fee stamps by the Record-keeper are contained in a resolution of the Central Government in the Financial Department, No. 1763, dated the 24th July, 1873, in which it is ordered that the Record-keeper of every court shall, when a case is decided and the record consigned to his custody, punch a second hole, or, in the case of stamps falling under clause (c), rule 1, a third hole, in each label, distinct from the first and note the date of doing so at the same time. The Record-keeper's punching should not remove so much of the label as to render it impossible or difficult to ascertain its value or nature. From the resolution of

the Central Government, No. 3047, dated 5th September, 1883, it will be seen that these directions apply only to adhesive labels used under the Act, and not to impressed stamps which need not be punched a second time.

- IV. **Certificate required when a record is transferred from one official to another.**- Whenever the custody of a record containing court-fee stamps is transferred from one official to another before final disposal, the receiving officer shall examine the court-fee stamps in the record and either certify on the index of papers that they are complete, or immediately bring to notice any deficiency, as the case may require.
- V. **Record-keeper to see that stamps in the record are complete.**- Record-keepers will be held personally responsible that the stamps appertaining to the records under their charge are complete, and that they have been duly cancelled in accordance with these instructions. Should a record be sent into the record-room in which the stamps are in-complete or not duly cancelled, the Record-keeper shall report the circumstances at once to the head of the office, and shall defer entering the case in its appropriate register until orders have been passed in the matter.
- VI. **Certificate as to the completeness of stamps when a record is taken out of record-room.**- When a record containing court-fee stamps is taken out of the record room for any purpose, each official through whose hands it passes must note on the index of papers or on the list of records where such a list is with the record, that he has examined the court-fee stamps in

the record, and that they are complete, or, if they are not complete, at once report the fact for orders.

Notes: (1) To facilitate the examination required by the above rules, a column has been inserted in the index of papers attached to each record which shows at a glance what papers in the record bear court-fee stamps, and the number and value of the stamps attached to each of such papers.

(2) Precautions against the fraudulent use of stamps.-

Further precautions against the fraudulent use of court-fee labels a second time were, under the orders of Government, prescribed by the Superintendent of Stamps in his Circular No. I, dated 24th April, 1877 of which the effective portions are extracted below. It is to be noted that at that time adhesive labels alone were used to denote fees of court:

The most important point to be guarded against is the re-use of stamps which have once been used; such stamps may have been punched, or they may have been left unpunched, and passed into the record-office and there removed. In the case of a removed stamp that has been punched once, it is clear that its use a second time can only be effected by the dishonesty of the subordinate official who, in the first instance receives the document presented by suitors. In the case of a removed stamp that has not been punched, it is possible that it may have been so little injured in the removal as to be used a second time without detection, unless the stamps be closely examined, and it may pass undetected, whether from dishonesty or from want of vigilance on the part of that official. In order effectually to

prevent frauds of this nature, it is absolutely necessary that the subordinate official whose duty it is to see that the full fee has been affixed in each case and to punch the stamps and to record orders, should be made to stand or sit within the view of the officer and in that position to perform his task, certifying on each petition that the full fee has been affixed, and all stamps have been punched. It is of the utmost importance that this subordinate should be allowed no time or opportunity for tampering with the stamps.

When files of decided cases are sent to the record-room, the Record-keeper should be required, without any loss of time to examine the stamps and punch a second hole in each stamp, affixing the date on which he does so.

VII Instructions to be observed when two or more impressed stamps are used. The following executive instructions, to be observed when a document is written upon two or more impressed stamps which are used to make up the fee chargeable under the Court-fees Act, 1870, have been issued by the Financial Commissioner:

When two or more impressed stamps are used to make up the amount of the fee chargeable under the Court-fees Act, a portion of the subject-matter shall ordinarily be written on each stamped sheet. Where this is impracticable or seriously inconvenient, the documents shall be written on one or more sheets bearing impressed stamps of the highest value, and the remaining stamps shall be punched and cancelled by the court and filed with the record, a certificate being recorded by the

court on the face of the first sheet of the document to the effect that the full court-fee has been paid in stamps. The writing on each stamped sheet shall be attested by the signature of the person or persons executing the documents.

4. Instruments not duly stamped:

- (i) Sections 33 to 48 contained in Chapter IV of the Indian Stamp Act, 1899 may be studied carefully to deal with documents/instruments not duly stamped, when produced in any case. For Civil Courts, the procedure laid down in these sections is mandatory and not directory or discretionary.
- (ii) In brief, an instrument not duly stamped has to be impounded and endorsed with the word 'impounded', duly dated and signed. It may be admitted in evidence on payment of necessary duty and penalty under Section 35 of the Act.
- (iii) Requisite endorsement required by Section 42 of the Act regarding payment of proper duty and penalty has to be made on the instrument.
- (iv) When an instrument has been admitted in evidence, its admission shall not be called in question at any stage of the same suit or proceeding on the ground of being not duly stamped.
- (v) Original instrument or copy thereof, as the case may be, is required to be sent to the Collector as per Section 38 of the Act.

(vi) The document admitted in evidence on payment of deficient stamp duty and penalty may be returned to the person presenting it, in accordance with Section 42(2) of the Act.

(vii) Any person paying any duty or penalty as aforesaid may recover it from any other person bound to pay the same or the amount may be included in costs.

5. **Audit and control of stamp revenue:** The Punjab Stamp Audit Instructions, 1933 may be studied regarding audit and control of stamp revenue including Court fee. The same are available at High Court website under the Head 'High Court Rules and Orders'.

Chapter-6
Process Fees

1. General

(i) A table of the fees chargeable on processes should be exhibited in each Court in some conspicuous place.

(ii) The fees for processes in non-cognizable criminal cases shall be ₹50/- payable at the time of institution of the cases. Summons in such cases shall be served by the Process Serving Establishment of the Judicial Courts. In case of conviction in such case, the convict may be directed to pay cost (including amount of process fee) to the complainant.

(iii) Processes issued by Revenue Courts and Revenue Officers are also to be served by Process Serving Agency of the Judicial Courts. The control over income from process fee for the same shall remain with the High Court. The amount of process fees shall be in accordance with the rules framed by the High Court.

(iv) No process shall be prepared or issued until payment of the proper process fee. A receipt shall be given by the official receiving the process fee. The court fee label of the process fee shall be immediately punched.

2. Particulars on the process

On every process issued by any Court, the following particulars shall be recorded, namely:- (i) the name of the process server deputed to serve or execute the same; (ii) the period within which the process server is required to certify service or execution; (iii) the amount of fee paid and (iii) the date of return after service or execution. Such endorsements shall be signed by the Civil Nazir or Naib Nazir or Bailiff.

3. Accounts to be maintained

An account of Court fee stamps realized as process fee, of the number of process servers employed, of the cost of establishment and of contingencies shall be kept for each Process Serving Establishment. A statement giving information on the above points should be submitted with the annual civil reports.

4. No process fee in some criminal cases

No process fee shall be charged for serving or executing processes on behalf of the prosecution in any criminal proceedings instituted on Police Report or on information presented or complaint made by a Public Officer acting in his official capacity. The Government has declared all Police Officers to be Public Officers for this purpose.

5. Process Fee for each Court

Process fee for the service of processes including summons, notices or other process shall be levied at the rate of ₹50/- in each civil/criminal/revenue case at the time of institution. This fee will not include the charges for registered post cover or substituted service by beat of drum or publication in a newspaper, which charges shall be paid in addition to the process fee. In appropriate case, the Court may also ask for additional fee to the extent of ₹25/- for any miscellaneous application filed during the pendency of the case.

6. Separate process for each person

A separate process shall be issued for each person. However, a combined warrant of attachment shall be issued if it is desired to attach the property of more than one person in the same village/city in one case.

7. Process issued by or sent to other Court

A process issued by any Court in India, Civil or Criminal, shall be served free of charges by any other Court, in Punjab, Haryana and Chandigarh, if it be certified on the process that the proper fee has been levied under the rules applicable to the Court issuing the process.

When any Court, Civil or Criminal, subordinate to this High Court, transmits a process for service or execution to any other Court, a certificate shall be endorsed on the process that process fee chargeable under the rules has been levied.

8. Travelling Allowance of Process Servers

Uptil now, Process Servers are required to travel on foot for serving or executing the processes. In view of changed circumstances, each Process Server should be paid fixed Travelling Allowance of ₹500/- per month by amending the relevant service rules. The amount should be suitably revised periodically or with revision of pay scales.

Chapter 7

Process-Serving Establishment:

1. General:

There are separate service rules regulating the recruitment and conditions of service of process-serving establishment including process servers, bailiffs, Naib Nazirs and Civil Nazirs, besides other staff of establishment of the Subordinate Courts. The said rules also provide for the number of posts and pay scales of various categories. The said rules are available at the High Court website under the Head 'High Court Rules and Orders'.

2. Controlling authority:

Subject to general control of the District Judge, Civil Judge (Senior Division) has control over the process-serving establishment of the entire District (except that of the District Judge) and is responsible for the efficiency thereof. Subject thereto, Additional Civil Judge (Senior Division) at Sub Divisional Headquarter has control over the process-serving establishment of the Sub Division. Controlling authority should pay special attention to personal service of processes and should also frequently inspect the prescribed register for distribution of work amongst the process servers so as to monitor their work.

3. Duties of Civil Nazirs:

- (i) The Civil Nazir at District headquarter and Naib Nazir at Sub-Division is ministerial head of the process-serving establishment under the control of the controlling authority. His duty is to maintain the efficiency of process-serving establishment and to submit

fortnightly or monthly reports to the controlling authority regarding service of processes by each process-server and bailiff.

- (ii) The Civil Nazir is also to keep up the Civil Deposit and Repayment Accounts and to manage the business of execution of decrees. The controlling authority may issue detailed instructions as to the duties to be performed by the Civil Nazir. The Civil Nazir should also devote his time to the distribution of business amongst process-servers (subject to overall control of the controlling authority), the transmission of processes to agencies located at outstations for service, the management of the accounts and correspondence regarding the payment of diet money to witnesses, and other similar matters connected with process serving system at outstations.

4. **Belts and badges of bailiffs and process-servers.** Every Bailiff and Process Server shall be supplied with the following equipment, the cost of which will be met from the contingencies of the Court to which he is attached:

Bailiffs

- (a) Brown leather Waist belt with cross strap over left shoulder. Brass buckle combined with badge prescribed by High Court to be fixed to the Waist belt:

Maximum cost Rs. 500/- with buckle and badge.

- (b) Khaki drill haversack or other suitable bag:-

Maximum cost Rs. 300/-

Process-servers

- (a) Brown leather belt with brass buckle combined with badge prescribed by High Court to be fixed to the belt.

Maximum cost Rs. 400/-

- (b) Khaki drill haversack or other suitable bag: Rs.300/-maximum cost.

Belts should last four years and badges and buckles for an indefinite period. Haversacks/bags should last two years. No article will be replaced unless the controlling authority certifies that it requires replacement. All equipment will remain Government property and should be inspected by the controlling authority from time to time. Losses will be made good by the concerned process server or bailiff as the case may be.

5. **Number of process servers:-** The maximum number of posts for process-serving establishment allowed to each District has been fixed by the High Court and may be varied from time to time. Reference for the variation may be made by District and Sessions Judge to the High Court by giving necessary data of processes issued and served month-wise during the preceding 12 months. Within the District, the District Judge may distribute the process-servers for District head-quarters and various Sub-Divisions in such manner as shall be most suitable for the efficient and maximum service of processes.

6. **Duty of process-servers.**

The process-servers shall be employed mainly in the work of serving processes, but they may be required to perform any other public duties that may be assigned to them.

Chapter-8

Finger Impressions and Forged Stamps and Currency and Bank Notes.

1. **Documents on which thumb impressions to be obtained**

Thumb and finger impressions on judicial records as a means of identification of individuals should be affixed on the following documents and papers i.e. petitions, entries in registers of Petition-writers, statements and confessions by accused persons, statements by persons against their own interests, compromises, references to arbitration, withdrawals of suits and complaints, security bonds and receipts filed in Court.

2. **Mode of taking impressions**

(i) For taking thumb and finger impressions, a tin slab, printer's ink and a rubber roller to spread the ink are required.

(ii) A very small quantity of printer's ink should be poured on the slab and spread thereon with the rubber roller till it forms into a very thin film. The bulbs of the thumb and all the fingers of one hand, after being carefully wiped, should be laid lightly over the ink film and then impressed on the paper.

(iii) The ink once spread is sufficient for taking a large number of impressions at a time. If the ink becomes too thick, a drop or two of common sweet oil may be added and rubbed over again with the rubber roller. The slab should be properly cleaned every day before the ink is poured on it.

(iv) A Manual on the classification and uses of finger prints by Mr. E.R. Henry contains full instructions for taking impressions.

(v) District Judges should make it a point to see that Petition-writers have proper apparatus and apply proper impressions to petitions and on their registers.

(vi) Impressions should be affixed on the document in a place where the paper is clean and free from writing or other marks.

3. Finger Print Bureau

(i) The fees prescribed by the Finger Print Bureau, Phillaur (Punjab)/Madhuban (Karnal, Haryana) for the examination of finger impressions by the experts of the Bureau shall be credited to Government in the local Treasury under the relevant head. The Treasury receipt shall be sent with the documents to the Bureau and the fact mentioned in the forwarding letter.

(ii) If Police Finger Print Proficient is required to take impressions in civil case for transmission to the Bureau, he shall be paid prescribed fee, to be paid by the concerned litigant.

(iii) The Courts shall continue to send documents in civil cases direct in the first instance to the Bureau for examination and opinion by the experts.

4. Evidence of Bureau Expert

(i) When the evidence of a Bureau Expert is required in a civil case, the Additional Civil Judge (Senior Division), Phillaur/Civil Judge (Senior Division), Karnal shall be appointed to be the Commissioner to record it. The expert of the Bureau shall be summoned and examined by such Commissioner.

(ii) The Bureau shall decide the name of the expert to be deputed for examination.

(iii) Reasonable fee to be paid for the Commissioner's work (mainly depending on the value of the civil suit) shall be fixed and charged by the Court issuing the commission and shall be credited to Government in the local Treasury under relevant head.

(iv) Fee payable to the expert for appearing as witness shall be as per scale contained in Chapter 17 of High Court Rules and Orders, Volume I. One-third of the said fee shall be paid to the expert by remitting it to the Commissioner at Phillaur/Karnal and the balance two thirds credited into the local treasury under the relevant head. The Treasury receipt shall be sent with the commission to the Commissioner who will send it to the Bureau while summoning the expert.

(v) The experts may continue to be summoned to give evidence in Courts in criminal cases and no fee shall be leviable in criminal cases prosecuted by Government. However, feasibility of examining the expert witness on commission may be looked into and resorted to in appropriate case.

(vi) In order to ensure the protection of documents sent by Civil Courts to the Commissioner at Phillaur/Karnal, care must be taken to see that they are sent in stout envelope or strong paper or cloth wrapping. The same be sent by registered post acknowledgement due at Government expense (both to and from the Commissioner). For the return of the documents, the Commissioner will use cloth lined envelope of appropriate size.

6. Expert opinion in forgeries relating to Stamp and Currency and Bank Notes

(i) When Expert opinion is required on the question whether stamps are genuine or forged, reference should be made to the Master, India Security Press, Nasik Road.

(ii) Requisite fee prescribed by the Master, India Security Press for examination of stamps and for giving evidence on commission has to be credited in Government Treasury under the relevant head.

(iii) Similarly, fee prescribed by the Master, India Security Press for examination of currency and bank notes and for giving evidence on commission has to be deposited under the relevant head in Government Treasury.

(iv) No fee should ordinarily be charged by the Master, India Security Press for giving expert assistance to the Police or to the Reserve Bank of India in connection with any criminal prosecution. However, if the Master considers that his free services are being abused, he may bring the matter to the notice of Central Government. He is also entitled to charge for assistance given to private parties or in civil suits in which Government is not party.

Chapter-9

Forfeited and Unclaimed Property and Malkhanas

1. Civil Court's Malkhana

(i) There shall be one common store-room at the District Headquarters for all the Civil Courts of a District under the control of the Civil Nazir known as the Civil Nazir's malkhana which shall be placed under the direct supervision of the Civil Judge (Senior Division) to be known as the Officer-in-charge, subject to overall general control of the District Judge.

(ii) Every Civil Nazir shall be provided with a strong box, besides Store Room, for the custody of valuable property made over to him. Valuable property like valuable securities, currency notes, bullion or jewels of less than twenty thousand rupees value shall be kept in the strong box to be deposited in the Treasury under single lock, whereas other property shall be kept in the Store Room. Such valuable property on exceeding value of ₹20,000/- in all, shall be deposited with Treasury Officer for safe custody. Entry thereof shall be made in the prescribed register. Civil Nazir shall be primarily responsible for the safe custody of the malkhana, the strong box and the keys thereof, subject to the general superintendence of the Officer-in-charge.

(iii) Currency notes other than counterfeit notes will be treated as regular deposits.

(iv) Relevant columns of prescribed Miscellaneous Register shall be filled up by the Civil Nazir on the receipt of the property. Deposit number of the Register shall be noted by the Nazir on the record of the concerned case.

(v) Record-keeper should not receive any record in which property appears to have been made over to the Civil Nazir, without acknowledgement of the Civil Nazir and the deposit number of the Register being entered on the record.

(vi) On disposal of the property, relevant columns of the Register shall be filled up. Delivery of property to a private person shall take place in the presence of the concerned Court or Officer-in-charge of the malkhana who shall attest the entry of delivery in the register.

(vii) The Officer-in-charge shall examine and counter-sign the Register at least once a month and inspect the contents of malkhana at least once in six-months. He shall make report of six monthly inspection to the District Judge regarding value of the property lying with the Civil Nazir and the efforts made to dispose of the same.

(viii) The malkhana shall be guarded by a Chowkidar (Watchman).

(ix) Where there is a store-room attached to outstation Civil Court, it shall be under the immediate control and supervision of the Naib Nazir subject to the general superintendence of the senior most Judicial Office at the Station as well as of the Officer-in-charge. The Naib Nazir shall be responsible in the same manner as the Civil Nazir in respect of Store-room at District Headquarters. Valuable property like securities, jewels etc. shall be deposited in sub. treasury and not kept in such store room.

(x) Perishable property or livestock shall not be kept in malkhana, but made over to a Superdar or otherwise disposed of as per order of the Court.

2. Judicial Malkhana for property of Criminal cases

(i) At every District Headquarters and at Sub-division having Judicial Court, there shall be a Judicial Malkhana for property of criminal cases. Building and open space for the same shall be provided according to the norms laid down by the High Court.

(ii) Senior-most official on the staff of the Malkhana (to be known as Malkhana-in-charge) shall be primarily responsible for the safe custody of the property in the Malkhana subject to general control and superintendence of the Chief Judicial Magistrate/Sub-Divisional Judicial Magistrate to be known as Officer-in-charge. Sessions Judge may issue necessary directions to them. The Malkhana may be kept under double lock.

(iii) All case property handed over by the Police in criminal cases shall be kept in the Judicial Malkhana. Malkhana-in-charge shall be provided with a strong box in which valuable property like bullion or jewels shall be kept for safe custody. If the aggregate value of such property exceeds ₹20,000/-, it shall be deposited in the Treasury/Sub-treasury. Currency notes not being counterfeit notes shall remain in deposit with the Treasury/Sub-treasury.

(iv) Counterfeit coins and currency notes together with implements for their manufacture such as dies, moulds etc. shall remain in Judicial Malkhana till the end of the trial and subject to decision of appeal or revision, if any, be destroyed or otherwise dealt with as per order of the Court.

(v) The property ordered to be returned to owner/entitled person shall be so returned against proper receipt in the presence of Malkhana-in-charge or concerned Court or Officer-in-charge who shall attest the entry of delivery in the register.

(vi) The property ordered to be forfeited shall be handed over to the concerned quarter for disposal in accordance with law.

(vii) Entry of every property received in Judicial Malkhana shall be made in relevant columns of the prescribed Register immediately on the receipt of the property. Remaining relevant columns of the Register shall be filled up at the time of disposal of the property as per the order of the Court. A separate prescribed Register shall be maintained for the forfeited property.

(viii) In case of cash amount being the case property or sale proceeds of the property, the same shall be deposited in Treasury, and Treasury receipt No. and date shall be entered in relevant column of the Register.

(ix) The Officer-in-charge of the Malkhana shall examine and counter-sign the Malkhana Register at least once a month and shall inspect the case property deposited there at least once in six months. Report of six-monthly inspection shall be sent to the Sessions Judge. The Officer-in-charge should see that case property of the cases, in which final orders for disposal/return thereof have been passed, is promptly disposed of/returned accordingly and does not remain stored in the Malkhana. Malkhana-in-charge shall, however, be primarily responsible for disposal/return of such case property at the earliest. The Officer-in-charge as well as Malkhana-in-charge should also ensure that in cases under the Narcotic Drugs and Psychotropic Substances Act, 1985, the contraband substances already issued and other notifications, if any, that may be issued from time to time particularly bulk quantities are disposed of at the earliest in accordance with Section 52-A of the Act *ibid* read with notification No. G.S.R. 339(E), dated 10th May, 2007 by the Central Government in exercise of the powers conferred under sub-section (1) of Section 52-A *ibid*.

(x) Malkhana-in-charge will prepare monthly statement of sale proceeds of unclaimed and escheated property credited into the Treasury for submission to the Accountant General through District and Sessions Judge. The same should be verified from the record of the Treasury.

(xi) The Judicial Malkhana shall be guarded by Police Guards. Police will be responsible for safe custody of the property in Judicial Malkhana.

3. Custody and disposal of property attached in criminal cases.

(i) Whenever moveable property of an absconding person is attached under Section 83 of the Code of Criminal Procedure, the same shall be deposited in Judicial Malkhana.

However, it does not apply to perishable goods or livestock, which may be made over to Superdar or may be sold or otherwise disposed of as per the order of the Court.

(ii) Entry of the property so received shall at once be made in the prescribed register. Such property (other than that ordered by the Court to be sold immediately) shall not be sold till the expiry of six months from the date of attachment and till the disposal of all claims preferred or objections made to the attachment. On expiry of the said period, the Court shall ordinarily take steps to sell the attached property.

(iii) If the attached property is ordered to be released in favour of any person, it shall be delivered to him in the presence of the Malkhana-in-charge.

(iv) The amount realised by sale of the attached property or its income shall be deposited in the Government Treasury under relevant head.

(v) If such amount is ordered to be paid to any person, it shall be paid to him by means of a refund voucher by the concerned Court.

4. Forfeited amount

(i) Demands of amounts forfeited on bail and security bonds should be entered in the prescribed register and realisation thereof in prescribed Fine Recovery Register. Monthly statement of the amount so realised shall be prepared and sent to the Accountant General (through District and Sessions Judge), on the lines of statement of fine recovery.

(ii) Necessary separate monthly statement of forfeiture of earnest money in auction sales in execution petitions shall be submitted to the Accountant General (through District and Sessions Judge) without delay, on the lines of monthly fine recovery statement.

(iii) The Presiding Officer should ensure that only legitimate expenses of sale are deducted from the forfeited earnest money in auction sale in execution proceedings. Treasury receipt for the amount actually credited to the Government shall remain in the record of the execution proceedings. Record-keeper shall not receive any record which is not accompanied by such receipt.

(iv) If any property attached by a Court in execution of a decree is subsequently found to be unclaimed and incapable of being returned, it should be disposed of under Sections 25 to 27 of the Police Act, 1861.

5. Arms and Ammunition

(i) If possible, a separate room shall be set apart in every judicial malkahana for the deposit of arms and ammunition. Such a room shall be kept under double lock, one key being retained by the Malkhana-in-charge and the other by the Officer-in-charge.

(ii) Malkhana-in-charge shall generally be responsible for the supervision and disposal of the arms and ammunition deposited in the malkhana. He shall compare the stock thereof with the prescribed register once a month and submit report in the Officer-in-charge. Malkhana-in-charge shall also be personally responsible for proper receipt, safe custody and disposal of arms and ammunition subject to control of the Officer-in-charge.

(iii) Particulars of the arms and ammunition received in the malkhana shall at once be entered in the prescribed Register. The entries shall be attested by the Officer-in-charge after satisfying himself as to the accuracy thereof.

(iv) If ordered by the Court, the arms and ammunition shall be returned to the persons entitled to possess the same, in the presence of the Court concerned. Entry thereof shall be made in relevant columns of the register.

(v)(a) Arms and ammunition forfeited to Government and not ordered to be destroyed by the Court shall be handed over to the District Magistrate or his nominee for disposal in accordance with law.

(b) Arms and ammunition ordered to be destroyed shall also be made over to the District Magistrate or his nominee for destruction in safe manner by breaking up the same either locally or through nearest Ordnance Officer as per the Government instructions.

© Relevant columns of the register shall be filled in accordingly.

(vi) At the beginning of each calendar year, a new Register shall be opened wherein arms and ammunition lying in the Malkhana shall also be entered.

Chapter-10
Record of Fines

1. Fine Register

Every Court, whether Criminal or Civil, will keep a separate prescribed Fine Register. Reader of the Court shall enter all fines imposed by the Court in this Register on the same day. Compensation awarded under Section 357 of the Code of Criminal Procedure will be treated as fine imposed in the case and entered in this Register. Fine imposed under Section 345 of the Code of Criminal Procedure or under Order XVI, Rules 12 and 17 of the Code of Civil Procedure, will also be entered in this Register. The entries should be signed by the Presiding Officer on the same day.

2. Payment of fine

Whenever fine amount is paid in whole or in part in the Court, receipt in prescribed form for the same shall be issued under the signature of the Presiding Officer and counter-foil retained for record of the Court. The entry of receipt of fine should be made in the Fine Register by the Reader but the amount received should be written by the Presiding Officer himself in the relevant column and the entry should be signed by him.

3. Credit of amount deposited in Treasury

(i) Amount of fine paid into the Treasury will be paid to the credit of Government whereas amount payable as compensation paid into the Treasury shall be credited as a deposit.

(ii) Even in appealable cases, the fine amount should at once be credited to Government and will be subject to refund if remitted on appeal or in revision. Refund voucher in prescribed form shall be issued for refund of the fine amount.

Before issuing refund voucher, the amount realized and credited to the Government must be ascertained and certified by the concerned official of the Court. The refund voucher will be passed for payment by the Officer-in-charge of the Treasury.

(iii) Amount paid into the Treasury as deposit may similarly be paid to the entitled person by way of refund voucher after the expiry of limitation period for filing appeal/revision petition or after and subject to the decision of appeal/revision petition, if any filed.

(iv) Rules on the subject of crediting and accounting of fines issued by the Accounts Department of the Government should also be strictly observed.

4. Statement of fines

(i) At the close of each month, a consolidated statement of fines imposed by all the Courts in the District, realization thereof and credited to the Government during the month should be prepared separately (by the office of the Chief Judicial Magistrates for all the Courts of Magistrates in the District and by the office of the Sessions Judge for all the Sessions Courts of the District, to be signed by the Chief Judicial Magistrate/Sessions Judge) and submitted to the Accountant General after verification from the Treasury. For preparation of the consolidated statement, each court will send its own monthly statement to the Chief Judicial Magistrate/Sessions Judge. A copy of the consolidated fine statement of Courts of Magistrates shall also be submitted to the Sessions Judge. The Officers who sign the statements will be responsible for accuracy thereof.

(ii) To facilitate the preparation of these statements, prescribed register of fine realization will be maintained by each Court. Entry therein should be made at once on realization of the fine amount along with entry in the Fine Register. The

Register should be checked by the Presiding Officer with Treasury certificate at the end of each month.

5. Attention to unrealized fines

Fine Clerk or other concerned official should draw attention of the Presiding Officer to fines remaining unrealized for more than three months, so that proper steps for recovery thereof may be taken. Sessions Judge should also monitor the progress of recovery of fines in all Courts in the Sessions Division so as to expedite the recovery and should issue necessary instructions, wherever required.

6. Fines imposed by Civil Courts

Fines imposed by Civil Courts under the power conferred by Section 345 of Code of Criminal Procedure should also be dealt with in accordance with the instructions laid down in this Chapter, so far as they are applicable.

Chapter 11

Affidavits

1. Relevant Law:

- (i) Section 139 and Order XIX of the Code of Civil Procedure, Section 297 of the Code of Criminal Procedure and Section 3(2) (a) of the Oaths Act, 1969 contain the provisions on the subject of affidavits.
- (ii) No Court fee or other stamp is required on an affidavit made for the immediate purpose of being filed or used in any Court or before the officer of any Court, vide exemption (b) under Article 4 of Schedule 1 to the Indian Stamp Act, 1899. No fee is chargeable for attesting an affidavit except as laid down in Rule 3 below.

2. Joint Affidavit:

There is no legal objection to several persons joining in a single affidavit in whole or in part, but Attesting Officer should in such case be careful that each deponent deposes separately and that the attestation certificate is adapted to the actual circumstances of the particular case.

3. Oath Commissioners:

- (i) The High Court shall appoint Oath Commissioners for the purpose of administering oaths and affirmations under the provisions mentioned in Rule 1 (i) above, at the headquarters of each sub-division/tehsil/sub tehsil of a district as well as for the High Court premises.
- (ii) No person shall be eligible for appointment as Oath Commissioner unless:-

(a) he has for atleast two years but not exceeding five years been an Advocate of the High Court; and

(b) he is below the age of thirty five years.

(iii) An eligible advocate may submit his application in the prescribed form for appointment as Oath Commissioner to the District Judge concerned, or to the President of the High Court Bar Association for seeking appointment for the High Court premises, who shall forward the same to the High Court with his comments about the suitability of the applicant may be accepted if the High Court is satisfied about the suitability of the applicant. The application candidate for appointment as Oath Commissioner.

(iv) An Oath Commissioner shall hold Office for a term of two years from the date of his appointment :

Provided that the High Court may curtail the term if it thinks fit to do so:

Provided further that the High Court may relax the conditions regarding eligibility and duration of the term of office of an Oath Commissioner on compassionate ground or in public interest or on any other sufficient ground.

(v) The Oath Commissioner may charge a remuneration of twenty five rupees for each affidavit. He shall keep a register in the prescribed form in which all affidavits shall be entered. A written receipt in printed form, containing the name of the Oath Commissioner, serial number of the receipt and the amount received Rs.----- as attestation charges from _____(Name of the deponent) for affidavit bearing No. _____ in the Register, shall be issued.

The receipt shall be dated and signed by the Oath Commissioner and shall consist of foil to be given to the deponent and counter-foil to be retained in the Receipt Book by the Oath Commissioner for the purpose of inspection. The Commissioner may charge an additional fee of upto fifty rupees when he is required to attend the deponent's residence.

- (vi) The Registers and Receipt Books containing counter foils shall be kept by the Oath Commissioner in safe custody and shall be presented to the District and Sessions Judge whenever demanded for inspection. The same shall be inspected by the District and Sessions Judge at least once in a year. On expiry of term of office, the Oath Commissioner shall within fifteen days, deposit the Registers and Receipt Books in the Office of District and Sessions Judge against receipt. The record shall be kept and preserved in the office of District and Sessions Judge for five years and destroyed thereafter unless it is required in proceedings before any authority or in connection with any case.

4. Attestation of affidavits of process serving officials:

In order to facilitate the verification of affidavits of process serving officials made under the Code of Civil Procedure, Civil Judge (Senior Division) at the district headquarter and Additional Civil Judge (Senior Division) at sub divisional headquarter may appoint an official subordinate to himself to administer oaths to process servers, bailiffs, Naib-Nazirs and Nazirs making the affidavits of service of summons, notices and other processes under the said Code.

5. Register of affidavits:

- (i) A register of affidavits in the following form shall be maintained by each Court as well as by each Oath Commissioner in which every affidavit attested should be entered.
- (ii) The register should be duly page marked, having a certificate of the Presiding Officer concerned on the opening sheet of the total number of pages contained therein. Similar certificate on the register of Oath Commissioner shall be under the signatures of District and Sessions Judge.

Form of Register:

Register of affidavits attested in the Court of _____/attested by

(Name of the Oath Commissioner) Oath Commissioner :

1. Sr. No	2. Name and Address of the deponent	3. Nature of affidavit in brief with attached exhibits, if any.(if the affidavit relates to a cause in Court, the cause and Court should be specified)	4. Date of Administering Oath or Affirmation	5. Name and address of the person, if any, identifying the deponent, and his signature.	6. Signature/thumb impression of the deponent.	7. Signatures of the Attesting Officer	8. Fee charged (in the Register of the Oath Commissioner only)

6. Title of affidavits :

Every affidavit to be used in a Court shall state at the top the name of the Court and the cause title along with nature of the case. The affidavit shall contain the name of the deponent, his father's name, age, occupation and complete address so as to identify him clearly. Date and place of making the affidavit shall be mentioned at the bottom.

7. Contents of affidavit:

- (i) Every affidavit containing statement of facts shall be divided into paragraphs, every paragraph consecutively numbered and confined to a distinct portion of the subject:

Provided that a short affidavit verified in the manner prescribed by Order 19 Rule 3 of the Code of Civil Procedure may be filed to support the averments made in any application.

- (ii) The deponent should state the facts within his own knowledge or if the fact is stated on information obtained from others, it should be so stated along with source of information and should be verified as true to belief. If the information has been derived from documents or copies of documents, the same should be specified alongwith the source of documents and verified as true accordingly to belief.
- (iii) Ordinarily, affidavits should be confined to facts within the knowledge of the deponent except interlocutory applications in which statements of his belief may be admitted if the grounds thereof are stated.
- (iv) All inter-lineations, alterations or erasures in an affidavit shall be initialled by the deponent and the attesting officer and made in such manner as not to obliterate or render it impossible or difficult to read the original matter, otherwise such original matter may be re-written in the margins and initialled as above.

8. Identification of deponent:

Every person making an affidavit, if not personally known to the Attesting Officer, shall be identified to him by some person personally known to him. The Attesting Officer shall specify at the foot of the

affidavit the name and description of the person identifying the deponent.

9. Mode of attestation:

- (i) The Attesting Officer shall certify, at the foot of the affidavit, the fact of the making of such affidavit before him and shall date and sign in full the certificate along with designation, and shall, for the purpose of identification, mark, date and initial every exhibit referred to in the affidavit.
- (ii) If the deponent appears to be illiterate or ignorant of the language of the affidavit or not able to understand the contents thereof, the Attesting Officer shall cause the affidavit to be read and explained to the deponent in the language understood by him and the Attesting Officer. This fact (of reading and explaining) shall also be certified at the foot of the affidavit.

10. Verification:

Every affidavit shall be signed and verified at the foot by the deponent and attested by the Attesting Officer. Every page of the affidavit shall be signed by the deponent and initialled by the Attesting Officer. The verification shall be in the prescribed form and signed by the deponent.

Form No. 1

Verification of affidavit:

I (Name of the deponent) do hereby solemnly swear/affirm that the above contents of my affidavit are true and correct to my knowledge (or belief as per information received from (source)) and that nothing has been concealed therein and that no part of it is false.

Form No. II

Certificate of Attesting Officer

Certified that the above was declared on (Oath/Affirmation) before me on (Date, month and year) at (place) by (full name and description of deponent) who is personally known to me or has been identified by (name and description of the identifier) who is known to me personally. Certified further that the affidavit has been read and explained to the deponent who seemed to understand the same fully. The exhibits marked A, B, C etc. above referred to are annexed hereto under this date and my initials.

(Note: any part of the certificate, not applicable, may be omitted).

Form No. III Application Form
(For appointment as Oath Commissioner)

1. Name
2. Parentage
3. Date of Birth

(Attach attested copy of matriculation certificate or other attested proof of age):
4. Address:
5. Date of enrolment as an Advocate
(Attach attested copy of enrolment certificate):
6. Place of Practice:
7. Area for which application is made:
8. Particulars of all earlier appointments as Oath Commissioner and the periods of such appointments, if any:
9. Whether his term was ever curtailed by the High Court:
10. Special category, if any, for seeking appointment:
11. Declaration by the applicant

I hereby declare that I shall be bound by the rules/directions pertaining to the appointment of the Oath Commissioner and shall have no objection if my appointment is cancelled for non-compliance of any of

the rules, notifications or directions issued. I shall properly maintain the register and accounts and shall regularly submit the same for inspection to the authority concerned.

Signature of the applicant.

12. Recommendation of the District Judge/President, High Court Bar Association with regard to suitability for appointment and report regarding honesty and integrity.

Chapter-12

Touting

1. Relevant Provision

Attention of all Judicial Officers is drawn to Sections 3 and 36 of the Legal Practitioners' Act, 1879. 'Tout' is defined in Section 3 of the Act *ibid*. Section 36 of the Act *ibid* should be used when required as it enables the Courts to protect litigants and Members of the Bar, at least to the extent of stopping touting within the precincts of the Courts.

2. List of Touts

Section 36 of the Act *ibid* requires that the District and Sessions Judge preparing a list of touts should satisfy himself that the persons to be included in the list habitually act as touts and should give them an opportunity to show cause against the inclusion of their names. However, a wide discretion is left to him as to the method in which he may so satisfy himself. The list shall be displayed in every Court in the District/Sessions Division.

3. Punishment for acting as tout

Special attention is drawn to Section 36(6) of the Act *ibid*. According to it, if a person, whose name is on the list of touts, acts as a tout, he is liable to punishment. This provision (not sufficiently known) should be properly enforced to minimize the evil of touting.

Chapter-13

Legal Proceedings by or against Judicial Officers.

1. Institution of Proceedings by Judicial Officer regarding defamatory attacks.

(i) As per Section 199 of the Code of Criminal Procedure, Public Prosecutor, with the previous sanction of State Government, may institute a criminal complaint direct in a Court of Session regarding any offence falling under Chapter XXI of the Indian Penal Code relating to defamation alleged to have been committed against a Judicial Officer in respect of his conduct in the discharge of his public functions. The Court of Session may take cognizance of such offence on such complaint without the case being committed to it.

(ii) The aforesaid provision does not affect the right of the Judicial Officer concerned to institute a complaint before the Magistrate having jurisdiction, who may take cognizance of the offence on such complaint.

2. Rules

Detailed rules in connection with suits by or against Public Officers relating to their public acts or character as a public servant are contained in Law Department Manuals of the States of Punjab and Haryana and Union Territory, Chandigarh.

3. Private Cases

A Judicial Officer has right to sue or defend qua his private dealings or behaviour in any way that he may be advised.

4. Sanction of Government for prosecution of Judicial Officer

(i) In view of Section 197 of the Code of Criminal Procedure, no Court can take cognizance of an offence alleged to have been committed by a Judicial Officer while acting or purporting to act in the discharge of his official duty, except with the previous sanction of the State Government. The State Government should call for and follow recommendation of the High Court in this regard.

(ii) Attention is also invited to Section 80 of the Code of Civil Procedure, which requires at least two months' prior notice before institution of a suit against a Public Officer (which would include Judicial Officer) in respect of any act purporting to be done by him in his official capacity.

5. Report of legal proceedings to the High Court.

A detailed report in respect of legal proceedings, civil or criminal, which may be brought by or against a Judicial Officer in his official capacity, should be submitted by the Officer concerned through proper channel to the High Court as soon as the question of institution of the proceedings arises.

Chapter 14

Foreign Jurisdiction

1. **Origin of foreign jurisdiction:**

The Central Government has and may hereafter acquire jurisdiction in and in relation to areas outside India by treaty, agreement, grant, usage, sufferance and other lawful means, as per preamble and Section 2(a) of the Foreign Jurisdiction Act, 1947.

2. **Manner of exercise:**

In view of Section 3(1) of the Act *ibid*, it is lawful for the Central Government to exercise foreign jurisdiction in such manner as it thinks fit.

3. **Orders by the Central Government:**

In view of Section 4(1) of the Act *ibid*, the Central Government may, by notification in the official Gazette, make such orders as may seem to it expedient for the effective exercise of any foreign jurisdiction of the Central Government.

4. **Notification under Section 79 of the Indian Evidence Act:**

The Government of India vide notification No. 417-1 dated the 6th August, 1932 has authorized the following persons in Jammu and Kashmir State to certify documents for the purposes of Section 79 of the Indian Evidence Act.

1. Registrar, High Court, Jammu and Kashmir.
2. District and Sessions Judge, Srinagar.
3. District and Sessions Judge, Jammu.
4. Wazir Wazarat, Gilgit.
5. Wazir Wazarat, Ladakh.

Chapter-15

Records-Preparation, Inspection, Custody, Presentation and Distinction

1. Quality of paper to be used

- (i) All pleadings, applications and petitions presented to Civil and Criminal Courts shall be written on paper of superior quality having 70 GSM and of legal size.
- (ii) All Judicial forms like Fard Talbanas, list of documents etc. may be printed on B quality paper of legal size.
- (iii) Depositions of witnesses, all orders and judgments and decree sheets be written/ computer printed on paper of superior quality having 70 GSM and of legal size. The judgment should be typed/printed on computer with font 'Thorndale', size of the font '14' in double space with margins 1.26 inches on top and bottom of the page and 1.65 inches on the left side and 1.05 inches on the right side.
- (iv) Paper of lighter texture may be used for forms of processes.

2. General instructions

- (i) The practice of writing orders and other matters across the top and along the sides of a page or application or on the back of the application, plaint etc. is forbidden
- (ii) Sufficient margin should be left on each side of the paper while writing orders, statements etc. so that writing may not be obliterated by fraying at the edges.

- (iii) Bundle of records of pending cases should be placed between stiff cardboard protectors, so that the strain of the string of tape or other covering does not fall on the papers within and so as to prevent fraying, folding etc.
- (iv) Exhibits should be placed in strong envelopes to be supplied by the concerned party.
- (v) Every page (not sheet) should be consecutively numbered.
- (vi) The hand written record should be legible, so that it can be read without difficulty by others. Illegible record causes serious inconvenience to all concerned.
- (vii) Lamination of if deemed proper and appropriate, important or damaged or likely to be damaged documents may be ordered suo motu or on the application of any party at its cost.

3. **Index**

- (i) Each Civil and Criminal record should have pre-fixed to it an index of its contents in prescribed form.
- (ii) Each paper should be entered by the concerned Ahlmad/official in the index on the day on which it is admitted to record. The entries in column of 'nature of paper' must be in sufficient detail to allow the described paper being readily identified. Deposition sheet entry should mention the name of the deponent, witness number etc. Order sheet may be entered as a single paper/document.
- (iii) Each sheet should be marked with its index number. Whenever any document is withdrawn, whether before or after judgment, a note thereof should be made in the column of remarks and it should be stated whether a copy has been substituted or not.

(iv) At the conclusion of the case, the papers should be arranged by the concerned official into Part A and Part B according to Rule 12 of this Chapter. There shall be a separate index for each part. The index of Part A will show all the papers originally on record, with entry in remarks column regarding papers transferred to Part B. Index of Part B will show only the papers contained in this part. The words 'not to be destroyed' shall be written in red ink in the remarks column of the index of Part A against any paper which is to be preserved under Rule 12(XVII) of this Chapter. The certificate at the foot of the index should be signed and the record should then be sent to the Record Room.

4. Consigning records to Record Room

(i) Records of cases decided by the Court of District and Sessions Judge and those of Additional District and Sessions Judges shall be consigned to the Record Room of the District and Sessions Judge, to be known as Sessions Court Record Room, which shall be under the control and supervision of the District and Sessions Judge.

(ii) Records of cases decided by all other Civil and Criminal Judicial Courts at the District Headquarters shall be consigned in the separate Record Room, to be known as Subordinate Court Record Room, which shall be under the control and supervision of the Civil Judge (Senior Division).

(iii) Records of cases decided by all Civil and Criminal Judicial Courts at Sub-divisional Headquarters shall be consigned to the Judicial Record Room, if any, of the Sub-division (to be known as Sub-divisional Judicial Record Room), failing which the same shall also be consigned to the Subordinate Courts Record Room at the District Headquarters. Sub-divisional Judicial Record Room shall be under the control and supervision of the Additional Civil Judge (Senior Division) of the sub-division.

(iv) The records of cases decided by the Court of Small Causes at Amritsar shall be consigned in the separate Record Room of the said Court which shall be under the control and supervision of the Judge, Small Cause Court.

(v) The file of every decided case should be consigned to the Record Room within a period of 15 days from the date of the final orders passed therein.

(vi) Judicial Officers should furnish certificate with monthly statements that the records of decided cases have been consigned to the Record Room within the said period of 15 days. Reasons be stated if the record of any case is not so consigned.

(vii) A challan in duplicate in the form given hereinafter, duly completed, will accompany the records along with the Court Register containing the details of the records. The Court Register will be signed by the Record Room Clerk and returned immediately after receiving the record. One copy of the challan will be returned later, after entry of Goshwara number with date against each record and signature in full of the Record Room Clerk. The other copy of the challan will be retained in the Record Room, to be destroyed after three years. The Goshwara numbers given by the Record Room Clerk will be entered in the relevant Registers by the Ahlmad. Presiding Officer of the Court should periodically (at least once a month) check the entry of Goshwara numbers in the Court Registers.

(FORM OF CHALLAN)

Court of _____ in _____ District

CHALLAN OF FILES CONSIGNED TO RECORD ROOM

Sr. No.	Date of despatch	Case number	Names of parties	Nature of case	Date of decision	Name of village Basta in which record consigned	Signatures in full of Record Room Clerk receiving the file with date.	Goshwara number with date	Remarks
1	2	3	4	5	6	7	8	9	10

(viii) On receipt of the record in Record Room, the Record-keeper will examine the index and check the entries in columns of the index relating to number of sheets and Court-fee with the papers and stamps in the record. If the record is complete, he will sign the certificate to this effect at the foot of the index and enter the case in appropriate Register. If any paper or court-fee stamp is missing, he will at once report the deficiency.

5. Checking of record on passing from one official to another

In every office, there should be a responsible Dispatcher and Receiver of Judicial records who should check the papers in each record which passes through his hands and certify that the index is correct and the record is complete or if there is any deficiency in papers or Court-fee stamps, he should immediately report. Head of the office may permit exemptions from compliance with this rule, if the record is required for temporary or special purpose, so as to render the compliance unnecessary.

6. Execution records

Whenever record of any execution petition is consigned, in which the decree has been fully executed or has become incapable of further execution, the Record-keeper should see if the execution pertains to civil suit or appeal, record whereof is to be destroyed after six years as per Rule 12 (XI) and should make a note thereof on the index of such civil suit or appeal to enable destruction of records thereof in time.

7. Transmission of Judicial records

(i) When records are transmitted from one office to another, a list of the records (in addition to index of each case) should be prepared in duplicate in the prescribed form and sent with the records.

(ii) On receipt of the record, the concerned official of the receiving office should check the list and should note the date of receipt of the record in appropriate column of both copies and sign the entry, if the list is correct. If the list is incorrect, he should make a note to this effect thereon and forthwith report it to the head of the office. One copy of the list will be returned to the Dispatching Office immediately after checking, with intimation that the papers are correct/incorrect. When the records are no longer required, the second copy of the list will be returned with the records to the original office. Here the list will again be checked and will be returned, attested as such, to the office to which the records had gone.

(iii) Number and date of the requisition and class and number of the case of the requisitioning Court should also be mentioned in docket to be sent with the record.

8. List of record not returned to Record Room

In the first week of each quarter, the Record-keeper should prepare a list of the files which were requisitioned from the Record Room but not returned and forward the same to the concerned Court for verification.

9. Inspection of Judicial records

(i) Records of decided cases shall be open to the inspection of the public, subject to the general control of the head of the office i.e. District and Sessions Judge/ Civil Judge (Senior Division)/Additional Civil Judge (Senior Division), as the case may be.

(ii) Records of pending cases shall be open to the inspection of the parties or their counsel or agents alone, subject to the general control of the Presiding Officer of the Court concerned. Clerks of Advocates may inspect the records only in the presence of the Advocate concerned.

However, a stranger to a civil or criminal case may, for sufficient reasons, be allowed by the Court concerned to inspect record of a pending case.

(iii) Inspection of a pending case on the date of hearing (before the hearing takes place) may be allowed with special permission of the Presiding Officer on payment of urgent fee. After the hearing, inspection may be allowed on the same day on payment of ordinary fee.

(iv) There shall be a separate room for inspection of records. An official shall be deployed to supervise the inspection of records.

(v) Record of the case to which Government is a party, may be inspected by Government Law Officer/counsel without payment of any inspection fee.

(vi) Application for inspection of records of a decided case shall bear Court-fee stamp of Rs. _____ as search fee. Besides it, requisite inspection fee for each day or part thereof shall be paid in every case. Day-to-day inspection may be continued on payment of requisite fee for each day, but without necessity of fresh application.

(vii) If in some case, record of another case is summoned under Order XIII Rule 10 of the Code of Civil Procedure for inspection by the Court, no fee shall be charged for such inspection. The application for summoning the record should comply with the provision of Order XIII Rule 10 of the Code.

(viii) No inspection fee should be charged from a counsel defending an accused at Government expense or as amicus curiae or as legal aid counsel.

(ix) A separate application shall be made and a separate fee paid for inspection of each record.

(x) No mark shall be made on any record or paper inspected.

(xi) The copying of any document or portion of the record in pen and ink is strictly prohibited. However, pencil copies of a document or portion of the record may be made by the counsel or under his supervision and in his presence, by his Clerk, or by the party. Any person infringing or attempting to infringe the rule shall be liable to be deprived of the right to inspect records for such period as the head of the office or Presiding Officer of the Court concerned may think fit. Photostat copy, or printout in the case of digital record, of any document or portion of the record may be obtained by the inspecting person on payment of two rupees per page.

(xii) Fee for inspection and on application for inspection is to be paid in Court-fee stamps.

(xiii) In order to trace the particulars of a case or document, party or counsel may be allowed by the Court concerned to inspect the relevant registers of the Court free of charge in the presence of a Court official.

(xiv) The inspection fee for each day or part thereof shall be Rs. _____ for ordinary and Rs. _____ for urgent inspections.

10. Custody of Judicial records

(i) When any official having custody of pending judicial records is transferred permanently or proceeds on leave for two months or more, he shall make over full and complete charge of the records in his custody to the official relieving him. The relieving official shall, in the presence of the official to be relieved, check all the records leaf by leaf with the indices attached thereto. If any part of the record or any document is found missing, the matter shall be immediately brought to the notice of the Presiding Officer. If the record is found complete, the relieving official shall sign a certificate to this effect.

(ii) If any document or part of the record is found missing at the time of taking charge by the official or subsequently, the Presiding Officer shall immediately take action for its recovery or reconstruction and shall also fix responsibility for the loss thereof and shall also immediately report the loss to the High Court through proper channel.

(iii) If the official having custody of the pending judicial records is transferred temporarily or proceeds on leave for less than two months, he shall hand over records to the relieving official of only those cases which are likely to come up for hearing in the ordinary course during his absence and the procedure given in clause (i) adopted for the same. The remaining records shall be locked up, the key being kept by the Presiding Officer. If any further records are needed during the absence of the permanent custodian, they shall be taken out and properly checked as aforesaid under the supervision of the Presiding Officer before being taken over by the temporary custodian.

(iv) As regards the Record Room, only the files not yet acknowledged by the Record-keeper need be checked.

(v) Both the relieved and relieving officials will be deemed to be on duty in the same post while charge is being transferred. The transfer of charge under sub-rule (i) shall not ordinarily take more than four days, but this period may be extended to seven days under the written order of the Presiding Officer. Under sub-rule (iii), not more than a day should be allowed for the transfer of charge.

(vi) Frequent transfers of officials holding charge of records should be avoided.

(vii) These instructions do not apply to the transfer of charge of administrative files.

11. **Production of revenue records**

(i) Original revenue records should not ordinarily be requisitioned unless necessary. The parties should be asked to file certified copies or extracts of relevant entries/documents.

(ii) Excerpts from the revenue records are prepared by the Special Kanungo for which detailed instructions are contained in Chapter 20 of Volume I of the High Court Rules and Orders.

12. **Preservation and destruction of records**

(**Note:** Rules have been made by the High Court under Section 3 of the Destruction of Records Act, 1917 with the previous sanction of the State Government for the disposal of records by destruction or otherwise. Proposed Rules given below shall, therefore, require previous sanction of the State Governments).

Rules made by the High Court under Section 3 of the Destruction of Records Act, 1917, with the previous sanction of the State Governments for the disposal, by destruction or otherwise, of such documents in the possession or custody of the Courts of civil and criminal jurisdiction subordinate to the High Court as are, in the opinion of the High Court, not of sufficient public value to justify their preservation.

I. **Timely destruction of records**

All judicial records and registers, which under these Rules become liable to destruction, shall be destroyed as soon as the period for their retention has expired:

Provided that the District and Sessions Judge may, for reasons to be recorded, order that any particular paper or record be preserved beyond such period.

II. **Manner of destruction and disposal**

The destruction of the records and registers shall be effected under the supervision of the Record-keeper by tearing or shredding with shredder if provided, special care being taken that all Court-fee stamps have been duly cancelled. The torn or shredded paper may be sold in the open market as per Government instructions. The sale proceeds shall be credited under the relevant Head.

III **Secret or confidential documents**

Documents of secret or confidential nature should not be sold, but destroyed by being burnt under proper supervision.

IV **Arrangement of records**

All civil and criminal records shall be arranged in two parts A and B.

V **Civil Record Parts**

(a) In original cases, Part A shall contain the following papers:

- (1) The index of papers
- (2) The order sheet chronologically arranged.
- (3) The plaint together with any schedule annexed thereto.

Note:- In miscellaneous cases, the petition or written application of the party setting the Court in motion will take the place of the plaint.

- (4) The written statements and other pleadings of the parties.
- (5) All depositions of witnesses.
- (6) All documents received by the Court during the trial, as evidence between the parties.

- (7) Commissions' proceedings held thereunder, and reports of Commissioners.
- (8) Applications to refer to arbitration, reply thereto and rejoinder.
- (9) Instruments of withdrawal, compromise or admission of judgment.
- (10) The judgment or other final order.
- (11) The decree and all documents relating to the preparation or amendment thereof.
- (12) Applications for review of judgment or for a new trial, with the Court's orders thereon.
- (13) Judgments and decrees of Appellate Courts, if any.
- (14) Processes by which service is effected on the defendants in civil suits decided ex parte.
- (15) Applications of parties who are strangers to the suit with the Court's orders thereon.
- (16) Documents relating to arrest or attachment before judgment.
- (17) Powers of attorney of counsel or agents of parties.

Part B shall consist of all papers not included in Part A.

- (b) In appeals cases, Part A shall contain the following papers:
 - (1) The index of papers.
 - (2) The order sheet chronologically arranged.
 - (3) The petition of appeal.
 - (4) Copies of judgments and decrees of Lower Courts.

- (5) Any cross-objection filed by the respondent under Order XLI, Rule 22 of the Code of Civil Procedure.
- (6) Issues referred for trial by the Appellate Court, with the evidence and findings thereon.
- (7) Commissioner's proceedings held thereunder, and reports of Commissioners.
- (8) Any additional evidence, oral or documentary admitted by the Appellate Court under Order XLI, Rule 27, of the Code of Civil Procedure.
- (9) Deeds of withdrawal, compromise or admission of judgment.
- (10) The judgment or other final order.
- (11) The decree of the Appellate Court.
- (12) Applications for review of judgment, with the Court's orders thereon.
- (13) Any judgment and decree of a superior Court of appeal.
- (14) Processes of service effected on respondent in appeal decided ex parte.
- (15) Powers of attorney of Counsel or agents of parties.

Part B shall consist of all papers not included in Part A.

VI Criminal record parts.

In criminal records, Part A shall contain the following papers:

- (a) In original cases tried by a Court of Session.
 - (1) The index of papers.

- (2) The order sheet chronologically arranged.
 - (3) The charge.
 - (4) All depositions of prosecution witnesses, statements of accused persons and depositions of defence witnesses.
 - (5) All documentary evidence.
 - (6) The final order.
 - (7) The judgment or order of the High Court as a Court of Appeal, reference or revision.
 - (8) Warrants returned after execution of sentence.
 - (9) All proceedings relating to the realization of fines.
- (b) In Magisterial inquiries and trials.
- (1) The index of papers.
 - (2) The order sheet chronologically arranged.
 - (3) The final Police report (challan), or petition of complaint.
 - (4) All depositions of prosecution witnesses, statements of accused persons and depositions of defence witnesses.
 - (5) All documentary evidence.
 - (6) The charge or substance of accusation and plea of accused thereto.
 - (7) The final order of the Court.
 - (8) The judgment of the Appellate Court, if any.
 - (9) The judgment of the High Court/Sessions Court in revision, if any.

- (10) Warrants returned after execution of sentence.
 - (11) All proceedings relating to the realization of fines.
- (c) In appeals/revision cases
- (1) The index of papers.
 - (2) The order sheet chronologically arranged.
 - (3) The petition of appeal/revision.
 - (4) Copy of the judgment/order of the Lower Court.
 - (5) Any additional evidence taken under Section 391 of the Code of Criminal Procedure.
 - (6) The final order of the Court.

Part B shall consist of all papers not included in Part A.

VII Records to be preserved in perpetuity:-The following records shall be preserved in perpetuity:-

- (1) Part A of all suits and civil appeals involving title to immoveable property as defined in Section 3, Clause 25, of the General Clauses Act, 1897.

Note: In suits for arrears of rent or for a share in the produce, when the right is not disputed and only the amount is contested, this clause will not apply.

- (2) Part A of all suits and appeals relating to the succession to an office or to establish or set aside an adoption or otherwise determine the status of an individual and of all suits and appeals relating to trusts or religious endowments.

- (3) Records of attachment, sale and delivery of immovable property in execution of decrees, including all objections, proceedings and orders thereon.
- (4) Part A of proceedings under the Indian Succession Act of 1925, and the repealed Acts entered in Schedule 9 of that Act.
- (5) Part A of cases of divorce, restitution of conjugal rights and judicial separation.
- (6) Insolvency proceedings under the Provincial Insolvency Act, 1920, where the Court has decided a question of title to immovable property under Section 4 of the Act.
- (7) Correspondence with other offices on matters connected with administration of justice, which in the opinion of the District and Sessions Judge should be preserved in perpetuity as likely to be useful in the future. Other correspondence of merely formal or ephemeral character may be ordered to be destroyed after three years if retention thereof is considered no longer necessary. However, list of all papers proposed to be destroyed shall be prepared and preserved in perpetuity.
- (8) Part A of proceedings under the Mental Health Act, 1987.
- (9) Part A proceedings under the Companies Act, 1956/2013 or under the Banking Companies Act (X of 1949).

VIII Records to be preserved for 50 years:- The following records shall be preserved for fifty years and shall then be destroyed:

- (1) Part A of proceedings under Sections 1 and 8 of Regulation XVII of 1806.
- (2) Part A of proceedings under the Guardians and Wards Act, 1890, and under the Hindu Minority and Guardianship Act, 1956, other than those in which the petitions have been rejected.
- (3) Records of Insolvency proceedings under all Acts other than those falling under Rule VII (6).
- (4) Part A of the cases relating to any of the offences specified in Section 39 of the Code of Criminal Procedure, in which any suspected person has escaped apprehension:

Provided that whenever it becomes known that such offender is dead, the records may be destroyed.
- (5) Part A of criminal cases in which the offence is punishable with death, and it is not known who the offender is.

Note: The records specified in Clauses 4 and 5 shall, at the time when under ordinary circumstances they would be liable to destruction, be removed to a separate bundle of cases of absconding and unknown offenders.

- (6) Part A of criminal cases in which a mentally ill person is concerned unless such person is subsequently tried or is dead.

IX Records to be preserved for 20 years:- The following records shall be preserved for twenty years and shall then be destroyed:-

- (1) The charge, finding and sentence in cases in which conviction has been had of an offence for which enhanced punishment is provided on a second or subsequent conviction.

- (2) Part A of cases in which any public servant has been tried, whatever may have been the result of the case.
- (3) Part A of all Civil suits and appeals, other than suits and appeals falling under Rule VII, where one of the parties is a minor suing or sued through a next friend/guardian under Order XXXII of the Code of Civil Procedure.
- (4) Part A of Criminal cases relating to any offences, other than those specified in Section 39 of the Code of Criminal Procedure, in which any suspected person has escaped apprehension:

Provided that whenever it becomes known that such offender is dead, the records may be destroyed.

X Records to be preserved for 12 years:- The following records shall be preserved for twelve years and shall then be destroyed unless their preservation for a longer period is necessary on the special grounds noted below:

- (1) Part A Sessions cases:

Provided that, if the sentence has not been fully executed, the record shall be preserved until the return of the warrants, and then destroyed.

- (2) Part A of cases under Chapter IX of the Code of Criminal Procedure in which maintenance is awarded.
- (3) Insolvency proceedings (other than those mentioned in Rule VII (6)) under the Provincial Insolvency Acts where immovable property is involved. The period shall be taken to run from the date of the order of the Court declaring the insolvent discharged from further liability in respect of the scheduled debts.

- (4) Part A of proceedings under the Guardians and Wards Act, 1890 and the Hindu Minority and Guardianship Act, 1956 in which the petitions have been rejected.

XI Records to be preserved for 6 years:-The following records shall be preserved for six years and shall then be destroyed unless their preservation for a longer period is necessary on any of the special grounds noted below:

- (1) Part A of all Civil suits and appeals other than suits and appeals falling under Rule VII and Rule IX(3):

Provided that, if the decree has not been fully executed or become incapable of further execution, Part A must be preserved until such time as the decree has been fully executed or become incapable of further execution.

Note 1: A note of all cases destroyed under this clause shall be made at the time of destruction in the list of cases put up with the village bundle.

Note 2: Only such portion of the record, if any, as relates to the attachment, sale and delivery of immovable property in execution of decrees, including all objections, proceedings, and orders thereon, should be taken out and preserved permanently as required by Rule VII, when the record is destroyed under this rule.

- (2) Records relating to the realization of fines of Criminal Courts.

XII Records to be preserved for 3 years. - The following records shall be preserved for three years and shall then be destroyed:

- (1) Insolvency proceedings under the Provincial Insolvency Acts where no immovable property is involved. The period shall be taken to run

from the date of the order of the Court declaring the insolvent discharged from further liability in respect of the scheduled debts.

- (2) Records of Criminal cases inquired into or tried by Magistrates and not otherwise provided for in these rules.
- (3) Part A of appeals from orders passed by the Magistrates.
- (4) All correspondence between the District and Sessions Judge and Subordinate Courts, and other records, periodical statements, reports, proceedings, applications etc., not expressly provided for in these rules. However, head of office should exercise his discretion in preserving the record likely to be useful in the future.

XIII Records to be preserved for 1 year. – The following records shall be preserved for one year and shall then be destroyed:

- (1) Part B of all civil and criminal cases and appeals provided that papers relating to deposits and payments thereof shall be separated and preserved until such time as the accounts of the deposits and repayments concerned have been audited and any objections raised in connection therewith have been finally settled and that Part B of civil cases and civil appeals in which a first or a second appeal lies to the High Court, shall not be destroyed until the period of limitation for instituting such an appeal has expired or until the appeal, if instituted, is decided by the High Court.
- (2) Proceedings of other Courts and Officers forwarding notices, proclamations, calling for records, etc.

XIV Records in Digital Form

The original record in physical form should also be preserved in Digital Form, as may be prescribed by the High Court, whenever necessary facilities for the same including equipment, manpower and funds are provided.

XV Mode of reckoning period

In cases under Chapter IX of the Code of Criminal Procedure, in which maintenance is awarded, the period shall be taken to run from the date of the last order passed for the enforcement of the maintenance order. In other cases, the periods prescribed above shall be taken to run from the date of the final order of the Court of first instance, or in the event of an appeal or revision thereafter, from that of decision of the appeal/revision.

XVI Notes of destruction

(i) When under the above rules the whole of the papers of Part A of the record are destroyed, a note to this effect shall be made at the time of destruction, against the entry of the case in the Goshwara. In the case of the record offices of District and Sessions Courts, where no Goshwaras are kept, the note shall be made against the entry of the case in the General Register.

(ii) When some only of the papers of Part A of the record are destroyed and some are retained, a note of the papers destroyed shall be made, at the time of destruction, on the fly index of the case.

(iii) All notes made under the above instructions (i) and (ii) shall be attested by the Record-keeper.

(iv) No note whatever need be made of the destruction of Part B of a record. Such destruction will be presumed to have been effected in accordance with Rule XIII above.

XVII Preservation of papers belonging to Government or private persons.

Before destroying Part A of any judicial proceedings, care must be taken to separate and remove from the record all documents belonging to private persons or to Government, as a party to the proceedings, which have not been superseded by the decree or impounded in the case in which they were produced. These documents shall be preserved and tied up in a separate parcel, and notice shall, whenever practicable, be given to the persons who produced them in Court, requiring them to take them back into their own keeping within six months from the date of the notice, and warning them that they will be kept at their risk, and that the Court declines all responsibility for them. Copies of this notice should also be put up in a conspicuous place of the Court-house of the District and Sessions Judge and of the Court in which the case was tried. Heads of Offices must make the best arrangements for the custody of these documents that the circumstances admit of. It will probably be most convenient to keep them with the appropriate village bundles.

XVIII. Registers

(a) Registers to be preserved in perpetuity:- The following judicial registers shall be preserved in perpetuity:-

Civil Registers (Corresponding to existing Civil Registers Nos. I, II, III, IV, V, XV and XXIV).

Criminal Registers (Corresponding to existing Criminal Registers Nos. VII, VIII and XVI)

(b) Registers to be preserved for 50 years:- The following judicial registers shall be preserved for fifty years from the date of the last entry and shall then be destroyed:-

Civil Register (Corresponding to existing Civil Register Nos. XXVI and XXVIII).

Criminal Register (Corresponding to existing Criminal Register No. IX).

Miscellaneous Registers (Corresponding to existing Miscellaneous Registers G and I).

(c) **Registers to be preserved for 20 years:-** The following judicial registers shall be preserved for twenty years from the date of the last entry and shall then be destroyed:-

Civil Registers (Corresponding to existing Civil Registers Nos. X, XI and XIII)

Criminal Registers (Corresponding to existing Criminal Registers Nos. II and X)

Miscellaneous Registers (Corresponding to existing Miscellaneous Registers Nos. A and H)

(d) **Registers to be preserved for 12 years:-** The following judicial registers shall be preserved for twelve years from the date of the last entry and shall then be destroyed.

Civil Registers (Corresponding to existing Civil Registers Nos. VI and XIV)

Criminal Registers (Corresponding to existing Criminal Registers Nos. I, III, IV and XIV).

(e) **Registers to be preserved for 6 years:-** The following judicial registers shall be preserved for six years from the date of the last entry and shall then be destroyed:-

Civil Registers (Corresponding to existing Civil Registers Nos. XVI, XVIII, XXI-A, XXI-B and XXV)

Criminal Register (Corresponding to existing Criminal Register No. XV)

Miscellaneous Register (Corresponding to existing Miscellaneous Register B.)

However, the registers mentioned in this sub-rule shall be preserved for a longer period, if necessary. The Registers shall be preserved for at least three years after the date on which all dues in respect of deficiencies in stamp duty and Court fees pointed out by Stamp Auditors are recovered or written off.

(f) **Registers to be preserved for 3 years:-** The following judicial registers shall be preserved for three years from the date of the last entry and shall then be destroyed:-

Civil Registers (Corresponding to existing Civil Registers Nos. VII, VIII, IX, XII, XVII, XXI-C, XXII and XXIII)

Criminal Registers (Corresponding to existing Criminal Registers Nos. V, VI, XI, XII and XIII.)

Miscellaneous Registers (Corresponding to existing Miscellaneous Registers C, D, E and F)

(g) **Miscellaneous Register of petition writers:-** When a Register is full, the names of the petition-writers still holding licences should be copied into a new register and the old register destroyed.

(h) **No more judicial register to be destroyed:-** No more judicial registers shall be destroyed except as directed above.

XIX. Other papers

(a) **Personal Files of Officers and Officials:-** Personal files of all Officers and officials of Government who die while in service shall be preserved for three years after their death and then destroyed, provided there are no outstanding claims on the part of their heirs, and of those who have retired shall be preserved until their death or for three years from the date of retirement, whichever is later, and then destroyed.

(b) **Vouchers relating to contingencies:-** Vouchers relating to contingencies should be preserved for three years and then destroyed, the period being reckoned from 1st January following the date of payment. However, the record shall not be destroyed before audit and before settlement of objection, if any.

(c) **Records of Sheriff's Petty and Civil Court Deposit Accounts:-** The records relating to Sheriffs Petty and Civil Court Deposit Accounts shall be preserved for the period noted against each in the subjoined statements.

CIVIL COURT DEPOSIT ACCOUNTS REGISTERS AND FORM		Period for which it is proposed to preserve the registers etc.
Number	Heading	
Form No.1	Note Book of Execution Bailiff	3 years
Form No.2	Register of Receipts (Cash System)	Permanently
Form No.3	Register of Receipts (Voucher System)	Do
Form No.4	Register of Disbursement (Cash System)	12 years
Form No.5	Cash Book (Cash system)	Permanently
Form No.6	Receipt Form (Cash system)	6 years
Form No.7	Voucher Form (Cash and voucher systems)	One year from the date of last audit
Form No.8	Cheque Form (Cash system)	3 years
Form No.9	Challan Form (Cash and voucher systems)	6 years
Form No.11	Treasury pass Book (Cash system)	Permanently
Form No.12	Extract Register of receipts (Cash system)	6 years
Form No.13	Form 28 Civil Account Code, Volume I) Clearance Register (Cash system)	

Form No.14	List of repayments (Cash system) (Form 47, Civil Account Code, Volume 11)	Do 3 years
Form No.15	Lapsed Deposits (Cash system) (Form No.29, Civil Account Code, Volume I).	Permanently
Form No.16	Refund of lapsed deposit (Cash and Voucher system) (Form No.30, Civil Account Code, Volume I)	3 Years
Form No.17	Intermediate Register of money-orders etc.	
Form No.18	Stock Book of Forms of Receipt Books/Cheque Books.	One year from the date of last audit One year from the date of last audit

SHERIFFS' PETTY ACCOUNTS

SHERIFFS' PETTY ACCOUNTS REGISTERS AND FORMS

New Number	Heading	Old Number	Heading	Period for which it is proposed to preserve the Registers
Form No.1	Register of Receipts	Register A	Register of Receipts	Permanently
Form No. 2	Register of Disbursement	Register B	Showing payments	12 years
Form No. 3	Cash Book	Register C	Showing receipts and disbursements and cash balance in hand of Agent each day	Permanently
Form No. 4	Treasury Pass Books			Permanently
Form No. 5	Receipt Form	Form G	Receipt Book	Six years from the date of last entry in the cash book
Form No. 6	Register of processes including warrants, etc. etc.	Register D	Register of Processes and warrants etc. etc.	Three years from the date of its last entry, but subject to the condition mentioned against Form 8
Form No. 7	Note Book of Process Servers	Form h	Note Book of Process Servers	As against Form No. 6
Form No. 8	Payment Order Form	Form I	Court Payment Order	One year from the date of last audit and if at the last audit any objection was raised in connection with any documents or records they should be retained until the next audit, and should not be destroyed until the next audit, and should

				not be destroyed until one year has elapsed since the removal of the objection originally raised
Form No. 9	Challan Form	Form J Form K Form L	(a) Memo to accompany remittance of surplus money to the treasury (b) Of monthly balance to the treasury (c) Consolidated memo of remittance to the treasury	6 years
Form No. 10	Cheque Form			3 years
Form No. 11	Statement of lapsed deposit (Form 29 Civil Account Code, Volume I)			Permanently
Form No. 12	Voucher for Refund of lapsed deposits Form No. 30, Civil Account Code, Volume I			3 years
Form No. 13	Stock Book of Form of Receipt Books and Cheque Books.	Form M	Stock Book of Forms	As against Form No. 8

Note: The main principle which should guide the destructions of accounts records should be that so long as an audit objection is outstanding and the accounts have not been completely checked and accepted in audit, they and the supporting documents should not be destroyed even though the period of preservation prescribed in the rules may have expired.

Chapter 16

Rules for supply of copies of records

Notes 1. In exercise of power conferred by Article 227 of the Constitution of India, the High Court made Rules in the year 1965, with the previous approval of the State Government, for preparation and supply of copies of records of Courts. Consequently the proposed Rules shall also require previous approval of the Governments concerned.

2. In exercise of power conferred by Rule 6-B read with Rule 20 of Order XX of the Code of Civil Procedure, the High Court made separate Rules in the year 1982 for supply of certified copies of type-written judgments (appealable interim orders were included therein later on). The said Rules are also being assimilated in the proposed Rules).

In exercise of the power conferred by Article 227 of the Constitution of India and Rule 6-B read with Rule 20 of Order XX of the Code of Civil Procedure, 1908 and all other powers enabling it in this behalf, the High Court of Punjab and Haryana, with the previous approval of the concerned Governments, hereby makes the following rules for regulating the preparation and supply of copies of records of Civil and Criminal Courts (including small causes Court, Amritsar).

1. Short title:

These Rules may be called the Punjab, Haryana and Chandigarh Civil and Criminal Courts Preparation and Supply of Copies of Records Rules, 2014.

2 Definitions:

In these rules, unless the context otherwise requires.

- (a) 'Copy' means a certified copy of any record prepared in accordance with these rules;
- (b) 'Form' means a form appended to these rules;
- (c) 'High Court' means the High Court of Punjab and Haryana at Chandigarh;
- (d) 'Record' means and includes any portion of a record and any document, map, plan or other paper attached to, or forming part of, the record of any suit, appeal, enquiry, trial or other proceeding in any civil or criminal Court;
- (e) 'Schedule' means the schedule appended to these rules.

3. Persons entitled to obtain copies:

A copy of a record shall be granted in the manner prescribed by these rules to any person who, under the law for the time being in force, or under these rules, is entitled to get it. In particular, any party to a civil or criminal case at any stage of the case and a stranger to the civil or criminal case after final decision thereof is entitled to obtain copies of the record of the case including documents exhibited and finally accepted by the Court

as evidence. A stranger to the case may also, for sufficient reasons shown to the satisfaction of the Court, be allowed by the Court to obtain copies of any such record before the final decision of the case. Official letters (not covered by the Right to Information Act for getting copy/information) shall be treated as privileged documents and copies thereof shall not ordinarily be granted.

4. Supply of copies free of charge:

Copies shall be supplied free of charge in the following cases:-

- (i) If a person convicted in a summons case is in jail and requires a copy for filing appeal or revision, he or his agent shall be allowed a copy of the judgment free of charge.
- (ii) Copy of judgment required to be supplied to the accused under Section 363 of the Code of Criminal Procedure, 1973 shall be prepared by the Court judgment-writer/stenographer and supplied free of charge to the accused, after having been duly attested by the Reader of the Court.
- (iii) Copies of judgments or orders in criminal cases against Government servants shall be supplied free of charge to the Heads of Departments or Offices concerned.
- (iv) Copies required for official purposes by Public Officers of the Central Government or of any State Government in India shall be

supplied free of cost if the application for copy is endorsed by the Head of the Department or Office concerned.

- (v) Copies of judgments ordering detention of persons in Borstal Institutions shall be sent free of cost to the said Institutions along with the orders of detention.

5. Procedure for submission of application for copy:

An application for a copy of any record, including requisition for a free copy, may be made personally or through an agent. The authority of the agent need not be a formal power of attorney.

6. Officers authorized to receive applications.

- (i) An application for a copy of any record in a pending case shall be submitted to the Presiding Officer concerned through his Reader.
- (ii) An application for a copy of any record of decided case of the Court of District and Sessions Judge or those of Additional District and Sessions Judges shall be received by the Superintendent of the Session Court.
- (iii) An application for a copy of any record of decided case of Subordinate Courts shall be received by the Copying Supervisor of the copying agency concerned.

7. Form for application and Court fee stamp:

- (i) Every application shall, as far as possible, be in Form C.D.1 and bear a court fee stamp of Rs. 2/-, apart from the court fee stamps, if any, to cover the cost of the copy. Full particulars of the record, copy whereof is required, shall be given in the application so that the record may be easily traced.
- (ii) Immediately on receipt of the application, the receiving official shall satisfy himself that the applicant is entitled to the copy applied for and that particulars of the record sufficient to trace it are given in the application. The official shall then forthwith effect cancellation of the court fee stamps in the manner prescribed by Section 30 of the Court Fees Act, 1870 read with Rule 3 in Chapter 5 of this Volume of the High Court Rules and Orders.

8. One application for copies of record concerning single cause or matter:

Only one application shall be made for copies of any number of papers concerning a single cause or matter which are in the same record.

9. Charges for copies and manner of payment:

The charges for obtaining copies of different records, as detailed in the schedule, may, at the option of the applicant, be paid either in advance by affixing to the

application court fee stamps to cover the cost of the copies or at the time of taking delivery of the copies, by way of court fees stamps.

10. Scrutiny of application:

On receipt of an application, the copying agent shall scrutinize it as to whether:

- (a) the application has been duly stamped with court fee stamp of ₹ 2;
- (b) the fee, if prepaid, has been correctly assessed in accordance with the scale laid down in the schedule;
- (c) The copy applied for can be supplied under these rules.

11. Rejection/Acceptance of application:

- (i) If an application is rejected or is not in order or if for any reason, it is not possible to prepare the copy asked for, the application may be filed after being kept pending for 15 days or returned by post if the applicant has paid extra fee for post. The court fee stamp of ₹ 2 affixed to the application shall be destroyed by the copying agent in the presence of the copying supervisor in the manner prescribed.
- (ii) In a pending case, if the Presiding Officer allows the application for copy, he shall endorse or cause to be endorsed thereon the word 'Allowed' and shall affix his signature and date under it and then it shall be sent to the copying agency for

preparation of copy. In decided cases, the official receiving the application shall order the copy to be prepared if it is clear that the copy can be supplied as a matter of routine and the application is in order. However, in case of doubt, the official shall put up the application for orders of the Officer Incharge of the copying agency concerned.

12. Duties of official receiving application:

In a decided case, if a copy is ordered to be prepared, the official receiving the application shall-

- (a) endorse or cause to be endorsed thereon the date of presentation and in the case of urgent application, also the time;
- (b) initial the endorsement;
- (c) cancel the court fee stamp in the prescribed manner;
- (d) issue receipt of the application in Form C.D.2;
- (e) cause the application to be entered in register in Form C.D.3 and the serial number of the register written in red ink on the reverse of the application and cause the application to be made over to the copying agent.

13. Record to be given without delay:

It shall be the duty of the Record Keeper or Ahlmad to see that the records are made over to the copying agency on the day he receives the

application or in the forenoon of the next working day at the latest. The Copying Agent/file fetcher shall maintain a register in Form C.D.4.

14. Instructions regarding preparation of copies:

- (i) All copies should invariably be prepared on photocopier. If not so possible, then on computer or type-writer or be written in good legible hand with ink of a good quality;
- (ii) If the copy is not prepared on photocopier-
 - (a) in the case of copy of judgment/order, it should be typed on computer in double space with proper margins on all the four sides, with font “Thorndale” and size of font “14”, on paper of superior quality having 70gsm and of legal size, on one side of the paper only;
 - (b) In the case of copy of any other record, it should be prepared on good quality paper on both sides of the paper with margin of 1.65” on the left in such manner that the margin on the reverse of the paper is on the right hand side. It should also be in double space.

15. Headings to be prefixed to the copies:

To every copy shall be prefixed a heading containing:-

- (a) the name of the Court where the case is pending or was decided and name and powers of the Presiding Officer;

- (b) case Number and date of institution thereof;
- (c) complete description of the parties; and
- (d) the subject matter of the case. In an appeal/revision case, the name and designation of the Officer passing the order under appeal/revision and the date of that order.

16. Copy of copy:

A copy of a copy shall not be supplied unless expressly asked for as such, for instance in order to call in question the correctness of the copy granted. 'copy of a copy' shall be written at the top of such a copy.

17. Particulars to be endorsed on copy:

After a copy has been prepared but before it is revised and attested, the following particulars shall be endorsed thereon:

- (a) The number of the application in register C.D.3;
- (b) The date of presentation of the application.
- (c) The name of the copyist.
- (d) The date on which the copy was completed.
- (e) The date on which the copy was examined and attested.
- (f) The number of pages.
- (g)(1) The cost of the copy as prescribed in the schedule; and
- (2) Urgent fee;

Total recovery

(h) Date of delivery

18. Time for preparation of copy:

A copy should ordinarily be ready by the third working day of the receipt of application, but an urgent copy shall ordinarily be ready before the close of the same day, if possible, or latest by the forenoon of the following working day.

19. Revision and attestation of copies:

(i) Every copy shall be revised and attested by the Superintendent in the copying agency of the District and Sessions Judge and by the Clerk of Court in the copying agency of the Civil Judge (Senior Division) and also of the Judge, Small Causes Court, Amritsar and by Reader or other authorized official at Sub Divisional Headquarter i.e. by the Examiner of the concerned copying agency.

(ii) No copy shall be delivered to any person until it has been examined, certified, stamped and paged.

The Examiner shall see that the provisions of these rules have been complied with in all respects.

20. Duties of Examiner:

Every examiner, before attesting any copy under these rules, shall -

(a) personally compare such copy with the original record with the help of the copyist who prepared it, who shall read out the original;

- (b) attest every alteration made in such copy by initialling the same;
- (c) examine and initial the endorsement made upon the copy in accordance with these rules;
- (d) examine the headings and form of the copy to see that they are in accordance with the law, rules and directions applicable to the copy; and
- (e) see that the court fee stamps affixed to applications are punched, cancelled and initialled.

21. Endorsement on copies by Examiner:

- (i) When the Examiner is satisfied that a copy is correct in all respects and ready for delivery to the applicant, he shall make thereon the following endorsement:-

“Certified to be a true copy”; and shall sign and date the endorsement and also subscribe his official designation, further mentioning below it:

“Authorized by Section 76 of the Indian Evidence Act, 1872”. He shall then cause the proper seal to be affixed to the copy.

- (ii) If the copy is more than one sheet of paper, the Examiner shall endorse the word ‘Attested’ on every such sheet and shall enter his initials and the date thereunder. He shall also at the same time cancel the court fee stamps, if not already done, representing the cost of the copy.
- (iii) The affixing, by the Examiner, of his signature to a copy is a certificate by him personally of its accuracy and that the copy

has been personally compared by him, and is suitable for delivery.

22. Duties of Copying Agents, etc.:

(i) Copyists shall in no circumstances be allowed access to the record room. The records shall be made over to the Copying Agent by the Ahlmad or the Record Keeper, the receipts taken in the register maintained in Form C.D.5.

(ii) The Copying Agent shall be responsible;

(a) that no file is taken out of the copying room;

(b) that all files are locked up in an almirah with the key in his possession before leaving office;

(c) for the proper and equal distribution of work among the copyists;

(d) for the proper maintenance of accounts and preparation of returns; and

(e) for the regular and proper delivery of copies.

23. Delivery of copies and recovery of fee.

(i) Copies when prepared shall be delivered by the Copying Agent.

(ii) The Copying Agent, before delivering a copy, shall make sure that all fees chargeable according to the schedule have been duly recovered.

(iii) In cases of non-payment of the copying fee wholly or partly, the Copying Agent shall arrange to recover the same in accordance with rule 31.

(iv) Before any copy is delivered, the Copying Agent shall endorse thereon the date of delivery and verify the cancellation of the court fees stamps.

24. Refunds:

(i) The refund of court fee stamps tendered in the payment of copying fee shall be allowed in cash under orders of the Officer Incharge in following cases:-

(a) when an application for a copy has been rejected;

(b) when for any reason, it is not possible to prepare the copy asked for; and

(c) when an excess payment is made by mistake.

(ii) Refund shall be made by refund voucher, giving necessary particulars, by the copying supervisor out of his imprest which shall be recouped by means of a contingent bill on the last working day of the month or earlier, if necessary, as in the case of permanent advance.

(iii) The particulars entered in the refund voucher shall be verified by the Copying Agent, counter-signed by the Copying Supervisor and the pay order passed by the Officer Incharge.

(iv) All the refund vouchers/orders shall be cancelled at the time of recouping the advance. The word 'Cancelled' shall be written in red ink or stamped with a rubber stamp across each order by the Copying Agent and initialled by the Copying Supervisor.

25. When applicant fails to take copies:

(i) Should the applicant be not present when first called to receive the copy, his copy shall be kept pending for delivery for fifteen days. Thereafter the copy with the application shall be filed and the copy shall not be given without fresh application being made with court fee stamp of ₹ 2.

(ii) If no such fresh application is filed within next fifteen days, action under Rule 31 shall be taken to recover the balance due, if any, against the applicant.

(iii) The Copying Agent shall maintain a register in Form C.D.6 in which he shall enter the balance of fees recoverable in each case and from which he shall prepare the statement required by rule 31.

26. Preservation of sanctioned applications and destruction of cancelled stamps:

Sanctioned applications for copies shall not be destroyed until audit of the concerned records and registers by a stamp auditor or until the expiry of three years, whichever is later. At the end of the said period, the Officer Incharge shall have such applications destroyed in his presence and shall certify their destruction in the manner prescribed in rule 27 of the Punjab Stamp Refund, Renewal and Disposal Rules, 1934.

27. Officers Incharge and Copying Supervisors and Examiner of copying agencies:

There shall be an Officer Incharge and also a Copying Supervisor and Examiner of each copying agency as follows:-

Agency	Officer Incharge	Copying Supervisor and Examiner
a. All Courts of District/Additional District and Sessions Judges	District and Sessions Judge	Superintendent of District & Sessions Judge

b. Court of Small Causes, Amritsar	The Presiding Officer	Clerk of Court
c. Subordinate Courts at District headquarters.	Civil Judge (Senior Division)	Clerk of Court
d. Subordinate Courts at Sub Divisional Headquarter.	Additional Civil Judge (Senior Division)	Reader or other official authorized by the Officer Incharge

28. Copying agent:

The senior most copyist in each copying agency shall be the Copying Agent and file fetcher and shall be subject to the control of the Copying Supervisor.

29. Inspection by Officer Incharge:

The Officer Incharge of every copying agency shall examine the registers of his copying agency at least once a month.

(a) to see that copies are prepared within the time prescribed in Rule 18;

(b) to see that court fee is correctly affixed to the applications; and

(c) to take necessary measures to enforce compliance of these rules.

30. Supervision:

The Copying Supervisor shall be in immediate charge of the internal organization of the copying agency and shall be responsible for discipline and control of the copyists and other staff. He shall witness all refunds. He shall hold a permanent advance of such amount as may be considered sufficient by the Officer Incharge. He shall report to the Office Incharge. He shall examine the registers daily and deal with delays in preparation of copies. Whenever he proposes to recoup the imprest, he shall render an account to the Officer Incharge.

31. Unrealized fee:

(i) After the close of each month, the Copying Agent shall prepare a statement showing the cases in which fee or any portion thereof remains to be realized. Only the cases in which delivery of copy has not been taken for fifteen days after its preparation shall be included in the statement. The statement shall be

checked by the Copying Supervisor and submitted to the Collector through the District and Sessions Judge for recovery of fees as arrears of land revenue.

(ii) The Copying Agent shall keep a duplicate copy of the statement with him and shall be responsible for reminding the Collector through District and Sessions Judge at regular intervals.

32. Permanent advance Register:

The permanent advance register in Form C.D. 7 shall be kept and maintained personally by the Copying Supervisor. This imprest is intended for refunds and contingent expenditure.

33. Applicability of Punjab Copying Agency Manual:

On any subject not covered by these rules, the Punjab Copying Agency Manual, 1947, as amended from time to time, shall, with necessary modifications, apply to the extent it is not inconsistent with these rules.

34. Special provisions for certified copies of judgments and appealable interim orders.

(i) Any party to a civil case shall be entitled to obtain copy of a judgment or interim appealable order from the court if an application is made to the Presiding Officer of the Court at any time before the conclusion of arguments. The application shall be made by the party or his authorized agent or counsel on a plain paper bearing the court fee stamp of Rs. 2/-, apart from the court fee stamp, if any, to cover the cost of the copy.

- (ii) Copying fee shall be charged at the rate specified in the schedule. It shall be paid in the form of court fee stamps before taking delivery of the copy.
- (iii) The Judgment-writer, Stenographer or Steno-typist, who takes dictation of the judgment/order concerned, shall prepare as many extra copies thereof by computer print-outs as are applied for by the parties or their agents or counsel. The copies shall be prepared after the judgment or order has been corrected and signed by the Presiding Officer.
- (iv) The judgment-writer, Stenographer or Steno-typist, preparing the copy, shall, instead of the Examiner, comply with the requirements of rule 21.
- (v) The Judgement-writer, Stenographer or Steno-typist shall, before delivering copy to the applicant, ensure that the prescribed copying fee charges have been duly recovered in the form of court fee stamps.
- (vi) The Judgment-writer/Stenographer/Steno-typist of every Civil Court shall maintain a register in the following form in which entry of each application shall be made:-
 - a. serial No.,
 - b. date of application,
 - c. date of pronouncement of judgment/order.
 - d. number and title of the case.
 - e. name of the applicant.
 - f. number of pages of the judgment/order

g. amount recovered as copying charges,

h. date of delivery of copy, and

i. remarks.

Schedule

(See Rule 9)

Note:- This Schedule of fees shall be displayed on Notice Boards outside Copying Agencies, Court Rooms and Bar Rooms.

Sr. No.	Nature of document	Rate
1.	(a) Copies of judgments, decrees and orders and all other papers connected thereto in civil cases (b) Copies of judgments in criminal cases and papers connected thereto (c) Copies of original documents filed in the cases and marked as exhibits. (d) Copies of documents in Part B of the file/case. (e) Bahi transliterations	₹2/- per page subject to a minimum of ₹5/-
2.	Copies of entries in register	₹2/- per entry per copy.
3.	Copies of Building maps	₹50/- for a house upto 4 rooms ₹5/- for each additional room per copy.
4.	Copy of site plan	₹30/- per copy

Notes below Schedule in Chapter 16 of Volume IV

(i) The above rates for copies shall also apply to copies supplied in departmental enquiries.

(ii) The urgent fee is ₹5/- extra for each copy. Urgent fee shall be charged only when an urgent application has been made.

(iii) For the purpose of Note (ii) above, the extra fee to be charged shall be for each paper which can properly be regarded as a separate paper, e.g. every deposition of a witness or written statement of a party, or order of the Court is a separate paper. In case of doubt as whether a paper is separate or not, the decision of the officer-in-charge shall be final.

(iv) If more than one copy of a document is asked for, there shall be only one “urgent fee”.

Form C.D. I**(See Rule 7)****Application for copy**

Note:- Affix here court fee stamp of ₹2/- and court fee stamp of the cost of the copy.

Urgent/Ordinary

The applicant requests that copies detailed below be granted							
Nature of case with case number	Name of parties		Name of village or place with the hadbast number where the property in dispute is situate or where dispute arose or offence was committed	Names of Presiding Officers of the Subordinate and appellate Court, if any.	Dates of decision of first and of appellate courts	Detail of copies required	Seal or signature of the applicant
	Plaintiff or complainant	Defendant or accused					
Applicant's full address							
Name to be written clearly		Parentage	Occupation		Complete Address		

Date

A copy may be supplied

Date

Officer-in-charge

Copy Agent

Form CD. 2**(See Rule 12)****Receipt of application for copy**

Receipt No. _____
 Received from _____ an
 application dated _____ for
 copies/a copy with court-fee
 stamps/stamp of the value of ₹ (in
 words) _____ affixed to it
 which has been entered at No. _____
 in C.D. register No.3. The copy is
 likely to be ready for delivery
 on _____

Receipt No. _____
 Received from _____ an
 application dated _____ for
 copies/a copy with court-fee
 stamps/stamp of the value of ₹ (in
 words) _____ affixed to it
 which has been entered at No. _____
 in C.D. register No.3. The copy is
 likely to be ready for delivery
 on _____

Copying Agent

Copying Agent

Form CD. 3**(See Rule 12)****Register of applications and realization of fees**

Date	Serial number of application	Name and residence of applicant	Name of court to which the file belongs	Nature of case, with the number of case	Date of order or record concerned	Brief description of copy applied for.
1	2	3	4	5	6	7

Initial deposit						
Number of copies required	Copying fee	Urgent fee	Total deposits	Date of completion and examination of copy	Name of copyist	Number of pages of the copy.
8	9	10	11	12	13	14

Fees charged	Date of delivery	Initial of copying agent authorizing the delivery	Balance due from the applicant (if any),	Date of recovery of balance	Date of filing the case of undelivered copies in which no balance is due from the applicant	Initials of the copying agent	Remarks
15	16	17	18	19	20	21	22

Form CD. 4**(See Rule 13)****File Fetcher's handbook of requisitions for file**

No. of application as registered in CD.3 with date and value of Court fee stamps attached	Name of court or Tehsil to which the application relates	Signature of Ahlmad of Court or Moharrir, Record Room with date	Date of receipt of file from record room or the court concerned	Signature of file fetcher, copying agent and copyist receiving the file and the number of leaves
1	2	3	4	5

Form CD. 5**(See Rule 22)****Register of files issued to and returned from copying agencies to be maintained by file fetcher, Court Ahlmad and Record-keeper**

S. No.	Date	Number of application as Registered in CD 3 with date.	Goshwara or Register General No.	Case No.	Date of decision or hearing	Parties names	Nature of case	Name of Court	Signature of the official receiving the file with date	Signature of the official returning the file with date
1	2	3	4	5	6	7	8	9	10	11

Form CD. 6**(See Rule 25)****Register of balances of fee due.**

Serial No.	Name and address of applicant	No. of entry in CD 3 for which fees are due	Amount of balance fees due	Included in statement for recovery as arrears of Land Revenue for month of	Date of recovery	REMARKS
1	2	3	4	5	6	7

Form CD. 7**(See Rule 32)****Permanent Advance Register**

Date	Balance of day before	Paid on account of refund		Recoupment of contingent bill on account of refund	Daily total of expenditure	Balance
		Number of Voucher	Amount			
1	2	3	4	5	6	7
	₹		₹	₹	₹	₹

Chapter-17

Libraries

1. (i) There shall be a Library for every Court.
(ii) There shall also be a Central Library of District and Sessions Judge for his own Court as well as for the Courts of Additional District and Sessions Judges of the Sessions Division.
(iii) Similarly, there shall also be a Central Library of Civil Judge (Senior Division) for his own Court as well as for all other Courts of Civil Judges/Judicial Magistrates in the District.
(iv) There shall be a small residential library at the residence of every Judicial Officer.
2. The High Court shall issue approved lists of books for each type of library mentioned in Rule 1. There may be separate lists for different classes of Courts under Rule 1(i) and (iv). Till such lists are issued by the High Court, the existing lists shall remain in force. Keeping in view the changes in law, new technology, new books of reference as well as legal periodicals and also revised editions of books, the High Court shall revise the lists once in every three years. While so revising the lists, various orders passed by Hon'ble Supreme Court on the subject in Civil Writ Petition No.1022 of 1989 shall be kept in view. However, the High Court shall be at liberty to amend, alter, add to or delete from the lists at any time. Since the lists have to be revised periodically, the lists are not being made part of this Chapter. The lists shall be uploaded on the High Court website and shall be kept upto date and may be accessed there.

3. Books of reference, Acts of the Legislature and legal periodicals required for the use of Civil and Criminal Courts as contained in the aforesaid lists may be purchased from any law publisher in India subject to availability of budget. A new edition or publication of any book may be substituted for the edition or book specified in the lists. Books not on the lists can be purchased with the previous sanction of the High Court.

4. District and Sessions Judges alone have the power to sanction purchase of prescribed books for all the Courts of the Sessions Division. However, payment by District and Sessions Judge will be made only in respect of books required by him or by Additional District and Sessions Judges. Payment in respect of books required by Civil Judge (Senior Division) and other Civil Judges/Judicial Magistrates of the District will be made by Civil Judge (Senior Division). Payment for books required by Judge, Small Causes Court, Amritsar shall be made by him.

5. (i) Acts of the State Legislature, Codes and Manuals as published by the State Government may be obtained/purchased from the Controller of Printing and Stationery.

(ii) Acts of the Legislature and all official publications of the Government of India and Governments of other States may be purchased on payment from the Press or Book Depot of the Government concerned. Payment for the same may be remitted directly to the quarter concerned by way of Bank Draft.

(iii) Indian Law Reports, all series, which are also official publications of the various Governments in India, may be purchased and paid for as provided in sub-rule (ii).

6. Nothing in the foregoing Rules entitles the purchase of any book from a publisher not in India. If it becomes necessary to obtain for any Court a book not procurable in India, whether the book is or is not on the lists of approved books, special prior permission must be obtained from the High Court. For seeking such permission, the District and Sessions Judge shall specify the name of the publisher, the published price and availability of budget provision to meet the cost of the book and other incidental charges.

7. The responsibility for the existence of sufficient budget provision to meet the cost of books (including Acts and legal periodicals) rests entirely with the drawing and disbursing officers. They should suggest adequate provision for prescribed books at the time of preparation of budget estimates each year.

8. Every Judicial Officer of the Sessions Division/District shall be entitled to draw books from the Central Library of the District and Sessions Judge as well as of Civil Judge (Senior Division).

9. An accession register shall be maintained by District and Sessions Judge and by Civil Judge (Senior Division) and also by Judge, Small Causes Court, Amritsar in respect of books supplied or obtained. The register maintained by District and Sessions Judge shall contain separate lists for each Court of Additional District and Sessions Judge to which books etc. have been supplied by the District and Sessions Judge. Similarly, the accession register maintained by the Civil Judge (Senior Division) shall contain separate lists for each Court of Civil Judge/Judicial Magistrate to which books etc. have been supplied by the Civil Judge (Senior Division). A copy of such lists shall be supplied to the Presiding Officer of the Court concerned.

The accession register will contain the following columns:

- (a) Serial number.
- (b) Name of work/book
- (c) The edition or date of publication
- (d) The cost, if any.
- (e) The date of receipt
- (f) Date when it ceases to be in the concerned library, and reason for the same, e.g., transfer, weeded out, lost etc.
- (g) Remarks.

10. As soon as a new book is received, it must be entered in the accession register and must be stamped on the title page and in several places in the volume with the seal of the purchasing or receiving office and number of accession register shall be written in the stamps. When any book has, from any cause, ceased to be in any library, a note should be made in the accession register of the manner in which it has been disposed of.

11. The following officials shall hold charge of the library of a Court under the control of the Presiding Officer:

Court	Official-in-charge
(i) District and Sessions Judge's Court	Librarian/Assistant Librarian
(ii) Civil Judge (Senior Division's) Court	Librarian/Assistant Librarian
(iii) All other Courts	Reader.

The Presiding Officer of each Court will be responsible for making arrangement for custody of books and the maintenance of accession register and lists in accordance with these rules. The Presiding Officer may also appoint, in the

cases of (i) and (ii) above, any other Clerk to assist the official-in-charge, without in any manner lessening the responsibility of the official-in-charge. However, the Reader in each case shall hold charge of books kept in the Court Room for the daily use of the Presiding Officer. These officials shall be personally responsible to the Presiding Officer for the proper arrangement of books, for their receipt and issue and for their protection from insects etc. They should ensure that all books are removed from almirahs /racks etc. at least once a quarter and thoroughly dusted. In case of large libraries, the books may be removed from shelves in rotation at fixed intervals of a week or 10 days, so that the turn of each shelf comes at least once in three months. It will be the duty of the Reader to see that no unauthorized person is allowed to remove or otherwise tamper with the books in the Court Room. He shall see that the Court Room is locked before he leaves for the day.

12. A Peon or an orderly of each Court will be responsible for the proper dusting of the books without disturbing the order of books.

13. No books shall be issued from the Library without a written requisition. The requisition will be placed where the book was and should be returned when the book is restored to its place. If a book is not returned within reasonable period (depending on the nature of the book and the purpose for which it was issued), the official-in-charge will enquire about it and will submit monthly report to the Presiding Officer of the books not returned.

14. Each series of Law Reports and other legal periodicals published serially will be kept on a separate file till the series is complete, when it will be bound into volumes and brought on to the accession registers and lists.

15. All correction slips/amendments/repeals/changes shall be inserted in the relevant books as soon as they are received. A register regarding correction slips

of the High Court Rules and Orders shall be maintained by the official-in-charge in which the number and date of every correction slip received shall be entered with the date of receipt thereof. The entry will be attested by the Presiding Officer in token of the correction slips having been pasted in the relevant books without undue delay.

16. In January every year, every Presiding Officer shall check the books in the library of his Court and residence. While checking, the Presiding Officers should satisfy themselves that the prescribed accession registers/lists are properly kept upto date and that the books are complete and in good condition and where required, are duly bound into volumes. The Presiding Officer shall report the result of the check to the District and Sessions Judge, who shall report the result of the check to the High Court. At the same time, the Presiding Officer shall, through District and Sessions Judge, submit for the order of the High Court, a list of the books, if any, which he thinks should be weeded out of his library. The books so weeded out with the sanction of the High Court shall be sold in the local market and the proceeds credited in the local Treasury under the relevant head. All books sold to private persons must be endorsed 'sold' on the title page. No book should be suggested for weeding out unless it is quite clear that it is of no use to any Court in the District/Sessions Division.

17. Personal responsibility must be fixed for all losses of books. Cost of the missing books will be recovered from the defaulter. However, only when the personal responsibility is not enforceable, the losses will be written off by the High Court.

Chapter-18

Correspondence

1. Correspondence with High Court

All communications to and correspondence with the High Court should be in English and should be addressed to the “Registrar General, High Court of Punjab and Haryana, Chandigarh” and should be through proper channel. Judicial officers are not allowed to correspond direct with the Hon’ble Judges of the High Court on matters affecting leave, transfer etc. or other such official matters.

2. Government instructions

All Government instructions relating to correspondence with the Government/Civil Secretariat are to be followed mutatis mutandis in corresponding with the High Court, so far as may be.

3. Letters

(a) Every letter should have its number and date at the commencement. It should also have the name (if desirable keeping in view the subject of correspondence) as well as the office of the writer and also the addressee, and the place from which it is written. This rule applies to copies of letters as well.

(b) Every letter should refer to the last preceding letter, if any, on the subject. It should also give as a heading, a brief description of the subject. In respect of a judicial case, the subject will be the title of the case i.e. case number and year and names of the parties. It should be followed in case of reminders also to facilitate the quick tracing of cases.

4. **Loss or damage**

A report should immediately be made to the High Court through the District and Sessions Judge whenever any judicial record or file or correspondence is found to have been seriously damaged, tampered with, destroyed, lost or mislaid. Every effort should be made to replace/reconstruct the missing or damaged papers from all available sources. On such replacement/reconstruction as may be possible from all available sources, report should be made to the High Court. If the replacement or reconstruction takes more than three months, interim quarterly reports of the efforts made for replacement/reconstruction of the missing or damaged papers should be made to the High Court.

5. **Invoice**

(i) When several papers or records are transmitted under one cover, a list or invoice (challan) in duplicate should accompany the same. In the case of judicial records having index of papers, the files only be entered in the invoice along with number and date of the requisition and class and number of the case in the requisitioning Court.

(ii) **Verification of invoice**

The receiving officer should, on receipt, verify the list or invoice with the papers received and return one copy thereof after entering the date thereon and signing it. If any paper or record entered in the list or invoice is found to be not received, the fact should be noted on each copy of the invoice and the dispatching office immediately informed of the fact by letter as well.

6. **Destruction of correspondence**

Ordinary official correspondence, routine and ephemeral correspondence may be destroyed 3 years after the finality of the subject matter under the

supervision of the head of the office, who should exercise discretion in preserving correspondence likely to be useful in the future. A note in red ink under the signature of the head of the office regarding destruction of the correspondence be made in the column of remarks of the relevant register.

7. High Court Circulars

All High Court circulars should be placed, as received, on a file. All correction slips relating to High Court Rules and Orders should be duly noted and the Volumes kept up-to-date.

8. English figures

English figures alone should be used in all official papers prepared and registers maintained in the judicial department.

9. Rubber stamps for signatures not allowed

The use of a rubber stamp in place of signatures in correspondence, even in matters of a routine nature, is objectionable and is not allowed. Full signatures should always be affixed by the forwarding officer to all correspondence addressed to the High Court. However, while forwarding copies of routine letters to other Judicial Officers, they may be signed by the Superintendent by order and on behalf of District and Sessions Judge.

Chapter 19

Compliance with the High Court precepts

1. Language:

(i) All precepts issuing from the High Court are in English

(ii) Endorsement of return of a precept should also be made in English. However, report of process server on the process or order of service or compliance (as the case may be) may be made in vernacular.

2. Precept to be treated urgent:

All Courts subordinate to the High Court are directed to treat the precepts of the High Court as urgent and not to treat them in a leisurely and routine fashion. In Criminal cases, precepts are invariably urgent matters. Extreme inconvenience is caused by the failure on the part of lower courts to attend promptly to High Court precepts.

3. Despatch Register:

A Despatch Register should be maintained in each subordinate Court showing records and other papers dispatched (on requisition) to the High Court. The number and year of the case given in the precept of the High Court should be entered in the Despatch Registrar and the number of the Despatch Register should be noted on the reverse of the precept with the date of dispatch of the records.

4. Despatch of connected records:

While transmitting records, all connected records are sometimes not transmitted. Before records are dispatched in Civil or Criminal

cases, they should be carefully examined with the invoice and all the records of connected cases to which reference is made in the judgments of the Original and Appellate Courts should also be transmitted, as well as any special records and papers called for. In criminal cases, care should be taken to see that the police reports (first and intermediate) accompany the records.

5. Checking of record received from High Court:

Intimation should be given direct to the Register General, within one month of the receipt of records returned from the High Court, if any papers, stamps or Court fees are found to be missing, damaged or incomplete (otherwise than as noted on the “State of Record Sheet” transmitted with the record), failing which the receiving office will be held responsible.

6. Transmission of records to the High Court:

Instructions regarding transmission of records including preparation of index should be carefully complied with while transmitting records to the High Court. The list of the records should be submitted in duplicate. The list should contain the number and date of requisition as well as the class and number of the case in the High Court for which the records are requisitioned. On receipt of the records in the High Court, the concerned Superintendent will fill in the relevant columns and return the duplicate copy of the list to the dispatching office. When the records are returned by the High Court, the receiving office will fill in the relevant columns in the original list and will return it for record as an acknowledgement.

7. Packing of records:

Records dispatched by post to the High Court should be packed in an inner cover of thick paper tied across with tape and secured in an outer cover of coarse cloth. During rainy season, wax-cloth should, if possible, be used for the outer covering. All parcels should be securely closed and sealed. Even while transmitting records through messenger, the records should be properly packed to avoid damage, loss or mutilation etc. during transit.

8. Prompt compliance with requisition for records:

Where compliance with requisition for records is desired by return of post or through special messenger, compliance should be made accordingly. In other cases, requisition for records must be complied with within a week of the receipt of the precept or docket calling for them. If there is likely to be delay in forwarding a record, the fact should be intimated at once along with the probable date of dispatch of the record.

9. Prompt service of High Court Notices:

Notices issued by the High Court should be served and returned with promptitude.

Chapter-20

Budget

1. **Introductory**

The Punjab Budget Manual contains detailed instructions in regard to all matters concerning the preparation of budget estimates. This manual should be consulted whenever any question regarding the budget arises. The rules herein are intended only as a brief summary of the principal points to be borne in mind by Judicial Officers in dealing with expenditure.

2. **Sanction and budget provision necessary for expenditure.**

The mere fact that budget provision exists is no authority for incurring expenditure. Sanction of competent authority must in all cases be obtained before any expenditure is incurred; and the sanctioning authority must ascertain whether budget provision exists before according sanction.

3. **Heads of departments, controlling and disbursing authorities**

For the purposes of these rules, the Head of the Department, Controlling Officer, and Disbursing Officer for each major or minor head of accounts concerning the Judicial Department are as under:-

1	2	3	4	5
Major Heads including group heads thereunder	Minor Heads including sub-heads thereunder	Disbursing Officer	Controlling Officer	Head of Department
2014-Administration of Justice	102-High Court	Registrar General, High Court	Registrar General	High Court
Punjab				
	105-Civil and Sessions Court (1) District and Sessions Judges	District and Sessions Judges	District and Sessions Judges	Ditto
	(2)Civil Judges/Judicial Magistrates	Civil Judge (Senior Division)	Ditto	Ditto

	(3) Process-serving establishment-District and Sessions Judges Courts	District and Sessions Judges	Ditto	Ditto
	(4) Process Serving establishment-Civil Judges Courts	Civil Judge (Senior Division)	Ditto	Ditto
	106-Courts of Small Causes	Judges of Small Cause Courts	Ditto	Ditto
	108-Criminal Courts	District and Sessions Judge	Ditto	Ditto
	2235-Medical reimbursement to pensioners	District and Sessions Judge	Ditto	Ditto
Haryana				
	105-Civil and Sessions Court (i) District and Sessions Judges	District and Sessions Judges	District and Sessions Judges	Ditto
	(ii) Process-serving establishment-District and Sessions Judges Courts	District and Sessions Judges	Ditto	Ditto
	(iii) Civil Judges/Judicial Magistrates	Civil Judge (Senior Division)	Ditto	Ditto
	(iv) Process Serving establishment-Civil Judges Courts	Civil Judge (Senior Division)	Ditto	Ditto
	108-Criminal Courts	District and Sessions Judge	Ditto	Ditto
	7610-Loan and Advances	District and Sessions Judge	Ditto	Ditto

4. Budget estimates

Responsibility for the preparation of the statements of estimated revenue and expenditure, as well as for requests for supplementary grants, or demands for excess grants lies with the Controlling and Disbursing Officers shown above.

5. Estimates

All demands for grant in the ensuing year must be entered in one of the following estimates:-

- (i) Estimates of expenditure on permanent activities.

- (ii) Estimates of expenditure on continuing temporary activities.
- (iii) Estimates of expenditure on new activities.
- (iv) Supplementary Schedule of expenditure on aforesaid activities.
- (v) List of Major and Minor Works.

The list of Major and Minor Works is dealt with in Chapter of Judicial Buildings.

6. Dates of submission of estimates

The dates for submission of the estimates are given in Appendix (D) of the Budget Manual. Controlling and Disbursing Officers are responsible for ensuring that estimates are submitted punctually on or before the dates fixed. If forms are not received in time, copies should be printed on computer from the specimens in the Budget Manual.

7. Classification of items of the estimates

The principle which should guide officers in deciding whether expenditure of a particular kind is to be included in the estimates of expenditure on permanent activities or in the estimates of expenditure on continuing temporary activities or in the estimates of expenditure on new activities is laid down in detail in Chapters 6, 7 and 8 respectively of the Budget Manual. In case of doubt, the said provision may be looked into. Special care is necessary in this respect.

8. Estimates of expenditure on permanent activities

Particular attention is drawn to the following points in connection with the estimates of expenditure of various kinds:

Pay of Officers and Establishment

- (i) Provision should be made with reference to the pay due on April 1 and increment and instalments of dearness allowance which may be due during the year.
- (ii) The estimate should be supported by a nominal roll, prepared separately for gazetted and non-gazetted officers, showing the pay to be drawn by each officer during the year for which the estimate is made.
- (iii) The number of posts should be carefully checked. Any variations in the number of posts or pay should be explained, a reference being given to the orders of Government/High Court, if any.
- (iv) Permanent and temporary establishment should be shown separately.
- (v) Special care should be taken to show voted and charged expenditure, if any, separately.

Miscellaneous expenditure

- (vi) All variations must be clearly explained in a separate note.
- (vii) For fluctuating expenditure, the modified grant and last year's actuals should be taken as a guide, regard being had to any extraordinary expenditure incurred or anticipated.
- (viii) No change may be made in the contract contingent grants without the previous sanction of Government.
- (ix) Estimates should also be submitted for official publications the cost of which is adjusted, on the books of the Accountant-General, and not paid in cash.

These estimates should be submitted in accordance with paragraph 6.15(xxi) of the Budget Manual.

- (x) Provision should also be made for the cost of-
 - (a) Bicycles
 - (b) Law books (including official publications) paid for in cash.

9. **Estimate of Expenditure on New Activities**

For any item which it is proposed to include in the Estimate of Expenditure on New Activities, administrative approval must be obtained in good time which should be clearly quoted while submitting the Estimate.

Any item not supported by administrative approval will be automatically cut out.

10. **Other estimates**

In addition to the estimates mentioned in Paragraphs 8 and 9 above, the following statements are also required:

- (i) Estimates for all articles of stationery obtainable from the Controller of Printing and Stationery so as to reduce local purchases of such articles to a minimum.
- (ii) Estimates of advances payable to Government servants, e.g., house building, conveyance and purchase of computers.
- (iii) Estimates of superannuation allowances, pensions and commuted value of pensions.

11. **Importance of punctual submission of correct estimates**

Importance of submission of punctual and correct estimates can hardly be over emphasized. Finance Department of the State Government has to collect and coordinate estimates received from all departments throughout the State within

specified short time frame so as to present the estimates to the Legislative Assembly in time. The late submission of a single return relating to one head delays consideration of all the other returns which may have been received in time. When errors of incorrect classification cannot be corrected at headquarters, it may result in reduced allotment of funds. The District and Sessions Judges should personally insist on the preparation of correct estimates by their office before due dates.

12. **Common errors**

Among errors which are most frequently noticed are the failure to distinguish between voted and charged expenditure, the failure to submit the names and designations of officers and the lack of explanations for variations in expenditure proposed compared with the modified grants for previous years. These are the principal omissions, but there are many others of the same kind which occur. Disciplinary action will be taken against the guilty officials responsible for delays, errors and omissions in budget estimates.

13. **Primary units of appropriation and communication of grant to the High Court.**

When a grant has been voted by the Legislative Assembly, the amount voted, together with any sum assigned to the same major head or heads of account which does not require the vote of the Assembly, is communicated to the High Court not later than the 15th April in each year by the Finance Department in the shape of lumpsums allotted under minor and sub-heads of account distributed under one or more of the following heads:

1. Salary
2. Wages

3. Dearness Allowances
4. Travel Expenses
5. Office Expenses
6. Petrol, Oil and Lubricants
7. Rent, Rate and Taxes
8. Payment for professional services
9. Medical Reimbursement
10. Advertisement
11. Leave travel concession
12. Contractual services
13. Telephone
14. Electricity
15. Water
16. Miscellaneous
17. Computerization-IT
18. Legal aid to poor accused
19. Legal aid to indigent persons
20. Ex-gratia
14. **Appropriation of the grant**

Out of the grant allotted in each primary unit of appropriation, the High Court, and any officer to whom it has distributed grant, has full power to appropriate sums to meet expenditure falling under that unit, provided that-

(a) grant provided for charged items of expenditure must not be appropriated to votable items, and without the previous consent of the Finance Department, grant provided for voted items must not be appropriated to charged items;

(b) grant must not be appropriated to any item of expenditure which has not been sanctioned by an authority competent to sanction it;

(c) grant shall be appropriated only to objects for which the grant is sanctioned;

(d) no expenditure shall be incurred without previous approval of competent authority on objects the demands for which have been specifically refused or the provisions for which has been specifically reduced either by the Legislature or by the Government/High Court;

(e) grant shall not be appropriated towards expenditure which should be met from a contract contingent grant beyond the amount specified in the grant.

15. Re-appropriation

No re-appropriation can be sanctioned by Controlling or Disbursing Officers.

All re-appropriations require the sanction of the High Court, and are subject to the conditions set out in Rule 14.

16. Additional appropriation and surrender

- (i) Requests for additional appropriations shall be prepared in Form B.M.30 and shall set forth the particular primary unit of appropriation, the provision for which has been exceeded or is likely to be exceeded.
- (ii) The reasons for the insufficiency of the appropriation and remarks regarding re-appropriations should be given in the Form by the Disbursing Officer and also, if necessary, by the Controlling Officer and the Head of the Department. No separate re-appropriation statement or covering letter is required.
- (iii) If the amount shown in column No.2 of the Form includes any additional appropriation already sanctioned during the year, the number and date of the order sanctioning it should be quoted.
- (iv) The request will be numbered and dated by the Disbursing Officer, and forwarded through the Controlling Officer to the High Court.
- (v) Statement of excesses and surrenders in form B.M. 330 may also be prepared and submitted so that the amounts saved and surrendered may be used for re-appropriation or additional appropriation.
- (vi) The officer forwarding the request for additional appropriation should endeavour to suggest a source of re-appropriation.
- (vii) All requests for additional appropriation must be submitted by the Disbursing Officer as soon as the necessity can be foreseen and should not be postponed.
- (viii) In the case of requests for additions to contract contingent grants for the current year only, the Disbursing Officer should report the savings, if any, from his grant for the previous financial year.

17. Distribution by High Court.

The High Court, out of the grants allotted to it, distributes any portion thereof among the Controlling and Disbursing Officers concerned in such manner as may appear suitable.

18. Reserve

The High Court may in carrying out such distribution retain a portion of the grant as a reserve in its own hands. The distribution is carried out not later than the 15th May in each year.

19. General Control of High Court

The High Court exercises general control over the actual expenditure incurred against grants communicated to Controlling and Disbursing Officers. Article 55 of the Audit Code lays down that the authority administering a grant and not the Audit Department is ultimately responsible for keeping expenditure within the grant. For this purpose, monthly statements are prepared and forwarded to the Accountant-General for reconciliation. Both the Head of the Department and the Accountant-General are responsible for reconciling differences and correcting misclassifications.

The High Court may issue such instructions to Controlling and Disbursing Officers in this matter as may appear necessary for carrying out the duty of control.

Should the grant under any minor head appear likely to be exceeded, the High Court will arrange for the excess being provided by a re-appropriation or, if necessary, for the submission of a supplementary demand.

20. Duty of Controlling Officer to prevent expenditure beyond grant

The Controlling Officer is primarily responsible for watching the progress of expenditure against grants allotted to him under each primary unit of appropriation concerned and for taking necessary steps to prevent expenditure in excess of a grant and if necessary, to make request for an excess grant under the prescribed rules as soon as the necessity arises for this course.

The Accountant-General will on request supply him with the same information as to progress of actuals as is given to the High Court, and he may call for returns from Disbursing Officers.

21. Duty of Disbursing Officer

The Disbursing Officer is the officer directly responsible for the expenditure incurred against the grants allotted to him under each primary unit of appropriation. He shall keep a close watch over the progress of expenditure, and in no case should he allow the appropriation for any unit to be exceeded without obtaining the approval of competent authority.

22. Money to be spent only on the objects for which sanctioned

The Disbursing Officer is required to utilise the appropriations placed at his disposal only towards expenditure on the objects for which the grants are sanctioned and, in particular, no expenditure should be incurred without previous approval of competent authority on objects the demands for which have been specifically refused or reduced either by the Legislature or by the State Government/High Court.

Chapter-21

Judicial Buildings

1. Judicial Buildings

Earlier, at some places, there were purely judicial buildings housing Judicial Courts only whereas at some other places, there were joint buildings of Judicial Courts and general administration. Only purely judicial buildings were governed by the High Court Rules and Orders whereas joint buildings were under the charge of the Deputy Commissioners.

Now, at almost all places in the States of Punjab and Haryana where Courts are located, separate judicial complexes have been constructed or are under construction or the process is in the pipeline. Separate judicial complex has also been constructed in Union Territory, Chandigarh.

Similarly, earlier, houses for Judicial Officers and staff of the Courts were allotted out of common pool houses. Sometimes, it resulted in great difficulty and inconvenience and even humiliation to the Judicial Officers. However, now houses exclusively for Judicial Officers and staff of Courts are being constructed and even houses allotted to them out of common pool are managed and controlled by the District and Sessions Judges.

All these complexes and houses are under the control and supervision of the District and Sessions Judge concerned subject to overall control of the High Court.

2. Hon'ble Building Committees

There are separate Hon'ble Building Committees for the States of Punjab and Haryana and Union Territory, Chandigarh, comprising of Hon'ble Judges of the High Court. Sites for new judicial buildings (Court Complexes and residences)

are finalized by Hon'ble Building Committee concerned. Drawings of the new buildings are also approved by Hon'ble Building Committees. Construction of new judicial building is thus now in the hands of Hon'ble Building Committees. Hon'ble Administrative Judge of the concerned Sessions Division is also requested to attend the meeting of Hon'ble Building Committee.

Higher Officers of Home, Architect and Engineering Departments of Government concerned along with other officers, if any required, also attend the meetings of Hon'ble Building Committees. Concerned District and Sessions Judge as well as Deputy Commissioner are also sometimes required to attend these meetings when thought necessary.

Representatives of the concerned Bar Association are also required to attend the meeting of Hon'ble Building Committee when construction of Bar Room/Library and Chambers for Advocates is to be considered.

Norms for various kinds of buildings i.e. Court Rooms and Retiring Rooms for different classes of Courts, rooms for staff of Courts, litigants' hall, Bar Room/Library, Chambers for Advocates, office accommodation for State Law Officers/Public Prosecutors, judicial-lockups, toilets etc. in Court Complexes, and houses for different classes of Judicial Officers and staff, are laid down by the concerned Hon'ble Building Committee in consultation with Officers of the Government.

3. Initiation of proposal for new building

Proposal for any new building is normally initiated by District and Sessions Judge concerned. However, sometimes the High Court initiates the matter by calling for report or proposal from the concerned District and Sessions Judge.

Courts at new places are now not established unless suitable accommodation for Courts and houses of Judicial Officers is available. Similarly, new Sessions Division is not created without proper accommodation for Courts and houses of Judicial Officers.

Even for Courts at existing places, infrastructure in the form of Judicial Buildings i.e. Judicial Complexes and houses for Judicial Officers and staff of the Courts has been upgraded at almost all the places or is in the process of upgradation.

New Judicial Complexes have all modern facilities for Judicial Officers, staff of Courts, advocates and litigants.

4. Litigants' Hall

For convenience of litigants who are the main stakeholders in the process of administration of justice, spacious litigants' halls with facilities of air, light and water are being provided in the Judicial Complexes.

5. Bar Room/Library

For the convenience of Bar Members, suitable accommodation for Bar Room and Bar Library is being provided in the Judicial Complexes.

6. Chambers of Advocates

In Court Complexes, earlier, advocates used to sit in open space or in makeshift or improvised accommodation like tin shed or wooden khokha and, therefore, had to bear the vagaries of weather – summer, winter and rainy seasons. However, now, to facilitate their proper and efficient functioning, land for construction of chambers of advocates is being provided in Judicial Complexes so that the Advocates may feel comfortable. Design and drawings of the Chambers are

sanctioned by Hon'ble Building Committee whereas chambers are constructed by the Advocates themselves. A nominal licence fee is charged from them for providing land for chambers. Bar as licensee has to enter into a Memorandum of Understanding with the Deputy Commissioner as licensor.

7. Houses for Judicial Officers and Staff

There used to be an acute shortage of houses for Judicial Officers who had to face great inconvenience. A Judicial Officer residing in a private rented accommodation could sometimes face embarrassment in his functioning. In view thereof, Hon'ble Supreme Court vide judgment dated 13.11.1991 in the case of All India Judges' Association Vs. Union of India and Others, W.P (C) No.1022 of 1989 has laid down that all Judicial Officers shall be provided suitable residential accommodation by the State Government. If Government accommodation is not available for any Judicial Officer at any place, State Government shall at its expense arrange suitable accommodation by requisitioning or taking on rent suitable building.

Houses for staff of the Courts are also now being constructed.

8. Rough cost estimate

Hon'ble Building Committee finalizes the selection of site for any new judicial building, in consultation with District and Sessions Judge and Government Officers concerned.

Architect Department is then required to prepare drawings of the building as per requirement intimated to them. Concerned Engineering Department may also be associated in the process. The drawings are then approved by Hon'ble Building Committee.

Concerned Engineering Departments are then required to prepare rough cost estimate of the building. The same is then sent through District and Sessions Judge and Hon'ble Administrative Judge/Hon'ble Building Committee to the State Government concerned for administrative approval.

9. Construction of building

The State Government after granting administrative approval allocates budget for the new judicial building. The Hon'ble Building Committee then requires the concerned Engineering Departments of the State Government to undertake the construction.

10. Maintenance and Monitoring Committees

(i) State Level Monitoring Committees for the States of Punjab and Haryana and Union Territory, Chandigarh have been constituted in the High Court in view of the directions of Hon'ble Supreme Court in I.A. No.279 of 2010 in Writ Petition (C) No.1022 of 1989, for monitoring the ongoing construction work of Judicial Buildings. Each State Level Monitoring Committee comprises of the Chairman, Building Committee as Chairman, and Registrar General, High Court, Legal Remembrancer and Chief Engineer as Members. This Committee holds monthly meetings to monitor the progress of the ongoing construction work of new Judicial Buildings and removes the bottlenecks, if any, in the construction.

(ii) District Level Maintenance and Monitoring Committees headed by District and Sessions Judge concerned and comprising of Chief Judicial Magistrate, Executive Engineers of PWD (B & R)-Civil and Electrical, Public Health and Horticulture have been constituted for maintenance of judicial buildings and for monitoring the construction of new judicial buildings. These Committees are required to send monthly progress report of construction of new buildings to the

High Court. These Committees are supposed to remove the bottlenecks, if any, in the construction of new buildings resulting in delay. If they cannot resolve the matter at their own level, report may be submitted to the High Court. Thereupon, Hon'ble Monitoring/Building Committee of the High Court takes up the matter with concerned Officers of the State Government and removes the bottlenecks.

11. Limits of High Court's power of sanction

Power to accord administrative approval has been delegated to the High Court to the extent of ----- for works relating to judicial buildings (Minor Works). Power to accord administrative approval in excess of the said limit vests with the State Government.

In the case of alterations to existing residential buildings, the power to accord administrative approval vests with Engineering Department upto certain limits and beyond the said limits, with the State Government.

12. Intimation of administrative approval and allocation of funds.

Intimation of all administrative approvals for Minor and Major Works, whether accorded by the High Court or by the State Government, is given to the concerned Engineering Departments. Similarly, intimation of allocation of funds for the works is also given to concerned Engineering Departments. Building plans and rough cost estimates are also forwarded to them. Intimation of administrative approvals and allocation of funds is also communicated to the District and Sessions Judge concerned.

13. Judicial Courts Premises and Compound Fund Rules

(i) In the State of Punjab, Judicial Courts Premises and Compound Fund Rules, 2013 have been framed for leasing out spaces in Judicial Courts Complexes for public utility services like canteen, vehicle parking, telephone booth, Bank/ATM,

Photostat and computer service etc. Civil Judge (Senior Division) at District Headquarters and Additional Civil Judge (Senior Division) in Sub-division has to lease out such spaces every year. The lease money so realized can be utilized for various purposes specified in Rule 7 i.e. cleanliness, upkeep and beautification of the complex, facilities for the litigants, upkeep and furnishing of Judicial Guest House, petty construction and repairs in the complex and functions organized on direction of State Legal Services Authority. The said Rules may be accessed at High Court website under the Head 'High Court Rules and Orders'.

(ii) Process for framing of similar Rules for Judicial Courts Complexes in Haryana and Chandigarh is going on.

14. Furniture

The following scale has been prescribed by the High Court for the furnishing of the Subordinate Courts-

1. The District and Sessions Judges

Court Room

1.	Central Table for dias	.....1
2.	Presiding Officer's Chair (Revolving cushioned seat)	.....1
3.	Reader/Steno tables 3'x2-1/4'	.....2
4.	Office Chairs for Reader/Steno	.....2
5.	Lawyer's Tables 15'x4'	.....2
6.	Office Chairs for Lawyers	.....24
7.	Clocks	.....2
8.	Side Racks	.....2
9.	Waste paper baskets	.....4
10.	Steel Almirhas	.....2
11.	Benches for litigants	.....6

12.	Duree for dias	.....1
13.	Wollen carpet for dias 7'x4'	.....1
14.	Foot rest	.....1
15.	Curtains according to requirements	.....
16.	Air Conditioners (1½ tonne capacity)	.....2

Retiring Room

1.	Office table Sunmica top 7'x4'	.....1
2.	Office Chair revolving cushioned seat	.....1
3.	Duree	.....1
4.	Woollen carpet 7'x4'	.....1
5.	Steel Almirah (Wardrobe type)	.....1
6.	Foot rest	.....1
7.	Side Racks	.....2
8.	Side Table 2'x2'	.....1
9.	Office Chairs	.....9
10.	Sofa set 4 pieces	.....1
11.	Central table sunmica top	.....1
12.	Mirror	.....1
13.	Towel stand	.....1
14.	Screen	.....1
15.	Waste paper basket	.....1
16.	Trays	.....2
17.	Soap case	.....1
18.	Air Conditioner 1-1/2 tonne capacity	.....1
19.	Curtains according to requirements	.....

Office and Waiting Room in Sessions House

1.	Office Table sunmica top 7'x4'	.....1
2.	Office Chair (revolving cushioned seat)	.....1
3.	Duree	.....1
4.	Woolen carpet 9'x6'	.....1
5.	Steel Almirah (Wardrobe type)	.....1
6.	Foot rest	.....1
7.	Side racks	.....2

8.	Side Table 2'x2'	.....1
9.	Office Chairs	.....6
10.	Sofa set 3 pieces	.....1
11.	Central table sunmica top	.....1
12.	Mirror	.....1
13.	Towel stand	.....1
14.	Screen	.....1
15.	Waste Paper basket	.....1
16.	Tray	.....1
17.	Soap case	.....1
18.	Air Conditioner (1½ tonne capacity)	.....1
19.	Curtains according to the requirements	.....
2.	The Additional District and Sessions Judge	
	Court Room	
1.	Central Table for dias	.....1
2.	Presiding Officer's chair (Revolving cushioned seat)	.....1
3.	Reader/Steno tables 3'x2 ¼	.....2
4.	Officer Chairs for Reader/Steno	.....2
5.	Lawyers' table 15'x4'	.....1
6.	Office Chairs for Lawyers	.....18
7.	Clocks	.....2
8.	Side Racks	.....2
9.	Waste paper baskets	.....4
10.	Steel Almirhas	.....2
11.	Benches for litigants	.....4
12.	Duree for dias	.....1
13.	Woollen carpet for dias 7'x4'	.....1
14.	Foot Rest	.....1
15.	Curtains according to requirements	.....
16.	Air Conditioner (1½ tonne capacity)	.....1
	Retiring Room	
1.	Office table sunmica top 7'x4'	.....1

2.	Office chair revolving cushioned seat	.....1
3.	Duree	.....1
4.	Cotton carpet 7'x4'	.....1
5.	Steel Almirah (Wardrobe type)	.....1
6.	Foot rest	.....1
7.	Side Racks	.....2
8.	Side table 2'x2'	.....1
9.	Office Chairs	.....6
10.	Easy Chairs	.....2
11.	Central table sunmica top	.....1
12.	Mirror	.....1
13.	Towel stand	.....1
14.	Screen	.....1
15.	Waste paper basket	.....1
16.	Tray	.....1
17.	Soap case	.....1
18.	Air Conditioner 1 ½ tonne capacity	.....1
19.	Curtains according to requirements	.....
3.	Civil Judge (Senior Division)/Chief Judicial Magistrate/Additional Civil Judge (Senior Division)	
	Court Room	
1.	Central table for dias	.....1
2.	Presiding Officer's Chair	.....1
3.	Reader/Steno tables 3'x 2 ¼	.....2
4.	Office Chairs for Reader/Steno	.....2
5.	Lawyers' tables 15'x4'	.....2
6.	Office Chairs for Lawyers	.....18
7.	Clock	.....1
8.	Side Racks	.....2
9.	Steel Almirahs	.....2
10.	Benches for litigants	.....4
11.	Duree for dias	.....1
12.	Cotton Carpet 7'x4'	.....1

13.	Curtains according to requirements	.....1
14.	Room Cooler	.....1
15.	Foot Rest	.....1
16.	Waste paper baskets	.....4
	Retiring Room	
1.	Office Table sunmica top 7'x4'	.....1
2.	Office Chair revolving canned seat	.....1
3.	Duree	.....1
4.	Cotton carpet 7'x4'	.....1
5.	Steel Almirah (Wardrobe type)	.....1
6.	Foot rest	.....1
7.	Side racks	.....2
8.	Side Table 2'x2'	.....1
9.	Office Chairs	.....4
10.	Easy Chairs	.....2
11.	Central table sunmica top	.....1
12.	Mirror	.....1
13.	Towel stand	.....1
14.	Screen	.....1
15.	Waste Paper basket	.....1
16.	Trays	.....2
17.	Soap case	.....1
18.	Room cooler	.....1
19.	Curtains according to the requirements	.....
4.	The Civil Judges-cum-Judicial Magistrates	
	Court Room	
1.	Central table for dias	.....1
2.	Presiding Officer's Chair	.....1
3.	Reader/Steno tables 3'x2 ¼	.....2
4.	Office Chairs for Steno/ Reader	.....2
5.	Lawyers' tables 15'x4'	.....1
6.	Office Chairs for Lawyers	.....12
7.	Clock	.....1

8.	Side Racks	.....2
9.	Steel Almirahs	.....2
10.	Benches for litigants	.....4
11.	Duree for dias	.....1
12.	Cotton Carpet 7'x4'	.....1
13.	Curtains according to requirements	.....
14.	Room Cooler	.....1
15.	Foot Rest	.....1
16.	Waste paper baskets	.....4

Retiring Room

1.	Office Table sunmica top 7'x4'	.....1
2.	Office Chair (revolving canned seat)	.....1
3.	Duree	.....1
4.	Cotton carpet 7'x4'	.....1
5.	Steel Almirah (Wardrobe type)	.....1
6.	Foot rest	.....1
7.	Side racks	.....2
8.	Side Table 2'x2'	.....1
9.	Office Chairs	.....4
10.	Easy Chairs	.....2
11.	Central table sunmica top	.....1
12.	Mirror	.....1
13.	Towel stand	.....1
14.	Screen	.....1
15.	Waste Paper basket	.....1
16.	Trays	.....2
17.	Soap case	.....1
18.	Curtains according to requirements	.....
19.	Room cooler	.....1

15. **Renewal of furniture**

The refurnishing of all Courts in the Sessions Division will be done by the District and Sessions Judge/Civil Judge (Senior Division) out of his grants. The Presiding Officer of each Court is responsible for seeing that all furniture is maintained in good condition. He will request the District and Sessions Judge/Civil Judge (Senior Division) for renewal when required. If any article of furniture is broken or becomes useless, immediate steps must be taken to mend it or replace it, if necessary. When any article is replaced, the old article must be disposed of as per Government rules and instructions. The storing of broken and useless chairs etc. in godowns is absolutely forbidden.

16. **Computers**

In view of switch over to new technology, the Judicial Officers and staff of Courts are being provided with laptops/computers and printers etc. The scales thereof are laid down by the High Court from time to time.

17. **Furnishing of Drawing Room and Camp Office of official residence of Judicial Officers of Haryana.**

Each Judicial Officer in Haryana has been allowed ₹1,25,000/- once every five years for purchasing items considered fit for furnishing of their Drawing Rooms and Camp Offices of official residences. Detailed guidelines for disbursement and utilization of the said amount have been issued by the High Court vide letter No.1144/Spl.Gaz.II.(12.G) dated 4.4.2013 as amended vide letter No.1537/Spl.Gaz.II.(12.G) dated 17.8.2013.

If similar step is not taken for Judicial Officers in Punjab and Chandigarh, the High Court should lay down scale of furniture for Camp Offices at their residences (except District & Sessions Judges).

Chapter-22

Reports and Returns

1. Different kinds of returns: There are following two main classes of returns relating to judicial work:-

(i) Annual statements of civil and criminal work which are compiled into the State's statements for the purpose of making a yearly survey of the judicial administration.

(ii) Periodical returns, usually monthly and quarterly, made to the High Court in order that the High Court may keep a check on the progress of judicial business.

2. Dates of submission

(i) Annual criminal statements by Judicial Magistrates and Additional Sessions Judges should be submitted to the Sessions Judge not later than the 1st February of each year. The Sessions Judge should submit the same along with annual statement of his own Court to the High Court not later than the 15th February.

(ii) Annual civil statements by all the Civil Courts of the District should be submitted to the District Judge by the 1st February of each year. The District Judge should submit the same along with annual statement of his own Court to the High Court not later than the 15th February.

(iii) Monthly statements by all Courts in the Sessions Division should be submitted to the District and Sessions Judge by the 5th of next month. Monthly statements of the District/Sessions Division should be submitted by the District and Sessions Judge to the High Court by the 10th of the next month. Similarly, quarterly statements should reach the District and Sessions Judge by the 10th of the month

following the quarter concerned and reach the High Court by the 15th of the said month.

3. **Annual Statements.**

The Annual Civil and Criminal Statements for a Calendar Year should be compiled strictly according to instructions on the subject. The concerned officials and officers should, before and after compilation of the said statements, carefully go through the instructions including explanatory notes at the foot of the forms and ensure that the same have been properly observed.

4. **Other Statements**

Various monthly and quarterly statements for all Civil and Criminal Courts are also prescribed for submission by each Court to the District and Sessions Judge and by the latter to the High Court alongwith consolidated statements of the District/Sessions Division. Forms for the same are contained in Volume VI of the High Court Rules and Orders and are also available on the High Court website. List of the statements prescribed is contained in Annexure to this Chapter. Broadly, the statements depict the number of cases of each category pending at the beginning of the month/quarter, instituted and disposed of during the month/quarter and pending at the end of the month/quarter relating to each Court. Similar statement of old cases of each category is also required from each Court. Similar consolidated statements of the entire District/Sessions Division pertaining to Courts of Civil Judges/Judicial Magistrates and District and Sessions Courts separately are also required to be submitted. However, month of June being vacation month with no civil work, civil statement for the month of June may not be submitted.

These statements enable the High Court to exercise constant check and monitoring of the state of business in subordinate Courts and the manner in which that business is disposed of and to issue necessary directions when required.

5. Scrutiny

Before submitting any prescribed statement to the District and Sessions Judge, every Judicial Officer and his staff should carefully scrutinize the same.

Before forwarding any prescribed statement to the High Court, the same should be carefully scrutinized by the District and Sessions Judge and his office. Necessary remarks, if any, on the work of any Judicial Officer may be added thereto while forwarding the same to the High Court. The remarks may be communicated to the Officer concerned. Necessary instructions, if any required, may also be issued by the District and Sessions Judge to the Court concerned. District and Sessions Judge may also take necessary steps periodically to equalize the work in different Courts and to prevent accumulation of execution cases. District and Sessions Judge may also call for and examine the file of any oldest case (s) of any Court, if there appears to be unnecessary delay in disposal thereof and may issue necessary instructions to the Court concerned and may, if necessary, make report to the High Court.

Presiding Officer should sign the statements of his Court and he will be responsible for the correctness thereof.

6. Certificate of delivery of judgments

Every Judicial Officer shall, in his monthly statements, furnish a certificate to the following effect:-

“Certified that judgments have been pronounced in civil cases within one month of the conclusion of evidence and within seven days of the

conclusion of arguments and in criminal cases within fifteen days of the conclusion of evidence and within seven days of the conclusion of arguments”.

Chapter-23

Registers and Forms

1. Indents

(i) The registers prescribed for use in all Civil and Criminal Courts will be obtained from the concerned Controller of Printing and Stationery, to whom indents will be submitted by District and Sessions Judges in accordance with the instructions laid down in the Printing and Stationery Manual.

(ii) Similarly, all indents for forms prescribed for the use in all Civil and Criminal Courts should be sent to the concerned Controller of Printing and Stationery by the District and Sessions Judges.

(iii) The annual consolidated indents for the registers and the forms should reach the Controller of Printing and Stationery by the 15th March. This date should be strictly adhered to so that there is no delay in the supply of the registers and the forms.

(iv) The indents will be sent in duplicate in the prescribed form. One copy will be retained by the Press and the other will be forwarded by the Press to the High Court at the close of the year for examination and record.

(v) Indenting Officers should so frame their annual indents as to obviate the necessity of large or frequent supplementary indents.

(vi) The Press or the Contractor, while dispatching packages containing registers/forms to Indenting Officers, will also forward by post a dispatch note or challan. On receipt of the package, the officer concerned should examine the contents carefully, and after ascertaining that they are correct, return the challan,

dully signed, to the dispatching office or if there is any shortage or discrepancy, the challan be returned with appropriate objection.

(vii) These instructions do not apply to forms for periodical returns which are supplied by the High Court without indents or of which computer printouts may be taken.

(viii) Forms of establishment and contingent bills will be supplied by the Accountant General.

2. Binding etc. of registers

All registers will be of convenient sizes with all headings and columns printed and ruled. The paper will be durable and of reasonably good quality. The binding will be of hard cardboard with leather backs and corners in the case of registers to be preserved for 12 years or more and with cloth backs and corners in the case of other registers.

3. Suggestions for alterations

Should any Judicial Officer desire to suggest alteration of a prescribed register or form, he should address the District and Sessions Judge who will make such recommendations as he thinks fit to the High Court. The Controller of Printing and Stationery should not be addressed direct in such a matter.

4. Lists of registers and forms

(i) The registers prescribed by the High Court for adoption in the subordinate Civil and Criminal Courts under the High Court are enumerated in the Appendix to this Chapter in which is also indicated the Courts in which each register is to be maintained and the officials who will maintain them. The remarks in the column

of remarks in the Appendix should be read with the foot-note, if any, to the registers reproduced in Volume VI of the High Court Rules and Orders, for instructions as to the manner in which certain registers are to be maintained.

(ii) Lists of civil and criminal forms prescribed by the High Court for general use in subordinate Civil and Criminal Courts are contained in Volume VI of the High Court Rules and Orders. Such printed forms as are in most general use will be supplied whereas other forms of occasional use may be prepared in manuscript when required.

5. Registers to be in English

The registers will have headings in English and should also be maintained in English.

6. Common mistakes in filling up registers

Judicial Officers are responsible to see that the registers of their Courts are correctly and regularly maintained. The following common mistakes are found in maintaining the registers, which should be avoided:-

(i) Many registers have no heading or Peshani at all, while some of them are in a torn and mutilated condition, being of no practical use. Each register should have regular heading in good condition.

(ii) Entries are sometimes made in a running order across several columns. Each individual column must be filled up separately.

(iii) Entries do not follow the column headings, but are made regardless of them. This creates confusion. The entries must be made as per the column headings.

- (iv) Cancelled entries do not bear any initials.
- (v) English numerals should always be used.
- (vi) Separate serial numbers are not given for each calendar year. Sometimes, the serial number is changed with the change of register. However, it should only be changed with the new year.
- (vii) In some registers, abstract of the orders passed is to be entered. This entry very often is sketchy and does not contain the necessary abstract of the order, judgment or decree. The entry sometimes says 'consigned to the record room' or 'the suit is decreed' or 'the appeal is allowed' etc., without specifying the reason for consigning the case to the record room or the relief granted. The very purpose of the entry is defeated. Result of the case should be entered in full.
- (viii) Amount of cost is not written at all in the relevant column or is not written separately for plaintiff/applicant/appellant and defendant/respondent.
- (ix) In some registers, name of the Presiding Officer deciding the case is to be entered, but is not entered properly. The name should be so written that the identity of the officer is properly established when later on, it becomes necessary to do so.

7. Safe custody of registers

The officials who maintain the registers shall be responsible for the safe custody of their old Volumes till they are consigned to the Record Room.

8. Consignment of registers

- (i) The following registers shall be consigned to the Record Room twelve years after their completion:-

Civil Registers (corresponding to existing Civil Registers Nos.I and X)

(ii) The following registers shall be consigned to the Record Room six years after their completion:-

Civil Registers (corresponding to existing Civil Registers Nos.II, III, IV, VI, VII, XI, XII, XIII, XIV, XXVI and XXVII).

Note: When Civil Register (corresponding to existing Civil Register No.XXVI) is sent to the Record Room, entries relating to properties of minors (not accounts) in cases still pending should be copied into the new register.

Miscellaneous Registers (Corresponding to existing Miscellaneous Registers A and B).

(iii) The following registers shall be consigned to the Record Room three years after their completion:-

Civil Registers (Corresponding to existing Civil Registers Nos.XXV, XXVIII, XXIX, XXX and XXXII).

Miscellaneous Registers (Corresponding to existing Miscellaneous Registers C, D, E, F, G, H and I)

Criminal Registers (Corresponding to existing Criminal Registers Nos.V, VI, VII, VIII, IX, X and XVIII).

(iv) The following registers shall be consigned to the Record Room two years after their completion:-

Criminal Registers (Corresponding to existing Criminal Registers Nos.I, II, III, IV, XI, XII and XVII).

(v) The following registers shall be consigned to the Record Room one year after their completion:-

Civil Registers (Corresponding to existing Civil Registers Nos.V, VIII, IX, XVI, XVII, XVIII, XIX, XX, XXI-A, XXI-B, XXI-C, XXII, XXIII and XXIV)

(vi) Criminal Registers (Corresponding to existing Criminal Registers Nos.XIV and XV) shall be consigned to the Record Room after the expiry of every calendar year whereas Criminal Register (Corresponding to existing Criminal Register No. XIII) shall be consigned on completion.

(vii) All Civil Criminal Registers shall, on expiry of the prescribed period be consigned to the Record Room to which judicial files are normally consigned. No register should ordinarily be retained in a Court after the period prescribed for its consignment to the Record Room. However, any Judicial Officer, for reasons to be recorded in writing, may retain any register for a longer period.

9. Civil Nazir to stock forms

All civil forms will be stocked by the Civil Nazir whose duty it will be to supply them to Civil Judges when required.

10. Universal forms and envelopes

Instructions for the submission of indents for universal forms and envelopes are contained in Chapter-3 of the Punjab Printing and Stationery Manual and should be carefully followed while sending indent for the same.

Appendix

[Rule 4 (i)]

A. List of Civil Registers

No. of Register	Name of Register	Court in which to be kept	Official by whom to be kept	Remarks
I	Register of Civil suits	(i) Courts of all Civil Judges. (ii) Small Causes Court	Ahlmad Clerk of Court	(i) A separate register should be maintained in each Court. (ii) Cost amount of plaintiff/applicant/appellant and defendant/respondent should be mentioned in relevant column, separately from the substantive relief granted. (iii) The names of the counsel for the parties should be noted in each case. (iv) The terms of a decree passed on a compromise should be entered in detail. A mere note "decree on compromise" is not sufficient.
II	Register of miscellaneous suits/cases cognizable only by a Principal Court of Original Jurisdiction.	(i) Courts of District Judges/Additional District Judges. (ii) Courts of Civil Judges where empowered.	Ahlmad	All cases cognizable by a Principal Court of Original Jurisdiction for which no specific register is prescribed e.g. applications for Succession Certificates, Probates, Letters of Administration under the Indian Succession Act, applications under the Guardians and Wards Act etc. should be entered in this register.
III	Register of matrimonial cases	(i) Court of District Judge/Additional District Judge. (ii) Court of Civil Judge where empowered (iii) Family Court.	Ahlmad	All petitions under the Special Marriage Act, 1954 or the Hindu Marriage Act, 1955 or any other law relating to matrimonial cases of divorce, void or voidable marriage, judicial separation or restitution of conjugal rights etc. should be entered in this

				register.
IV	Register of cases under the Land Acquisition Act.	Court of District Judge/Additional District Judge	Ahlmad	All cases under the Land Acquisition Act should be entered in this register.
V	Register of Miscellaneous petitions and applications	All Civil Courts	Ahlmad	
VI	Register of applications to sue and appeal as an indigent person	All Civil Courts	Ahlmad	
VII	Register of rejected and returned plaints and memoranda of appeal	All Civil Courts	Reader	(i) The entries should be made by Reader on the order of rejection or of return being made by the Presiding Officer of the Court. It is not correct to wait until the party concerned turns up to take back the papers before making an entry in this register.
				(ii) This register must not be used for "documents returned" for which a separate register is prescribed.
VIII	Register of dates fixed in civil cases	All Civil Courts	Reader	When the number of appeals and execution cases is very large separate registers may be kept for the dates fixed for appeals and execution cases. There should be a separate page for each day of the year and when a cause is set down for hearing on any date, the cause should be entered in the proper page of the register.
IX	Register of execution of decrees	All Civil Courts	Ahlmad/ Execution Clerk	(i) Column for adjustments subsequently to the decrees should be filled up carefully and regularly.
				(ii) It is a common mistake to put down the same amount in

				column for the amount decreed and column for the amount for which execution is sought in any particular execution. The mistake should be avoided.
X	Register of appeals from decrees	Appellate Courts	Ahlmad	
XI	Register of Miscellaneous appeals	Appellate Courts	Ahlmad	In this register should be entered all appeals from orders which do not appear in register no. X.
XII	Record-Keeper's General Register of suits and appeals disposed of	All Record Rooms	Record Keeper	The entries in this register should be made as the file of each decided case is received in the record room by the record-keeper. If more than 15 days expire between the date of decision and the date of filing of any record, the record keeper should bring the delay to the notice of the District Judge.
XIII	Register of persons punished	All Civil Courts	Reader	
XIV	Register of stamp deficiencies	All Civil Courts	Reader	(i) An adequate description of each document must be given in relevant column. (ii) Column of brief reasons must be filled up intelligently and not left blank.
XV	Register of Commissions	All Civil Courts	Reader	
XVI	Register of warrants executed by Bailiffs	Civil Judge (Senior Division)	Civil Nazir	
XVII	Register of processes served by process-servers	Civil Judge (Senior Division)	Naib-Nazir	The register should be constantly inspected by the Court to see that there is a proper distribution of work amongst the different process-servers.
XVIII	Register of documents returned	(a) All Civil Courts	Reader	(i) On the return of a document which has been admitted in evidence a receipt shall be given by the person receiving it (Order XIII Rule 9

				of Act V of 1908)
		(b) All Record Rooms	Record-Keeper	(ii) An adequate description of the document returned must be given in relevant column.
				(iii) The Record-keeper will maintain this register for return of documents in cases which have been consigned to the Record Room.
XIX	Register of deposits and refunds of commission on sale proceeds in execution proceedings	All Civil Courts	Ahlmad	
XX	Diary Register for Process-servers and Bailiffs	(a) District and Sessions Judge (b) Civil Judge (Senior Division)	Process-server or Bailiff	
XXI	Register showing the decrees transferred to other courts and vice-versa	All Civil Courts	Ahlmad/ Execution Clerk	

(B) List of Criminal Registers

I	Register of cases under the Indian Penal Code and under Special and Local Acts	All Magistrates' Courts	Ahlmad	<p>(i) In this register should be entered all cases under the or under Special and Local Acts, as the case may be, Indian penal Code sent up for trial by the Police, or entertained by the Magistrates on complaint preferred directly to themselves.</p> <p>(ii) Separate registers will be maintained for cases under the Indian Penal Code and for cases under Special and Local Acts.</p>
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II	Register of Miscellaneous Criminal Cases	All Criminal Courts	Ahlmad	In this register should be entered all cases under the Code of Criminal Procedure not involving offences and miscellaneous cases not forming the subject of a regular trial, such as inquiries into claims to suspected property, claims to restore property declared to be forfeited under Section 85 of the Criminal Procedure Code, rights to unclaimed property under Sections 25 to 27 of Act V of 1861 etc.
III	Register of cases decided in each Court	'All Magistrates' Courts	Ahlmad	This register is intended to furnish materials for the compilation of the annual returns. The entries in this register are to be made at once on the conclusion of the trial. In relevant columns, a distinctive mark should be used to show whether the imprisonment was rigorous or simple. In case in which a complainant is required to pay compensation to the accused, the fact should be noted in the column of remarks.
IV	Register of Sessions trials	Sessions Courts	Ahlmad	
V	Register of appeals and revisions in Criminal cases	Sessions Courts	Ahlmad	Separate registers for appeals and for revisions will be maintained.
VI	Register of dates fixed for trial of Criminal cases including dates of receipt of cases sent up for trial by	All Criminal Courts	Reader	Section 309 of the Code of Criminal Procedure limits to a Maximum of 15 days the period for which a remand can be granted by Magistrate.

	the Police			
VII	Register of Judicial fines	All Criminal Courts	Reader	(i) The amount of fine realized should always be entered in relevant column in the Judicial Officer's own handwriting. (ii) The number and date of the Treasury receipts should always be given in relevant column.
VIII	Record Keeper's General Register of decided cases	All Record Rooms	Record Keeper	The entries in the register should be made in the order in which the files are deposited in the Record Room, and if more than 15 days expire between the date of decision and the date of filling the record, the delay should be brought to the notice of the Sessions Judge.
IX	Register of Summary Trials	All Magistrates exercising summary powers	Reader	Columns 7-14 should be filled in by the Magistrate himself.
X	Register of Road and Diet money of witnesses	All Criminal Courts	Reader	This Register should be checked by the Magistrate or the Sessions Judge, at least once a week and relevant column initialled.
XI	Register of bail application	All Criminal Courts	Ahlmad	
XII	Register of First Information Reports	All Magistrates	Ahlmad	
XIII	Register of Arrest Warrants	All Criminal Courts	Ahlmad	

(c) List of Miscellaneous Registers for Either Or Both Civil And Criminal Courts.

A	Register of Contingent expenditure	(a) Court of District and Sessions Judge (b) Court of Civil Judge (Senior Division) (c) Small Cause Courts.	Nazir or Cashier under the Supervision of (a) Superintendent (b) Clerk	
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			of Court (c) Clerk of Court	
B.	Register of files taken from the Record Room for references.	All Record Rooms	Record Keeper	
C.	Register of miscellaneous proceedings received from other Districts or Courts.	All Civil and Criminal Courts	Ahlmad	
D.	Register of dispatch of packets or letters	All Civil and Criminal Courts	Ahlmad	
E	Register of property received into the Nazir's store room/Judicial Malkhana	(a) District Judge (b) Civil Judge (Senior Division) (c) Chief Judicial Magistrate.	(a) District Nazir (b) Civil Nazir (c) Judicial Malkhana Incharge	
F	Register of Petition Writers	District and Sessions Courts	English Clerk	
G	Register of Caveats	District Judge Civil Judge (Senior Division)	Superintendent Reader	
H	Disposal Register	All Courts	Reader	

(D)

Registers Referred to In Paragraph 4 As Not Being Reproduced In Volumes Vi-A and Vi-B But In Volumes I To IV

Name of Register	By whom kept	Reference to Rules and Orders, Volumes I to IV
Register of officials required to furnish security and the amount of security deposited	Superintendent to District and Sessions Judge and Clerk of Court to Civil Judge (Senior	Volume I, Chapter-29

	Division)and Small Cause Court.	
Register E of Guardians	Ahlmad	Volume II, Chapter
Insolvency Registers	Ahlmad	Volume II, Chapter
Official Receiver's registers	Official Receivers	Volume II, Chapter
Civil Court Deposit Registers	Civil Nazir and Nazir	Volume II, Chapter
Sheriffs Petty Accounts Registers	Civil Nazir and Nazirs or Cashiers	Volume II, Chapter
Note Book of Bailiffs	Bailiffs	Volume II, Chapter
Note Book of Process-servers	Process-servers	Volume II, Chapter
Register of maintenance orders made by Courts outside India for enforcement in India	Ahlmad	Volume III, Chapter
Register of Arms and Ammunition	Officer-in-charge of Nazarat	Volume IV, Chapter-9
Supply of Copies Registers	Senior Copyist	Volume IV, Chapter-16