

1. PARTB-AFFIDAVITS

[1]1. Section 139 and Order XIX of the Code of Civil Procedure ,Section 333 of The Bharatiya Nagarik Suraksha Sanhita, 2023 and Section 3(2) of the Oaths Act, 1969 contain the provisions on the subject of affidavits.

Relevant law.

2. When an application for the attestation of an affidavit is presented to any Court superior to the Court of Sub-Judge ,4th Class, such Court may, if convenient, refer it for disposal to an inferior Court sitting at the same place.

Superior Court may send affidavit for attestation to a lower Court.

3.No court-fee or other stamp is required upon an affidavit made for the immediate purpose of being filed and used in any court or before and other of any court [Indian Stamp Act, 1899, Schedule I, Article 4, exemption (b)] and no fee has been prescribed as chargeable for the attestation of an affidavit except as laid down in paragraph 5 below.

Affidavit exemp-ted from court-fees

4. There is no legal objection to several persons joining in a single affidavit in whole or in part; but Courts or Magistrates should, in such cases, be careful that each declarant deposes separately, and that the certificate is adapted to the actual circumstances of the particular case.

Joint affidavit

[2]5(i) The High Court shall appoint Oath Commissioners for the purpose of administering oaths and affirmations under the provisions mentioned in Rule 1 above, at the headquarters of each district and sub-division/tehsil/sub-tehsil of a District as well as for the High Court premises.

Appointm ent of Oath Commissi oners

(ii) An Oath Commissioner shall hold office for a term of two years from the date of his/her appointment or until the date on which he/she completes five years of practice at the Bar, whichever is earlier.

Term of Oath Commiss ioner

In special category of cases the Oath Commissioner shall hold office for the period as indicated in the notification of appointment.

(iii)(a) No person shall be eligible for appointment as Oath Commissioner unless-

Eligibility for appointm ent of Oath Commissi oner-

(1) he/she has for at least two years but not exceeding five years been an Advocate of the High Court of Punjab and Haryana or a Court subordinate thereto;

(2) he/she is below the age of thirty five years ;and

(3) his/her gross annual income from all sources does not exceed ₹ 2, 50,000/-;

(b) Appointment or extension as Oath Commissioner may be made or given, as the case may be, by relaxation of the rules under sub-clause(1)and(2)of clause(a)of sub-rule(iii) of this rule in the following special category of cases for the terms indicated therein, provided the gross annual income of such person from all sources does not exceed₹ 3,00,000/-:

Appoint ment of Oath Commissi oner in special category cases

[1] and [2]substituted vide correction slipno.198 Rules/II.D4dated10.08.2025.

- 1) Advocate suffering from permanent disability between 50 to 70%, for maximum four terms of two years each.
- 2) Advocate suffering from permanent disability of more than 70%, for maximum six terms of two years each.
- 3) Advocate of *60 years of age or more (Senior Citizen)*, for maximum three terms of two years each.
- 4) *Deserted/widowed/divorcee/unmarried woman Advocate*, for maximum three terms of two years each.

(iv)(a) An eligible advocate may submit his/her application in the prescribed Form III for appointment as Oath Commissioner to the District & Sessions Judge concerned or to the President of High Court Bar Association in the case of those seeking appointment for the High Court premises.

Procedure
for
appointm
ent of
Oath
Commissi
oner

(b) Along with the application for appointment/extension, the applicant shall submit copy of document in support of date of birth, copy of certificate of practice issued by the Bar Council of India or Enrolment Certificate issued by Bar Council of Punjab and Haryana after the passing of All India Bar Examination, and proof/affidavit in support of annual income. In special category of cases, the applicant shall also submit an affidavit and the requisite document(s) in support of application.

(c) The application for extension shall be submitted at least four months before the expiry of the term of the applicant as Oath Commissioner.

(d) The District & Sessions Judge shall forward the application(s) collectively to the High Court in the first week of January, May and September every year with recommendation in respect of suitability of each candidate and the requirement in number keeping in view the existing strength at the headquarter of the district and sub-division/tehsil/sub-tehsil of the district.

(e) The President of High Court Bar Association shall forward the application(s) collectively to the High Court in the first week of January, May and September every year. While forwarding the applications, the President of High Court Bar Association shall comment upon the suitability of the applicant(s).

(f) The application for extension of term as Oath Commissioner shall be forwarded without any delay.

(g) The application for appointment as Oath Commissioner may be accepted, if the High Court is satisfied about the suitability and the requirement.

(h) In case the application is not accepted/declined within the period of one year of its submission with the District & Sessions Judge/President Bar Association of High Court, the applicant will have to submit a fresh application.

(v) On being appointed, Oath Commissioner shall furnish an undertaking in the shape of affidavit, before the District & Sessions

Undertak
ing to be
given by
the Oath
Commiss
ioner

Judge or the Registrar (Rules) as the case may be, to deposit the amount of penalty, if any, imposed upon him/her by the High Court.

(vi) An Oath Commissioner shall have the power to attest only the affidavits under the Code of Civil Procedure, 1908 or Section 333 of The Bharatiya Nagarik Suraksha Sanhita, 2023, to be used in Courts by administering oaths and affirmations. The Oath Commissioner shall not be competent to attest the copies of the documents to be correct as per original documents.

Power of
Oath
Commissioner

(vii) The Oath Commissioner shall maintain a register in the following prescribed form in which every application to have an affidavit attested and every affidavit verified shall be entered. The register of affidavits of the Oath Commissioner at the district/High Court premises should be duly page-marked having a certificate on the opening sheet under the signatures of the District & Sessions Judge/Registrar (Rules) or an officer nominated by the District & Sessions Judge/Registrar (Rules) as the case may be, for certifying the correctness of the register as per the prescribed form and the total number of pages therein.

Register of
affidavits

Form of Register
Register of affidavits attested in the _____ Court of
The _____ in the _____ District

1	2	3	4	5	6	7	8	9	10	11	12
Serial no.	Date of, application of tendering an affidavit	Name and address of the person tendering an affidavit (if any) or affidavit	Nature of affidavit briefly stated: if the affidavit relates to a cause in Court, the cause should be specified	Detail of exhibit if any attached to	Civil Court, Magistrate or other officer empowered in that behalf administering, the oath or affirmation	Date of administering oath or	Name and address of witness identifying the Deponent if officer administering oath and his signature or thumb impression does not know him	Signature or thumb-impression of the deponent	Name of the Court or Officer in which the affidavit is intended to be filed	Signature and designation of Civil Court, Magistrate or other officer	Fee charged

(viii) The Oath Commissioner may charge a remuneration of twenty five rupees for each affidavit. An additional fee upto one hundred rupees may be charged, when the Oath Commissioner is required to attend the deponent’s residence/place. A written printed receipt in the format prescribed hereinafter shall be issued by the Oath Commissioner to the deponent by retaining its carbon copy. The

Remuneration of
Oath
Commissioners

Oath Commissioner shall also obtain the signature/thumb impression of the deponent on the reverse side of the carbon copy of the receipt.

Receipt

(Name of the Oath Commissioner)
Serial No. _____ Dated: _____
Received ₹ _____ as attestation charges
from _____ for affidavit
bearing no. _____ in the register.
Signature

(ix) Every Oath Commissioner shall use a plain circular seal bearing in bold letters his name and the name of area within which he has been appointed to exercise his functions as Oath Commissioner.

Seal of
Oath
Commissioner

(x) The Oath Commissioner shall display in bold letters his/her name-plate with rate of attestation on his/her seat.

Display of
Name and
attestation
charges

(xi) (a)The office of District & Sessions Judge shall maintain a Register depicting the name(s) of Oath Commissioner within the District alongwith period of appointment. In case of Oath Commissioners working in the High Court such Register shall be maintained in the office of Registrar (Rules).

Inspection
of Record of
Oath
Commissioner

(b) An Oath Commissioner shall produce for inspection the Register, Receipts and Rubber Stamps for inspection before the District & Sessions Judge or an Officer nominated by District & Sessions Judge for this purpose in the first fortnight of January, April, July and October every year. In case of Oath Commissioners working in the High Court, such record shall be produced for inspection before the Registrar (Rules) or an officer nominated by the Registrar (Rules) for this purpose.

(c) In case minor shortcomings are detected by the Inspecting Officer, an advisory in writing will be issued to the Oath Commissioner by the District & Sessions Judge or the Registrar (Rules) at his own level and no inspection report is required to be furnished in this regard.

(d) In case an Oath Commissioner fails to submit the Record for inspection within the stipulated period or major shortcomings are detected by the Inspecting Officer or there is repetition of minor shortcoming(s) after the issuance of advisory, the report shall be sent to this Court.

(xii) (a) On receipt of report under sub-rule (xi) *ibid* or otherwise the term of Oath Commissioner may be curtailed by the High Court, if it thinks fit to do so. In addition to curtailment of term, penalty equivalent to double of the amount of total attestation charges received during his/her term as the Oath Commissioner, may also be imposed by

Curtailment
of term of
Oath
Commissioner

the High Court. The misconduct by an Oath Commissioner may also be brought to the notice of Bar Council of India/Bar Council of Punjab and Haryana for appropriate action as per The Advocates Act, 1961. (b) In case any advocate fails to commence his work as Oath Commissioner within one month from the date of notification or within such time as extended by the High Court it will be presumed that he/she is not interested to work as Oath Commissioner and his/her term shall be deemed to be curtailed without issuing any notice.	
(xiii) On completion of the term of an Oath Commissioner, the registers, receipt books containing unused receipts and carbon-copies of used receipts and the seals shall be deposited by him/her with the District & Sessions Judge concerned or the Registrar (Rules) as the case may be. In case of completion of register during the term of an Oath Commissioner the new register shall be started only after deposit of previously maintained register, with the District & Sessions Judge or Registrar (Rules) as the case may be. The record shall be kept in the office of District & Sessions Judge/Registrar (Rules) as the case may be and preserved for five years and weeded out thereafter while retaining the same in soft format (scanned copy), unless it is required in proceedings before any authority or in connection with the investigation, inquiry or trial of a case.	Deposit of Record
(xiv) Hon’ble the Chief Justice may relax any of the rules keeping in view the extreme exigency or hardship on case to case basis.	Deposit of Record
6. In order to facilitate the verification of affidavits of serving officers made under Order V, Rule 19, or Order XVI, Rule 10, of the Code of Civil Procedure, the State Government has empowered the Court of the Subordinate Judge of the First Class in charge of the Nazarat to appoint an officer subordinate to itself to administer oaths to process-servers, bailiffs, naib-nazirs and nazirs making affidavits of service of summons, notices and other processes under the Code of Civil Procedure (Punjab Government Notification No. 216-19, dated the 20th June, 1931). In the case of such affidavits and of all other affidavits made by officers of the Courts in their official capacity, no application, such as is referred to in paragraph 2 is necessary.	Attestation of affidavits by process Serving and other officials
7. ^[1]Omitted	
8.(i) Every affidavit to be used in a Civil Court shall be entitled:- “In the Court of _____at _____(naming the Court and place of sitting).	Title of affidavit

[1] Omitted vide correction slip no. 198 Rules/II.D4 dated 08.10.2025.

(ii) If there be a cause in Court, the affidavit in support of or in opposition to an application respecting it shall also be entitled in the cause, thus:-

_____ PLAINTIFF

Against

_____ DEFENDANT

Claim:- _____
(naming the parties and stating the nature of the claim).

(iii) If there be no cause in Court, the affidavit shall be entitled:-

“In the matter of the petition of _____ (name)
praying _____”.

(brief statement of subject)

(iv) Every affidavit shall be further entitled:-

“Affidavit of _____ (name) made on this _____ day _____
of _____ 19 (date) before _____
_____ (name of attesting officer), at _____ (place).”

9. (i) Every affidavit containing any statement of facts shall be divided into paragraphs, and every paragraph shall be numbered consecutively, and, as nearly as may be, shall be confined to a distinct portion of the subject.

Contents
of
affidavits.

^[1] “Provided that a short affidavit verified in the manner prescribed under Order 19 Rule 3 of the Code of Civil Procedure may be filed to support the averments made in any application.”

(ii) Every person, other than a plaintiff or defendant in a suit in which the application is made, making any affidavit, shall be described in such manner as will serve to identify him clearly: that is to say, by the statement of his full name, the name of his father, his profession or trade, and the place of his residence.

(iii) When the declarant in any affidavit speaks to any facts within his own knowledge, he must do so directly and positively, using the words ‘I affirm’ or ‘I make oath and say’.

(iv) When the particular fact is not within the declarant’s own knowledge, but is stated from information obtained from others, the declarant must use the expression ‘*I am informed*’, - and, if such be the case, should add ‘*and verily believe it to be true*’, - or he may state the source from which he received such information. When the statement rests on facts disclosed in documents, or copies of documents procured from any Court of Justice or other source, the declarant shall specify the source from which they were procured, and state his information or belief as to the truth of the facts disclosed in such documents.

^[1] Added vide Correction Slip No. 131 Rules/II.D.4 dated 8.02.2005.

10(i) Attention is drawn to Order XIX, Rule 3, which lays down that affidavits shall be confined to such facts, as the deponent is able of his own knowledge to prove, except interlocutory applications (See Order XXXIX, Rules 6 to 10), on which statements of his belief may be admitted: provided that the grounds thereof are stated.

Affidavits generally to be confined to facts which are within defendant's knowledge

10. (ii) All interlineations, alterations or erasures in an affidavit shall be initialed by the person swearing it and the person before whom it is sworn. Such interlineations, alterations or erasures shall be made in such manner as not to obliterate or render it impossible or difficult to read the original matter. In case such matter has been obliterated so as to make it impossible or difficult to read it, it shall be re-written on the margin and initialed by the person before whom the affidavit is sworn.

11. Every person making an affidavit shall, if not personally known to the Court, Magistrate or other officer appointed to administer the oath or affirmation, be identified to such Court, Magistrate or officer by some person known to him; and such Court, Magistrate or officer shall specify, at the foot of the affidavit, the name and description of the person by whom the identification is made, as well as the time and place of the identification and of the making of the affidavit.

Identification of deponent

12. The Court, Magistrate, or other officer as aforesaid, before whom an affidavit is made, shall certify at the foot of the affidavit the fact of the making of such affidavit before him, and shall enter the date and subscribe his signature to such certificate, and shall, for the purpose of identification, mark, date, and initial every exhibit referred to in the affidavit. The name of the verifying authority must be signed in full, and care must be taken that his proper designation as a Civil Court or Magistrate is added.

Mode of attestation.

13. An affidavit purporting to have been made by a female declarant, who has not appeared unveiled before the Court, Magistrate, or other officer as aforesaid, before whom the affidavit is made, shall not be certified, unless and until she has been duly identified before, and an affidavit of her identity by the person identifying her has been made before, and certified by such Court, Magistrate or officer.

Female deponents

14. If any person making an affidavit appears to the Court, Magistrate or other officer administering the oath or affirmation, to be ignorant of the language in which it is written, or to be illiterate, or not fully to understand the contents of the affidavit, such Court, Magistrate or officer shall cause the affidavit to be read and explained to him in a language which both he and such Court, Magistrate or officer understand; either doing so himself, or causing another person to do so in his presence. When an affidavit is read and explained as herein provided, such Court, Magistrate or other officer as aforesaid shall certify in writing at the foot of the affidavit that it has been so read and explained, and that the declarant seemed perfectly to

Attesting officer's duty.

understand the same at the time of making it.

15. Every affidavit shall be signed or marked and verified at foot by the deponent and attested by the Court, Magistrate or other officer administering the oath or affirmation. Every page of the affidavit shall be signed by the deponent and initialed by the attesting Officer. The verification by the deponent shall be in one of the forms attached hereto, and shall be signed or marked by the deponent. The attestation of the Court, Magistrate, or other officer administering the oath or affirmation shall also be in the form prescribed below.

Attesting,
signing and
verification
of affidavits.

16. In administering an oath or affirmation to the declarant in the case of any affidavit under the Code of Civil Procedure, the Court, Magistrate or other officer appointed in that behalf shall be guided by the rules under the Indian Oaths Act, 1873, printed in Part A of this Chapter and shall follow the form of verification by oath or affirmation hereto appended.

Manner
administering
oath to
deponent

**I- FORM OF VERIFICATION OF OATH OR
AFFIRMATION
(Vide PARAGRAPH 15 ABOVE)
Oath**

I solemnly swear that this declaration is true,
that it conceals nothing, and that no part of it is false-
so help me God!

Affirmation

I solemnly affirm that this declaration is true,
that it conceals nothing, and that no part of it is false.

II-FORM OF CERTIFICATE

(Vide PARAGRAPHS 12, 14 AND 15 ABOVE)

Certified that the above was declared on (a)____ before
me this(b)____day

of(c)____19____,at(d)____ in the district of
(e)____ by (f)____ who is (g)_____.

(full signature)A.B.

(Office)District Judge(or as the case may be) of_____

- (a) here enter oath/affirmation as the case may be,
- (b) date,
- (c) month,
- (d) place,
- (e) name of district,
- (f) full name and description of declarant,
- (g) here enter “personally known to me” or
“identified at (time and place of
identification) by (full name and
description of person making the
identification who is personally known to
me).”

II-A

**The exhibits marked A, B, C (as the case
may be) above referred to are annexed hereto
under this date and my initials.**

II-B

**Certified further that this affidavit has been
read and explained to (name) the declarant who
seemed perfectly to understand the same at the
time of making thereof.**

¹[FORM 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. :
9. Whether his term was ever curtailed
By this 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 licence is cancelled for non-compliance of any of the rules notification 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/Bar Association with regard to suitability for appointment and report regarding honesty and integrity.

^[1]Form III added vide Correction Slip No. 105Rules/II.D.4 dated 11.9.1997.

CHAPTER - 18 LIBRARIES

Instructions regulating the supply, care and custody of books of reference, Acts of the Legislature and legal periodicals required for use of Civil Criminal Court sunder the High Court.

- 1.** Books of reference, Acts of the Legislature and legal periodicals required for the use of civil and criminal courts are to be obtained as follows:-
- (a) Books of reference and Acts of the Legislature entered in the lists in paragraphs 4 and 5 and in the Appendix to these rules may, subject to budget provision, be purchased from any law publisher in India. ^[2] Books not on the lists as mentioned above can also be purchased, if they have been recommended by the concerned Committee of this High Court and approved by Hon'ble the Chief Justice.
 - (b) District and Sessions Judges alone have the power to sanction purchase of prescribed books for their own courts and for Courts of Small Causes and Courts of Subordinate Judges under paragraph 20.8 (Serial No. 18) of the Punjab Financial Rules, Volume I. Payment, however, will be made by a District and Sessions Judge only in respect of books required by him or by an Additional District and Sessions Judge, by a Senior Subordinate Judge in respect of books required by him and by all Subordinate Judges in his district ,and by a Judge, Court of Small Causes, in respect of books required for that court, the expenditure, in each case being debited to the grants for "Other Contingencies" under" District and Sessions Judges," "Subordinate Judges" for "Courts of Small Causes," as the case may be, in respect of which the officers named are disbursing officers under (paragraph20.8 (SerialNo.1) of the Punjab Financial Rules, Volume I.

[1][-]

- (c) Acts of the Legislature, Codes and Manuals as published by the State Government are supplied free of cost by the Controller of Printing and Stationery, Punjab, to Courts approved by the State Government.
- (d) Acts of the Legislature and all official publications of the Government of India and Governments of other States are obtained on payment from the Superintendent of the Press or Book Depot of the Government concerned, the cost being debited to"57-Miscellaneous–Cost of Books and Periodicals" where payment is required to be made by book adjustment, or as provided in sub-paragraph (b) where cash payment is required to be made such payment being remitted either by money order, or by cheque on the State Bank of India or on any other local bank or Remittance Transfer Receipt, direct to the Superintendent, Government Printing, or to the Book Depot, of the Government concerned. This applied also to all Codes and Manuals, etc., issued by the Comptroller and Auditor General and his subordinate audit officers, and by the Defence Department.
- (e) Indian Law Reports, all series, which are also official publications of the various Governments in India, are obtainable and paid for as provided in sub-paragraph(d).
- (f) The Indian Post and Telegraph Guide and the Telephone Directory are to be obtained on cash payment from the Post and Telegraph Department.

[1]Omitted vide Correction Slip No.49 dated17.09.1976

[2] Substituted vide correction slip no. 199 dated 12.01.2026

2. Nothing in the foregoing instructions is to be deemed to sanction the purchase of any book from a publisher not in India. Special application must be made to the High Court in the event of it becoming necessary to obtain for any civil or criminal court a book not procurable in India, whether such book is or is not on the lists of approved books. In submitting such applications the District and Sessions Judge ^[1] should specify the name of the Publisher, the published price, and whether budget provision is sufficient to meet the cost of the book and all incidental charges connected therewith. Such books will not be purchased by placing an order direct with the publisher but by addressing the indent to the Director General, India Store Department, Government Building, Bromyard Avenue, Action, London, W3, it is possible to obtain them at a discount on publishers' prices.

3. The responsibility for the existence of sufficient budget provision to meet the cost of books, Acts and legal periodicals purchased under these rules rests entirely with the disbursing officers, that is, the District and Sessions Judge ^[2] the Judge Court of Small Causes, and the Senior Judge, Subordinate Judge, as the case may be. These officers are also responsible to see that adequate provision for books admissible to courts under these rules is suggested at the time of the preparation of budget estimates each year.

4(1). The minimum books have been prescribed by the High Court for the library of every civil and criminal court ^[3]:

(i) A.I.R. Manual (Civil and Criminal) by Chtelay & Rao.

or

MLJ's Civil Court Manual (Central Acts), 12th Edition. ^[4]

(ii) Punjab Code for the courts in the State of Punjab, Haryana Code for the Courts in the State of Haryana, and Chandigarh Code for the Courts of U.T., Chandigarh.

[1] Omitted vide Correction Slip no. 49 dated 17.09.1976

[2] Omitted vide Correction Slip no. 49 dated 17.09.1976

[3] Substituted vide Correction Slip no. 84 dated 16.05.1989

[4] Substituted vide Correction Slip no. 92 dated 28.10.1994

(iii) Latest Acts of the Legislatures.

(iii-A) Indian Successions Act by Row, Latest Edition. ^[1]

(iv) Shorter CONSTITUTION OF INDIA latest edition by Durga Das Basu.

(v) Mulla's Hindu Law.

(v-a) Law of Adoption, Minority, Guardianship and Custody by Paras Diwan 1993 ed., Price Rs 425/- per copy. ^[2]

(v-b) Law of Maintenance and Custody of Children by Paras Diwan, 1990 ed., Price Rs. 250/- per copy. ^[3]

(v-c) Hindu Adoption and Maintenance Act by GopalKrishnan, Latest Edition. ^[4]

(v-d) 'Law of Marriage and Divorce' by Dr. Paras Diwan. ^[5]

(vi) Mulla's Mohammadan Law.

(vii) Rattigan's Digest of Customary Law.

(viii) Rent Restriction in the Punjab, Haryana, Himachal Pradesh and Chandigarh by Sarin

Or

Rent Restrictions in Punjab, Haryana and Himachal Pradesh by J.S. Chawala, 1997 Ed. ^[6]

(viii-A) Rent Matters on Trial by Dr. D.N. Jauhar ^[7]

(ix) Commentary on the Punjab Excise Act by Moti Ram and Sukhdev / T. S. Dobia

or

The Punjab Excise Act (Commentary) (Latest Edition) by Bhagatjit Singh ^[8]

(ix-a) Medical Jurisprudence and Toxicology by Cox, Latest Edition. ^[9]

(ix-AA) Text book of Forensic Medicine and Toxicology (latest edition) by Dr. Krishanvij. ^[10]

(ix-b) Commentary on "Punjab Panchayati Raj Act, 1994" by Gurdial Singh Jaswal and Bhagatjit Singh Chawla (for Punjab) and "Haryana Panchayati Raj Act, 1994" by Gurdial Singh Jaswal and Bhagatjit Singh Chawla (for Haryana). Both of latest edition. ^[11]

[1] Added vide Correction Slip no. 93 dated 29.10.1994

[2] Added vide Correction Slip no. 91 dated 21.7.1994

[3] Added vide Correction Slip no. 91 dated 21.7.1994

[4] Added vide Correction Slip no. 93 dated 29.10.1994

[5] Inserted vide Correction Slip no.166 Liby. LA.2 dated 3.9.2012 [6] Substituted vide Correction Slip no. 103 dated 5.8.1997

[7] Inserted vide Correction Slip no.108 dated 14.9.1998

[8] Substituted vide Correction Slip no. 120 dated 4.12.2001

[9] Added vide Correction Slip no. 93 dated 29.10.1994

[10] Inserted vide Correction Slip no. 179 Rules/11-D4 dated 2.3.2015

11] Inserted vide Correction Slip no. dated 26.7.2004.

- (x) The Punjab Gram Panchayat Act by Maluk Singh.
- (x-a) 'Crime Prosecution and Defence Investigations Guide' by Sukhdev Kohli. ^[1]
- (x-b) Commentary on RAPE, KIDNAPPING AND ABDUCTION by R. S. VERMA and I.B.S. THOKCHOM of latest edition. ^[2]
- (x-c) Law Relating to custodial death human rights by R. S. VERMA AND I.B.S. THOKCHOM of latest edition. ^[3]
- (xi) Commentary on the Punjab Pre-emption Act by Ellis for courts in the State of Haryana and the U.T. Chandigarh.
- (xii) The Code of Civil Procedure By S.M. Mehta.
- (xii-a) Law of Defamation & Malicious Prosecution by V. Mitter. ^[4]
- (xii-a) Code of Civil Procedure., 1908 by C. K. Thakker and M. C. Thakker (All Volumes) latest edition. ^[5]
- (xii-b) Suranjan Chakraverti and Bholeswar Nath's "Cases and Materials on Code of Civil Procedure". Fourth edition revised by Justice M.L. Singhal. ^[6]
- (xiii) Punjab Civil Services Rules, Vol. 1 to 3 (Govt. Ed.)/ OR Punjab Civil Services Rule (Vol. 1 to 3) (As applicable to Punjab and Haryana) by J. Chandler. ^[7]
- (xiii-a) Court Fees Act & Suits Valuation Act by Row, Latest Edition. ^[8]
- (xiii-b) Law of Specific Relief by Banerjee, Latest Edition. ^[9]
- (xiii-c) Law of Insurance by Banerjee, Latest Edition. ^[10]
- (xiii-d) 'Law of Execution' by Banerjee, Latest Edition ^[11]
- (xiii-e) 'Law of Injunction' by Row. Latest Edition. ^[12]
- (xiii-f) 'Law of Identification and Discovery' by Mitter, Latest Edition. ^[13]
- (xiii-g) 'Law of Civil Appeals and Revision' by Banerjee. Latest Edition. ^[14]
- (xiv) Punjab Police Rules for the State of Punjab, Haryana Police Rules for the State of Haryana.

[1] Inserted vide Correction Slip No. 96 dated 26.4.1995

[2] Inserted vide Correction Slip No. 132 dated 12.3.2005

[3] Inserted vide Correction Slip No. 132 dated 12.3.2005

[4] Substituted vide Correction Slip No. 101 dated 13.8.1996 [5] Inserted vide Correction Slip No.133 dated 30.7.2005

[6] Inserted vide Correction Slip No. 136 dated 16.12.2006 [7] Substituted vide Correction Slip No.99 dated .31.7.1995 [8] Inserted vide Correction Slip No. 93 dated 29.10.1994

[9] Inserted vide Correction Slip No. 93 dated 29.10.1994

[10] Inserted vide Correction Slip No. 93 dated 29.10.1994

[11] Inserted vide Correction Slip No. 95 dated 1.4.1995

[12] Inserted vide Correction Slip No. 95 dated 1.4.1995

[13] Inserted vide Correction Slip No. 95 dated 1.4.1995

[14] Inserted vide Correction Slip No. 95 dated 1.4.1995

- (xv) Punjab Jail Manual by Jindal.
- (xvi) Concise Oxford Dictionary or the Random House Dictionary.
- (xvii) Aiyer's Judicial Dictionary. Latest edition.
- (xviii) Black's Medical Dictionary. Latest edition.
- (xviii-A) All volumes of 'All India Fifteen Years Digest 1985-1999' published by M/s Vinod Publications Pvt. Ltd., Delhi. ^[1]
- (xix) Punjab Civil Services Rules Vol. 1 to 3 (Govt. Edn.)
or
Punjab Civil Service Rules Vol. 1 to 3 by J. Chander (As applicable to Punjab and Haryana)
or
Punjab Civil Services Rules Vol.1 to 3 by J.S. Chawala (As applicable to Punjab) ^[2]
- (xix-a) The Standards of Weights and Measures Act with Rules by S.L. Tripathi. ^[3]
- (xix-b) General Clauses Act by Swamikamu. ^[4]
- (xix-c) Digest of Food Adulteration Cases. Edited by Bhatia and Nijhawan.^[5]
- (xix-d) Indian Contract Act by Singhal & Subrahmanyam.^[6]
- (xix-e) Probation of Offenders Act by K.L.Sethi. ^[7]
- (xix-f) Encyclopedia of Petroleum Laws by H.L. Sarin and M.L. Sarin.^[8]
- xix-f(i) Encyclopedia of Petroleum Laws' by H.L. Sarin and M.L. Sarin. Tenth Edition, 2005^[9]
- (xix-g) Payment of Wages Act and Minimum Wages Act by H.L. Sarin and M.L. Sarin. ^[10]
- xix-g(i) A Commentary and Digest on The Factories Act, 1948 by K.K. Khandelwal. ^[11]
- (xix-h) The Legal Services Authorities Act with Rules & Regulations by Srivas-tava. (Latest edition) ^[12]

[1] Inserted vide Correction Slip No. 121 dated 4.1.2002

[2] Substituted vide Correction Slip No. 124 dated 15.4.2002

[3] Inserted vide Correction Slip No. 106 dated 1.5.1998.

[4] Inserted vide Correction Slip No. 106 dated 1.5.1998.

[5] Inserted vide Correction Slip No.109 dated 10.5.1999

[6] Inserted vide Correction Slip No. 111 dated 28.8.1999

[7] Inserted vide Correction Slip No.112 dated 12.10.1999

[8] Inserted vide Correction Slip No. 113 dated 16.12.1999

[9] Inserted vide Correction Slip No. 134 dated 16.12.2006

[10] Inserted vide Correction Slip No. 113 dated 16.12.1999

[11] Inserted vide Correction Slip No. 135 dated 10.2.2006

[12] Inserted vide Correction Slip No. 119 dated 27.7.2001

- (xix-i) Law of Wills by Mantha Ramamurti (latest edition.) ^[1]
- (xix-j) The Partition Act by Basu (latest ed.) ^[2]
- [xix-J(a) Commentaries on the Prevention of Food Adulteration Act, 1954 with Rules (Central & States) by Kumar (Published by Law Publishers, Allahabad). ^[3]
- (xix-K) 'Commentary on the Right to Information Act, 2005 by S.K. Awasthi. ^[4]
- (xix-L)'Commentary on the Juvenile Justice Act' by Suman Nalwa and Haridev Kohli.^[5]
- (xix-M) "Law of Estoppel and Res-judicata" by Chief Justice M. Monir and A.C. Moitra. ^[6]
- (xx) Punjab Law Reporter.
- (xx-A) Punjab Law Journal. ^[7]
- (xxi) Lahore Law Times from 1974 onwards.
- (xxii) Recent Criminal Reporter or All India Criminal Law Reporter w.e.f. 1984 and onwards.
- (xxii-A) "Recent Criminal Reports- Digest" (1950-1998) (Vol. 1 to 6) by Bhagatjit Singh ^[8]
- (xxiii) Rent Control Reporter or Rent Law Reporter w.e.f. 1984 and onwards.
- (xxiv) Punjab Delhi Digest, Civil, Criminal and Revenue 1976-87.
- (xxv) I.L.R. (Punjab and Haryana) series w.e.f 1977 onwards.
- (xxvi) 'Law Herald' a weekly Journal of Law Times Publications.^[9]

2. A Central Library shall be set up and maintained at the headquarters of each Sessions Division under the control of the District and Sessions Judge concerned, from which every judicial officer working in that Sessions Division can draw books. The Central Library shall contain two sets of books, i.e. one for the use of the District & Sessions Judge and Additional District and Sessions Judge(s); and second for the use of the Senior Subordinate Judge and other Subordinate Judges. One set of books may be kept at a suitable place near the Court of Senior Subordinate Judge, where such court is situated at some distance from the Court of District and Sessions Judge. ^[10]

[1] Inserted vide Correction Slip No. 119 dated 27.7.2001

[2] Inserted vide Correction Slip No. 122 dated 15.4.2002

[3] Inserted vide Correction Slip No. 127 dated 5.12.2002

[4] Inserted vide Correction Slip No. 150 dated 2.6.2010.

[5] Inserted vide Correction Slip No.157 Liby. L. A. 2 dated 2.11.2011 [6] Inserted vide Correction Slip No. 166 Liby. L. A. 2 dated 3.9.2012 [7] Inserted vide Correction Slip No.107 dated 23.7.1998

[8] Inserted vide Correction Slip No. 115 dated 6.9.2000

[9] Inserted vide Correction Slip No. 137 dated 19.1.2007

[10] Substituted vide Correction Slip No. 49 dated 17.9.1976

The following minimum books are prescribed for every Central Library in addition to the books mentioned in para (1):--

- (i) A.I.R. Commentary on the Constitution of India by Chitaley & Rao.
Or
Constitution of India by Paras Diwan & Pam Rajput ^[1]
Or
A Commentary on Indian Constitutional Law 1st (1982) edition, price 140/- by Dr. S.M.Mehta. ^[2]
- (ii) A.I.R. Commentary on Code of Civil Procedure by Chitaley & Rao.
- (iii) Commentary on Indian Evidence Act by Monir or Sarkar.
- (iii-a) "Appreciation of Evidence in Criminal Cases" by Justice (Retd.) U.L. Bhat.^[3]
- (iii-b) "Cases and Materials on Evidence Law" by Sarda and Chopra.^[4]
- (iv) A.I.R Commentary on the Transfer of Property Act by Chitaley & Rao.
- (v) A.I.R. Commentary on the Limitation Act, 1963, by Chitaley & Rao. (Vi) "The Law of Maintenance ' by S.N. Aggarwal ^[5]
- Vi(a) "Cases and Materials on Contract Law & Specific Relief" by D.s. chopra ^[6]
- (vii) Commentary on the Sale of Goods Act by Pollock and Mulla.
- (viii) Commentary on the Negotiable Instrument Act by Kherganwala.
- (ix) Commentary on the Specific Relief Act by O.P. Aggarwal.
- (x) Commentary on the Court Fees and Suits Valuation Acts by A.N. Khanna/ J.L. Jain.
- (xi) Commentary on Stamp Act by J.L. Jain.
- (xii) Commentary on the Provincial Small Cause Courts Act by Moti Ram and Sukhdev.
- (xiii) Commentary on the Registration Act by Mulla.
- (xiv) Commentary on the Motor Vehicles Act by Mathur.
- (xv) Industrial Law by P.L. Malik.
- (xvi) Workmen's Compensation Act by Chakravarti.
- (xvii) Payment of Wages Act by Chopra/ Srivastva.
- (xviii) Arbitration Act by Basu or Dass.

[1] Added vide Correction Slip No. 58 dated 3.4.1980

[2] Added vide Correction Slip No. 69 dated 8.9.1982

[3] Inserted vide Correction Slip No. 152/ Liby. L. A. 2 dated 6.4.2011 [4] Inserted vide Correction Slip No. 170/ L. A. 3 dated 20.4.2013

[5] Added vide Correction Slip No.81 dated 20.7.1988

[6] Inserted vide Correction Slip No. 170/ Liby. L. A.3 dated 20.4.2013

- Xxvii (a) “Criminal Law and Practice” by D.R. Prem. ^[1]

‘Commentary on the Punjab/Haryana Municipal Act’ by Bhagatjit Singh Chawla.^[2]

- (xxxvii) Current Law Digest.

- (xxxviii) Punjab Digest 1956 to 1967.

[4] Substituted vide Correction Slip No. 99 dated 31.7.1995

- xxxviii(a) “Digest of Accident Claims Cases” by K.T.S.Tulsi. ^[1]
- (xxxix) Law Lexicon by Venkatramaya.
- Xxxix(a) “Judicial Officers Law Lexicon” by Justice C.K.Thakker. ^[2]
- (xl) Maxwell on Interpretation by Statutes.
- (xli) P.C.F.C. Supreme Court Services Laws Judgments- 1953-73 by Chakravarti & Kharbanda.
- (xlii) S.L.R. Digest, 1967 to 1975.[3] and All India Service Law Digest 1950-1979 by K.P. Chakravarti.
- (xliii) A.I.R. (from 1951 onwards).
- xlili (a) The Accident Claims Journal, published from 12, Malka Ganj, Delhi-7 w.e.f. 1966 to onwards.^[4]
- (xliv) S.L.R. (from 1967 onwards).
- (xlv) Rules Orders of High Court, Volume I to IV.
- xlvi(a) “Punjab University Law Review” 1984-85 and onwards by Chief Editor, Department of Laws, Punjab University, Chandigarh 160001.^[5]
- (xlvii) Law of Regulated Markets in Punjab and Haryana Vol. I & II by S.S. Sodhi.
- (xlviii) ‘Disputed Documents’ Examination and Finger Prints Identification” by Hardless. ^[6]
- (xlviii) ‘Societies Registration Act’ (Central & State) by L.S. Sastri.^[7]
- (xlix) ‘Law of Parental Control, Guardianship and custody of Minor Children’ by Dr. Paras Diwan.^[8]
- xlxi(a) ‘Principles of Civil Service by G.L. Sadana.^[9]
- L.) The Food Adulteration Journal by M/s Vinod Publishers, Kashmiri Gate, Delhi w.e.f. January 1981 onwards. ^[10]
- Liv.) ‘Firearms investigator Identification and Evidence’- Hatcher, Jury & Weller (1987-edition) ^[11].

[1] Added vide Correction Slip No. 58 dated 3.4.1980.

[2] Inserted vide Correction Slip No. 173 Liby.L.A. 3 dated 1.5.2013.

[3] Added vide Correction Slip No. 57 dated 5.2.1980.

[4] Added vide Correction Slip No. 62 dated 2.6.1980. [5] Added vide Correction Slip No.76 dated 4.4.1986.

[6] Inserted vide Correction Slip No. 98 dated 31.7.1995.

[7] Inserted vide Correction Slip No. 98 dated 31.7.1995.

[8] Added vide Correction Slip No. 58 dated 3.4.1980.

[9] Added vide Correction Slip No. 63 dated 19.8.1980.

[10] Added vide Correction Slip No. 66 dated 19.3.1981.

[11] Added vide Correction Slip No. 79 dated 6.4.1988.

(Lv) A.C. Moitra; The Law of Private Defence, revised by Mr. Justice B.L. Yadav 5th (1987) edition ^[1]
 (Lvii) 'Citizenship-Rights and Duties by Justice E.S.Venkataramiah.^[2]

5. The books may be purchased in accordance with paragraph 1 and 2 for the common libraries and libraries of Civil and Criminal Courts in addition to those mentioned in paragraph 4 with the approval of the High Court. A new edition or publication or vernacular edition of any work may be substituted for the edition or work specified in the lists. ^[3]
6. The following minimum books have been approved by the High Court to be supplied under the direction dated 24th August, 1993 of Hon'ble Supreme Court of India in Review Petition No. 249 of 1992 in Civil Writ Petition No.1022 of 1989 to each library meant for Superior Judicial Officers and Subordinate Judicial Officers respectively at each station. These books shall be of latest edition and in addition to the books already on the approved list. ^[4]

List of Books for Superior Judicial Officers:-

1. Latest Bare Acts of the Legislatures:-

- (i) Central Acts;
- (ii) Punjab Acts, for the State of Punjab;
- (iii) Haryana Acts, for the State of Haryana;
- (iv) Punjab/Haryana Acts (As applicable for U.T., Chandigarh).

2.A.I.R. Manual, 5th edition.

3.“PUNJAB LOCAL ACTS” BY DOABIA (For Punjab)

OR

“PUNJAB LOCAL ACTS & RULES” (ALL VOLUMES) (BY BHAGATJIT SINGH CHAWLA).^[5]

“HARYANA LOCAL ACTS” BY DOABIA (For Haryana)

OR

“HARYANA LOCAL ACTS & RULES” (For Haryana) (BY BHAGATJIT SINGH CHAWLA). (All Volumes)^[6]

5.Encyclopaedia of Statutory Rules by Malik & Manchanda.

6. ^[8][Central Criminal Minor Acts and Rules by Singh & Bagga.

Or

Handbook of Criminal Minor Acts by Sumeet Malik, published by Eastern Book Company, Lucknow.] ^[8]

6-A. “Criminal Major Acts” by Justice A.R.Lakshmanan.^[7]

Or

7. Contempt of Courts Act by Jagdish Swarup.

8.Conveyancing: Deeds Forms Precedents, by Jai Lal.

[1] Added vide Correction Slip No. 79 dated 06.04.1988.

[2] Added vide Correction Slip No. 82 dated 27.7.1988.

[3] Substituted vide Correction Slip No. 49 dated 17.9.1976.

[4] Inserted vide Correction 90/Liby./II-A dated 21.03.1994.

[5] Substituted vide Correction Slip No.116 dated 4.12.2000.

[6] Substituted vide Correction Slip No. 145 Library. L.A.2, dated 22.04.2008.

[7] Inserted vide Correction Slip No. 172 Liby. L.A.3 dated 29.04.2013.

[8] Substituted vide Correction Slip No. 194 Rules/II.D.4 dated 23.04.2024.

9. Transfer of Property Act by Mitra or by C. L. Gupta.

9-A. "The Transfer of Property Act" by Mulla.^[1]

10. Essential Commodities Act by Sarjoo Prasad.

Or

Essential Commodities & Central Control Orders by Ansari. Latest edition.^[2]

11. Limitation by Mitra.

12. Adverse Possession by Mantha Rama Murti.

13. Cr.P.C. by Aiyar (Revised by Jagmohan Lal Sinha) in 3 Volumes or by Sohni. 13-A. "The Code of Criminal Procedure" by Rattan Lal and Dhiraj Lal.^[3]

14. Evidence by Rattan Lal & Dhiraj Lal.

15. I.P.C. by Rattan Lal & Dhiraj Lal.

16. I.P.C. by H.S.Gaur.

17. Concise Oxford Dictionary.

18. Chamber's English Dictionary.

19. Black's Medical Dictionary.

20. Judicial Dictionary by Iyer.

21. Narcotic Drugs & Psychotropic Substances Act, by S.N.Katju or by Banerjee Or by P.K. Jain.^[4]

22. Shorter Constitution of India by Basu.

23. C.P.C. by Sarkar or by Mehta.

24. Law of Bails by Rama Krishna or by Iye.

24-A. Bail Referencer by Justice M.L.Singhal.^[5]

25. Medical Jurisprudence by Iyon or by Modi.

26. Art of Writing Judgements by Malik.

27. Hindu Law by Mulla or Hindu Code by Gaur.

28. Rent Restriction in Punjab, Haryana, H.P. by Doabia or by Sarin.

or

The Haryana Urban (Control of Rent & Eviction) Act by Sukhdev Aggarwal or by S.K.S.Bedi.

29. Jail Manual by Jindal.

30. Decennial Digest (Supreme Court) by Malik.

[1] Inserted vide Correction Slip No. 171 Liby. L.A.3 dated 26.04.2013.

[2] Substituted vide Correction Slip No. 100 dated 7.8.1996

[3] Inserted vide Correction Slip No. 171 Liby. L.A.3 dated 26.04.2013

[4] Substituted vide Correction Slip No.97 dated 14.7.1995

[5] Inserted vide Correction Slip No.149 dated 6.5.2010.

31. Punjab Excise Act by Doabia
32. Arms & Explosives by Saxena
33. Punjab Civil Service Rules (all volumes) for Punjab.
34. Punjab Civil Service Rules (all volumes) as applicable to Haryana (for Haryana)
35. Motor Vehicles Laws & Rules by Jaggi or by Lal
36. Firearms and Forensic Ballistics by Gaur or by B.R. Sharma.
37. Punjab Financial Rules (all volumes)
38. Indian Succession Act by Paruck
39. Digest of Customary Law by Rattigan
40. Partnership Act by C.L. Gupta.
Or
Law of Partnership in India by S.D. Singh & J.P. Gupta Revised by V.P. Verma, latest edition ^[1]
- 40-(A). Law Relating to Offences against Women by V.K. Dewan. Latest edition. ^[2]
- 40-(B). Law Relating to Dowry Deaths, Dying Declarations, Suicides and Cruelties to Women by J.D. Chandna ^[3]
41. Law of Arbitration and Conciliation by B.P. Saraf and S.M. Jhunjunawala, Latest Edition. ^[4]

REPORTS

- 1.A.I.R. w.e.f. 1990 and onwards.
- 1-A. "SUPREME COURT CASES" published by Eastern Book Co. 34, Lalabagh, Lucknow (w.e.f. 2002 & onwards.)^[5]
- 1-B. "SUPREME COURT REPORTS" (w.e.f 2008 & onwards) ^[6]
- 2.Punjab Law Reporter w.e.f. 1990 and onwards.
- 3.Service Law Journal w.e.f. 1990 and onwards.
- 4.Lahore Law Times w.e.f. 1990 and onwards
- 5.I.L.R. (Pb. & Har. Series w.e.f. 1994 and onwards)
- 6.Criminal Law Journal w.e.f. 1990 and onwards.
- 7.Accident Claim Journal w.e.f. 1990 and onwards.
8. Food Adulteration Journal w.e.f. 1990 and onwards.
Or
Food Adulteration cases w.e.f. 1990 onwards.

[1] Substituted vide Correction Slip No 104 dated 3.9.1997

[2] Inserted vide Correction Slip No. 104 dated 3.9.1997.

[3] Inserted vide Correction Slip No. 151 dated 10.12.2010

[4] Inserted vide Correction Slip No.114 dated 11.5.2000

[5] Inserted vide Correction Slip No.125 dated 25.11.2002

[6] Inserted vide Correction Slip No.146 Library. L.A. 2 dated 31.07.2008.

List of Books for Subordinate Judicial Officers.

1. Latest Bare Acts of the Legislature:
 - (i) Central Acts.
 - (ii) Punjab Acts for the State of Punjab .
 - (iii) Haryana Acts for the State of Haryana.
 - (iv) Punjab/Haryana Acts (As applicable for UT. Chandigarh)
2. A.I.R. Manual, 5th edition.
3. Punjab Local Acts by Doabia (for Punjab)
4. "HARYANA LOCAL ACTS" BY DOABIA
Or
"HARYANA LOCAL ACTS AND RULES" (for Haryana) by BHAGATJIT SINGH CHAWLA. (All Volumes) ^[1]
5. ^[5] [Central Criminal Minor Acts & Rules by Singh & Bagga.
Or
Handbook of Criminal Minor Acts by Sumeet Malik, published by Eastern Book Company, Lucknow.] ^[5]
- 5-A "Criminal Major Acts" by Justice A.R. Lakshmanan.^[2]
6. Conveyancing: Deeds Forms Precedents by Jai Lal
7. Transfer of Property Act by Mitra or by C.L.Gupta
- 7-A. "The Transfer of Property Act: by Mulla ^[3]
8. Essential Commodities Act by Satjoo Prasad
9. Limitation by Mitra
10. Cr.P.C. by Aiyar (Revised by Jagmohan Lal Sinha in 3 Vols.) or by Sohni.
- 10-A. "The Code of Criminal Procedure" by Rattan Lal and Dhiraj Lal.^[4]
11. Evidence Act by Rattan Lal & Dhiraj Lal
12. I.P.C. by Rattan Lal & Dhiraj Lal
13. I.P.C. by Gaur
14. Concise Oxford Dictionary
15. Chamber's English Dictionary
16. Judicial Dictionary by Iyer
17. Black's Medical Dictionary
18. Narcotic Drugs & Psychotropic Substances Act by S.N. Katju or by Banerjee
19. Shorter Constitution of India by Basu
20. C.P.C. by Sarkar
or
C.P.C. by Mehta
21. Medical Jurisprudence by Lyon or by Modi

[1] Substituted vide Correction Slip No.145 Library. L.A. 2 dated 22.04.2008

[2] Inserted vide Correction Slip No.172 Liby. L.A. dated 29.04.2013

[3] Inserted vide Correction Slip No.172 Liby. L.A. dated 29.04.2013

[4] Inserted vide Correction Slip No.171 Liby. L.A. 3 dated 26.04.2013

[5] Substituted vide Correction Slip No. 194 Rules/II.D.4 dated 23.04.2024.

22. Art of Writing Judgments by Malik

23. Rent Restriction in Punjab, Haryana & H.P. by Doabia or by Sarin

Or

The Haryana Urban (Control of Rent & Eviction) Act by Sukhdev Aggarwal or by S.K.S. Bedi.

24. Jail Manual by Jindal

25. Punjab Excise Act by Doabia

26. Punjab Civil Service Rules (all Volumes) for Punjab.

27. Punjab Civil Service Rules (all Volumes) As applicable to Haryana (for Haryana)

28. Punjab Financial Rules (all Volumes)

29. Digest of Customary Law by Rattigan

30. Partnership Act by C.L. Gupta.

REPORTS

1. AIR w.e.f. 1990 & onwards.

1-A. "SUPREME COURT CASES" published by Eastern book Co. 34, Lalbagh, Lucknow (w.e.f. 2002 & Onwards) ^[1]

1-B. "SUPREME COURT REPORTS" (w.e.f. 2008 & Onwards) ^[2]

2. Punjab Law Reporter w.e.f. 1990 and onwards

3. Service Law Journal w.e.f. 1990 and onwards

4. All India Rent Control Journal w.e.f. 1990 and onwards.

Or

Rent Law Reporter w.e.f. 1990 and onwards

Or

Haryana Rent Control Reporter w.e.f. 1990 and onwards.

5. Lahore Law Times w.e.f. 1990 and onwards.

6. I.L.R. (P.&H.) series w.e.f. 1994 and onwards

7. Criminal Law Journal w.e.f. 1990 and onwards

8. Food Adulteration Journal w.e.f. 1990 and onwards.

Or

Food Adulteration Cases w.e.f. 1990 and onwards

[1] Inserted vide Correction Slip No.125 dated 25.11.2002

[2] Inserted vide Correction Slip No.146 Library, L.A.2 dated 31.7.2008.

Explanation.- A new edition of the same publication and subsequent Supplement volumes of the Journals/Reports including serial publications be purchased regularly for items specified in the lists in Para 6, subject to the budget provision.

6-A. The following minimum books have been approved by the High Court to be supplied for residential libraries under the direction, dated 6th April, 1999 of Hon'ble Supreme Court of India in Civil Writ Petition No. 1022 of 1989 to all the Judicial Officers. These books shall be of latest edition. ^[1]

List of books:-

1. Central Government and respective State Government Bare Acts;
2. Code of Crl. Procedure by Aiyer (in 3 vols.) or by Sohni (in 4 vols.);
3. Code of Civil Procedure by Mulla (in 3 vols.);
4. Indian Penal Code by Rattan Lal & Dhiraj Lal;
5. Evidence Act by Rattan Lal & Dhiraj Lal
6. Dictionary
7. The purchase of software for use of Judicial Officers would be on the recommendation of relevant/concerned Committee as approved by Hon'ble the Chief Justice. ^{[2] [3] [4] [5]}

7. An accession register shall be maintained in all District and Sessions Courts and Courts to Small Causes in respect of books, Acts and other publications supplied or obtained for their use, and all Senior Subordinate Judges' Courts for these courts and all Subordinate Judges in the same district. The accession register maintained in Senior Subordinate Judges' Courts shall contain separate lists for each Court of Subordinate Judge to which books, etc., have been Supplied by the Senior Subordinate Judge, a copy of such lists being supplied to the presiding officer of each such court; similar procedure will be adopted where a District and Sessions Judge's court supplies books to an Additional District and Sessions Judge and where a Court of Small Causes supplies books to an Additional Judge of such court. The accession register which should be a blank register carefully ruled out, will contain the following columns:-

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

8. As soon as a new book is received either by purchase or otherwise it must be stamped on the title page and in several places in the volume with the seal of the purchasing or receiving (if not by purchase) office and entered in the accession register and when any book has from any cause ceased to be in the library of any court a note should be made in the accession register of the manner in which it has been disposed of.

[1] Inserted vide Correction Slip No.110/Lib./II.A. dated 21.7.1999.

[2] Substituted vide Correction Slip No.167 Liby.L.A.2 dated 10.10.2012.

[3] Inserted vide Correction Slip No.156 Liby/L.A.2 dated 30.9.2011.

[4] Substituted vide Correction Slip No.178 Rules/11 D.4 dated 29.1.2015.

[5] Substituted with insertion vide Correction slip no. 188 dated 27.05.2021 as per the decision of the Hon'ble Full Court dated 03.04.2019.

9.Presiding Officers of Courts will be held personally responsible for arrangement made in accordance with these rules for the custody of books and the maintenance of accession register and lists. 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	Superintendent & English Clerk.
(ii) Court of Small Causes	Clerk of Court.
(iii) Senior Subordinate Judge's Court	Clerk of Court.
(iv) Subordinate Judge's Court	Reader.

In the cases of (i) to (iii), the presiding officer may appoint any other clerk to assist the official-in-charge without any lessening of the responsibility of the latter, provided that the Reader in each case shall hold charge of books kept in a court room for the presiding officer's daily use and provided further that in no case shall a menial be required to perform any responsible duty connected with the custody of books other than what may ordinarily be expected of a menial. 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 or other place of keep at least once a quarter and thoroughly dusted; the most convenient way to do this where large libraries are maintained is to remove the contents of shelves in rotation at fixed intervals, say, of a week or ten days, so that the turn of each shelf will come round at least once in three months.

10. It will be the duty of the Reader to each Court to see that no unauthorized persons are 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.

11. A peon or an orderly of each court will be responsible for the dusting of the books of the library or the court room and he shall see that the dusting is done without disturbing the order of books.

12. No book shall be issued from the library without a written requisition for it. The requisition will be placed where the book was and should be destroyed or returned when the book is restored to its place. If a book is not returned, the official-in-charge as described in paragraph 9 will enquire for it and invariably submit monthly reports to the presiding officer of books removed and not returned.

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

14. All correction slips to various Acts, Manuals, Codes and Rules and Orders of the High Court, shall be inserted as soon as they are received. To ensure that this is done in respect of the Rules and Orders of the High Court, a register shall be maintained in each court by the officials named in paragraph 9 in which the number and date of every correction slip received shall be entered with the date of receipt also noted therein: they will have the entry, attested by the presiding officer of the Court in token of the correction slips having been pasted in the relevant volumes, and the presiding officer must see that no undue delay occurs in such pasting.

15. When a change of presiding officers of a Civil or Criminal court takes place, the relieving officer will satisfy himself on taking over charge of office that the library of the court is complete, that the books are in good condition and that the accession registers or lists, as the case may

be are up-to-dated. Any deficiencies will at once be brought to the notice of the court to which he is subordinate.

16. Once a year, as soon after the 1st January as possible, every presiding officer of a civil court shall submit through the District and Sessions Judge for the orders of the High Court, a list of books and publications which he thinks should be weeded out of his library. 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 head "XXI-Administration of Justice - Miscellaneous." All books sold to private persons must be endorsed 'sold' with signature on the title page. Care must be taken by all concerned that no book is suggested for weeding out unless it is quite clear that it is of no use and that orders by the High Court for the sale of weeded out books is subject to the condition that the books are not of any use to other courts or officers in the District Criminal courts will act in this matter as provided in Chapter 7 of the District Office Manual.

17. The books in the library of every court shall be checked annually in the month of March by the Presiding Officers who shall report the result thereof to the District and Sessions Judge. The District and Sessions Judge shall then by the 31st of the same month, report to the High Court the result of the check including that of his own Court. All presiding Officers should remember that these annual inspections must not be performed perfunctorily. ^[1]

18. Personal responsibility must be fixed for all losses of books and in doing so regard shall be paid whether the rules for the care, custody and checking of books have or have not been observed by all concerned. The State Government have decided that they will not hesitate to recover the cost of missing books from those concerned where the loss is found to be due to any failure even on the part of a presiding officer, to comply with rules. It will only be when personal responsibility is not enforceable that losses will be written off by the High Court where District and Sessions Courts and ^[1] courts subordinate thereto.

19. Inspecting Officers should be careful to satisfy themselves that the accession registers or lists prescribed in these rules or in the District Office Manual, as the case may be in regard to a Civil Court or a Criminal Court, respectively are properly kept up, that the books, Acts and periodical publications are complete and in good condition, and that where Acts and periodical publications are required by these rules to be bound, they are duly bound into volumes

[2][Appendix]

^[1] Substituted vide Correction Slip No.49 dated 17.9.1976.

^[2] Omitted vide Correction Slip No.49 dated 17.9.1976.

RULES AND ORDERS OF THE PUNJAB HIGH COURT

VOLUME IV

Canons of Judicial Ethics.

In 1953 the High Court issued the following circular letter to all District and Sessions Judges in the Punjab and Delhi and forwarded a set of rules for the guidance of all Judicial Officers.

I am desired by the Honorable the Chief Justice and Judges to forward herewith a set of rules framed by this Court for the information and guidance of all judicial officers. These rules have not been framed in exercise of powers conferred by any statute and must, therefore, be regarded as canons for professional conduct of judicial officers. They should be used as a reminder for judges and as indicating what the people have a right to expect from them. They are being issued as a general guide, but the enumeration of particular duties should not be construed as a denial of the existence of others equally imperative though not specifically mentioned. It is of the utmost importance that the public should have absolute confidence in the integrity and impartiality of judicial officers.

These canons of ethics should be deemed to be in addition to and not in derogation of the Government Servants Conduct Rules.

As justice delayed is justice denied, I am to request that all judicial officers should be asked to dispose of the cases pending in their Courts as early as possible. In this connection, I am to invite a reference to this Court's demi-official circular letter No. 11733-E/IX-A 16, dated the 15th December, 1949.

1. *Relations of the Judiciary.*—The assumption of the office of judge casts upon the incumbent duties in respect to his personal conduct which concern his relation to the state and its inhabitants, the litigants before him, the principles of law, the practitioners of law in his court, and the witnesses, jurors, assessors and attendants who aid him in the administration of its functions.

2. *The public interest.*—Courts exist to promote justice, and thus to serve the public interest. Their administration should be speedy and careful. Every judge should at all times be careful in his decisions and in the conduct of the business of the court, so far as he can, to make it useful to litigants and to the community. He should avoid unconsciously falling into the attitude of mind that the litigants are made for the courts instead of the courts for the litigants.

3. *Constitutional Obligations.*—It is the duty of all judges in this country to support the Constitution of India; in so doing, they should secure to the citizens of India the fundamental rights which have been guaranteed to them.

4. *Avoidance of Impropriety.*—A judge's official conduct should be free from impropriety and the appearance of impropriety ; he should avoid infractions of law ; and his personal behaviour, not only in court and in the performance of judicial duties but also in his everyday life, should be beyond reproach.

5. *Essential conduct.*—He should be temperate, attentive, patient, impartial, and, since he is to administer the law and apply it to the facts, he should be studious of the principles of the law and diligent in endeavouring to ascertain the facts.

6. *Industry.*—He should exhibit an industry and application commensurate with the duties imposed upon him.

7. *Promptness and punctuality.*—He should be prompt and punctual in the performance of his judicial duties, recognising that the time of counsel, litigants, and jurors is of value and that habitual lack of punctuality on his part justifies dissatisfaction with the administration of the business of the Court.

8. *Court Organisation.*—He should organise the Court with a view to the prompt and convenient despatch of its business and he should not tolerate abuses and neglect by clerks, and other assistants who are some-times prone to presume too much upon his good natured acquiescence by reason of friendly association with him.

It is desirable too that he should co-operate with other judges of the same court, and in other courts, as members of a single judicial system, to promote the more satisfactory administration of justice.

9. *Consideration for Jurors and others.*—He should be considerate of counsel, jurors, assessors, witnesses and others in attendance upon the court.

10. *Courtesy and Civility.*—He should be courteous to counsel, especially to those who are young and inexperienced and also to all others appearing or concerned in the administration of justice in the Court.

He should also require, and, so far as his power extends, enforce on the part of clerks, court officers and counsel, civility and courtesy to the court and to jurors, assessors, witnesses, litigants and other having business in the court.

11. *Unprofessional Conduct of Counsel.*—He should utilize his opportunities to criticise and correct unprofessional conduct of Counsel, brought to his attention ; and, if adverse comment is not a sufficient corrective, should report the matter at once to the High Court.

12. *Appointees of the judiciary and their Allowances and fees.*—Trustees receivers, liquidators, guardians and other persons appointed by a judge to aid in the administration of justice should have the strictest probity and impartiality and should be selected with a view solely to their character and fitness. The power of making such appointments should not be exercised by him for personal, partisan or communal advantage. He should not permit his appointment to be controlled by others than himself. He should also avoid nepotism and undue favouritism in his appointments.

While not hesitating to fix or approve just amounts, he should be most scrupulous in granting or approving compensation for the services or charges of such appointees to avoid excessive allowances or fees, whether or not expected to or

complained of. He cannot rid himself of this responsibility by the consent of counsel.

13. *Kinship or influence*.—He should not deal with a suit, appeal or application or act in a controversy where a near relative is a party; he should not suffer his conduct to justify the impression that any person can improperly influence him or unduly enjoy his favour, or that he is affected by the kinship, rank, position or influence of any party or other person.

14. *Independence*.—He should not be swayed by partisan or communal demands, public clamour or considerations of personal popularity or notoriety, nor be apprehensive of unjust criticism.

15. *Interference in conduct of trial*.—He may properly intervene in a trial of a case to promote expedition, and prevent unnecessary waste of time, or to clear up some obscurity, but he should bear in mind that his undue interference, impatience, or participation in the examination of witnesses, or a severe attitude on his part toward witnesses, especially those who are excited or terrified by the unusual circumstances of a trial may tend to prevent the proper presentation of the cause, or the ascertainment of the truth in respect thereto.

Conversation between the judge and counsel in court is often necessary but the judge should be studious to avoid controversies which are apt to obscure the merits of the dispute between litigants and lead to its unjust disposition. In addressing counsel, litigants, or witnesses, he should avoid a controversial manner or tone.

He should avoid interruptions of counsel in their arguments except to clarify his mind as their positions, and he should not be tempted to the unnecessary display of learning or a premature judgment.

16. *Ex parte applications*.—He should discourage *ex parte* hearings of applications for injunctions and receiverships where the orders may work detriment to absent parties; he should act upon such *ex parte* application only where the necessity for quick

action is clearly shown; if this be demonstrated, then he should endeavour to counteract the effect of the absence of opposing counsel by a scrupulous cross-examination and investigation as to the facts and the principles of law on which the application is based, granting relief only when fully satisfied that the law permits it and the emergency demands it. He should remember that an injunction is a limitation upon the freedom of action of defendants and should not be granted lightly or inadvisedly. On applying for such relief must sustain the burden of showing clearly its necessity and this burden is increased in the absence of the party whose freedom of action is sought to be restrained even though only temporarily.

17. *Ex parte Communications*.—He should not permit private interview, arguments or communications designed to influence his judicial action except in cases where provisions is made by law for *ex parte* application.

He should not permit the contents of written arguments presented to him to be concealed from opposing counsel. Ordinarily all communications of counsel to the judge intended or calculated to influence action should be made known to opposing counsel.

18. *Continuances*.—Delay in the administration of justice is a common cause of complaint; counsel are frequently responsible for this delay. A judge, without being arbitrary or forcing cases unreasonably or unjustly to trial when unprepared, to the detriment of parties, may well endeavour to hold counsel to a proper appreciation of their duties to the public interest to their own clients, and to adverse party and his counsel, so as to enforce due diligence in the despatch of business before the Court.

19. *Judgements and Orders*.—In disposing of controverted cases, a judge should indicate the reasons for his action in an order showing that he has not disregarded or overlooked serious arguments of counsel. He thus shows his full understanding of the case, avoids the suspicion of arbitrary conclusion, promotes confidence in his intellectual integrity and may contribute useful precedent to the growth of the law.

It is desirable that Courts of Appeal or Revision in remanding cases to granting new trials should so indicate their views on questions of law argued before them and necessarily arising in the controversy that upon the new trial counsel may be aided to avoid the repetition of erroneous positions of law and shall not be left in doubt by the failure of the court to decide such questions.

Without departing substantially from the principles enunciated above Judges should endeavour to see that their Judgements and orders are as clear and concise as the circumstances of the case permit.

20. *Adherence to Law.*—A judge should be mindful that his duty is the application of general law to particular instances, that ours is a Government of Law and not of men, and that he violates his duty as a judicial officer under such a system if he seeks to do what he may personally consider substantial justice in a particular case and disregards the general law as he knows it to be binding on him. He should administer his office with a due regard to the integrity of the system of the law itself, remembering that he is not a depositary of arbitrary power, but a judge under the sanction of law.

21. *Idiosyncrasies and Inconsistencies.*—Justice should not be moulded by the individual idiosyncrasies of those who administer it. A judge should adopt the usual and expected method of doing justice, and not seek to be extreme or peculiar in his judgments, or spectacular or sensational in the conduct of the court. Though vested with discretion in the imposition of mild or severe sentences he should compel persons brought before him to submit to some humiliating act or discipline of his own devising, without authority of law, because he thinks 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 either by exceptional severity or undue leniency.

22. *Business promotions and Solicitations for Charity.*—He should avoid giving ground for any reasonable suspicion that he

is utilizing the power or prestige of his office to persuade or coerce others to patronize or contribute, either to the success of private business ventures, or to charitable enterprises. He should, therefore, not enter into such private business, or pursue such a course of conduct, as would justify such suspicion, nor use the power of his office or the influence of his name to promote the business interests of others; he should not solicit for charities, nor should he enter into any business relation which, in the normal course of events reasonably to be expected, might bring his personal interest into conflict with the impartial performance of his official duties.

23. *Personal Investments and Relations.*—He should abstain from making personal investments in enterprises which are apt to be involved in litigation in the court; and, after his appointment as a judicial officer, he should not retain such investments previously made, longer than a period sufficient to enable him to dispose of them without serious loss. It is desirable that he should, so far as reasonably possible refrain from all relations which would normally tend to arouse the suspicion that such relations warp or bias his judgment, or prevent his impartial attitude of mind in the administration of his judicial duties.

He should not utilize information, coming to him in a judicial capacity, for purposes of speculation; and it detracts from the public confidence in his integrity and the soundness of his judicial judgement for him at any time to become a speculative investor upon the hazard of a margin.

24. *Executorships and Trusteeships.*—A judge should not accept or continue to hold any fiduciary or other position if the holding of it would interfere or seem to interfere with the proper performance of his judicial duties, or if the business interests of those represented require investments in enterprises that are apt to come before him judicially, or to be involved in question of law to be determined by him.

25. *Participation in Politics.*—While entitled to entertain his personal views of political questions, and while not required to surrender his rights or opinions as a citizen, it is inevitable that suspicion of being warped by political bias will attach to a judge

who becomes the active promoter of the interests of one political party as against another. He should avoid making political speeches, making or soliciting payment of contributions to party funds or participation in party politics.

26. *Self-interest.*—He should abstain from performing or taking part in any judicial act in which his personal interests are involved.

27. *Gifts and Favours.*—He should not accept any presents or favours from litigants or from lawyers practising before him or from others whose interests are likely to be submitted to him for judgment.

28. *Social Relations.*—It is not necessary to the proper performance of judicial duty that a judge should live in retirement or seclusion; it is desirable that, so far as reasonable attention to the completion of his work will permit, he continue to mingle in social intercourse. He should, however, in pending or prospective litigation before him be particularly careful to avoid such action as may reasonably tend to awaken the suspicion that his social or business relations or friendships, constitute an element in influencing his judicial conduct.

29. *A Summary of Judicial obligation.*—In every particular his conduct 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 performances of his judicial duties, nor should he administer the office for the purpose of advancing his personal ambitions or increasing his popularity.

30. *Dress of Judicial Officers and Lawyers and Advocates.*—The dress of the Presiding Officer should be in keeping with the dignity of his office. Shorts and shirts-sleeves are quite unsuitable for the Presiding Officer of a Court. Subordinate Judges and Magistrates should wear a white shirt, black coat and necktie and grey or white trousers. The necktie will not be

worn with a high collared coat. Tehsildars and Naib-Tehsildars are not required to wear black coats or any particulars design or colour of clothes.

^[1]District and Sessions Judges and Additional District and Sessions Judges should wear a white shirt and white bands, black coat and grey or white trousers.

^[2]The Judicial Officers who wear turbans shall be required to wear white or off white (motia) coloured turbans while functioning in the Courts.

^[3]The lady Judicial Officers should wear white sari with black blouse or white shirt and white shalwar, and black coat.

^[3]During the period from 15th April to 15th September, each year, the wearing of coat by Judicial Officers of the Subordinate Courts and Advocates appearing before them is optional.

^[4]Advocates appearing in subordinate Court should wear white shirts, black coats and grey or white trousers. A black necktie or white bands must be worn with the open neck style coat.

EXPLANATION:-For the purposes of this rule, 'Advocates shall include District/Assistant District Attorneys, Public Prosecutors, Government Pleaders and other persons entitled for the time being to practice as Legal Practitioners.

Prosecuting Deputy Superintendents of Police, Prosecuting Inspectors of Police and Prosecuting Sub-Inspectors of Police appearing in subordinate Courts should wear white shirts, black coats and grey or white trousers. A black necktie must be worn with an open neck style coat.

[1] Amended vide Correction Slip No. 88 Rules/II.D4 dated 03.04.1992

[2] Inserted vide Correction Slip No. 75 Rules/II.D4 dated 22.04.1985

[3] Added vide Correction Slip No. 88 Rules/II.D4 dated 03.04.1992

[4] Substituted vide Correction Slip No. 26 dated 20.02.1968

^[1]31. No judicial officer shall except with the previous sanction of the High Court participate in television programme or discussion.

^[1]32. No judicial officer shall participate in Radio Broad Cast or contribute an article or write a letter to a newspaper or periodical or publish a book on any subject without the prior permission/sanction of the High Court.

[1] Added vide Correction Slip No. 94 dated 28.03.1995

CHAPTER 1

SUPERINTENDENCE AND CONTROL

PART I—GENERAL

PART A—SUPERVISION AND CONTROL

In subsequent chapters, instructions are given on various matters connected with the supervision and control to be exercised by Judicial Officers generally over the ministerial establishments attached to their courts, and by controlling officers over subordinate Judicial officers. A few general directions on the subject are here given for observance.

Preamble.

2. Controlling courts are required to exercise an active and continuous supervision over subordinate courts in regard to all matters affecting the judicial administration and are not relieved of responsibility in regard to anything which may be found to be in an unsatisfactory state, unless they can show that they have done all that may reasonably be expected of them to have the directions of the High Court enforced and to prevent the occurrence of irregularities.

Supervision by controlling courts in executive matters.

3. In regard to judicial business District Magistrates and District Judges are not responsible merely for a proper distribution of work amongst the courts, and for the disposal of appeals, but are required to see that subordinate courts follow the prescribed procedure in all their proceedings and are not left without guidance in matters in which they may be found to be at fault or to be in want of instruction. The supervision to be exercised over inexperienced officers and officers in training should be specially vigilant and thorough, and their work should be watched with kindly interest, guidance being afforded them on all proper occasions.

Supervision by controlling courts in judicial work.

Appellate Courts should point out to lower Courts errors and irregularities.

4. It is very desirable that appellate courts should, apart from disposing of appeals judicially, bring to the notice of subordinate courts errors or irregularities in procedure which may be observed in the course of hearing appeals. Unnecessary adjournments; undue delay in disposing of cases; omission to hear cases on the days fixed; too harsh a use of the summary procedure allowed by law in cases in which defaults in attendance, or in producing evidence or the like, occur; failure to examine thoroughly the parties and to arrive at an intelligent appreciation of the points in dispute, and similar matters should always be brought to the notice of officers concerned in a note or memorandum separate from the judgment.

Presiding officer to acquaint himself with the Rules and Orders of High Court and to exercise supervision over the staff.

5. Every Judicial officer is required to make himself acquainted with the law which he has to administer, and with the Rules and Orders of the High Court, and also to supervise the work of the ministerial officers attached to his court.

6. Presiding Officers of Courts should observe regular Court hours; serious notice will be taken of habitual unpunctuality. The attention of District and Session Judges and District Magistrates is drawn to the necessity of seeing that the officers subordinate to them are punctual in attending courts and to paying surprise visits, where necessary, to satisfy themselves. Periodical reports will not be made and a reference to the High Court will only be required if a report about a particular officer is necessary.

Court hours for Honorary Magistrates.

7. Honorary Magistrates or Benches of Honorary Magistrates in Delhi shall hold Court during the hours prescribed by the District Magistrate, Delhi and which should ordinarily be within the hours fixed for the sittings of Stipendiary Magistrates. These hours shall not be changed without the previous sanction of the District Magistrate. A copy of the order of the District Magistrate fixing the Court hours shall be affixed to the notice board outside the Court house for the information of the public.

PART B—PECUNIARY CONTROL

1. The presiding officer of every court is responsible 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 be careful to bring home this responsibility to officers serving under them. See also in this connection paragraph 7 of Volume I, Chapter 12-A.

Responsibility of presiding officer for proper accounting and application of money and property received.

2. It is the duty of the presiding officers of Courts to make adequate arrangements for the receipt of money orders during their absence on casual or vacation leave and they will be held responsible for seeing that money so received is duly brought to account in the treasury.

Receipt of money orders during absence of presiding officer.

3. Presiding officers are prohibited from accepting cheques from private persons in lieu of cash as cheques are not legal tender. The State Bank of India can accept cheques on clearing banks only for credit of Government accounts.

Prohibition against receipt of cheques from private persons.

4. Special vigilance is necessary in supervising the pecuniary transactions of the courts, and the accounts and registers of subordinate courts should be frequently and carefully inspected by controlling officers.

Supervision of pecuniary transactions by controlling officers.

5. (a) Whenever a defalcation in the accounts of any court is brought to light or any loss of public money is discovered the fact should be forthwith reported and an inquiry instituted. When the matter has been fully inquired into, a further and complete report should be submitted explaining the nature and extent of the loss and the prospects which exist of effecting a recovery of the amount, whether in part or in whole. The report should further state the nature of the error or neglect of rules by which such defalcation was rendered possible and the names of the officers directly or indirectly responsible.

Defalcation in accounts or loss of public money should be reported.

(b) Reports will be submitted by the Senior Sub-Judge, or Judge, Small Cause Court (as the case may be), through the District and Sessions Judge, and by the latter (in regard to their own courts direct) to the High Court. Copies of such reports will also be forwarded to the Accountant-General, Punjab, when the loss involved exceeds Rs. 200 or presents important features which merit detailed investigation and consideration, as required by rule 2.34 of the Punjab Financial Rules, Volume I.

Directions as to receipt of money and property. Security to be taken from officials.

6. It should be remembered that the Government is responsible to the public for the proper application and disposal of all money and property received by public officers in the discharge of their duties as such. It is therefore desirable that money and property should in every case be received by or in the presence of a Judicial officer competent to deal with it, and that the person who delivers such money or property to the court, or from whom it is taken in due course of law, should be granted a proper acknowledgment, on the prescribed form, signed by such Judicial officer or by a responsible officer authorized by Government in that behalf. The Government cannot hold itself liable for claims based on receipts on manuscript forms granted by unauthorized or irresponsible subordinate officials. Clerks of District Courts, Registrars of Small Cause Courts and Civil Nazirs are authorized to conduct certain pecuniary transactions, under the supervision and on the responsibility of the Judicial officer under whom they serve, but their action should be closely watched. The orders in regard to the security to be taken from all ministerial officers of the Judicial Department entrusted with duties of a pecuniary nature should be rigidly enforced. If any official is not able to furnish security in a lump-sum, it can be deducted from his pay in installments as provided in paragraph 3 of Chapter 18-C of High Court Rules and Orders, Volume I.

Cancellation of stamps. Detection of fraud to be reported to High Court.

7. It is the duty of the presiding officers of every court to supervise the cancellation, according to law of court-fee stamps and labels attached to complaints, appeals, complaints,

petitions and applications filed in his court or received on account of process-fees. Section 30 of the Court fees Act provides that no document requiring a stamp shall be filed or acted upon in any proceedings in any court or office until the stamp has been cancelled. Cancellation is to be effected by punching out the figure head, so as to leave the amount designed on the stamp untouched, and the part removed by punching must be burnt or otherwise destroyed. The rules on the subject made by the High Court will be found in Chapter 4 of this volume. These rules must be strictly observed in order to prevent fraud. Unless labels are properly cancelled, they may be removed from the documents to which they are attached and used again. Several instances have come to light in which court-fee labels have been removed from records, or otherwise tampered with, and controlling officers should exercise vigilant supervision in the matter. Where any frauds come to light, they should be forthwith brought to the notice of the High Court.

8. Attention is drawn to Article I, Civil account Code, Volume I, as amended by correction slip No. 8, dated the 1st April, 1935 read with Treasury Order 7, reproduced in Appendix 8-C *ibid*, under which all moneys received by a Government servant in his official capacity as dues of Government, or for deposit in the custody of Government, must without undue delay be paid into the Treasury on the same day or on the morning of the next day at the latest as a revenue or civil court deposit according to rules applicable to such deposits.

Instructions regarding deposit of money received by a Government servant.

9. Attention is drawn to the orders contained in Article 17 of the Civil Account Code Volume I, under which drawers of bills and controlling officers can be called upon to make good the losses incurred by Government on account of over payments of pay and allowances caused by lack of supervision.

Responsibility for loss on account of over-payment of pay, etc.

10. Rules relating to the supply of liveries, summer clothing, belts cross belts, badges and warm clothing are

contained in Appendix 16, Punjab Financial Rules, Volume II (1940 edition).

For the supply of belts and badges to bailiffs and process-servers, *see* paragraph 8 of Chapter 6-A of this Volume.

PART C—INSPECTION OF SUBORDINATE COURTS

(The instructions contained in this Chapter do not apply to the Union territory of Delhi)

1. A portion of the civil and criminal work of each subordinate district court should be regularly examined and criticised each month by the District and Sessions Judge, who should so far as circumstances permit, keep himself acquainted with the working of the courts subordinate to him, and comment on any irregularities which may come to his notice. The registers of subordinate courts should also be periodically inspected.

Monthly inspection of subordinate Courts by District and Sessions Judge.

2. When examining the records of subordinate Courts inspecting officers should particularly note the number of adjournments granted in any case, and the reasons for them; if it is found that adjournments are granted unnecessarily, the presiding officer of the court concerned should at once be warned, and, if the practice continues, a report should be made to the High Court.

Duty of Inspecting officers to see that unnecessary adjournments are not granted.

3. In districts not visited by the ^[1]Administrative Judge, the District and Sessions Judge should inspect the courts of Subordinate Judges and Magistrates and forward copies of inspection notes to the High Court.

Inspection by District Judge in districts not visited by the ^[1]Administrative Judge.

4. In districts which are visited by the ^[1]Administrative Judge the District and Sessions Judge should report on those Subordinate Judges and Magistrates outside headquarters who are not inspected by the ^[1]Administrative Judge.

Inspection by District Judge in districts visited by the ^[1] Administrative Judge.

5. As the inspection of Subordinate Courts usually takes place in the cold weather, the report should reach the High Court by the 1st May. The inspection notes, which should be as brief as possible, should be on the lines of the ^[1]Administrative Judge's notes and should be type-written.

Date and scope of inspection notes.

[1] Substituted vide Correction Slip No. 126 Rules/II.D4 dated 23.11.2002

High Court shall receive amount report as to work of every judicial Officer.

6. In this way the High Court will receive annually a report on the work of each Judicial Officer as inspected by the ^[1]Administrative Judge or the District Judge.

Inspection by the District Magistrates and sub-Divisional Magistrates.

^[2]7. The Chief Judicial Magistrate may call for and examine the record of any proceedings before any inferior Criminal Court as provided in Section 435 of Code of Criminal Procedure.

Inspection of Tehsildar's Courts.

8. The orders requiring the annual inspection of civil courts do not, however, apply to the civil work of tahsildars and naib-tahsildars who are *ex-officio* Subordinate Judges but rarely exercise these powers. It is desirable, however (though not essential), that the work of those tahsildars who do more than a nominal amount of civil work should be inspected every two years or so, subject to the condition that no extra expenditure is incurred. In the case of a tahsildar who does a fair amount of civil work and is stationed at a place which it is impossible to visit without making a special journey, the special sanction of the High Court must be obtained in advance and will normally be granted, funds permitting, but not more often than once in two years.

9. List of suitable subjects for inquiry will be found in Chapters 2 and 3 relating to the Superintendence and Control of Civil and Criminal Courts, respectively.

Inspection by presiding officer.

^[3]10. The importance of careful supervision of registers and pending files by presiding officers can hardly be exaggerated.

On the first working day in the second week of the months of January, April, July and October, every District and Sessions Judge/Additional District and Sessions Judge/Assistant Sessions Judge, Judge Small Cause Court, Subordinate Judge and Judicial Magistrate shall carry out regular inspection of his own court and shall fix no judicial work for those days.

[1] Substituted vide Correction Slip No. 126 Rules/II.D4 dated 23.11.2002

[2] Substituted vide Correction Slip No. 28 dated 16.07.1968

[3] Substituted vide Correction Slip No. 28 dated 16.07.1968

^[1]11. He shall inspect in detail the work of the ministerial staff and the registers and shall, in particular, look through the oldest files pending and see whether any unnecessary delay has occurred or wrong orders have been passed. He should check all old registers preserved in his court, report any losses that have occurred and arrange for the destruction of all registers liable to be destroyed. The inspection shall be made as early as possible in accordance with the instructions contained in Chapter 2-B or chapter 3-B, as the case may be, of this Volume. The Presiding Officer shall then write a detailed inspection note on the lines of the ^[2]Administrative Judges' note. The quarterly inspection notes shall give the following information :-

- (1) Number of old cases of each category at the end of the preceding quarter.
- (2) Number of old cases of each category at the end of the quarter in respect of which a report is recorded.
- (3) If the number of old cases shows an increase the cause or causes of the increase should be indicated.
- (4) Histories of five oldest cases of each category.
- (5) Disposals (in terms of civil appeals where necessary) for each month in the quarter.

This note shall be submitted by the Chief Judicial Magistrate, Judge Small Cause Court, a Subordinate Judge and a Judicial Magistrate to the District & Sessions Judge. The District & Sessions Judge shall submit to the High Court the inspection note of his own court and those of Additional District & Sessions Judges and Assistant Sessions Judges and shall verify that they are complete in all respects-The District & Sessions Judge need not submit to the High Court the inspection note of the Chief Judicial Magistrate, Judge Small Cause Court, Subordinate Judge, and a Judicial Magistrate, but he shall submit a report on their work to the High Court.

[1] Substituted vide Correction Slip No. 28 dated 16.07.1968

[2] Substituted vide Correction Slip No. 126 Rules/II.D4 dated 23.11.2002

Work of predecessor not to be criticised.

12. The presiding officers shall not criticise the work done by their predecessors but shall confine their criticism to the period during which cases were dealt with by them.

Inability to inspect on the date fixed.

13. If any officer is unable to make an inspection of his own court on the prescribed date, he shall do so as soon as possible thereafter and, in any case, in the month in which the inspection should have been made.

PART D—REPORTS ON THE WORK OF JUDICIAL OFFICERS.

^[1][-]

1. The orders regarding the maintenance of character rolls do not apply to judicial officers, on whose work and character a report is submitted with the annual reports on “Civil and Criminal Justice”.

Reports on the work of judicial officers.

^[2]2. (1) The personal files of all Subordinate Judges/Judicial Magistrates in the District shall be written by the District and Sessions Judge.

Personal files of judicial Magistrates etc., to be written by District and Session Judge.

^[3](2) District and Sessions Judges are required to forward to the High Court a report on the services and character of the work performed by every Judicial Officer working under them during the twelve months ending 31st of March.

Reporting authorities and period covered by the report.

District Magistrates are required to forward a report on the services and character of such I.A.S. and P.C.S./H.C.S (Executive Branch) Officers working under them as have been exercising magisterial powers during the 12 months ending 31st of March.

(3) It should be noted that reports are now required for the financial and not for the calendar year.

^[4]3. “Reports on the Magisterial work of the officers of the Indian Administrative Service and Punjab and Haryana Civil Services (Executive Branch) must be submitted by the District Magistrate in duplicate through the District and Sessions Judge to the Registrar of the High Court. Before forwarding the reports of the District Magistrate, the

List of Officers about whom and the authority to whom reports are to be submitted.

[1] The words “*The instructions contained in this Chapter do not apply to the Union Territory of Delhi*” deleted vide Correction Slip No. 30 Rules/II.D.4 dated 05.06.1969.

[2] Substituted vide Correction Slip No. 30 Rules/II.D.4 dated 05.06.1969.

[3] Substituted vide Correction Slip No. 30 Rules/II.D.4 dated 05.06.1969.

[4] Substituted vide Correction Slip No. 30 Rules/II.D.4 dated 05.06.1969.

District and Sessions Judge shall record his comments or remarks, if any, in respect of each officer. The Registrar will then with the approval of the Chief Justice, forward one copy of such report to the Government concerned and retain the other copy in the High Court Record.

^[1]The District and Sessions Judge shall record a report about the magisterial work of the District Magistrate/District Magistrates working in his Sessions Divisions and submit the same in duplicate to the High Court where they will be dealt with in the same manner as the reports concerning the magisterial work of the Officers of the Indian Administrative Service and Punjab and Haryana Civil Services (Executive Branch) as indicated above.

Recommendations for the grant of commendatory letters to those Judicial Officers who have done exceptionally good work should be sent to the Registrar, High Court with the annual reports on the work of the officers of the Punjab/Haryana Civil Service (Judicial Branch). Such recommendations should be made sparingly as only a limited number of letters are issued for the whole State and should be contained in separate letters and not in the body of the annual reports.

Reports on the working of all Judicial Officers originate with the District and Sessions Judge, these remarks and reports must be submitted regularly and punctually and with due attention to the instructions printed on the prescribed form. In the case of probationers, the District and Sessions Judge shall forward his comments on their working, character and conduct every six months to the High Court. Before forwarding the said reports, he must inspect their Courts and gather all possible information to Judge their suitability for confirmation.

[1] Inserted vide Correction Slip No. 37/Rules/II.D.4 dated 28.08.1971.

4. Reports on the magisterial work of Tahsildars and Naib-Tahsildars shall be submitted by the District Magistrate to the Sessions Judges who shall forward the same with their own remarks to the Commissioners of Division. They should not be forwarded to the Registrar of the High Court.

Reports about
Tahsildars and
Naib-Tahsildars.

Reports on the Civil judicial work of Tahsildars and Naib-Tahsildars, who have been invested with civil powers shall be made by the District Judge in the form of a letter addressed to the Commissioner of the Division concerned enclosing therewith the opinion of the Senior Subordinate Judge or other Subordinate Judge who has had occasion to judge the work of and express opinion on the office concerned. These reports also need not be forwarded to the Registrar of the High Court.

^[1]Provided that in case there is any adverse report against the Tehsildar or the Naib Tehsildar by the District Magistrate or the District and Sessions Judge with regard to his magisterial work a copy of the same should be forwarded to the High Court.

5. Whenever a District and Sessions Judge ^[2][-] is transferred after spending not less than six months in a district he should invariably leave on record his opinion of the judicial work of all officers who have worked under his control for not less than six months in the year and these opinions should be used by his successor in compiling the final report.

Reporting authority to record his opinion on transfer. Report about officers who have served for less than 3 months in the districts.

If an officer has served under the reporting authority for less than three months in the case of a report on criminal work and six months in the case of a report on civil work the officer under whom he has previously served should be consulted and his opinion incorporated in the report, care being taken to indicate how far the replies to the questions

[1] Added vide Correction Slip No. 30 Rules/II.D.4 dated 05.06.1969.

[2] The words "or a District Magistrate" are deleted vide Correction Slip No. 30 Rules/II.D.4 dated 05.06.1969.

are based on personal knowledge and how far on reports of other officers.

An officer may, if he has not done so previously, record remarks on the confidential files of officers subordinate to him within six months of his relinquishing charge of his post.

^[1]A District and Sessions Judge after his retirement from service shall not be competent to record confidential remarks on the work and conduct of Judicial Officers, who worked under him. However, a District and Sessions Judge, before relinquishing the charge of his post on retirement, shall record his remarks on the work and conduct of the officers who worked under him for a period of not less than 3 months, if he has not already recorded such remarks for the reporting year in which he retires.

^[2]6. Office copies of annual confidential reports on the work of Judicial Officers need not be kept by the District and Sessions Judges for more than five years. After this period the office copies should be destroyed. Great care should be taken to keep these office copies strictly confidential until the time comes to destroy them; they must be kept in the personal custody of the District and Sessions Judge and should on no account be sent at any stage to the office.

7. When the reporting authority is related to the officer to be reported on, the following instructions should be followed:-

- (a) When the reporting officer is the first reporting authority he should be competent to record his remarks, but while doing so he should clearly mention that he is related to the officer reported on and bring out the exact nature of relationship.

[1] Added vide Correction Slip No. 71 Rules/II.D.4 dated 03.05.1983

[2]Substituted vide Correction Slip No. 30 Rules/II.D.4 dated 05.06.1969

Reports to be kept confidential and office copies destroyed after 5 years.

Procedure when reporting authority is related to the officer to be reported on.

- (b) When the reporting officer is not the original reporting authority he need not normally write any remarks. If, however, he feels that for some reasons he must enter remarks he should while doing so, act as under (a) above.

(Punjab Government letter No. 6895-G-55/35774, dated the 16th June, 1955)

8. The revised forms prescribed for the annual confidential reports on the magisterial and civil judicial work of officers are reproduced in the annexure to this Part.

Forms prescribed to be used.

^[1]9. The column relating to integrity in these forms should be filed in with great care. Entries like 'no complaints' are not helpful in forming a true estimate of the officer reported on. The Hon'ble Judges view with disfavour the practice of making such non-committal remarks and desire that in future reporting officers should give a definite opinion on the integrity of their subordinate staff while writing their confidential reports.

Care to be exercised in recording remarks relating to integrity.

Instances have come to the notice of the Hon'ble Judges in which officers are being proceeded against for serious forms of corruption on the one hand, and, on the other hand, their confidential reports for the same period certify their integrity to be good. It is felt that contradictions of this type arise only because reporting officers are failing in their duty to make entries in the column relating to 'integrity' forthrightly and without hesitation. In case an officer has been given a good report for integrity, which is later proved to be wrong, the reporting officer will run the risk of earning Hon'ble Judges' displeasure. Ordinarily the interference would be that either he did not exercise proper supervision or he was in dishonest collusion with his subordinate. The intention of Hon'ble Judges is that the truth about subordinates should be known to reporting officers and brought to the notice of higher authorities. This would not justify the entering of ill-considered remarks based on inadequate observations.

(Punjab Government letter No. 8588-G(C)-56/73580, 11533-GI(S)-56, dated the 4th October, 1956)

[1] Words "The Government" are substituted by the words "The Hon'ble Judges" vide Correction Slip No. 30 Rules/II.D.4 dated 05.06.1969.

ANNEXURE

Stereo F.C. No. 381-H.C.

Confidential report on the magisterial work of officers of the Indian Administrative Service, i.e., Assistant Commissioners and Deputy Commissioners, Punjab Civil Service (Executive Branch) for the year ending 31st March, 19____.

Name of officers reported on _____

Appointment held _____

Total length of service in the I.A.S./P.C.S. _____

Name of reporting officers (1) _____
District Magistrate.

(2) _____
Sessions Judge.

(3) _____
High Court.

Period spent in the _____ District/Sub-Division _____

Powers exercised {

Instructions :-

(1) This report is (1) Sessions Judge on April 2nd due with the _____

(2) Registrar, High Court, on April 21st _____

(3) Government, on June 1st each year.

(2) If the work on which the officer is employed is specially important or arduous, the fact should be stated.

(3) No reporting officer should record his remarks in the confidential report of an officer under him unless he has seen his work and conduct for at least three months. If the officer has served under the reporting authority for less than 3 months, the opinion of the officer under whom he has previously served should be incorporated in the report care being taken to indicate how far the opinions expressed are based on personal knowledge and how far on reports of other officers.

(Punjab Government letter No. 9468-G-56/16804, dated the 21st April, 1956, to all District Magistrates and District and Sessions Judges, etc.)

- (4) In writing up this report the instructions regarding communication of adverse remarks and issue of letters of appreciation contained in paragraph (D) of Punjab Government confidential letter No. 9026-G-51/1-6544, dated 4th December, 1951, to all Deputy Commissioners and District and Sessions Judges in Punjab should not be overlooked.
- (5) In order to make this report more informative instructions contained in paragraph (C) of the Punjab Government confidential letter mentioned at (4) above should be carefully observed.
- (6) The reporting officer should state the period for which the officer reported on has served under him. *(Punjab Government unofficial reference No. 4519-G-41, dated the 29th April, 1942).*
- (7) When the reporting authority is related to the officer reported on, the instructions contained in Punjab Government letter No. 6895-G-55/35774, dated the 16th June, 1955, to all Sessions Judges and District Magistrates in Punjab should be followed.

(The reports should first comment generally on the way in which the officer has carried out his various duties during the year and should give an estimate of his personality, character and abilities, making particular mention of his integrity and freedom from communal bias and his relations with his fellow officers and the general public. It should contain an opinion on any point specially required at any particular time, e.g. fitness to pass an efficiency bar).

General remarks by _____

District Magistrate _____

Sessions Judge _____

High Court _____

Reports on the following specific points should be added.	Remarks by District Magistrate	Remarks by Sessions Judge	Remarks by High Court
1. Knowledge of law and procedure.			
2. Is he methodical and prompt in disposal of cases ?			
3. Are his judgments and orders well written and clearly expressed ?			
^[1] 4. (In the case of an Ilqa/Executive Magistrate) Does he make proper use of the preventive sections of the Criminal Procedure Code ?			
5. (For District Magistrates and Sub-Divisional Officers only). Is his supervision of the work of and control over the subordinate magistrates good ?			
6. Defects, if any.			

^[2][-]

Confidential report on the Civil judicial work of officers of the Punjab Civil Service (Judicial Branch) for the year ending 31st March, 19_____.

Name of officer reported on _____

Appointment held _____

Total length of service in the P.C.S. _____

Name of reporting officer _____

District and Sessions Judge.

Period spent in the _____ District.

Powers exercised {

^[3] Previous posting if any and its period in the District

Instructions :-

[1] Amended vide Correction Slip No. 30 Rules/II.D.4 dated 05.06.1969

[2] Deleted vide Correction Slip No. 30 Rules/II.D.4 dated 05.06.1969

[3] Added vide Correction Slip No. 30 Rules/II.D.4 dated 05.06.1969

- (1) This report is due with the Registrar, High Court, on April 2nd each year.
- (2) If the work on which the officer is employed is specially important or arduous, the fact should be stated.
- (3) If the officer has served under the reporting authority less than six months, the officer under whom he has previously served should be consulted and his opinions incorporated in the report; care should be taken to indicate how far the replies to the questions are based on personal knowledge and how far on reports of other officers.
- (4) In writing up this report the instructions regarding communication of adverse remarks and issue of letters of appreciation contained in paragraph (D) of Punjab Government Confidential letter No. 9026-G-51/1/6544, dated 4th December 1951, to all Deputy Commissioners and District and Sessions Judges in Punjab should not be overlooked.
- (5) In order to make this report more informative instructions contained in paragraph (C) of the Punjab Government Confidential letter mentioned at (4) above may be carefully observed.
- (6) When the reporting authority is related to the officer reported on, the instructions contained in Punjab Government letter No. 6895-G-55/35774, dated the 16th June, 1955, to all Sessions Judges and District Magistrates in Punjab should be followed.

[1]

Heads under which information is required.	Remarks by the District and Sessions Judge.	Remarks by High Court.
1. Knowledge of law and procedure. 2. Is he industrious and prompt in the disposal of cases? 3. Is his supervision of the distribution of business among and his control over, the Subordinate Courts good ? (For Senior Sub-Judges only) 4. Is he an efficient Subordinate Judge? 5. Has he maintained a reputation for honesty and impartiality during the period under report ? (Give reasons for your answer, if it is negative or doubtful) 6. Is he fit for the exercise of any enhanced power ? If so, which ? 7. Is he fit to cross the Efficiency Bar ? (This question need only be answered when it is expected to arise during the year following the report). 8. Whether the officer remains present at the Head-quarter after closing hours of the office and during the vacations or not? 9. Defects, if any. 10. Final assessment.		

[1] Substituted vide Correction Slip No. 83 Rules.II.D.4 dated 03.01.1989

PART E—ASSUMPTIONS AND RELINQUISHMENT OF
CHARGE OF APPOINTMENTS BY JUDICIAL OFFICERS

The assumption and relinquishment of charge of judicial appointments should invariably be reported to the High Court and the Accountant-General, Punjab, without delay.

Report of assumption and relinquishment of charge.

2. Relieving officer should in all cases satisfy themselves, at the time of taking over charge, that all public money or property (including books supplied) pertaining to the office or in the custody of the officer relieved or the ministerial officers of his court, is duly taken over the accounted for.

Relieving officer should see that public money and property is duly taken over.

3. When a District and Sessions Judge is transferred, the transfer of the charge report sent to the High Court should contain a note stating that the key (and the Treasurer's receipt for the duplicate key) of the iron safe provided for the custody of Wills has been taken over by the relieving officer.

Transfer of charge report and key of the safe.

4. Unless the relieving officer reports, at the time of taking charge, that any money or property is deficient, he will be held responsible for the deficiency.

Relieving officer's responsibility for deficiency.

5. Relinquishing charge report submitted to the High Court by District and Sessions Judge, Judges and Registrars of Courts of Small Causes, and Subordinate Judges should invariably be accompanied by certificates to the effect that they have written judgements in all cases in which they had heard arguments.

Certificate to accompany relinquishing charge report.

6. On the posting or transfer of a District and Sessions Judge, an Additional District and Sessions Judge, an Assistant Sessions Judge, a Judge or Registrar of a Court of Small Causes, or an Assistant Commissioner undergoing judicial training, a charge report will also be submitted promptly to the Chief Secretary to Government, Punjab.

Cases in which charge reports to be submitted to Government.

PART F—ACQUISITION AND DISPOSAL OF IMMOVABLE
AND OTHER VALUABLE PROPERTY BY JUDICIAL OFFICERS
AND THE SUBORDINATE CIVIL COURTS ESTABLISHMENT.

1. Rules relating to the acquisition and disposal of immovable and other valuable property by Government servants under the rule making powers of the Punjab Government are contained in rules 8, 9 and 10 of the Government Servants Conduct Rules, 1955, which are reproduced below :-

Rules governing
acquisition of
immovable proper-
ty.

“8. Buying and selling houses and other valuable property.—

Save in a case of transaction conducted in good faith with a regular dealer or when permitted under rule 9, a Government servant who intends to acquire or dispose of any movable or immovable property exceeding in value of Rs 200 from or in favour of any person residing, possessing immovable property or carrying on business within the local limits of the official authority of such Government servant shall declare his intention to the Government. The declaration shall state fully the circumstances, the price offered or demanded, and in the case of an acquisition or disposal otherwise than by purchase or sale, the method of acquisition or disposal, and the Government servant shall thereafter act in accordance with such orders as may be passed by the Government.

Provided that a Government servant who is about to leave the local limits of his official authority may, without reference to the Government, dispose of any of his movable property by circulating lists of it among the public generally or by causing it to be sold by public auction.

9. *Acquiring immovable property.*—No Government servant shall, directly or indirectly acquire any immovable property except with the previous sanction of the Government.

10. *Control over movable and immovable property held or acquired by Government servant.*—Subject to any general or special order of the Government every Government servant shall make to the Government through the usual channel, a declaration of all movable and immovable property from time to time held, or acquired by him or by any member of his family as defined in rule 2(2). The declaration shall contain such information as the Government may by general or special order require. The term movable property shall mean the following items :-

- (1) Cash, jewellery, bullion, bank deposits, Insurance policies, shares, securities, and debentures.
- (2) Loans advanced whether secured or not. If secured, nature of the security, i.e., ornaments, simple pronote or mortgage deeds with or without possession.
- (3) Motor Cars, Motor Cycles, horses, and/or any other means of conveyance.
- (4) Refrigerators.
- (5) Milch cattle.”

Acquisition of property for making profit amounts to misdemeanour.

2. In connection with the acquisition of immovable property, it may be pointed out that if a person who is employed or concerned in the collection of revenue or the administration of justice buys one or more properties or the purpose of making a profit by selling or letting it to others, he is guilty of misdemeanour; and the State Government and authorities empowered by the State Government in this behalf, have been warned against the exercise of the discretion given by rule 9 of the Government Servants Conduct Rules, 1955, in such a way as to give their sanction to a misdemeanour. The previous sanction of the Punjab Government, or the authorities empowered by the Punjab Government in this behalf must, therefore, be obtained in all cases of acquisitions of property by Government servants, whether for residential or other purposes, in order that the sanctioning authority may satisfy itself that the proposed

action of the Government servant, in acquiring land or other property, would not amount to a misdemeanour.

(Punjab Government Circular endorsement No. 28656-H-Gaz., dated the 9th October, 1928)

3. Attention is drawn to rule 9 of the Government Servants Conduct Rules, 1955, which requires that the previous sanction of the Government shall be obtained before any immovable property is acquired by a Government servant. Subordinate Judges and members of all judicial establishments are, therefore, bound to obtain the previous sanction of the Honourable Judges in all cases of acquisitions of immovable property, the purpose of acquisition being clearly stated in the application. Officers holding listed posts serving in the Judicial Department must obtain the sanction of the Punjab Government through the High Court.

Previous sanction of the Hon'ble Judges to be obtained for acquisition of property.

Note.—Power to convey sanction in the cases of Subordinate Judges and judicial establishment has been vested in Honourable Judges (Punjab Government Notification No. 21175-Home Department-Gazette-Powers, dated the 17th July, 1928)

4. For the purpose of rule 9 of the Government Servants Conduct Rules, 1955, the Punjab Government has decided that the term "Immovable Property" includes a mortgage of a permanent nature, and, therefore, the acquisition of such a mortgage requires the previous sanction of the competent authority. A "mortgage of a permanent nature" is one in which there is no likelihood of the mortgaged property being redeemed by the mortgagor. Each case of this kind will be dealt with on its merit, and normally permission will be given. Where, however, there are suspicious circumstances, e.g., such as might suggest that undue influence has been brought to bear, or the conditions of the mortgage are unusually favourable to mortgagee or, if the mortgaged land is in the district in which an officer is serving or has recently served, permission will normally be refused.

Mortgages of a permanent nature on immovable property requires previous sanction.

(Punjab Government Circular letter Nos. 19431 (H-Gaz.), dated the 21st May, 1935, and No. 7990-A.G. 36/1940 (H-Gaz.), dated the 18th January, 1937).

Declarations of
movable and
immovable
property.

5. Rule 10 of the Government Servants Conduct Rules, 1955, require every Government servant to make through proper channel, declaration of movable and immovable property acquired by him or any member of his family as defined in rule 2(2) *ibid* (See paragraph 6 below). The following instructions should be observed in the submission of returns of movable and immovable property so far as Government servants under the rule making powers of Punjab Government are concerned :-

- (1) (a) *Declaration of movable property.*—The items which are included in the term ‘movable property’ have been detailed in rule 10 *ibid*. A declaration of movable property in the form prescribed at Annexure I should be made by every Government servant annually.
- (b) *Declaration of immovable property.*—The declaration of immovable property was also required to be submitted by every Government servant under the old Government Servants Conduct Rules. A declaration of immovable property in the form prescribed at Annexure II should be made by every Government servant annually.
- (2) According to rule 10 *ibid*, the declarations of movable and immovable property are to be submitted to Government through usual channel. It has been decided that these declarations should be maintained by the appointing authority. If the Head Office/Department is the appointing authority the declarations of the Government servants concerned should be collected by him by the 1st of May each year and should cover the preceding financial year. In case of those Government servants whose appointing authority is Government the declaration should be collected by the Head of Office/Department by the 7th April each year and

submitted to Government by the 1st of May. In the case of the P.C.S. Officers working in the districts the declarations should be submitted by the Deputy Commissioners on the 7th April each year to the Commissioners of Divisions and by the latter to Government by the 1st of May.

- (3) These declaration forms should constitute a separate file in respect of each Government servant which should be appended to the personal file of the official concerned.
- (4) These returns should be scrutinised as they are received so that particular enquiries if considered necessary, may be made from the Government servant concerned.

These instructions should be carefully observed by all concerned. The declarations both for movable and immovable property should be taken from all the Government servants covered by these instructions regularly and should be treated as confidential documents.

To be treated as confidential documents.

The declarations submitted by the members of the P.C.S. (Judicial) should be maintained in the High Court as heretofore.

Declaration of officers of P.C.S. (Judicial Branch).

The members of All-India Services are governed by the All-India Services (Conduct) Rules, 1954. Necessary instructions in respect of them for the submission of such declarations have been issued separately (*See paragraph 8*).

Members of all India Services governed by separate instructions.

(Punjab Government circular letter No. 637-G-56/19033, dated the 16th March, 1956)

6. Rule 2(2) of the Government Servants Conduct Rules, 1955, is as follows :-

“Members of a Government servant’s family” defined.

“2 In these rules—

* * * *

* * * *

(2) "Member of a Government Servant's family" includes—

- (a) his wife, child or step-child, whether residing with him or not, and
- (b) any other relative of his or his wife's dependant on and residing with him, but does not include a wife legally separated from the Government servant, or a child or step-child who is no longer in any way dependent upon him or of whose custody the Government servant has been deprived by law."

Annual declaration by Judicial officers and members of subordinate civil courts establishments.

7. The Punjab Government has decided that every officer serving in the Judicial Department and member of the subordinate Civil courts' establishments should write up his declaration annually or record certificate thereon that there have been no additions to his immovable property during the previous year or to that of his relative referred to in paragraph 6. Each District and Sessions Judge will, therefore, submit to the High Court not later than the 1st of May each year the prescribed declarations in respect of himself and of all judicial officers serving in his Sessions Division. He will obtain the declarations of members of the subordinate civil court's establishments serving under his control and keep them with the service books or the character rolls of the persons concerned.

All India Services Conduct Rules, 1954. Declaration under rule 15(3).

8. Sub-rule (3) of rule 15 of the All-India Services (Conduct) Rules, 1954, enjoins that every member of the Service, on first appointment to the service and thereafter at the interval of every twelve months shall submit a return of immovable property owned, acquired or inherited by him, in such form as the 'Government' may prescribe under this rule. The Government of India have accordingly prescribed the form given in annexure III of the declaration to be submitted under this rule by officers of the All-India Services serving in connection with the affairs of the Union or serving under a foreign Government or outside India.

The Government of India have decided in this connection that officers serving in connection with the affairs of the Union or serving under a foreign Government or outside India should submit their returns in duplicate, one copy of which will be forwarded to the State Government concerned. Officers serving in connection with the affairs of a State should also submit the return in duplicate, one copy being forwarded to the Government of India in the Ministry of Home Affairs.

It is also the intention of the Government of India that there will be no regular and continuous scrutiny of the returns received by them. The returns will be preserved, and the returns of a particular officer will be scrutinised only when an occasion for such scrutiny arises. The State Governments may consider adopting the same course in respect of the returns of officers serving under them. In order to ensure this, officers should submit the returns in separate sealed covers superscribed as follows :-

“Statement of immovable property furnished under rule 15(3) of the All-India Services (Conduct) Rules, 1954, on first appointment/for the year _____”.

“ Name (in block letters)

Service, Cadre and designation of the officer.”

(Government of India, Ministry of Home Affairs, letter No. 8/2/54-A. I. S. (II), dated the 8th November, 1955, and Punjab Government letter No. 15355-G-55/1521, dated the 7th January, 1956).

9. The Punjab Government have decided that benami transactions in which Government servant appears as the nominal purchaser should also be reported to Government or the authorities competent to sanction such acquisitions, and sanction obtained from them in accordance with the orders in paragraphs 2 to 4. Any acquisition of property which a Government servant makes in another's name should also be similarly reported. All such transactions

Benami
transactions.

should also be shown in the annual declarations mentioned in paragraphs 5 and 7.

(Punjab Government circular letter No. 6123-G-40/40509 (H-Gaz.), dated the 15th October, 1940).

ANNEXURE I.

[See paragraph 5(l) (a)]

DECLARATION FORM FOR MOVABLE PROPERTY UNDER RULE 10 OF THE GOVT. SERVANTS
CONDUCT RULES, 1955.

Name and designation of the Government servant _____

Address _____

Statement made on _____ (date.)

- (a) (i) Cash, jewellery, bullion, Bank deposits, Insurance Policies, shares, securities and debentures.
- (ii) Motor Cars, Motor cycles, horses, and/or any other means of conveyance.
- (iii) Refrigerators.
- (iv) Milch cattle.

Serial No.	Description of Items	Value	*Name of the member of the Government servant's family and Benamidar (if any) in whose name the asset is held	Date and manner of fresh acquisition during the year	REMARKS

(b) Loans advanced, whether secured or not. If secured nature of the security, i.e., ornaments, simple pronote or mortgage deeds with or without possession.

Serial No.	Amount of loan	If loan is a secured one, nature of the security with its approximate value	*Name of member of the Government servant's family who has advanced the loan	Name with description of the loanee	State with other particulars of the loan	REMARKS

*NOTE.—The expression “member of a Government servant's family” is to be interpreted according to the definition in rule 2(2) of the Government Servants Conduct Rules, 1955.

ANNEXURE II

[See paragraph 5(1)(b).]

DECLARATION BY _____ of the immovable property held by him and members of his family _____.

Notes.—(1) All interests in land of a permanent nature, whether ownership, mortgage, or hereditary, occupancy, should be entered ; also dwelling houses in towns.

(2) Members of a Government servant's family are those mentioned in rule 2(2) of the Government Servant's Conduct Rules, 1955 ; and in showing the holding of each, if a holding is Benami, the name of the Benamidar should also be mentioned.

(3) Particulars in regarding to family holdings should be indicated separately.

In what district, tehsil and village situated	Description of holding with area and assessment	How and when acquired (e.g., by inheritance, regift, purchase, etc.)

ANNEXURE III

[See paragraph 81]

FORM

Statement of immovable property on *first appointment/for* the year_____

1. Name of officer (in full)_____ and service to which the officer belongs

3. Cadre of the State on which borne_____

2. Present post held_____

4. Present pay_____

Name of district, sub-division, tehsil and village in which property is situated	Name and details of property+		Present value	If not in own name. state in whose name held and his/her relationship to the member of the service	How acquired whether by purchase, lease, mortgage, inheritance, gift or otherwise with date of acquisition and name with details of person/ persons from whom acquired	Annual income from the property	REMARKS
	Housing and other buildings	Lands					
1	2	3	4			7	8

Signature_____

Date_____

*Inapplicable to be struck out.

In cases where it is not possible to assess the value accurately the approximate value in relation to present conditions may be indicated.

+Includes short-terms lease also.

NOTE.—This declaration form is required to be filled in and submitted by every member of the I.A.S./I.P.S. under rule 15(3) of the All-India Service (Conduct) Rules, 1954, on first appointment to the Service, and thereafter at the interval of every twelve months giving particulars of all immovable property owned, acquired or inherited by him or held by him on lease or mortgage, either in his own name or in the name of any member of his family or in the name of any other person.

PART G—POSITION OF ADDITIONAL DISTRICT AND
SESSIONS JUDGES

It has been brought to the notice of the Judges that some misunderstanding exists regarding the position of Additional Judges in relation to the District Judge of the district to which they are attached. To remove this misunderstanding, they consider it necessary to bring to the notice of Additional Judges and Additional Sessions Judges the exact position which they occupy both in administrative and in judicial matters.

2. In administrative matters, the position of the District Judge is defined in section 33 of the Punjab Courts Act, 1918. Subject to the general superintendence and control of the High Court, the District Judge is to have control over all civil courts under that part of the Act and within the local limits of his jurisdiction; and the court of an Additional Judge is included among such courts by the earlier section 18. It follows that for purposes of administrative control such as the grant of casual or other leave, appointment of ministerial staff and general discipline, the Additional Judge is subordinate to the District Judge; and that all correspondence with the High Court should ordinarily be addressed through the District Judge.

Additional judge is subordinate to District Judge in administrative matters.

3. In judicial matters, section 21 of the Act provides that an Additional Judge shall discharge any of the functions of a District Judge which the District Judge may assign to him; and by section 34 of the District Judge may distribute civil business among the courts under his control in such manner as he thinks fit. Once the functions of a District Judge have been assigned to an Additional Judge, the Additional Judge exercises, in the discharge of those functions, the same powers as the District Judge himself. It is only in respect of the functions actually assigned to him, however, that the Additional Judge enjoys these powers; and

District Judge may assign any of his judicial functions to the Additional Judge.

the functions so assigned will, as a general rule, be purely judicial functions.

Position of Additional Sessions Judge.

4. There is no similar statutory provision defining the administrative position of Additional Sessions Judges; but their position is analogous to that of Additional Civil Judges and they should be regarded as under the general control of the Sessions Judge. Under Sections 193, 409 and 438 of the Code of Criminal Procedure, the Sessions Judge is empowered to make over cases to them for trial or hearing.

Additional Judge to be acquainted with the orders passed by the District Judge.

5. All officers who may be posted from time to time as Additional Judges or as Additional Sessions Judges may be made acquainted with these orders by their District and Sessions Judges.

PART H—APPEARANCE OF LEGAL PRACTITIONERS IN
COURTS IN WHICH THEIR RELATIVES HELD OFFICIAL
POSITIONS.

1. No legal practitioner should appear professionally before any judicial officer to whom he is nearly related, or in any court where a near relative of his holds the post of Superintendent, Reader, or Stenographer to the Presiding Officer, or any other position which necessitates his presence in Court, during the hearing of cases.

2. The term 'near relative' includes father, brothers, sons, nephews and uncles on either side, brothers-in-law, sons-in-law and father-in-law.

3. These orders do not apply to cases of relationship between Public Prosecutors and other members of the Bar.

4. If any breach of the instructions contained in paragraph 1 above is brought to the notice of the District Judge or District Magistrate, the matter should at once be reported to the High Court for orders.

(High Court letter No. 4592-G, dated the 18th June, 1927, and No. 8448-G, dated the 5th December, 1927)

CHAPTER 2**SUPERINTENDENCE AND CONTROL - CIVIL COURTS****PART A – SUPERINTENDENCE AND CONTROL**

1. The general superintendence and control over all civil courts (other than the High Court) is vested in and all such courts are subordinate to the High Court.

Controlling
Authority

Subject to the general superintendence and control of the High Court, every District Court has control over all other civil courts in the district (Section 33 of the Punjab Courts Act, 1918).

Courts of Small Causes are subject to the administrative control of the District Court, and to the superintendence of the High Court (Section 28 of the Provincial Small Cause Courts Act, IX of 1887).

2. The powers of appointment and punishment of the ministerial and other establishments of Civil Courts are regulated by Section 36 of the Punjab Courts Act, 1918, and by rules to be made by the State Government (generally in consultation with the High Court) under Article 309 of the Constitution of India. These rules are contained in Chapter 18 of the Rules and Orders, Volume I.

Control over
establishments
of Civil Courts.

3. Under rules framed by the High Court with the previous approval of the State Government under Sections 20 and 22 of the Court Fees Act, 1870, the establishment employed for serving and executing processes issued by all Civil, Criminal and Revenue Courts is subject to the control of the High Court. Their conditions of service are regulated by the rules mentioned in the preceding paragraph.

Control over
process-serving
establishment.

4. The establishments of officers who exercise civil powers conferred upon them under Section 28 of the Punjab Courts Act, 1918, but are also invested with revenue or

Control over
establishments
dealing with
civil work.

criminal powers, are under the control of Deputy Commissioners acting under the orders of Commissioners and the Financial Commissioners. District Record offices being under the control of Deputy Commissioners, the establishments attached to them are also under the control of Deputy Commissioners. The rule laid down by Government on the subject is that:-

“Where it is not specially provided otherwise by law, the control of all classes of district establishments rests with the Deputy Commissioner and District Magistrate of a district as such, and that in regard to such matters, where it is not otherwise especially provided by law, the superior officer of the Deputy Commissioner and District Magistrate is the Commissioner of the Division [No. 896, dated Lahore, 14th November, 1891 (H.Genl), from officiating Chief Secretary to Government, Punjab and its Dependencies, to the Registrar of the Chief Court.]

Fixing of cases during casual leave of Sub-Judges.

5. It has been found that some Subordinate Judges fix dates for proceedings which fall within the period for which they intend to apply for casual leave. This procedure necessarily leads to adjournments and consequent hardship to litigants. All Subordinate Judges should, therefore, submit their applications for casual leave well in advance of the time at which they intend to proceed on casual leave; and in so doing, they should arrange whenever this is practicable, that no cases are fixed for hearing during the period for which they intend to be absent.

Circular Orders issued by District Judges.

6. Whenever a District Judge proposes to issue a circular order to the Civil Courts subordinate to him dealing with judicial matters (other than mere office routine such as the distribution of work), he must send a draft of the proposed circular to the High Court for approval and may not issue it until such approval is obtained.

PART B – INSPECTION OF SUBORDINATE COURTS

The following instructions regulating the inspection of subordinate courts are issued with the approval of the State Government:-

1. Section 33 of the Punjab Courts Act, 1918, vests the power of controlling the civil courts of each district in the District Judge and under Article 227 of the Constitution of India, the High Court has the power of framing rules for the inspection of subordinate civil courts and for the supervision of their working.

Power of High Court to frame rules for inspection of lower Courts.

Note. - This power of control includes the right of calling for and inspecting the records of all such courts (including Small Cause Courts) and of commenting on any irregularity of procedure or other impropriety for the guidance of the officers concerned.

2. General instructions for the inspection of subordinate civil courts will be found in Chapter I, Part C.

Chapter I-C, containing general instructions.

3. The annexed list of subjects for inquiry is intended for the assistance of officers making such inspections. It is not meant that inspection should be confined to the matter herein prescribed, nor that each inspection made should embrace all the topics mentioned.

Scope of inspection.

4. District Judges should inspect their own records and registers and the Nazir's registers of each district at least once a year.

Annual inspection of their own Courts by District Judges.

5. With a view to preventing fraudulent use of Court fee labels, District and Sessions Judges and Judges of Courts of Small Causes should make surprise inspections of their record rooms at least once a year to see that the instructions regarding the checking, second punching and cancellations, etc., of Court fee labels as prescribed in Chapter 4-C of this volume are strictly followed by the officials concerned.

Surprise inspection to check cancellation Court-fee stamps.

The report on the inspections should not ordinarily be forwarded to the High Court unless it discloses some matter of importance requiring notice by the Honourable Judges.

Memorandum of points to be attended to by Inspecting Officers.

PART I – GENERAL

State of court-house.

1. Report on the state of the court-house, whether it is in good repair and properly kept and provides adequate accommodation. Notice especially the state of the record-rooms and the Nazir's *malkkana*.

Library.

2. Notice whether the Subordinate Judges' libraries are in good order and under whose charge each library is and generally whether the provisions of Chapter 18 of this volume are complied with. Note how far each subordinate court has been furnished with the minimum library prescribed by the High Court. In inspecting other courts at the head-quarters of the district and courts at out-stations, notice whether books of reference are sufficient and whether files of circulars are complete.

Correction pamphlets

See that the correction pamphlets and slips have been pasted and filed at their proper places.

Accommodation for the Bar.

3. Report on the arrangements of the Bench, and whether the accommodation for the Bar is sufficient, and the separation of its members from the Bench complete.

Court establishment.

4. Is the court establishment sufficient and capable? Are there any unpaid candidates and, if so, have the rules issued by the State Government and the High Court on the subject been complied with?

PART II – CIVIL REGISTERS

1. Examine Register No. 1 (Register of Civil Suits) and check columns 8 to 12 with at least ten records of decided suits still in Court. Register I.

Note whether column 11 appear in any case to have been filled in before judgment has been written and whether columns 13 to 22 are kept up-to-date.

2. Examine Register No. X (Execution of decree), noting whether decrees are promptly executed, and whether realisations bear a fair proportion to sums in execution. Check some of the entries in column 19 (noting how many) with records still in court and state whether the officials of the court appear in any case to be answerable for any default. Register X.
3. Ascertain from Register No. XI (Objections in cases of execution of decree) whether objections are properly and promptly disposed of. Register XI.
4. Examine Register Nos. VI (Miscellaneous petitions and applications) and VII (Applications to sue as a pauper) with a similar object. Registers VI and VII.
5. Examine Register No. IX (Dates fixed for the trial of suits and for cases of execution of decree), and trace a few cases not yet consigned to the record-room through their various stages, noting whether adjournments are unnecessarily granted, and whether cases are regularly called up for hearing on dates fixed and action taken. Is it the custom in the local courts to enter cases of execution of decree in this register? Register IX.
6. Examine the other civil registers. State whether they are neatly and properly kept, and note whether errors and omissions noticed at previous inspection have been corrected and supplied. Others.

PART III (a) *Regular Suits*

1. In whose custody is the bundle of pending records? Is it neatly kept and arranged according to date?

2. What was the total number of institutions of the previous year?

3. What is the number of the suit last instituted?

4. Has there been any noticeable increase or decrease in litigation during the past twelve months; and, if so, what is the cause assigned for it?

5. On what dates were the five oldest undecided suits instituted?

6. Do the records of those suits show any unnecessary delay in their decision?

7. Take out ten records at random, and note whether the proceedings disclose any noticeable irregularity or unnecessary delay.

8. Is a day reserved for execution work? Are execution cases attended to properly by the presiding officer? Are all orders except purely routine orders written by him?

(b) *Execution of decrees.*

1. In whose charge is the bundle of pending records?

2. Is it neatly kept and arranged to date?

3. How is it kept (that is, by tahsils or only chronologically)?

4. What was the total number of execution of decree cases last year?

5. How many applications have been filed this year up-to-date?

6. If decree-holders are unusually active or passive note the cause.

7. What was the proportion of realization to the amount sought to be realized in execution of decrees ?

8. Examine ten of the records taken at random, and note whether the proceedings show any noticeable irregularity or unnecessary delay.

9. Does the presiding officer complain of anything which causes his execution file to be unduly encumbered?

(c) *Miscellaneous cases*

1. In whose charge is the bundle, and is it neatly and properly kept?

2. How many cases were dismissed in default and how many were decreed ex-parte? How many out of these were subsequently restored? Ascertain by examination of a few records if the reasons for dismissal, ex-parte proceedings and restoration were satisfactory.

3. Examine three cases at random, and note whether they show any unnecessary delay.

(d) *General*

Ascertain whether decided cases of each kind are sent punctually into the record-room; and note any instances there may have been of undue delay, and the cause assigned

for the same. Also see whether paragraphs of judgments are serially numbered.

PART IV – (a) *Nazir*

1. Check the registers of receipts and repayments of deposits, and note whether there are any deposits of long-standing date.

2. Examine Register No. XXIII (Processes served by each peon), and note whether the distribution of work is fair. Are any of the process-servers employed on other than their legitimate duties?

3. Are there any complaints against any of the establishment on account of inefficiency due to age or any other cause?

4. Does the staff appear sufficient, or in excess of requirements?

5. Examine Miscellaneous Register C (Miscellaneous proceedings received from other districts and courts), and ascertain from the entries in columns 3, 6, 8, and 9 whether unnecessary delay occurs in the disposal of references.

6. Examine Miscellaneous Register F (Property received into the Nazir's store room) carefully, and check the correctness of the entries in column 4 by an examination of at least twelve bundles taken at random. Are the arrangements of the *malkhana* satisfactory as regards the preservation of the property stored therein? What officer of the headquarters staff is in charge of the *malkhana* (Rule 4, Chapter 10-A of this volume) and are the requirements of that and the other rules herein contained carefully carried out?

(b) *Copyists*

Who is the officer placed incharge of the copyists' department? Note particularly whether unnecessary delay occurs in the preparation of copies. Are there any unclaimed copies in the copyists' hands ? Are the directions contained in Chapter 17 of this Volume carefully followed?

(c) *Records*

1. Are the records properly kept and promptly furnished as required for purposes of inspection ?

2. Are the Record-keepers' Registers no. XV – Civil (General Register of suits and appeals disposed of), No. XVI – Criminal (General Register of decided cases) and Miscellaneous Register B (Of files taken from the record-room for reference) properly kept ?

3. Are the stamps in the records properly punched-according to the orders in force?

4. Are the instructions contained in Chapter 16 of this volume, for the preparation of an index of papers in judicial proceedings, observed?

(d) *Petition-writers*

Are the Petition-writers' Registers properly maintained (Volume I, Chapter 17)?

(e) *Pleaders*

Is the Register of Pleaders required by Volume V, Rules and Orders, Chapter 6 – F, Part (a), Rule 3, duly maintained?

PART V – INSPECTION OF CIVIL RECORDS

In examining the records of pending or decided cases, note especially the following points:-

(a) *Original Suits* -

Verification and
Stamping of
plaints.

1. The attestation and verification of complaints; the proper stamping of complaints, and the proper cancellation of stamps.

Summons of
defendant

2. Whether sufficient time is apparently granted for the defendant's appearance, and whether the issue of summons for final disposal is largely or improperly restored to.

Service of
process.

3. Does the presiding officer pay personal attention to service of process?

Adjournments.

4. Are suits heard from day to day? Are adjournments granted without sufficient cause or without examining witnesses who are present?

Proof of service.

5. Whether proper proof of service has been taken before a case is heard *ex parte*.

Setting aside
ex-parte
orders.

6. Whether cases dismissed in default or decreed *ex-parte* are admitted without notice to the opposite side, or without inquiry into the merits of the application for re-admission of the case to the register.

Documents.

7. Are documents produced at the proper time with the prescribed lists? Are parties examined about the documents they wish to produce or rely on the prescribed forms at the first hearing?

Documents.

8. Are documents admitted in evidence duly marked as exhibits endorsed and stamped in accordance with the High Court instructions? Are documents not admitted in evidence returned promptly?

Abstract of order.

9. Is the chronological abstract of orders regularly and correctly kept up.

10. Are decrees carefully drawn up and do they faithfully embody the decision arrived at in the judgment? Is that portion of the decree which specifies the relief granted recorded by non-English speaking Judicial officers with their own hands? Are costs correctly ascertained and apportioned in conformity with the judgment?

Drawing up
decrees.

11. Are submissions to arbitration inordinately frequent, and are the requirements of the law in reference to arbitration duly observed?

Arbitration.

12. Is the resort to Commissions for local inquiry or for the examination of accounts too frequent? Are the rules published in Volume I, Chapter 10, properly observed? Is the evidence taken by a Commissioner filed with his report? Is he subjected to examination by the Court, and is the court's decision ever based exclusively on the Commissioner's report?

Commission.

13. Are reviews of judgment frequently applied for, and, if granted, are the grounds of admissions sufficient? Is due notice to show cause against application being granted given to the opposite party?

Review of
judgment.

14. Is the rejection and return of plaints frequent? And does it appear from Register No. VIII (Rejected and Returned Plaints) that the grounds for rejection and return are adequate?

Rejection and
return of plaints.

15. Are applications to sue *in forma pauperis* numerous? Is the enquiry into the alleged poverty of the applicant made by the Court itself or delegated to a tahsildar? Does the Deputy Commissioner receive notice of the application and does he take any (and, if so, what) steps to protect the interests of Government?

Pauper
applications.

(b) Appeals -

1. Are appeals properly stamped and the stamps duly cancelled?

Stamps.

Memoranda
of appeal.

2. Are the memoranda of appeal concisely drawn and accompanied by copies of the decrees appealed against?

Dismissal in
limine.

3. Are the provisions of Order XLI, rule 11, of the Code of Civil Procedure, observed in a fair proportion of cases, or is the respondent invariably summoned?

Judgments.

4. Does the judgment in appeal conform with the requirements of order XLI, rule 31, of the Code of Civil Procedure?

Remands.

5. Are remands frequent? Are they based on adequate grounds and in accordance with law?

Order 41, rule
11

6. Is a decree framed in appeals rejected under order XLI, rule 11?

Decree.

7. Does the decree embody the grounds of appeal?

PART VI – GENERAL

General

Make any suggestions which, in your opinion, would simplify the registers, etc., and which would facilitate the action of the courts.

CHAPTER 3

SUPERINTENDENCE AND CONTROL—CRIMINAL COURTS

(The instructions contained in this Chapter do not apply to the Union territory of Delhi.)

PART A—CONTROL

1. (i) In regard to the Criminal administration, all Criminal Courts are subordinate to the High Court.

Controlling
Authority.

(ii) In districts other than those in which the experiment of the separation of the Judiciary from the Executive is being tried, every Magistrate, other than the Magistrate of the District is subordinate to the Magistrate of the District for all purposes including that of administrative control. A Sub-Divisional Magistrate has similar powers of control over other Magistrates in his sub-division.

In non-separated
districts.

(iii) In the districts in which the experiment of separation of the Judiciary from the Executive is being tried, the Judicial Magistrates and the Additional District Magistrate are under the administrative control of the District and Sessions Judge who is competent to grant them leave.

In separated dis-
tricts.

(iv) To start with, the Judiciary and Executive have been separated by executive orders in the districts of Gurgaon, Ambala, Simla, Jullundur and Hoshiarpur. The Judicial Magistrates are transferable only in these districts. In these districts, the officers doing judicial and executive work have been divided into two categories, namely, those who do judicial work only and those who do no criminal judicial work and work under the Deputy Commissioner. Officers doing judicial work are under the direct control of the Additional District Magistrate who also does not do any executive work, and performs all the judicial duties of the

Distribution of
functions.

District Magistrate, except those relating to security cases, grant of pardons, classifications of prisoners and detenues and action under section 144 of the Criminal Procedure Code. For the more important duties of the Additional District Magistrates in the separated and non-separated districts, see Punjab Government letter No. 9062-G (C) 54/35339, dated the 8th December, 1954, to all Deputy Commissioners in the Punjab.

Casual leave.

(v) In Districts in which the Judiciary has been separated from the Executive, District and Sessions Judges can grant casual leave to Additional District Magistrates and Judicial Magistrates up to ten days at a time subject to the general instructions on the subject issued from time to time. The Additional District Magistrates can similarly grant casual leave to Judicial Magistrates up to 4 days at a time.

Control over the subordinate staff of criminal courts.

(vi) At present the subordinate staff of the Criminal Courts is under the control of the Deputy Commissioners. Though the Government has no objection in principle to the transfer of control over this subordinate staff, this step has been deferred till the complete separation of the judiciary from the executive takes place.

Control of Sessions Judge over District Magistrate and other Magistrates.

2. Magistrates are subordinate to the Sessions Judge "extent and in the manner expressly provided in the Code" (Section 17, Criminal Procedure Code).

District Magistrates should comply with all requisitions for records, returns, and information made by Sessions Judges with regard to any case appealable to the Court of Sessions or referable by that court to the High Court, whether decided by the District Magistrate or by other Magistrates of the district, or made by Sessions Judges under orders of the High Court in the exercise of their duty and Superintendence over the subordinate Courts. They should also render any explanation which Sessions Judges may require from them, and obtain, and submit any explanation which Sessions Judges may require from

subordinate Magistrates in order to assist the Appellate Courts in respect of the classes of cases above referred to.

3. In all matters relating to the criminal administration the Sessions Judge is the ordinary official channels of communication between the Magistrates and the High Court and is required, moreover to see that the Rules and Orders of the High Court are duly carried out within his Sessions Division and if necessary, to bring to the notice of the High Court any matter requiring attention.

Subordination of
Magistrates to
Sessions Judge.

4. Whenever a District Magistrate or a Sessions Judge proposes to issue a circular order to the Magistrates subordinate to him dealing with judicial matters (other than mere office routine such as the distribution of work) he must send a draft of the proposed circular to the High Court for approval and may not issue it until such approval is obtained.

Circular orders
issued by District
Magistrate or
Sessions Judge.

No circular addressed to the Magistrates, concerning even a routine matter, should contain orders to the Police or Prosecuting Agency, as these can be issued separately.

5. The following instructions to District Magistrates (or with necessary modifications, to the Additional District Magistrates, in districts in which the experiment of separation of the judiciary from the executive is being tried) are issued with the full approval of the State Government :-

Duty of District
Magistrate (or the
Additional District
Magistrate in the
separated districts)
re. proper adminis-
tration of criminal
justice.

- (1) No functions of the Deputy Commissioner can be permitted to override the proper administration of Criminal Justice, and the Deputy Commissioner should fully recognise that his duties as Chief Magistrate of the District must be given the foremost place. The peace and good order of districts depend on District Magistrates taking an active personal interest in all matters affecting the criminal administration. In order to supervise and control subordinate Criminal Courts efficiently, it is necessary that the District Magistrate should keep

himself aware of the state of crime in all parts of his district, and should be in daily touch with the course of criminal business in the courts.

To keep in touch with the work of Magistrate.

- (2) The District Magistrate should, from time to time satisfy himself as to the state of business in any court and the quality of the work done by the Presiding Magistrate. Though the District Magistrate does not now hear appeals from sentences or orders of a Magistrate, he still has certain powers of revision under Chapter XXXII of the Code of Criminal Procedure which should enable him to get an acquaintance with the work of the Magistrates.

District Magistrate must try original cases.

- (3) No practical experience of the difficulties of the subordinate Magistrates can be gained until the District Magistrate hears cases himself, and as long as the Deputy Commissioner remains the head of the magistracy he should be a magistrate in fact as well as in name. The Judges attach great importance to the District Magistrate's taking a considerable share in the actual magisterial work of their district in the way of trying original cases. In certain districts the increasing amount of executive and other work renders it impossible for the District Magistrate to take the same share in the trial of cases as he used to take some years ago, be there are many smaller districts where he can still do so, and even in the larger districts it is impossible for the District Magistrate to exercise the necessary control over the subordinate courts unless, by the occasional hearing of important cases, he maintains that technical acquaintance with the difficulties of courts, which is necessary for satisfactory control.

Scrutiny of monthly statements of criminal work by the District Magistrate.

- (4) The District Magistrate should himself scrutinize with care, the monthly business returns and satisfy himself from them, not only that the outturn of work is sufficient and the business of the court well in

hand, but also that the quality of the work is satisfactory.

- (5) The methods described above afford only an occasional method of controlling criminal administration and in particular the monthly business statements necessarily bring to the District Magistrate's notice, only after long delay, the occasions on which his interference is desirable. Day to day supervision of the work of the subordinate courts is no less an essential part of the District Magistrate's functions, and is of even greater importance than the trying of original cases. Without this day to day supervision it is impossible for the District Magistrate to maintain that constant touch with the state of crime and criminal business which is requisite for a proper discharge of the District Magistrate's duties. The Judges attach the greatest importance to daily supervision, which must rank as one of the primary duties of a District Magistrate.

Daily supervision
by District Magis-
trate.

- (6) For the business-like discharge of criminal work, it is necessary that all Magistrates should be punctual in their attendance at court and should remain at work during the recognized Court hours. It is similarly the duty of the District Magistrate to be punctual in his own attendance at court; and without punctuality on his part punctuality in the subordinate courts and in the Bar is not to be expected.

Punctual
attendance.

- (7) A convenient and valuable source of information for the adequate supervision of criminal business is the police department English register of cognizable offences mentioned in the police Rule 24.8. This Register is placed before the District Magistrate on each working day when he is at district headquarters. It gives information not only of the action of the Police (thus enabling the District Magistrate to superintend their work but also

Police Register and
its use by the
District Magistrate.

affords the means of watching the progress and the results of business in Court. The practice of merely initialing this register after a hasty glance at it too commonly prevails, but a few minutes each day spent on considering the entries for the day and for preceding days will enable the District Magistrate to maintain a close touch with all branches of the criminal administration. The entries for the day bring to light at once the orders of courts which are *prima-facie*, unsatisfactory and which require the scrutiny of the District Magistrate. The register, therefore, facilitates the making of references to the High Court, and puts the Deputy Commissioner in a position at the earliest possible moment to initiate proceedings by way of appeal. It can also be used to disclose cases which have been pending for an inordinate time.

Deputy Commissioner as head of prosecuting agency.

- (8) The Deputy Commissioner is the head of the prosecuting agency in the district and this affords him a further opportunity for keeping in touch with the work in all Courts. It is easy for him to arrange that he; or in the districts in which the experiment of separation of judiciary from the Executive is being tried, the Additional District Magistrate; is kept informed by the prosecuting agency each day of any omission on the part of court to record the evidence of witnesses produced and to investigate promptly any complaint which may be made of dilatoriness in any particular court.

Inspection of under-trial section of the jail.

- (9) Another check on unnecessary and unduly long adjournments is to be found in the constant inspection of the under-trial section of the local jail. Occasional inquiries into cases which seem to call for notice will reveal whether the adjournment appear to be justified or not.

Speedy disposal of cases.

- (10) In view of sections 207A and 251A inserted in the Code by Act 26 of 1955 it is not now possible in

cases instituted on police report to send up the material witnesses with the Challan. But the District Magistrates should bring the changes made in sections 344 and 497 of the Code by the said amendment Act to the notice of all Criminal Courts and impress upon them the desirability of day to day hearings and speedy disposal of cases. Attention may also be drawn in this connection to paragraph 6 of Chapter 1-A, High Court Rules and Orders, Volume III. Should congestion occur or be threatened the Magistrate should apply promptly to the District Magistrate for sanction to fix one or more blank days in the week to be utilised for catching up with arrears, and the District Magistrate will find it convenient to receive each day from the Court Inspector a short memo showing how the system is working in each of the subordinate Courts.

- (11) All arrests made by the Police without warrant are reported to District Magistrates under section 62 of the Criminal Procedure Code, and all remand orders under section 167 passed by subordinate Magistrates are similarly reported. Both these reports should be forwarded to the Ilaqa Magistrate, who has already received the first information report. The Magistrate of the Ilaqa is, thus, in a position to know what crime is under investigation in his Ilaqa; and what cases are likely to reach his court within the next few days. The Magistrate is responsible that the completion report under section 173 of the Criminal Procedure Code is not unduly delayed, and his responsibility in this respect should be emphasized. He should insist on the prompt submission of the F.I.R. and of the arrest report and he should call for the completion report from the Superintendent of Police, if that report is unduly delayed. The District Magistrate should cause the Ilaqa Magistrate to realize that he is not a mere Judge whose duty it is simply to

Arrest reports,
remand and
completion reports.

decide cases produced before him, but that he is at all times responsible for the maintenance of the peace in the area which is made over into his charge. Every effort should be made to get the Ilaqa Magistrate to take a personal interest in and gain a thorough knowledge of his own thanas.

Senior Magistrate to exercise supervision in the absence of District Magistrates.

- (12) The Deputy Commissioner's absence must necessarily interfere with his day to day supervision of the work of the subordinate courts, but the interference can be minimized if arrangements are made with the Superintendent of Police that the register of cognizable crime is submitted each day to the next senior Magistrate at Sadar. That Magistrate, if not exercising the powers of a District Magistrate is not authorized to issue orders to the Police but the object is that he should bring immediately to the notice of the District Magistrate cases in which his interference is called for, and in which magisterial records should be obtained. Similarly the senior Magistrate can be entrusted with the duties of securing the punctual attendance of subordinate Magistrates and of seeing that witnesses are not dismissed without their evidence being recorded or that Challan cases are not delayed.

Avoiding delay in filing revisions and appeals.

- (13) Not infrequently cases have occurred where undue delay has taken place in reporting for revision the unsatisfactory orders of subordinate courts or in moving Government to institute appeals. The delay is largely due to reliance on the monthly business statements which may not be submitted to the District Magistrate till a considerable time after the objectionable order has been passed. District Magistrates should make free use of the register of cognizable crime for these purposes, and should take prompt action in cases where such action appears necessary. Having done so, they should arrange to be informed at once of any appeal that

may be made to the Sessions Court in a case which has been reported, and they must report promptly to the High Court first the fact of the appeal having been filed and later its results.

Attention may be drawn to the fact that Act 26 of 1955 has reduced the period of limitation for appeals from orders of acquittal from six months to three months.

- (14) In conclusion the Judges are authorised by Government to remind Magistrates that the stoppage of annual increments of pay is one of the remedies in cases of serious slackness. The Judges will not hesitate to recommend the application of that remedy in any instance in which they consider it to be merited.

Consequences
of serious
slackness of
Magistrate.

PART B—INSPECTION OF SUBORDINATE COURTS

(The instructions contained in this Chapter do not apply to the Union territory of Delhi.)

1. General instructions regarding the inspection of Subordinate Criminal Court will be found in Chapter I, Part C.

General instructions.

2. Sessions Judges and Magistrates of Districts are at liberty to comment on any criminal proceedings called for under section 435 of the Criminal Procedure Code, even when there are not, in their opinion, sufficient reasons for submitting such proceedings to the High Court for revision.

Sessions Judges and District Magistrates can comment on proceedings.

Note.—In calling attention to these powers, the High Court desires to impress on District and Sessions Judges and District Magistrates the great importance of the duty which thus devolves on them.

3. The annexed list of subjects for inquiry is intended to assist officers making inspection. It is, not meant that inspections should be confined to the matters herein prescribed nor that each inspection should embrace all the topics mentioned.

List of subjects for enquiry.

MEMORANDUM OF POINTS TO BE ATTENDED TO BY INSPECTING OFFICERS

PART I—GENERAL (a) *Registers*

1. Is Register Nos. I (Register of cognizable and non-cognizable offences) duly maintained in conformity with the instructions contained in the column of remarks opposite that register in Chapter 24 of this Volume?

2. Examine Register Nos. II (of cases under the Indian Penal Code), III (of cases under special and local laws and under the Code of Criminal Procedure), IV (of miscellaneous

criminal cases). Note whether appealable cases are correctly entered, and whether any delay occurs in the disposal of cases.

3. Examine Register No. XI (of dates fixed for trial of criminal cases) and check the entries with the records of at least six decided cases, noting whether cases are, as a rule heard on the dates fixed, or whether postponements are, frequent, and when granted whether on sufficient grounds.

4. Examine Register No. XIV (of Fines) and note whether the provisions of Chapter 11 of this volume are strictly complied with. State any improvements in the system which your inspection suggests.

5. Examine the other Registers and note whether they are correctly kept up-to-date; also the Register of summary trials, noticing whether the requirements of Chapter XXII, Criminal Procedure Code, as to record, are properly complied with.

6. Note whether errors and omissions pointed out at least preceding inspection have been corrected and supplied.

(b) Original Cases

In examining records of cases, notice specially the following points :-

- (1) Are witnesses promptly examined?
- (2) Are cases taken up from day to day? Are adjournments granted without sufficient cause or without examining witnesses who are present?
- (3) Are the statements of complainants and their witnesses, if any present, reduced to writing in cases instituted on complaint?

- (4) Are such cases, as a rule, referred to the Police or other agency for investigation?
- (5) Are processes served by the Sheriff's establishment in all appropriate cases?
- (6) Is the evidence properly recorded in accordance with the provisions of sections 355 and 356 of the Code of Criminal Procedure?

CHAPTER 4**COURT-FEES AND STAMPS****PART-A- REDUCTION, REMISSION AND REFUND OF COURT-FEE.****(a) Reduction and Remission of Court-fee**

In exercise of the powers conferred by section 35 of the Court-fees Act, 1870, the Governor of the Punjab is pleased to make the reduction and remission hereinafter set forth, namely:-

1. To remit the fees chargeable on applications presented to a Collector for refund of the amount paid to the Government for stamped paper which has become spoiled or unfit for use, or is no longer required for use and on applications for renewal of stamped paper which has become spoiled or unfit for use.

Application for refund of price of stamp or renewal of stamp paper.

2. To remit the fees chargeable on applications in writing, relating exclusively to the purchase of salt which is the property of the Government.

Application for purchase of salt.

3. To direct that, when a plaint disclosing a reasonable case on the merits is presented to any civil or revenue court in such a form that the presiding Judge or officer without summoning the defendant rejects it, not for any substantial defect but on account of an entirely technical error in form only, and so as to leave the plaintiff free to prosecute precisely the same case in another form against the same defendant or defendants, the value of the stamp on the plaint shall be refunded on presentation of an application to the Collector of the district in which the court is situated, together with a certificate from the Judge or officer who rejected the plaint that it was rejected under the circumstances above described, and that the value of the stamp should, in his opinion, be refunded.

Application for refund of value of stamp on plaint.

Copies of
settlement
record and list
of fields.

4. To remit the fees chargeable on-

(a) Copies of village-settlement records furnished to land-holders and cultivators during the currency or at the termination of settlement operations;

(b) Lists of fields extracted from village settlement-records for the purpose of being filed with petitions of plaint in *Settlement courts:

Provided that nothing in this clause shall apply to copies of judicial proceedings, or to copies of village settlement records (other than lists of fields) extracted as aforesaid, which may be filed in any court or office.

Appeals under
sections 47 and
144 Criminal
Procedure Code.

5. To direct that the fee chargeable on appeals from orders under sections 47 and 144 of the Code of Civil Procedure 1908, and on cross objections in such appeals under the same Code, shall be limited to the amounts chargeable under article 11 of the Second Schedule.

(Vide Punjab Government notification No. 16406-Judl., dated the 9th June, 1933).

Security
bonds for
keeping
peace.

6. To remit the fees chargeable on security bonds for the keeping of the peace by, or good behavior of, persons other than the executants.

Application to
forward a
petition to the
Central
Government.

7. To remit the fee payable under Article I, clause (c), of the Second Schedule on an application or petition presented to a Chief Revenue or Executive authority or to any Chief Officer charged with the executive administration of a Division when the application of petition is accompanied by a petition to the Central Government and contains merely a request that that petition may be forwarded to the Government.

*The term "Settlement courts" has been used to indicate "Revenue Courts" presided over by revenue officers conducting settlement operations.

8. To remit the fees chargeable under Articles 6, 7 and 9 of the First Schedule on copies furnished by civil or criminal courts or revenue courts or offices for the private use of persons applying for them:

Private copies

Provided that nothing in this clause shall apply to copies when filed exhibited or recorded in any Court of Justice or received by any public officer.

9. To remit the fees chargeable, under paragraph 4 of clause (a) and paragraph 2 of clause (b) of Article 1 of the Second Schedule, on applications for orders for the payment of deposits in cases in which the deposit does not exceed Rs. 25 in amount:

Application for deposit.

Provided that the application is made within three months of the date on which the original deposit first became payable to the party making the application.

10. To remit, with reference to clause(xi) of section 19 of the Act, the fees chargeable on applications for leave to occupy under direct engagement with the Government, land of which the revenue is settled, but not permanently, when made by persons who do not at the time of application hold the land.

Application to occupy land under Government.

11. To remit the fees chargeable on applications for loans under the Land Improvement Loans Act, 1883 (XIX of 1883) or the Agriculturists' Loans Act, 1884 (XII of 1884).

Application for loan.

12. To remit the fees chargeable on applications presented to officers of land revenue for the suspension or remission of loans under the Land Improvement Loans Act, 1883 (XIX of 1883), or the Agriculturists' Loans Act, 1884 (XII of 1884).

Applications for remission or suspension of loans.

13. To remit the fees chargeable on an application made by a person to the Collector under sub-section 2 of the section 42 of the Indian Stamp Act, 1899 (II of 1899) for the return to that person, or to the Registration Officer who impounded it, of a document impounded and sent to the Collector by a Registration Officer.

Application for return of impounded document.

14. To remit the fees chargeable on the following documents, namely:-

- | | |
|---|---|
| Copy of charge given to accused. | (a) Copy of the charge framed under section 210 of the Code of Criminal Procedure, 1898, or of a translation thereof, when the copy is given to an accused person. |
| Copy of supplementary evidence after commitment given to accused. | (b) Copy of the evidence of supplementary witnesses after commitment when the copy is given under section 219 of the said Code to an accused person. |
| Copy of Judgment and heads of charge to jury to be supplied to accused. | (c) Copy or translation of a judgement in a case other than a summons case, and a copy of the heads of the Judge's charge to the jury, when the copy or translation is given under section 371 of the said Code to an accused person. |
| Copy of Judgment to accused in jail. | (d) Copy or translation of the judgement in a summons case, when the accused person to whom the copy or translation is given under section 371 of the said Code is in jail. |
| Copy of maintenance order. | (e) Copy of an order of maintenance, when the copy is given under section 490 of the said Code to the person in whose favour the order is made, or to his guardian, if any, or to the person to whom the allowance is to be paid. |
| Copy supplied to accused under section 548, Criminal Procedure Code. | (f) Copy furnished to any person affected by a judgement or order passed by a criminal court, of the Judge's charge to the Jury or of any order, deposition or other part of the record, when the copy is not a copy which may be granted under any of the preceding sub-clauses without the payment of a fee, but is a copy which on its being applied for under section 548 of the said Code, the Judge or Magistrate, for some special reason to be recorded by him on the copy, thinks fit to furnish without such payment. |

- (g) Copies of all documents furnished under the order of any Court or Magistrate to any Government Advocate or Pleader or other person specially empowered in that behalf for the purpose of conducting any trial or investigation on the part of the Government before any criminal court.
- Copies furnished to lawyers of Government.
- (h) Copies of all documents which any such Advocate, Pleader or other person is required to take in connection with any such trial or investigation for the use of any court or Magistrate or may consider necessary for the purpose of advising the Government in connection with any criminal proceedings.
- Copies furnished to lawyers of Government.
- (i) Copies of judgements or depositions required by officers of the Police Department in the course of their duties.
- Copies required by the Police.
15. To remit the fee chargeable on an application presented by any person for the return of a document filed by him in any court or public office.
- Application for return of document.
16. To direct that, when a part of an estate paying annual revenue to the Government under a settlement which is not permanent is recorded in the Collector's register as separately assessed with such revenue, the value of the subject-matter of a suit for the possession of, or to enforce a right of pre-emption in respect of, a fractional share of that part shall, for the purposes of the computation of the amount of the fee chargeable in the suit, be deemed not to exceed ten times such portion of the revenue separately assessed on that part as may be rateably payable in respect of the share.
- Suit for a share of a revenue-paying estate separately assessed.
- Copies furnished to lawyers of Government.
17. To direct that, if the amount of the fee chargeable in any case involves a fraction of an anna, the fraction shall be remitted, except where otherwise expressly provided by this notification.
- Fraction of an anna to be remitted.

Application for
licence for sale
of stamps.

18. To remit the fee chargeable on an application for the grant of a license for the vend of stamps.

Application for
refund of fine.

19. To direct that no court-fee shall be charged on an application for the re-payment of a fine or of any portion of a fine the refund of which has been ordered by competent authority.

Application for
certain copies.

20. To remit the fees chargeable on application for copies of documents detailed in clauses 4 and 14 supra.

Duty chargeable
for Probates, etc.,
of the share of a
deceased member
of a company.

21. To remit the duty chargeable in respect of Indian Probates, Letters of Administration or Succession Certificates on the share or other interest of a deceased member of a company formed under the Indian Companies Act, 1913(VII of 1913); provided that the said share or interest was registered in the branch register in the United Kingdom under the Indian Companies (Branch Registers) Act, 1900 (IV of 1900), and that such member was at the date of his decease domiciled elsewhere than in India.

Application for
suspension of
remission of land
revenue.

22. To remit the fees chargeable on applications presented to officers of land revenue for the suspension or remission of revenue on the ground that a crop has not been sown or has failed.

Application for
advice from
agricultural
departments.

23. To remit the fee chargeable on applications and petitions presented to a Collector or any revenue officer having jurisdiction equal or subordinate to a Collector for advice or assistance from the Agricultural Department of the State.

Fees for succession
certificates,
probates, etc., of the
property of a
Government servant
in certain cases and
for mutation of the
property.

24. To remit as follows the fees on the property of (i) any person subject to the Naval Discipline Act (29 and 30 Vict.c.109), the Army Act (44 and 45 Vict.c.58), the Air Force Act (7 and 8 Geo. 5c.51) or the Indian Army Act, 1911 (VII of 1911) who is killed while on active service or on service which is of a warlike nature or involves the same risk as active service or dies from wounds inflicted, accidents occurring or disease contracted while on such service and (ii) any person,

being a Government servant, Civil or Military, who dies from wounds or injuries intentionally inflicted (but not self-inflicted) while in actual performance of his official duties or in consequence of those duties:-

- (a) Where the amount of value of property, in respect of which the grant of probates or letters of administration is made or which is specified in the certificate under Part X of the Indian Succession Act, 1925, or in the certificate under Bombay Regulation No.8 of 1827 does not exceed Rs. 50,000 the whole of the fees leviable in respect of that property.
- (b) Where the said amount or value exceeds Rs.50,000, the whole of the said fees in respect of the first Rs.50,000.
- (c) Where any property passes more than once in consequence of such deaths, to remit, in the case of second and subsequent successions, the whole of the said fees, irrespective of the value or amount of such property.
- (d) The whole of the fees chargeable on applications for mutations of names in respect of the property of persons mentioned in clauses (i) and (ii) above.

25. To remit the fees chargeable on copies of orders or proceedings under section 37 of the Punjab Land Revenue Act, 1887 (XVII of 1887), made or recorded by Collectors or other revenue officers engaged in revising a record-of-rights under a notification published in accordance with section 32 of the said Act:

Copies of
proceedings
under section 37
of the Punjab
Land Revenue
Act.

Provided that the copy is furnished for the purpose of being filed with an application or petition to a Collector or other revenue officer engaged as aforesaid in revising a record-of-rights or to the Commissioner of the Division, or to the Financial Commissioner, Punjab, relating to matters connected with the assessment of land or the ascertainment

of rights thereto, or interests therein, if presented previous to the final confirmation of such revision.

Application under section 97 of the Punjab Land Revenue Act.

26. To remit the fees chargeable on application under section 97 of the Punjab Land Revenue Act, 1887 (XVII of 1887), made by village officers in accordance with the provisions of rule 64 of the rules under that Act, published with the Financial Commissioner's notification No.142, dated the 9th November, 1909.

Copies of records mentioned in Chapter IV of the Punjab Land Revenue Act.

27. To remit the fees chargeable on copies of all *records maintained under the provisions of Chapter IV of the Punjab Land Revenue Act, 1887 (XVII of 1887), when such copies are exhibited or recorded in any Court of Justice or are received or furnished by any public officer.

Application for grant of fishing license.

28. To remit the fees chargeable on applications for the grant of fishing licenses prescribed by the rules made by the Government of the Punjab under section 3 of the Punjab Fisheries Act, 1914 (Punjab Act II of 1914).

Application to record a statement or sanction a mutation under section 34(4) of the Land Revenue Act.

29. To remit the stamp duty chargeable on the following petitions under Article 1 (b) of the second Schedule:-

A petition or an application presented to a revenue officer asking him to record a statement or sanction a mutation under section 34 (4) of the Land Revenue Act, XVII of 1887, in consequence of consolidation of holdings carried out by the Co-operative Department in the Punjab.

Application to Municipal, Notified Area or Small Town Committee or District or Cantonment Board for copy of a document or to a Municipal Commissioner in certain cases.

30. To remit the fee chargeable under Article 1 (a) of the second Schedule on the applications or petitions noted below:-

*NOTE TO ITEM No.27.- The register of mutation is one of the records maintained under chapter IV of the Punjab Land Revenue Act, 1887, and no court-fee is, therefore, chargeable on a copy thereof. This item also operates to remit the fee otherwise due on a copy of the mutation proceeding when presented with an appeal against the mutation orders. (Financial Commissioners' letter No.4693-E, & S., dated the 31st August, 1932).

- (a) Applications or petitions presented to any Municipal Commissioner under any Act for the time being in force for the conservancy or improvement of any place if the application or petition relates solely to such conservancy or improvement.
- (b) Applications or petitions presented for the purpose of obtaining a copy or translation of any order passed by a Municipal, Notified Area or Small Town Committee or District or Cantonment Board or of any other document on record in the office of such a body.

31. To remit the Court-fees chargeable under clause (c) of Article 1 or Article 11 of the second Schedule, on petitions and appeals against orders of punishment presented under the following Act or rules, by officials under the administrative control of the Government of the Punjab:-

Petitions and appeals against orders of punishment by officials in certain cases.

- (1) The Punjab Subordinate Services, Punishment and Appeal Rules, 1930.
- (2) Section 13 of the Punjab Land Revenue Act, 1887.
- (3) Rules 16.31 of Chapter XVI (Punishments) of the Punjab Police Rules.

32. To remit the fee payable under article 1(a) of the second Schedule upon all applications made to a magistrate in his capacity as a registering authority under the Punjab Motor Vehicles Rules, 1931.

Application made to a magistrate a registering authority under Punjab Motor vehicles Rules.

33. To remit the fee leviable under article 1(a) of the second Schedule upon all applications made to a magistrate in his capacity as a licensing officer under the Wild Birds and Wild Animals Protection Rules published with Punjab Government notification No. 25157, dated the 4th September 1934.

Application made to a magistrate as a licensing officer under Wild Birds and Wild Animals Protection Rules.

34. To remit the fee leviable under Article 1(b) or (c) of Schedule II on an application or petition presented by a

Application by a revenue agent for renewal of certificate.

revenue agent to the Financial Commissioners, Commissioner of the division, or Collector of the district, for renewal of his certificate.

Mukhtarnama or Vakalatnama by a convicted criminal prisoner.

35. To remit the fees leviable under article 10 of the second Schedule to the Court-fees Act on a mukhtarnama or vakalatnama executed by a convicted criminal prisoner as defined in section 3(3) of the Prisoners' Act, 1894, provided that the mukhtarnama or vakalatnama is for the purpose of preferring an appeal or application for revision in a Criminal Court.

Application by a lawyer to inspect Court register.

36. To remit the Court-fee payable on application made by legal practitioners for permission to inspect Court registers in order to trace the particulars of a suit or document.

Application to Debt Conciliation Board.

37. To remit the court-fee on an application made to the Debt Conciliation Board for the issue of an intimation to the Civil Court.

38. To remit the fee leviable under article 1 of Schedule II of the said Act upon all applications for grant of passports and pilgrims passes made to magistrates and other officers empowered in this behalf in the Punjab.

(b) Revenue Department No. 1486-St., dated the 23rd September, 1940.

In exercise of the powers conferred by section 35 of the Court Fees Act (VII of 1870), hereinafter referred to as the said Act, the Governor of the Punjab is pleased to direct that the following remissions shall be made in the Punjab, namely:-

- (1) In case of fees leviable under articles 11, 12 and 12-A first Schedule to the said Act, on the property of any person subject to the (British) Naval Discipline Act, the (British) Army Act, the (British) Air Force Act, the Indian Army Act (VIII of 1911), the Indian Air Force Act (XIV of 1932)

or the Indian Navy (Discipline) Act (XXXIV of 1934) who is killed or who dies as a result of wounds inflicted accident occurring or disease contracted while on active service against an enemy, or on service which is of a warlike nature, or which, in the opinion of the State Government, otherwise involves the same risks as active service; or on the property of the property of any person in the service of the Government who dies of wounds or injuries (intentionally inflicted by a person other than himself) in the actual performance of his official duties or in consequence of those duties;

- (a) Where the amount or value of property, in respect of which the grant of probate or letters of administration is made, or which is specified in the certificate under Part X of the Indian Succession Act, 1925, or in the certificate under Bombay Regulation No.8 of 1827, does not exceed fifty thousand rupees, the whole of the fee leviable in respect of that property;
 - (b) Where the said amount or value exceeds fifty thousand rupees, the whole of the said fee in respect of the first fifty thousand rupees;
 - (c) Where any property passes more than once in consequence of such deaths, the whole of the said fee (irrespective of the value or amount of such property) in the case of second and subsequent successions;
- (2) In case of applications for mutation of names in respect of the property of persons mentioned in paragraph(1) above, the entire court-fees chargeable under sub-article (b) of article 1 of the Second Schedule to the said Act.

(Punjab Government notification No. 1007-St., dated the 6th July, 1940, is hereby cancelled).

- (c) Revenue Department notification No. 181-St., dated the 11th February, 1941.

In exercise of the powers conferred by section 35 of the Court-fees Act 1870, the Governor of the Punjab is pleased to remit the fee leviable under Article 1 of Schedule II to the said Act on an application made by a Collector to a Court under-

- (a) Sub-section (i) of section 61 of the Indian Stamp Act, 1899,
- (b) Sub-section (4) of section 19-H of the Court-fees Act, and
- (c) rule 12 of Order 33 of the Code of Civil Procedure”.
- “(d) Punjab Government notification No.1799-st., dated the 8th December, 1941.

Under section 35 of the Court-fees Act, 1870, as modified by the Devolution Act, 1920, it is hereby notified that in exercise of the powers to reduce or remit in the territories administered by the Governor of the Punjab all or any of the fees mentioned in the first and second Schedules of the said Act, the Governor of the Punjab has been pleased to make the reductions and remissions hereinafter set forth, namely-

- (i) To direct that in appeal against an order under Order 21, rule 50 (2) of the Code of Civil Procedure, adjudging a person as a partner of a firm against whom a decree is being executed, the fee shall be the same as in a declaratory suit, namely, Rupees ten, if the fee otherwise payable exceeds that amount.

- (ii) To direct that in appeal against a personal decree under Order 34, rule 6 of the Code of Civil Procedure, when only the personal liability of the defendant and not the amount decreed is in dispute, the fee shall be the same as in a declaratory suit, namely, Rs.10, if the fee otherwise payable exceeds that amount.

(d) *[Government of India, Legislative Department, notification No. F. 233/42-C & G.(Judl.), dated the 2nd May, 1942].*

In exercise of the powers conferred by section 35 of the Court Fees Act, 1870 (Act VII of 1870) , the Central Government is pleased to direct in respect of the Chief Commissioner's Province of Delhi,-

- (i) That in appeal against an order under rule 50 (2) of Order XXI of the First Schedule to the Code of Civil Procedure, 1908 (Act V of 1908), adjudging a person as a partner of a firm against whom a decree is being executed, the fee shall be the same as in a declaratory suit, namely, Rs.10, if the fee otherwise payable exceeds that amount.
- (ii) That in appeal against a personal decree under rule 6 of Order XXXIV of the first Schedule to the Code of Civil Procedure, 1908 (Act V of 1908), when only the personal liability of the defendant and not the amount decreed is in dispute, the fee shall be the same as in a declaratory suit, namely, Rs. 10, if the fee otherwise payable exceeds that amount.

(e) *Punjab Government, Revenue Department (Stamps), Notification No.1803-St., dated the 18th October, 1943.*

In exercise of the powers conferred by Section 35 of the Court-fees Act, 1870, the Governor of the Punjab is pleased to direct that court-fee leviable under article 11 of Schedule 1 to the said act on a probate of a will or letters of administration and under article 12 of the said Schedule on a succession Certificate granted under the Indian Succession

Act, 1925, in respect of a Government Savings Bank deposit not exceeding five thousand rupees shall be remitted.

- (f) Punjab Government, Revenue and Development Departments (Stamps), Notification No. 1552-E and T, dated the 9th April, 1948.

In exercise of the powers conferred by section 35 of the Court Fees Act, 1870, the Governor of Punjab is pleased to order that the Court-fee leviable under article 12 of the 1st Schedule to the said Act shall be remitted in respect of the certificates applied for under the Indian Succession Act, 1925, by those widows and children coming from the areas now included in the Dominion of Pakistan, who had lost the heads of their families between 1st March, 1947 and 31st March 1948, both days inclusive.

- (g) Punjab Government, Revenue and Development Departments (Stamps), notification No. 3908- E and T, dated the 10th September 1948.

In exercise of the powers conferred by section 35 of the Court-fees Act, 1870, the Governor of Punjab is pleased to order that the Court-fee leviable under Article 11 of the 1st Schedule to the said Act , shall be remitted in respect of probate of a will or Letters of Administration with or without will annexed, applied for under the Indian Succession Act, 1925, by those widows and children coming from the areas now included in the dominion of Pakistan, who lost the heads of their families between the 1st March, 1947, and the 31st March, 1948, both days inclusive.

Note.- The words 'Widows and children' in the context of the notifications reproduced in parts (f) and (g) are used in the sense of 'male and female decendants of whatever age, of the first degree,-vide Punjab Government, Revenue Department, memorandum No.1003-E and T-50/989,dated the 3rd March, 1950.

- (h) In exercise of the powers conferred by section 35 of the Court-fees Act, 1870, the Governor of Punjab is pleased to order that Court –Fee leviable under article 12 of the first schedule to the said Act, shall be remitted in respect of succession certificates issued in States acceding to India and in the State of Hyderabad.

[Vide Punjab Government, Revenue and Development Departments (Stamps) notification No. 3558-E and T, dated the 6th August, 1949]

- (i) In exercise of the power conferred by the section 35 of the Court Fees Act, 1870, the Governor of the Punjab is pleased to remit in the whole of the Punjab all fees Leviable Under Article 1(b) of Schedule II of the said Act, in respect of complaints lodged by members of the Scheduled Castes under section 11 of the East Punjab (Removal of Religious and social Disabilities) Act, 1948, in courts in the State of Punjab.

[Vide Punjab Government, Revenue and Development Departments notification No. 6027-E&T-50/3966, dated the 15th July, 1950]

- (j) In exercise of the powers conferred by section 35 of the Court-fees Act, 1870(Act VII of 1870), the Governor of Punjab is pleased to exempt in the whole of Punjab the court fee leviable on a plaint in a suit brought by a tenant to contest his liability to ejectment under Section 45 of Punjab Tenancy Act, 1887, on grounds other than adverse possession of a claim to occupancy tenancy.

[Vide Punjab Government, Revenue Department, Notification No.6003-St-532-Spl, dated the 22nd December, 1953].

- (k) In exercise of the powers conferred by section 35 of the Court Fees Act, 1870 (Act VII of 1870), the Governor of Punjab is pleased to exempt in the whole of Punjab the Court fee leviable on memoranda of appeals and

applications for review or revision when filed by tenants from the orders; or decrees passed against them in suits instituted by them under section 45(3) of the Punjab Tenancy Act, to contest their liability to ejectment and the plaints which were exempted from the levy of Court fee,- vide Punjab government (Revenue) (Stamp Department) notification No. 6003-St-53/2-Spl.,dated the 22nd December, 1953.

[Vide Punjab Government, Revenue Department Notification No.51-Stamps-55/45 (CH), dated the 31st January,1955]

**PART B- DESCRIPTION OF STAMPS TO BE USED FOR
DENOTING FEES CHARGABLE UNDER THE
COURT-FEES ACT.**

I. Section 6 provides that the stamps to be used under the act shall be impressed or adhesive.

Kinds of stamp.

II. The following rules known as “The Punjab Court-fee Stamp Rules, 1934” have been made by the Punjab Government for regulating the kind and number of stamps to be used for denoting fees chargeable under the Court-fees Act,- vide Punjab Government notification No. 4860-E & S., dated the 7th August, 1934:-

(1) When in any case the fee chargeable under the Act is less than Rs25 and the amount can be denoted by a single adhesive stamp, such fee shall be denoted by a single adhesive stamp of the required value bearing the words “Court-fee” . But, if the amount cannot be denoted by a single adhesive stamp, or if a single adhesive stamp of the required value is not available, a stamp of the next lower value available shall be used, and the deficiency shall be made up by the use of one or more additional adhesive stamps of the next lower values which may be required to make up the exact amount of the fee.

When fee chargeable is less than Rs. 25.

(2) When in any case the fee chargeable under the Act amount to or exceeds Rs 25 and the amount can be denoted by a single impressed stamp, it shall be denoted by a single impressed stamp of the required value bearing the words “ Court-fee”. But, if the amount cannot be denoted by a single impressed stamp, or if a single impressed stamp of the required value is not available, an impressed stamp of the next lower value available shall be used, and the deficiency shall be made up by the use of one or more additional impressed stamps of the next lower value available which may be required to make up the exact amount of

When fee chargeable is Rs25 or more.

the fee, in combination with adhesive stamps to make up fractions of less than Rs 25.

Fraction of an
anna to be
remitted.

- (3) If in any case the amount of the fee chargeable involves a fraction of an anna, such fraction shall be remitted.

Certificate in case
stamp of the
required value is
not available.

- (4) Where a stamp of the required value is not available, the purchaser shall obtain a certificate from the vendor to that effect in the form below. This certificate shall be affixed to the document and filed with it :-

(FORM OF CERTIFICATE)

“Certified that a single stamp of the value of Rs. ----- required for this document is not available, but in lieu thereof, I have furnished a stamp of the next lower value, available and made up the deficiency by the use of one or more adhesive impressed stamps of the next lower values available required to make up the exact amount of the fee.

Date_____

Signature of the stamp vendor”.

Mode of affixing
adhesive stamps.

- (5) An adhesive stamp which may be used under rule 2 shall be affixed to the impressed stamp of the highest value employed in denoting the fee, or to the first sheet of the document, to be inscribed in such manner as not to conceal the value of the stamp thereon.

Plain paper may be
joined of impressed
stamped paper is
insufficient for
writing the
document.

- (6) When one or more impressed stamps used to denote a fee are found insufficient to admit of the entire document being written on the side of the paper which bears the stamp, so much plain paper may be joined thereto as may be necessary for the complete writing of the document, and writing on the impressed stamps and on the plain paper shall be attested by the signature of the person or persons executing the document.

- III. In exercise of the powers conferred by section 26 and 27(b) of the Court Fees Act, 1870, the Chief Commissioner, Delhi is pleased to make the following rules for regulating the kind and number of stamps to be used for denoting fees chargeable under the said Act.

The Delhi Court-fee Stamp Rules, 1954.

1. When in any case the fee chargeable under the act is less than Rs 25 and the amount can be denoted by a single adhesive stamp such fee shall be denoted by a single adhesive stamp of the required value bearing the words "Court-fee" and over printed with the word "Delhi". But, if the amount cannot be denoted by a single adhesive stamp, or if a single adhesive stamp of the required value is not available, a stamp of the next lower value available shall be used and the deficiency shall be made up by the use of one or more additional adhesive stamps of the next lower value which may be required to make up the exact amount of the fee.

Number and kind of stamps to be used when fees amount to less than Rs 25.

2. When in any case the fee chargeable under the Act amounts to or exceeds Rs. 25 and the amount can be denoted by a single impressed stamp it shall be denoted by a single impressed stamp of the required value bearing the words "Court-fee" and over printed with the word "Delhi". But, if the amount cannot be denoted by a single impressed stamp, or if a single impressed stamp of the required value is not available, an impressed stamp of the next lower value available shall be used, and the deficiency shall be made up by the use of four or more additional impressed stamps of the next lower values available which may be required to make up the exact amount of the fee, in combination with adhesive stamps to make up fractions of less than Rs. 25.

When fee amount to or exceeds Rs. 25.

3. If in any case the amount of the fee chargeable involves a fraction of an anna, such fraction shall be remitted.

Fraction of an annas to be omitted in calculating fee.

Certificates given by a stamp vendor when a single stamp is not available.

4. Where a stamp of the required value is not available, the purchaser shall obtain a certificate from the vendor to that effect in the form below. The certificate shall be affixed to the document and filed with it :-

(form of certificate)

“Certified that a single stamp of the value of Rs._____ required for this document is not available, but in lieu thereof, I have furnished a stamp of the next lower value available and made up the deficiency by the use of one or more adhesive/impressed stamps of the next lower values available required to make up the exact amount of the fee.

Signature of stamp vendor.”

Mode of stamping and engrossing instruments for which a single stamp is not available.

5. An adhesive stamp which may be used under rule 2 shall be affixed to the impressed stamp of the highest value employed in denoting the fee, or to the first sheet of the document, to be inscribed in such manner as not to conceal the value of the stamp thereon.

Directions for the use of plain paper with impressed stamps.

6. When one or more impressed stamps used to denote a fee are found insufficient to admit of the entire document being written on the side of the paper which bears the stamp so much plain paper may be joined thereto as may be necessary for the complete writing of the document, and writing on the impressed stamps and on the plain paper shall be attested by the signature of the person or persons executing the document.

[Delhi Government Notification No. F.27(6)/54, G.A. & R., dated 29th March, 1954, published in the Delhi Gazette, Part V, dated April 8, 1954]

PART C- CANCELLATION OF COURT-FEE STAMPS

Rules made by the High Court for regulating the cancellation of Court-fee Stamps.

RULES

1. 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.
2. 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.

NOTES- In order to ensure compliance with the rules 2, 3 and 4 and uniformity of practice in the State it has been decided that round punches shall be used by courts and offices and triangular punches by the record room staff. Both kinds of punches are obtainable from the Controller of Stationery, Calcutta. Care should be taken to see that all round punches in courts and offices in a district are a uniform size in order to prevent fraud arising from the stamps already punched being punched again with a larger punch.
3. In regard to stamps on documents falling under clause (c) of rule 1 of 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

Cases when cancellation of Court-fees is to be effected.

Mode of cancellation of stamps on documents received by a court or received on account of process fee.

Mode of cancellation of stamps on documents issued by a Court or office.

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.

Cancellation of stamps by Record-keeper.

4. 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. Special attention is requested to the words in italics, as the direction therein contained is always not complied with. 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.

Certificate required when a record is transferred from one official to another.

5. 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.

Record-keeper to see that stamps in the record are complete.

6. 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 incomplete 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.

7. 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.

Certificate as to the completeness of stamps when a record is taken out of record-room.

NOTES.-1. To facilitate the examinations 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. 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:-

Precautions against the fraudulent use of stamps.

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 full 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.

* Copy of a resolution of the Central Government in the Department of Finance and Commerce, no. 3047, dated Simla the 5th September, 1883.

Resolution.- It was directed in Financial resolution No.1763, dated 24th July, 1873 that the Record-keeper of every court shall, when a case is decided and the record consigned to his custody, punch a second hole in each label distinct from the first which is prescribed by section 30 of the Court-fees Act, and note the date of doing so at the same time.

These directions apply only to adhesive labels used under the Court-fees Act. Impressed stamps used for denoting court-fees need not be cancelled or punched otherwise than as required by sections 30 of the Court-fees Act.

8. 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.

Instructions to be observed when two or more impressed stamps are used.

**PART D- INSTRUMENTS NOT DULY STAMPED UNDER
THE INDIAN STAMP ACT, 1899.**

Attention is called to the provisions of sections 33 to 35 of the Indian Stamps Act, II of 1899, in regard to instruments, not duly stamped. The procedure laid down in these sections is mandatory and not discretionary; whatever discretion is permitted under the Act vests in the Collector alone, after the instrument is before him, and with that the civil courts have no concern.

Section 33 to 35 of the Indian Stamp Act are mandatory.

2. By section 33 of the Indian Stamp Act, 1899, all public officers, with certain exceptions, are required to examine every instrument chargeable with duty which comes before them in the performance of their official functions and to impound any instrument which appear not to be duly stamped. Every court impounding an instrument must forthwith note it as "impounded," such note being dated and signed with the ordinary full signature of the impounding officer.

Duty of public officers to examine and impound documents not duly stamped.

3. Under section 35 of the same Act, every such instrument, not being an instrument chargeable with a duty of one anna or half an anna only, or a bill of exchange or promissory-note, may be admitted in evidence in a civil court if the party desiring to use it shall pay the amount necessary to make up the proper stamp duty, together with a penalty of Rs. 5, or when ten times the amount of the proper duty or deficient portion thereof exceeds Rs. 5, then with a penalty of ten times such duty, or portion. Under clause (b) of section 35, however, an un-stamped receipt may be admitted in evidence against the person who has given it, on payment of a penalty of one rupee by the person tendering it.

Conditions on which a document not duly stamped may be admitted in evidence.

The amount realized under section 35 should be paid into the local treasury, sub-treasury, or branch of the State Bank of India, as the case may be, the same day or on the morning of the next day at the latest and the original treasury or bank receipt transmitted to the Superintendent of the Collector's Office together with an authenticated copy of

the impounded document as referred to in paragraph 5 and 6 below.

NOTE.- So far as the deposit of the amount realized under section 35 is concerned these orders may be relaxed in the case of courts which are situated at places where there is no treasury; sub-treasury; or branch of the State Bank of India. In such cases the amount may be deposited at the nearest treasury or sub-treasury twice a month or at such intervals as may be prescribed in the case of other deposits.

Certificate to be endorsed on a document admitted in evidence on payment of duty and penalty.

4. Section 42 requires that civil courts shall certify by endorsement on every instrument admitted in evidence under section 35 of that the proper duty and penalty have been levied in respect thereof, and shall also state the name and residence of the person paying them.

Duty of Court to send to Collector the impounded document or its copy in certain cases.

5. Section 38 requires every civil court to send to the Collector an authenticated copy of every impounded instrument admitted in evidence, with a certificate in writing stating the amount of the duty and penalty levied in respect thereof. The endorsement required by section 42 should be transcribed on such copy. When an impounded instrument has not been admitted in evidence whether from failure to pay the requisite duty and penalty, irrelevancy, want of registration or other cause it must be sent in original to the Collector. In such cases the provisions of section 46, sub-section (2), are applicable. The copy to be made under this section must be retained in the custody of the Court.

Return of documents admitted in evidence on payment of duty and penalty.

6. Section 42, sub-section (2), entitles any person tendering a document on which deficient stamp duty and penalty has been levied under section 35 to reclaim the same, but the proviso to that section directs that the court shall not, under any circumstances, deliver such documents before the expiration of one month from the date of impounding it. If the Collector has certified that the further detention of such document is necessary, the court shall not deliver it until such certificate is cancelled. It is obvious that the transmission of the copy to the Collector should be made with the least possible delay to enable him to make such inquiry as may be necessary within the month for which the instrument is to be detained. Every such copy should be

dispatched not later than 45 hours from the time when the original is impounded.

7. Any duty or penalty paid under sections 35, 37, 40 or 41 by any person, which by agreement or under section 29 or any other law, another person was bound to pay, may be included in costs or otherwise recovered by the person paying such duty or penalty as provided in section 44.

Duty or penalty
paid may be
included in costs.

PART E- STAMP DUTY ON COPIES AND PETITIONS.

The authenticated copies required by section 38 and section 46, sub-section (2), are not liable to court-fee duty.

Copies not liable to Court-fee duty.

2. The attention of all civil courts is drawn to the annexed circular of the Punjab Government, No.6-699, dated the 18th April, 1894 (Financial), on the subject of the levying of stamp duty on copies of documents falling under the Court-fees Act and the Stamp Act:-

Copies liable to Court-fee duty.

‘It has been brought to the notice of the Lieutenant-Governor that copies of documents falling under articles, 6, 7 and 9 of Schedule I of Act VII of 1870 (the Court-fees Act) and Article 22 of Schedule I of Act I of 1879 (the Indian Stamp Act) are often submitted with petitions without being stamped, in the former case the copies being no doubt obtained for private use.

“The exemption from stamp duty of copies of documents taken for private use does not, however, cover the receipt of such copies by a public officer, and the Lieutenant-Governor is, therefore, pleased to issue the following orders for information and guidance of all officers:-

‘A copy of document referred to in Articles 6, 7 or 9 of Schedule I, Act VII of 1870, or in Article 22 of Schedule I, Act I of 1879, and accompanying a petition to a public officer must bear the stamp of the value indicated in the above articles.

‘Section 6 of Act VII of 1870 absolutely prohibits the receipt of documents not duly stamped. Every such document should be returned to the sender or presenter. A petition enclosing copy not duly stamped should, ordinarily, if the consideration of the unstamped document is essential, be returned to the sender or presenter with a direction that orders cannot be passed unless it is resubmitted with the copy duly stamped.”

Court-fees on
application to
Chief Revenue or
Executive
authority.

3. Attention is called to the annexed letter on the subject of the levying of stamp duty on petition under the Court fees Act.

No. 3790-S.R., dated Simla, 27th July, 1894.

From- J.E.O'CONNOR, Esq., Assistant Secretary to the Government of India, Finance and Commerce Department.

To-The Chief Commissionr of Burma.

I am directed to acknowledge the receipt of your letter No. 313-2-S-10, dated the 16th April, 1894, requesting, in connection with an application to the Financial Commissioner from a lessee of certain lead mines in Burma, to dispose of his interest in them to another party, that it may be authoritatively ruled what are the classes of communications from the general public to Government which are liable to the duty leviable under the Court-fees Act, VII of 1870.

2. I am to say that in the opinion of the Central Government the law does not require, and was not intended to require, that application of every description to a Chief Commissioner or other Chief Revenue or Executive authority should be stamped under clause (c) of Article I of Schedule II of the Court-fees Act, VII of 1870. That clause applies only to petitions and applications in connection with a proceeding which is being taken before a Chief Commissioner or other authority specified therein with a view to the exercise or non-exercise of some power or authority conferred upon him by some law or rule having the force of law.

3. I am to request that this view may be acted upon in future.

PART F- AUDIT AND CONTROL OF STAMP REVENUE IN THE PUNJAB.

The following instructions for the audit and control of Stamp Revenue in the Punjab, are issued by the Governor of Punjab, the Punjab High Court and the Financial Commissioners, in their judicial capacity, for the guidance of all officers and courts under their respective control:-

RULES

(1) These rules shall be termed "The Punjab Stamp Audit Instructions, 1933."

Title.

(2) There shall be appointed stamp auditors for the purpose of the audit of every document requiring a stamp which is presented to a court of law other than the High Court or a public office.

Appointment of stamp auditors.

(3) The Financial Commissioner as the Chief Controlling Authority will determine the districts within the jurisdiction of each auditor and fix his headquarters. The auditors shall be under the direct control of the Commissioner of the division in which they are from time to time operating and shall be authorised by the Collector in writing in the term of section 73 of the Indian Stamp Act.

Controlling Authority.

(4) The auditor shall prepare a bi-monthly programme of his tour by districts and after obtaining the approval of the Financial Commissioner give due notice to the Collector of the district concerned and the Commissioner of the division of his forthcoming visit.

Tour programme of auditors.

The auditor shall spend the least possible time on travelling and more time on actual audit work. He shall visit each district in his charge once a quarter and spend about eight days at the headquarters of a district and two days at each tahsil.

Scope of audit.

(5) The auditor shall, on visiting a district, audit all fresh institutions, documents and files pending or otherwise in all courts and registration and other offices including record-rooms. Such inspection shall be from the date on which the last audit terminated.

The auditor shall, in particular, see that the stamps used are genuine and have not been removed from files and re-used.

Registers of stamp deficiency.

(6) Every person described in section 33 of the Indian Stamp Act and every public official referred to in section 6 of the Court Fees Act shall maintain a record of stamp deficiencies in Civil Register XVIII. The Collector shall, in addition to the said register maintained by him in respect of his own Court, maintain a register in form S.A. 5, of documents sent to him under section 38 of the Stamp Act. These registers shall be maintained in respect of all deficiencies whether found in audit or independently.

Auditor to check these registers.

(7) The auditor shall examine the register No. XVIII maintained by the court or office with a view to seeing that it is properly maintained and that collections are made not only on account of deficiencies detected in audit but on account of deficiencies detected independently. He shall also examine the register maintained by the Collector in Form S.A. 5.

Deficiencies in stamps to be notified to the collector.

(8) Once a case has been decided and consigned to the record-room, deficient court-fees are not recoverable under the existing law; instances, therefore, of such short recoveries in court-fees as may be brought to light in the general record-room will merely serve the purpose of educating readers and moharrirs or taking disciplinary action against them. But deficiencies in stamp duty may be brought to the notice of the Collector of the district with a view to action under section 61 of the Stamp Act.

Help to be rendered to the auditor by the Courts and officials.

(9) The presiding officers of all courts and heads of offices will give the auditor access to all records and accounts, etc., and, so far as lies in their power, assist him in the performance of his duties.

(10) In the course of his audit the auditor shall draw the attention of presiding officers of courts and heads of offices to documents before them which are insufficiently stamped, and shall advise them where necessary in relation to their powers and obligations as follows:-

Auditor to draw attention of officers as to their powers and duty re. insufficiently stamped documents.

(i) Under the Stamp Act-

(a) To impound documents under section 33 of the Stamp Act.

(b) To admit unstamped documents in evidence under section 35.

(c) To dispose of impounded documents under section 38. The Collector may also ask the auditor to note on cases coming before him under sections 39 to 43 and also seek any other assistance which he may consider necessary.

(ii) Under the Court Fees Act:-

To determine correct fee leviable on any document.

The auditor, if necessary, will discuss the point at issue with the presiding officer and if required by him be present at the discussion in court before orders are passed.

(11) The auditor will maintain for each district a register in Form S.A.1, in which he will note as it is discovered, each deficiency in stamp duty and court-fees.

Register S.A.1.

(12) After discussion of his preliminary notes with the presiding officer or head of office, the auditor will prepare a formal audit note and send typewritten copies to the presiding officer or the head of the office, as the case may be, and to the Collector of the district concerned. This note will

Officers to whom copy of audit note is to be sent.

include a statement in form S.A.3 of deficiencies discovered, and columns 1 and 6 to 15 will be left blank.

Copies of audit notes on revenue courts and offices, including Sub-Registrars, should also be sent to the Commissioner of the division. In the case of civil courts, where the audit discloses some serious defects, a copy of the audit note should be sent to the District and Sessions Judge through the Collector of the district.

Action to be taken
Audit Note, Form
S.A.3.

(13) The presiding officer of the court or the head of the office shall transfer columns 2 to 5 of Form S.A.3 to Civil Register XVIII and proceed to take necessary action on the note. In cases where he does not agree with the auditor or where he considers it necessary to hear the party concerned before passing orders, he shall, where possible, discuss the matter with the auditor. The presiding officer or head of the office will return the Form S.A.3 to the auditor after completing columns 1, 6 to 8 and noting in column 15, the cases, if any, in which he disagrees with the auditor, but without necessarily completing columns 9-14. The auditor after completing his register will return the form to the court or office report to the Collector any case in which the presiding officer or head of the office has been unable to take the advice of the auditor. The Collector (if he thinks fit and after consulting the Financial Commissioner, if necessary) will take action under section 61 of the Stamp Act, or in the case of the Court Fees Act, draw the attention of the appellate court, or take other appropriate action in the case of other offices.

Posting of
recoveries in proper
register and writing
off irrecoverable
items.

(14) All courts and offices shall, in addition to the account of recoveries effected by them in Civil Register XVIII, show recoveries effected at the instance of the stamp auditor in columns 10 and 11 of the said register and also S.A.3 Irrecoverable loss of stamp revenue is required to be written of under paragraph 20.19 of the Book of Financial Powers, and shall be entered in columns 18 and 19 of register XVIII and columns 11 and 12 of Register S.A.3. They shall also send to the auditor at the end of each months their copies of

Form S.A.3. so that he may complete his returns of recoveries made at his instance from time to time and irrecoverable items written off, after which he will return the form to the court or office. If the court or office has sent a document to the Collector under section 38 of the Stamp Act, it will have no concern with columns 9 to 12.

(15) Special attention shall be paid by the auditors to pauper suits and all their stages carefully watched while they are pending in courts. After their disposal the auditors shall draw the attention of the Collector to the court-fees realizable, and shall suggest to him what steps will ensure early realization. When a court fails to pass an order for costs, the auditor shall advise the Collector to move the court concerned under Order 33, Rules 12, Civil Procedure Code. The auditor shall keep a register of all such cases in Form S.A. 5.

Action to be taken
by auditors re:
pauper suits.
Register S.A.5.

(16) The auditor shall, at the time of his visit to a district, inspect the applications for grant of refund of the value or renewal of spoilt and unused court-fee and non-judicial stamps and register maintained by the Refund Clerk and report the result of his inspection to the Collector of the district.

Auditor to check
applications for
refund of value of
stamps and
registers of stamp
vendors.

The auditor shall also inspect the registers of stamp vendors and check their stock of stamps.

(17) The auditor shall bring to the notice of the Collector defects in the vend arrangements and make suggestions where necessary for improvement of the arrangements.

Defects in the vend
be brought to
arrangements to
the notice of the
Collector.

(18) The auditors shall monthly submit report by districts to the Assistant Secretary to Financial Commissioners through the Collector and Commissioner.

Monthly reports
by auditors. Form
S.A.4.

In these reports the auditors should give details of the period spent, and of the work done on each day. They should

also state the total number of cases examined by them and note separately for each district the total number of deficient stamp duty discovered and recovered at their instance under the following heads:-

- (1) on plaints;
- (2) on copies;
- (3) on applications, etc;
- (4) on process fees;
- (5) on objection petitions;
- (6) on powers of attorney;
- (7) on security bonds, etc., filed in courts;
- (8) on miscellaneous petitions in the English record; and
- (9) on documents filed by the parties.

The report shall be accompanied by a statement in Form S.A.4 showing district totals and also copies of the audit notice on the courts and offices audited.

(19) In support of their claims for travelling allowance the auditors will obtain from the presiding officers of courts and Collectors a certificate in Form S.A.6 and attach it to their monthly travelling allowance bills.

(20) The Local Audit Department is relieved of the audit of stamp duty and court-fees.

A brief account of the work done under this system shall be included by the Financial Commissioners in their annual note on the Stamp Administration.

Certificate in form S.A.6 to be attached to travelling allowance. Bills by auditors.

Review of stamp audit system by Financial Commissioner.

(Punjab Government U.O.No.418-P. F-47-S, dated the 19th May, 1933).

2. The forms prescribed in these rules may be obtained on indent from the Controller of Printing and Stationery, Punjab.

F.Cs., Stereo A. & T.No.353
(FORM S.A.3).

NOTE OF DEFICIENCIES DISCOVERED IN AUDIT TO BE SUBMITTED TO COURT OR
OFFICE CONCERNED WITH HIS INSPECTION NOTE BY THE AUDITOR

DISTRICT.....COURT OR OFFICE.....

Serial No. in civil register XVIII	No. of suit	Brief particulars of suit or case	Deficiency in stamp duty or court-fees	Serial No. in register S.A.I.	State if sent to Collector under section 33 of Stamp Act	Duty recoverable under section 35 of Stamp Act or under the Court Fees Act		
1	2	3	4	5	6	7		
Penalty imposed under section 35 of Stamp Act	Recovered		Written off as irrecoverable by competent authority		Balance			
	Duty	Penalty	Duty	Penalty	Duty(Column 7- Columns 9 and 11)	Penalty (Column 8- Columns 10 and 12)	REMARKS	
8	9	10	11	12	13	14	15	

F.Cs'. Stereo A. and T No.351

(FORM S.A.I.)

DISTRICT OF.....

REGISTER OF STAMP DEFICIENCIES DISCOVERED BY THE AUDITOR (AUDITORS REGISTER)

Serial No.	Court or office and name of presiding officer	No. of suit	Brief particulars of suit or case	Deficiency in stamp duty or court-fees discovered	State if case has been sent to Collector under section 38 of Stamps Act	Penalty if any under section 35 of the Stamp Act
1	2	3	4	5	6	7
By COURT OR OFFICE		BY COLLECTOR				
Amount recovered at the instance of the auditor		Amount recovered at the instance of the auditor.		Amount written off as irrecoverable by competent authority.		
Duty	Penalty under section 35 of Stamp Act	Duty	Penalty under Section 35 or 40 of Stamp Act	Duty	Penalty	REMARKS
8	9	10	11	12	13	14

F.C'S. Stereo. A & T. No.354

(Form S.A.4.)

STATEMENT SHOWING DEFICIENCIES IN STAMP DUTY AND COURT-FEES DISCOVERED BY-----

--STAMP AUDITOR, AND RECOVERIES MADE BY COURTS AND COLLECTORS OF THE

DISTRICTS DURING THE MONTH OF 19_____.

(TO BE SUBMITTED BY THE AUDITORS TO THE FINANCIAL COMMISSIONERS MONTHLY)

District	Deficiencies in Court-fees and stamp duty discovered during the month		Deficiency in court-fees and stamp duty discovered during the previous month		TOTAL OF COLUMNS		Recoveries made by Courts and Collectors at the instance of the auditor during the month		Recoveries made during previous months	
					2&4	3&5				
	Duty	Penalty	Duty	Penalty	Duty	Penalty	Duty	Penalty	Duty	Penalty
1	2	3	4	5	6	7	8	9	10	11
Amount written off as irrecoverable during the month		Amount written off as irrecoverable during previous month		TOTAL OF COLUMNS		BALANCE		REMARKS		
				8,10,12 & 14	9,11,13 & 15	Column 6-column 16	Column 7-column 17			
Duty	Penalty	Duty	Penalty	Duty	Penalty	Duty	Penalty			
12	13	14	15	16	17	18	19	20		

F.C's. Stereo A. & T. No.335

District_____

(Form S.A.5.)

REGISTER OF DEFICIENCIES IN STAMP DUTY DEALT WITH BY THE COLLECTOR

Serial No.	BRIEF PARTICULARS OF CASE							DEMAND		RECOVERED			WRITTEN OFF AS IRRECOVERABLE			BALANCE		
	Name of plaintiff or appellant	Name of defendant or respondent	Court or office from which sent	Section under which sent	Description of document impounded and nature of deficiency	Name and address of the person presenting the document	If discovered in audit, state date and serial No. in register S.A.I	Duty	Penalty	Duty	Penalty	Name of treasury or sub-treasury with No. and date of treasury receipt	Duty	Penalty	Authority	Duty	Penalty	REMARKS
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19

F.c's. Stereo A. & T. No. 356

(FORM S.A.6.)

Certified that _____, Stamp auditor, started audit in this court/office on _____ and audited the stamp and court-fee accounts of this court or place/office for _____days.

Dated_____

Place_____

Signature of Presiding
Officer of Court, or Head
of Office.

**PART G- AUDIT AND CONTROL OF STAMP REVENUE IN
DELHI**

The following instructions for the audit and control of the stamp revenue in Delhi are issued by the Chief Controlling Revenue Authority in consultation with the Honourable judges of the High Court for the guidance of all officers and courts under their respective control:-

RULES

- | | |
|--|-------------------------------|
| “1. These rules shall be termed “The Delhi Stamp Audit Instructions, 1939”. | Title |
| 2. There shall be appointed a stamp-auditor for the purpose of the audit of every document requiring a stamp which is presented to a court of law other than the High Court, or to a public officer. | Appointment of Stamp Auditors |
| 3. The auditor shall be under the direct control of the Chief Controlling Revenue Authority and shall be authorized by the Collector in writing in the terms of Section 73 of the Indian Stamp Act. | Controlling authority. |
| 4. The auditor shall prepare a monthly programme of audit and after obtaining the approval of the Chief Controlling Revenue Authority to it, give due notice to Presiding Officers of courts and heads of offices of the work which he proposes to do. | Monthly programme of auditor |
| 5. The auditor shall audit all fresh institutions, documents, and files pending or otherwise in all courts and registration and other offices including record rooms. Such inspection shall be from the date on which the last audit terminated. | Scope of audit. |

The auditor shall, in particular, see that the stamps used are genuine and have not been removed from files and re-used.

Registers of stamp
deficiency.

6. Every person described in section 33 of the Indian Stamp Act and every public official referred to in section 6 of the Court-fees Act shall maintain a record of stamp deficiencies in Civil Register No. XVIII. The Collector shall, in addition to the said register maintained by him in respect of his own court, maintain a register in Form S.A.5 of documents sent to him under section 38 of the Stamp Act. These registers shall be maintained in respect of all deficiencies whether found in audit or independently.

Register to be
checked by
auditor.

7. The auditor shall examine the register No. XVIII maintained by each court or office with a view to seeing that it is properly maintained and that collections are made not only on account of deficiencies detected in audit but on account of deficiencies detected independently. He shall also examine the register maintained by the Collector in Form S.A.5.

Deficiencies in
stamps to be
notified to the
Collector.

8. Once a case has been decided and consigned to the record-room, deficient court-fees are not recoverable under the existing law, instances, therefore, of such short recoveries in court-fees as may be brought to light in the general record-room will merely serve the purpose of educating readers and moharrirs or taking disciplinary action against them. But deficiencies in stamp duty may be brought to the notice of the Collector with a view to action under section 61 of the Stamp Act.

Facilities to be
afforded to the
auditor.

9. The presiding officers of all courts and heads of offices will give the auditor access to all records and accounts, etc., and, so far as lies in their power, assist him in the performance of his duties.

Auditor to draw
attention of officers
as to their powers
and duties re:
insufficiently stamped
documents.

10. In the course of his audit the auditor shall draw the attention of presiding officers of courts and heads of offices to documents before them which are insufficiently stamped, and shall advise them where necessary in relation to their powers and obligations as follows-

(i) Under the Stamp Act:-

- (a) To impound documents under section 33 of the Stamp Act.
- (b) To admit unstamped documents in evidence under section 35.
- (c) To dispose of impounded documents under section 38. The Collector may also ask the auditor to note on cases coming before him under sections 39 to 43 and also seek any other assistance which he may consider necessary.

(ii) Under the Court-fees Act:-

To determine correct fee leviable on any document. The auditor, if necessary, will discuss the point at issue with the presiding officer and, if required by him, be present at the discussion in court before orders are passed.

11. The auditor will maintain a register in Form S.A.1, in which he will note as it is discovered, each deficiency in stamp duty and court-fees.

Register S.A.1.

12. After discussion of his preliminary notes with the presiding officer or head of office, the auditor will prepare a formal audit note and send typewritten copies to the presiding officer or the head of the office, as the case may be, and to the Collector. This note will include a statement in form S.A. 3 of deficiencies discovered, and columns 1 and 6 to 15 will be left blank.

Officers to whom copy of audit note is to be sent.

Copies of audit notes on revenue courts and offices, including Sub-Registrars, should also be sent to the Chief Controlling Revenue Authority, Delhi.

In the case of civil courts, where the audit discloses some serious defects, a copy of the audit note should be sent to the District and Sessions Judge through the Collector.

Action to be taken
on audit note.
Form S.A.3.

13. The presiding officer of the court or the head of the office shall transfer columns 2 to 5 of Forms S.A.3 to Civil Register No. XVIII and proceed to take necessary action on the note. In cases where he does not agree with the auditor or where he considers it necessary to hear the party concerned before passing orders, he shall, where possible, discuss the matter with the auditor. The presiding officer or head of the office will return the form S.A.3 to the auditor after completing columns 1 and 6 to 8 and noting in column 15, the cases, if any, in which he disagrees with the auditor, but without necessarily completing columns 9-14. The auditor after completing his register will return the form to the court or office and report to the Collector any case in which the presiding officer or head of the office has been unable to take the advice of the auditor. The Collector (if he thinks fit and after consulting the Chief Controlling Revenue Authority, if necessary) will take action under section 61 of the Stamp Act, or in the case of the Court-fees Act, address the appellate court or take other appropriate action in the case of other offices.

Posting of
recoveries in
proper registers
and writing off
irrecoverable
items.

14. All courts and offices shall, in addition to the account of recoveries effected by them in civil register XVIII, show recoveries effected at the instance of the Stamp auditor in columns 10 and 11 of the said register and also in register S.A. 3. Irrecoverable loss of stamp revenue is required to be written off under Article 227 of Civil Account Code, Volume I, and shall be entered in columns 18 and 19 of register No. XVIII and Columns 11 and 12 of register S.A.3. They shall also send to the auditor at the end of each month, their copies of register S.A.3. so that he may complete his returns of recoveries made at his instance from time to time and irrecoverable items written off, after which he will return the form to the court or office. If the court or office has sent a document to the Collector under section 38 of the Stamp Act, it will have no concern with columns 9 to 12.

Action to be taken
by ancestors re:
pauper suits.
Register S.A.5

15. Special attention shall be paid by the auditor to pauper suits and all their stages carefully watched while they

are pending in courts. After their disposal the auditor shall draw the attention of the Collector to the court-fees realizable, and shall suggest to him what steps will ensure early realization. When a court fails to pass an order for the auditor shall advise the Collector to move the court concerned under Order 33, Rule 12, Civil Procedure Code. The auditor shall keep a register of all such cases in form S.A.5.

16. The auditor shall also inspect the applications for grant of refund of the value or renewal of spoilt and unused court-fee and non-judicial stamps and register maintained by the Refund Clerk and report the result of his inspection to the Collector.

Auditor to check applications for refund of value of stamps and also register of stamp vendors.

The auditor shall also inspect the registers of stamp vendors and check their stock of stamps.

17. The auditor shall bring to the notice of the Collector defects in the vend arrangements and make suggestions where necessary for improvement of the arrangements.

Defects in the Vend Managements for sale of stamps.

18. The auditor shall monthly submit report to the Chief Controlling Revenue Authority through the Collector.

Monthly reports by auditors.
Form S.A.4.

In these reports the auditor should give details of the period spent, and of the work done on each day. He should also state the total number of cases examine by him and note the total number of deficient stamp duty discovered and recovered at his instance. The report shall be accompanied by a statement in Form S.A.4.

19. In support of his claims for travelling allowance the auditor will obtain from the presiding officers of courts and Collector a certificate in Form S.A.6 and attach it to his monthly travelling allowance bills.

Certificate to be attached to travelling allowance bills.

20. The total Audit Department is relieved of the audit of stamp duty and court-fee.

Review of Stamp Audit System.

A brief account of the work done under this system shall be included in the Annual Administration Report.”

CHAPTER 5**PROCESSES FEES****PART A—REMARKS AND DIRECTIONS**

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

Table of fees to be exhibited in each Court house.

2. The Court-Fees Act, section 20, clause (ii), restricts the levy of a fee on criminal processes to non-cognizable cases. The fee for such processes has been fixed at a uniform rate of twelve annas.

Fee on criminal processes.

3. Every criminal summons for the service of which a fee is levied under the rules framed by the High Court under section 20 of the Court-fees Act (VII of 1870) shall be served by the process-serving establishment of the court issuing the summons.

Agency for service of criminal processes on which fee is levied.

4. Courts are reminded that, under section 546-A of the Code of Criminal Procedure, in cases of conviction of an accused of the offence of wrongful confinement, wrongful restraint, or of any non-cognizable offence, the court may by its order direct that the accused should pay to the complainant any sum that he may have expended in issue of processes; and such sum may be recovered in the manner provided for recovery of fines.

Recovery of process fee from accused as a fine in certain cases.

5. With regard to the service of processes issued by Revenue Courts and Revenue Officers, the Financial commissioners, Punjab, have in exercise of the powers conferred by clause (c) of sub-section (1) of section 155 of the Punjab Land Revenue Act, 1887, made the following rules :-

Rules

- (1) Notwithstanding the separation of the Revenue from the Civil Courts, Revenue Courts and Revenue

Officers shall send the processes issued by them, for which process fee is charged, to the civil process serving agency for service and execution.

- (2) The control over income derived from process fees in all Revenue Courts and Revenue Offices and the expenditure on establishment, etc., from this source, shall be retained by the High Court. The Commissioners and the subordinate Revenue Courts and Officers shall maintain the registers and accounts prescribed by the Rules and Orders of the High Court and submit the annual returns in the prescribed form.
- (3) The Revenue Courts and Officers of the Punjab are, for the purpose of levying process fees, divided into three grades as shown in the annexed table :-

Grade		Revenue Courts
First	..	Financial Commissioners
Second	..	Commissioners
Third	..	Collectors and Assistant Collectors

The process fee shall be levied in accordance with the rules framed by the High Court under section 20(i), (ii) of the Court Fees Act, 1870, as contained in Chapter 5-B of the High Court Rules and Orders, Volume IV.

(Financial Commissioners' Office, Punjab, notification No. 54-R, dated the 15th January, 1946)

6. No process shall be prepared or issued until the proper fee for the service thereof has been paid, but as soon as the process fee (talbana) is paid by a litigant, his agent or his pleader, a receipt in the form given below shall be

Diary of process fees. Receipts for process fees. Preparation and issue of processes.

granted by the ahlmad or other official receiving the same, and thereafter the court fee label denoting the fee shall be affixed to the diary of process fees and immediately punched. The process shall then be prepared but it will be left to the party who applied for the process to issue it or not as he thinks fit. This will obviate the necessity for making any refund of the value of court fee filed on account of processes which are not eventually issued.

7. On every process issued from any Court the following particulars shall be recorded, namely :- (1) the name of the process-server deputed to serve or execute the same; (2) the period within which the process-server is required to certify service or execution; (3) the amount of fee paid and the date of payment; and (4) the date of return after service or execution.

Particulars to be noted on processes issued.

Such endorsements shall be signed by the Civil Nazir or Naib-Nazir, or Bailiff.

8. An account of Court fee stamps realised as process fee of processes issued (civil and criminal), of the number of process-servers employed, of the cost of establishment and of contingencies shall be kept for each court where a separate establishment is entertained.

Accounts of process fees and costs of establishment to be maintained.

9. A statement giving information on the above points should be submitted with the annual civil reports.

Review of process-serving establishment in civil report.

10. With the record of each Civil case, and of each Criminal case in which process fees are levied, should be kept a separate sheet of paper to be termed the 'Diary of process fee' which should be devoted to the sole purpose of maintaining a record of process fees. This diary should be in the prescribed form, and should form a portion of part B. In it entries should be made in chronological order of every process ordered to be issued in the case, and the stamps should be affixed opposite each entry and cancelled immediately upon being affixed.

Diary of process fees.

Process fee in case of substituted service.

11. In cases of substituted service under Order 5, Rule 20, Civil Procedure Code, one process fee shall be charged to cover all the acts done under that rule. In case of drum beating or publications in a News paper the charges for the same shall be paid in addition to the process fees.

No process fee for several attempts to serve the same process.

12. Where a process-server makes several visits before the date of hearing in order to serve the *same* process, no additional process fee shall be charged for those extra visits.

^[1]13. Deleted.

^[1]14. Deleted.

No fee to be charged for serving and executing processes on behalf of prosecution in certain criminal proceedings.

15. Attention is drawn to the Court Fees (Punjab Amendment) Act, 1939, Punjab Act IV of 1939, which lays down that no fees shall be charged for serving and executing processes on behalf of the prosecution in any criminal proceedings taken on information presented or complaint made by a public officer acting in his official capacity.

The State Government may by notification determine what persons shall be deemed to be public officers for this purpose.

NOTE.—The Government has declared all Police officers to be public officers for this purposes.

[1] Deleted vide Correction Slip No. 129/113 Rules/II.D.4 dated 14.11.2003

PART B—RULES UNDER SECTION 20, CLAUSES

(i) AND (ii)

Rules made by the High Court under the power conferred by section 20, clauses (i) and (ii) of the Court Fees Act, 1870, confirmed by the State Government regarding the fees chargeable for serving and executing processes issued by the High Court in its appellate jurisdiction and by the Civil and Criminal Courts established within the local limits of such jurisdiction.

RULES

1. The Civil Courts of the Punjab, shall, for the purpose of levying process fees, be divided into three grades as shown in the annexed table :-

Grades of Court
for purposes of
process fee.

Grade		Civil Courts
First	..	The High Court
Second	..	District Courts
Third	..	Courts subordinate to the District Court.

^[1]NOTE.— 1. The Disciplinary Committee of a Bar Council mentioned in Section 42 of the Advocates Act, 1961 (No. 25 of 1961) shall be deemed to be a Civil Court of the First Grade for the purposes of this rule.

^[2]2. For the purposes of this rule, a Tribunal established under section 12 of Punjab Act VIII of 1925) (the Sikh Gurdwaras Act of 1925) and the Motor Accidents Claims Tribunal, constituted under section 110 of the Motor Vehicles Act, 1939, shall be deemed to be a Civil Court of the Second Grade.

3. The Court of a Sub-Judge, invested with appellate powers, is deemed to be a District Court for the purposes of all appeals preferred and is therefore a court of the second grade.

[1] Added vide Correction Slip No. 17 Rules/XIX.A.12 dated 06.04.1966

[2]Substituted vide Correction Slip No. 19 Rules/XIX.A.12 dated 23.05.1966

Process fee for
each Court.

^[1]2. Process fee for the service of the processes including summons, notices or other process shall be levied in each Court, Civil and Criminal @ Rs. 50 only (Rs. Fifty only) in each case at the time of institution. This fee will not include the charges for registered cover. In appropriate case, the Court may also ask for additional fee to the extent of Rs. 25 for any misc. application filed during the pendency of the proceedings.

Separate process
to issue for each
person to be
served.

^[1]3. A separate process shall be issued for each person summoned or arrested, or upon whom a notice is served. In a case in which it is desired to attach the property of more than one person (judgment-debtors or their sureties), in the same village/city, a combined warrant of attachment shall be issued.

^[2]4. Deleted.

^[2]5. Deleted.

Processes issued
by and sent to
Courts in India to
be served free of
charge.

6. A process issued by any Court in India whether of Civil or Criminal jurisdiction, shall be served free of charge by any Court in the Punjab if it be certified on the process that the proper fee has been levied under the rules in force in the territory in which the Court issuing the process is situated. When any Court in the Punjab, whether of Civil or Criminal jurisdiction, transmits a process for service or execution to any Court beyond its jurisdiction, a certificate shall be endorsed on the process that the fee chargeable under rule 2 or rule 4, as the case may be, has been levied.

Travelling allowan-
ce of process-
servers.

7. Ordinarily process-servers should travel on foot when proceeding to serve or execute processes; but in special cases, the judge of the Court issuing the process, may

[1] Substituted vide Correction Slip No. 129/113 Rules/II.D.4 dated 14.11.2003

[2] Deleted vide Correction Slip No. 129/113 Rules/II.D.4 dated 14.11.2003

permit the journey to be made by railway. In such cases the permission should be in writing and the railway fare should be charged to the budget heads. Travelling allowance of process-servers under process-serving establishment is not charged to the person at whose instance the process is issued.

^[1]PART F—Punjab Subordinate Courts (Right To Information) Rules,
2007

In exercise of powers conferred by sub-section(1) of Section 28 read with Section 2(e) of the Right to Information Act, 2005 (22 of 2005), Hon'ble the Chief Justice and Judges of the High Court of Punjab and Haryana are pleased to make the following rules, namely:-

1. (i) These rules shall be called the “Punjab Subordinate Courts, (Rights to Information) Rules, 2007.”

Short title and
commencement.

(ii) These rules shall come into force from the date of their publication in the Official Gazette.

(iii) These rules shall be applicable to all the Subordinate Courts in the State of Punjab.

2. (i) In these rules, unless the context otherwise requires:

Definitions.

- (a) ‘Act’ means the Right to Information Act, 2005 (22 of 2005);
 - (b) ‘Appendix’ means the appendix appended to these rules;
 - (c) ‘Authorized Person’ means Public Information Officer and Assistant Public Information Officer designated as such by the Hon’ble Chief Justice and Judges of the High Court;
 - (d) ‘Appellate Authority’ means designated as such by the Hon’ble Chief Justice and Judges of the High Court;
 - (e) ‘Administrative Officer’ means the Chief Administrative Officer/Superintendent of the Office of District & Sessions Judge;
 - (f) ‘Chief Ministerial Officer’ means (the Senior most official out of cadre of Readers/Judgment Writers/ Stenographers as the case may be) of the Court presided over by the senior most judicial Officer at the station having more than one Court other than the District Headquarters and the Chief Ministerial Officer of the Court where there is only one Court at a station;
 - (g) ‘Competent Authority’ means the Hon’ble Administrative Judge of the concerned Sessions Division as a delegatory of the competent authority as defined in the Act;
-

[1] Inserted vide Correction Slip No. 142 Rules/II.D.4 dated 14.08.2007

- (h) 'Form' means a form appended to these rules;
- (i) 'High Court' means the High Court of Punjab and Haryana;
- (j) 'Section' means the section of the Act.

(ii) Words and expressions used but not defined in these Rules, shall have the same meanings assigned to them in the Act.

Application for
seeking information.

^[1]3. Any person seeking information under the Act, shall make an application in Form 'A' or on a plain paper or through electronic medium in English or Hindi or Punjabi, during office hours on any working day and shall deposit application fee as per Rule 7 by paying fee in cash or by adhesive court fee, or in any other form so determined by the competent authority from time to time.

No application shall be rejected on the ground that the same has not been made in Form "A".

Provided that a person, who makes a request through electronic form, shall ensure that the requisite fee is deposited with the authorized person, in the manner mentioned above, within seven days of his sending the request through electronic form, failing which, the application shall be treated as dismissed:

Provided further that the date of application in such case shall be deemed to be the date of deposit of the entire fee or the balance fee or deficit amount of the fee to the authorized person.

^[2]4. The information specified under Section 8 of the Act shall not be disclosed and made available and in particular the following information shall not be disclosed:-

Exemption from
disclosure of
Information.

^[3]1. The Information which relates to judicial functions and duties of the Court and matters incidental and ancillary thereto and of confidential nature shall not be disclosed in terms of Section 8(1)(b) of the Act.

-
1. Amended vide Correction Slip No. 174 Rules/II.D.4 dated 31.03.2014
 2. Substituted vide Correction Slip No. 158 Rules/II.D.4 dated 08.05.2012
 3. Amended vide Correction Slip No. 174 Rules/II.D4 dated 31.03.2014

Provided that the question as to which information relates to judicial functions, duties of Court and matters incidental and ancillary or of confidentiality shall be decided by the Competent Authority or his delegate, whose decision shall be final.

- ^[1](2) Any information affecting the confidentiality of any examination/selection process conducted by the District & Sessions Judge under Punjab Subordinate Courts Establishment (Recruitment and General Conditions of Service) Rules, 1997 as amended from time to time.

The question of confidentiality shall be decided by the Competent Authority and in case of the information relating to a Sessions Division by the Administrative Judge of the said Sessions Division acting as a delegate of the competent authority, whose decision shall be final.

5. ^[2]Deleted.

6. ^[3](i) Where the requested information does not fall within the jurisdiction of the authorized person and (a) which is held by another public authority; or (b) the subject matter of which is more closely connected with the functions of another public authority, the authorized person, to whom such application is made, shall transfer the application alongwith fee or such part of it as may be appropriate to that other public authority in Form 'C' as soon as practicable, but, in no case, not later than five days from the date of receipt of the application.

Disposal of application
by the authorized
person.

^[4] Provided that, where the requested information does not fall within the jurisdiction of the authorized person and the authorized person, to whom such application is made, is not aware as to which other authority is the appropriate authority, then the application shall be disposed of by him and the applicant shall be intimated accordingly.

-
1. Substituted vide Correction Slip No. 161 Rules/II.D4 dated 25.07.2012
 2. Deleted vide Correction slip No. 158 Rules/II.D4 dated 08.05.2012.
 3. Amended vide Correction slip No. 174 Rules/II.D4 dated 31.03.2014.
 4. Inserted vide Correction Slip No. 185 Rules/II.D4 dated 25.02.2019.

- (ii) If the requested information falls within the authorized person's jurisdiction and also in one or more of the categories of restrictions listed in Sections 8 and 9 of the Act and exemptions detailed in Rule 4 ^[1]ibid, the authorized person, on being satisfied, will issue the rejection order in Form 'D' as soon as practicable, normally within fifteen days and in any case not later than thirty days from the date of the receipt of application.

1. Amended vide Correction slip No. 174 Rules/II.D4 dated 31.03.2014.

^[1](iii) If the requested information falls within the authorized person's jurisdiction, but not in one or more of the categories listed in Sections 8 and 9 of the Act and Rule 4 *ibid*, the authorized person, on being so satisfied, shall supply the information to the applicant in Form 'E', falling within its jurisdiction. In case the information sought is partly outside the jurisdiction of the authorized person or partly falls in the categories listed in Sections 8 and 9 of the Act, the authorized person shall supply only such information as is permissible under the Act and is within his own jurisdiction and shall transfer such part of the application as may be appropriate to that other public authority as soon as practicable, but, in no case, not later than five days from the date of receipt of the application.

(iv) The information shall be supplied as soon as practicable, normally within fifteen days and in any case not later than thirty days from the date of the receipt of the application on deposit of the balance amount, if any, to the authorized person, before collection of the information. A proper acknowledgement shall be obtained from the applicant in token of receipt of information.

^[2](v) Deleted.

Charging of Fee.

^[3]7. (i) The authorized person shall charge the fee for supply of information at the following rates, :-

Sr. No.	Description of information	Price/fees in rupees
(A)	Where the information is available in the form of a priced publication	On printed price.
(B)	For other than priced publication	(a) Rupees ten as application fee; (b) Rupees two per page; (c) actual charge or cost price of a copy in larger size paper; (d) actual cost or price for samples or models.
(C)	Where information is available in electronic form and is to be supplied in electronics form e.g. Floppy, CD etc	Rupees twenty five per CD.
(D)	Information relating to tenders documents /bids/quotation/Business contract	Rupees one hundred per application.

1. Amended vide Correction Slip No. 174 Rules/II.D4 dated 31.03.2014.

2. Deleted vide Correction Slip No. 158 Rules/II.D4 dated 08.05.2012.

3. Amended vide Correction Slip No. 174 Rules/II.D4 dated 31.03.2014.

^[1](ii) For inspection of documents or records, no fee for the first hour; and a fee of Rupees five for each subsequent hour (or fraction thereof).

(iii) The fees given above may be varied/enhanced by the competent authority from time to time.

(iv) Every page of information to be supplied shall be duly authenticated and shall bear the seal of the officer concerned supplying the information.

(v) During inspection the applicant shall not be allowed to take the photograph of the record/document. The applicant shall not cause any hindrance to the office work and shall cooperate with the staff and complete the inspection as soon as possible. The Public Information Officer concerned shall have the right to fix the time and date of the inspection according to administrative convenience and his/her decision shall be final.

^[2](vi) Omitted.

8. ^[3](i) Any person-

Appeal

(a) who fails to get a response from the authorized person within thirty days of submission of an application as per Rule 3; or

(b) is aggrieved by the response received within the prescribed period;

he may prefer an appeal in Form 'F' or on a plain paper to the Appellate Authority.

(ii) On receipt of the appeal, the Appellate Authority shall acknowledge the receipt of appeal and after giving the applicant an opportunity of being heard, shall endeavour to dispose it of within thirty days from the date, on which it is presented and send a copy of the decision to the authorized person concerned.

(iii) In case the appeal is allowed, the information shall be supplied to the applicant by the authorized person within such period as may be ordered by the Appellate Authority.

1. Amended vide Correction Slip No. 174 Rules/II.D4 dated 31.03.2014.
2. Omitted vide Correction Slip No. 174 Rules/II.D4 dated 31.03.2014.
3. Amended vide Correction Slip No. 174 Rules/II.D4 dated 31.03.2014.

This period shall not exceed thirty days from the date of the receipt of the order.

Penalties.

9. (i) Whoever being bound to supply information fails to furnish the information asked for, under the Act, within the time specified or fails to communicate the rejection order, shall be liable to pay a penalty up to fifty rupees per day for the delayed period beyond thirty days subject to a maximum of five hundred rupees per application, filed under rule 3 as may be determined by the appellate authority.

(ii) Where the information supplied is found to be false in any material particular and which the person is bound to supply it knows and has reason to believe it to be false or does not believe it to be true, the person supplying the information shall be liable to pay a penalty of one thousand rupees, to be imposed by the appellate authority.

10. (i) The public authority shall *suo motu* publish information as per sub-section (1) of Section 4 of the Act by publishing booklets and/or folders and/or pamphlets and up date these publications every year as required by sub-section (1) of Section 4 of the Act.

Suo motu
publication of
information by
public authorities.

(ii) Such information shall also be made available to the public through information counters, medium of internet and display on notice board at conspicuous places in the office of the Authorised Person and the Appellate Authority.

11. (i) The authorized person shall maintain records of all applications received for supply of information and fee charged.

(ii) The appellate authority shall maintain records of all appeals filed before it and fee charged.

Maintenance of
Records.

FORM A
Form of application for seeking information
(See rule 3)

I.D. No. _____

(For Official use)

To

The authorized person,

1. Name of the Applicant
2. Address
3. Particulars of information sought-
 - (a) Concerned department District Courts-Sub Divisional Courts
 - (b) Period for which information is sought
 - (c) Other details, if any
4. A Court fee of Rs.....has been affixed on the application.

Place :

Date :

Signature of Applicant

E-mail address, if any:

Telephone No. (Office) :

(Residence) :

Note:

- (i) Please ensure that the Form A is complete in all respect and there is no ambiguity in providing the details of information required.

FORM B**Acknowledgement of Application in Form A**

I.D. No. Dated

1. Received an application in Form A from Mr./Ms. resident of under Section.....of the Right to Information Act, 2005.
2. The information is proposed to be given normally within fifteen days and in case within thirty days from the date of receipt of application and in case it is found that the information asked for cannot be supplied, the rejection letter shall be issued stating reason thereof.
- ^[1]3. The applicant is advised to contact the undersignedon any working day during office hours.
4. In case the applicant fails to turn up on the scheduled date(s), the undersigned shall not be responsible for delay, if any.
5. The applicant shall have to deposit the balance fee, if any, before collection of information.
6. The applicant may also consult Web-site of the department from time to time to ascertain the status of his application.

Signature & Stamp of the
Authorised Person
E-mail
Web-site
Telephone No.

Dated:

[1]FORM C

**Transfer of application outside the Jurisdiction of the authorized
person
[rule 6(i)]**

I.D. No.
(For Official use)

Dated:

Ref. No.

Sub:- Request for information (under RTI Act, 2005) from Mr./Ms.
_____ Received in this Office on
_____.

Sir/Madam.

1. I am forwarding herewith an application/request for information (under RTI Act, 2005) received from Mr./Ms.
_____ Son/Daughter/Wife of
_____ resident of _____.
2. The subject matter of the information requested by the above applicant is related to your Department/Office/Organization/Institution _____ which pertains to or partly pertains to _____.
3. The required information and/or an appropriate reply may be supplied to the applicant, under intimation to the undersigned.

Encl: As above

Yours faithfully,
Authorised Person:
E-mail address:
Web-site:
Telephone No:

Copy to: The Applicant

Yours faithfully,
Authorised Person:
E-mail address:
Web-site:
Telephone No:

FORM D
Rejection Order
[Rule 6(ii)]

No. _____

Dated _____

From

To

Sir/Madam,

Please refer to your application, I.D. No. _____ dated _____
addressed to the undersigned regarding supply of information on _____.

2. The information asked for cannot be supplied due to following reasons:-

- (i)
- (ii)

3. As per Section 19 of the Right to Information Act, 2005, you may file an appeal to the Appellate Authority within thirty days of the issue of this order.

Yours faithfully,
Authorised Person
E-mail address :
Web-site :
Telephone No. :

FORM E
Form of Supply of information to the applicant
[Rule 6(iii)]

No. _____

Dated _____

From

To

Sir/Madam,

Please refer to your application, I.D. No. _____ dated _____
addressed to the undersigned regarding supply of information on _____.

2. The information asked for is enclosed for reference.* The
following partly information is being enclosed.*

- (i)
- (ii)

The remaining information about the other aspects cannot be supplied due to
following reasons:-*

- (i)
- (ii)
- (iii)

3. The requested information does not fall within the jurisdiction of the
undersigned.*
4. As per Section 19 of the Right to Information Act, 2005, you may file an
appeal to the Appellate Authority within thirty days of the issue of this
order.*

Yours faithfully,
Authorised Person
E-mail address :
Web-site :
Telephone No. :

*Strike out if not applicable.

FORM F
Appeal under Section 19 of the Right to Information Act, 2005
 [(Rule 8(i))]

To _____ I.D. No. _____
 (For official use)

Appellate Authority
 Address:

1. Name of the Applicant
2. Address
3. Particulars of the authorized person
 - (a) Name
 - (b) Address
4. Date of submission of application in Form A
5. Date on which 30 days from submission of Form A is over
6. Reasons for appeal
 - (a) No response received in Form B or C within thirty days of submission of Form A [8(i)(a)].
 - (b) Aggrieved by the response received within prescribed period [8(i)(b)] [copy of the reply received be attached]
 - (c) Grounds for appeal.
7. Last date of filing the appeal. [See Rule 8(iii)]
8. Particulars of information:-
 - (i) Information requested
 - (ii) Subject
 - (iii) Period
9. ^[1]Omitted.

Place : _____ Signature of Appellant
 Date : _____ E-mail address, if any:
 Telephone No. (Office) :
 (Residence) :

Acknowledgement

I.D. No. _____ Dated _____

Received an Appeal application from Shri/Ms. _____ resident of _____ under
 Section 19 of the Right to Information Act, 2005.

Signature of Receipt Clerk
 Appellate Authority
 Telephone No. :
 E-mail address, Web-Site

^[1]PART G—Haryana Subordinate Courts (Right To Information) Rules, 2007

In exercise of powers conferred by sub-section(1) of Section 28 read with Section 2(e) of the Right to Information Act, 2005 (22 of 2005), Hon'ble the Chief Justice and Judges of the High Court of Punjab and Haryana are pleased to make the following rules, namely:-

1. (i) These rules shall be called the “Haryana Subordinate Courts, (Rights to Information) Rules, 2007.”

Short title and commencement.

(ii) These rules shall come into force from the date of their publication in the Official Gazette.

(iii) These rules shall be applicable to all the Subordinate Courts in the State of Haryana.

2. (i) In these rules, unless the context otherwise requires:

Definitions.

- (a) ‘Act’ means the Right to Information Act, 2005 (22 of 2005);
 - (b) ‘Appendix’ means the appendix appended to these rules;
 - (c) ‘Authorized Person’ means Public Information Officer and Assistant Public Information Officer designated as such by the Hon’ble Chief Justice and Judges of the High Court;
 - (d) ‘Appellate Authority’ means designated as such by the Hon’ble Chief Justice and Judges of the High Court;
 - (e) ‘Administrative Officer’ means the Chief Administrative Officer/ Superintendent of the Office of District & Sessions Judge;
 - (f) ‘Chief Ministerial Officer’ means (the Senior most official out of cadre of Readers/Judgment Writers/ Stenographers as the case may be) of the Court presided over by the senior most judicial Officer at the station having more than one Court other than the District Headquarters and the Chief Ministerial Officer of the Court where there is only one Court at a station;
 - (g) ‘Competent Authority’ means the Hon’ble Administrative Judge of the concerned Sessions Division as a delegatory of the competent authority as defined in the Act;
-

[1] Inserted vide Correction Slip No. 140 Rules/II.D.4 dated 14.08.2007

- (h) 'Form' means a form appended to these rules;
- (i) 'High Court' means the High Court of Punjab and Haryana;
- (j) 'Section' means the section of the Act.

(ii) Words and expressions used but not defined in these Rules, shall have the same meanings assigned to them in the Act.

^[1]3. Any person seeking information under the Act, shall make an application in Form 'A' or on a plain paper or through electronic medium in English or Hindi or Punjabi, during office hours on any working day and shall deposit application fee as per Rule 7 by paying fee in cash or by adhesive court fee, or in any other form so determined by the competent authority from time to time.

No application shall be rejected on the ground that the same has not been made in Form "A".

Provided that a person, who makes a request through electronic form, shall ensure that the requisite fee is deposited with the authorized person, in the manner mentioned above, within seven days of his sending the request through electronic form, failing which, the application shall be treated as dismissed:

Provided further that the date of application in such case shall be deemed to be the date of deposit of the entire fee or the balance fee or deficit amount of the fee to the authorized person.

^[2]4. The information specified under Section 8 of the Act shall not be disclosed and made available and in particular the following information shall not be disclosed:-

- ^[3]1. The Information which relates to judicial functions and duties of the Court and matters incidental and ancillary thereto and of confidential nature shall not be disclosed in terms of Section 8(1)(b) of the Act.

Exemption from
disclosure of
Information.

-
1. Amended vide Correction Slip No. 175 Rules/II.D.4 dated 31.03.2014
 2. Substituted vide Correction Slip No. 159 Rules/II.D.4 dated 08.05.2012
 3. Amended vide Correction Slip No. 175 Rules/II.D.4 dated 31.03.2014

Provided that the question as to which information relates to judicial functions, duties of Court and matters incidental and ancillary or of confidentiality shall be decided by the Competent Authority or his delegate, whose decision shall be final.

- ^[1](2) Any information affecting the confidentiality of any examination/selection process conducted by the District & Sessions Judge under Haryana Subordinate Courts Establishment (Recruitment and General Conditions of Service) Rules, 1997 as amended from time to time.

The question of confidentiality shall be decided by the Competent Authority and in case of the information relating to a Sessions Division by the Administrative Judge of the said Sessions Division acting as a delegate of the competent authority, whose decision shall be final.

5. ^[2]Deleted.

6. ^[3](i) Where the requested information does not fall within the jurisdiction of the authorized person and (a) which is held by another public authority; or (b) the subject matter of which is more closely connected with the functions of another public authority, the authorized person, to whom such application is made, shall transfer the application alongwith fee or such part of it as may be appropriate to that other public authority in Form 'C' as soon as practicable, but, in no case, not later than five days from the date of receipt of the application.

Disposal of
application by the
authorized person.

[4] Provided that, where the requested information does not fall within the jurisdiction of the authorized person and the authorized person, to whom such application is made, is not aware as to which other authority is the appropriate authority, then the application shall be disposed of by him and the applicant shall be intimated accordingly.

-
1. Substituted vide Correction Slip No. 162 Rules/II.D.4 dated 25.07.2012
 2. Deleted vide Correction Slip No. 159 Rules/II.D.4 dated 08.05.2012.
 3. Amended vide Correction Slip No. 175 Rules/II.D.4 dated 31.03.2014.
 4. Inserted vide Correction Slip No. 185 Rules/II.D.4 dated 25.02.2019.

- (ii) If the requested information falls within the authorized person's jurisdiction and also in one or more of the categories of restrictions listed in Sections 8 and 9 of the Act and exemptions detailed in Rule 4 ¹¹ibid, the authorized person, on being satisfied, will issue the rejection order in Form 'D' as soon as practicable, normally within fifteen days and in any case not later than thirty days from the date of the receipt of application.

1. Amended vide Correction Slip No. 175 Rules/II.D.4 dated 31.03.2014.

^[1](iii) If the requested information falls within the authorized person's jurisdiction, but not in one or more of the categories listed in Sections 8 and 9 of the Act and Rule 4 *ibid*, the authorized person, on being so satisfied, shall supply the information to the applicant in Form 'E', falling within its jurisdiction. In case the information sought is partly outside the jurisdiction of the authorized person or partly falls in the categories listed in Sections 8 and 9 of the Act, the authorized person shall supply only such information as is permissible under the Act and is within his own jurisdiction and shall transfer such part of the application as may be appropriate to that other public authority as soon as practicable, but, in no case, not later than five days from the date of receipt of the application.

(iv) The information shall be supplied as soon as practicable, normally within fifteen days and in any case not later than thirty days from the date of the receipt of the application on deposit of the balance amount, if any, to the authorized person, before collection of the information. A proper acknowledgement shall be obtained from the applicant in token of receipt of information.

^[2](v) Deleted.

Charging of Fee.

^[3]7. (i) The authorized person shall charge the fee for supply of information at the following rates, :-

Sr. No.	Description of information	Price/fees in rupees
(A)	Where the information is available in the form of a priced publication	On printed price.
(B)	For other than priced publication	(a) Rupees ten as application fee; (b) Rupees two per page; (c) actual charge or cost price of a copy in larger size paper; (d) actual cost or price for samples or models.
(C)	Where information is available in electronic form and is to be supplied in electronics form e.g. Floppy, CD etc	Rupees twenty five per CD.
(D)	Information relating to tenders documents /bids/quotation/Business contract	Rupees one hundred per application.

-
1. Amended vide Correction Slip No. 175 Rules/II.D4 dated 31.03.2014.
 2. Deleted vide Correction Slip No. 159 Rules/II.D4 dated 08.05.2012.
 3. Amended vide Correction Slip No. 175 Rules/II.D4 dated 31.03.2014.

^[1](ii) For inspection of documents or records, no fee for the first hour; and a fee of Rupees five for each subsequent hour (or fraction thereof).

(iii) The fees given above may be varied/enhanced by the competent authority from time to time.

(iv) Every page of information to be supplied shall be duly authenticated and shall bear the seal of the officer concerned supplying the information.

(v) During inspection the applicant shall not be allowed to take the photograph of the record/document. The applicant shall not cause any hindrance to the office work and shall cooperate with the staff and complete the inspection as soon as possible. The Public Information Officer concerned shall have the right to fix the time and date of the inspection according to administrative convenience and his/her decision shall be final.

^[2](vi) Omitted.

8. ^[3](i) Any person-

Appeal

- (a) who fails to get a response from the authorized person within thirty days of submission of an application as per Rule 3; or
- (b) is aggrieved by the response received within the prescribed period;

he may prefer an appeal in Form 'F' or on a plain paper to the Appellate Authority.

(ii) On receipt of the appeal, the Appellate Authority shall acknowledge the receipt of appeal and after giving the applicant an opportunity of being heard, shall endeavour to dispose it of within thirty days from the date, on which it is presented and send a copy of the decision to the authorized person concerned.

(iii) In case the appeal is allowed, the information shall be supplied to the applicant by the authorized person within such period as may be ordered by the Appellate Authority.

1. Amended vide Correction Slip No. 175 Rules/II.D.4 dated 31.03.2014.

2. Omitted vide Correction Slip No. 175 Rules/II.D.4 dated 31.03.2014.

3. Amended vide Correction Slip No. 175 Rules/II.D.4 dated 31.03.2014.

This period shall not exceed thirty days from the date of the receipt of the order.

Penalties.

9. (i) Whoever being bound to supply information fails to furnish the information asked for, under the Act, within the time specified or fails to communicate the rejection order, shall be liable to pay a penalty up to fifty rupees per day for the delayed period beyond thirty days subject to a maximum of five hundred rupees per application, filed under rule 3 as may be determined by the appellate authority.

(ii) Where the information supplied is found to be false in any material particular and which the person is bound to supply it knows and has reason to believe it to be false or does not believe it to be true, the person supplying the information shall be liable to pay a penalty of one thousand rupees, to be imposed by the appellate authority.

10. (i) The public authority shall *suo motu* publish information as per sub-section (1) of Section 4 of the Act by publishing booklets and/or folders and/or pamphlets and up date these publications every year as required by sub-section (1) of Section 4 of the Act.

Suo motu
publication of
information by
public authorities.

(ii) Such information shall also be made available to the public through information counters, medium of internet and display on notice board at conspicuous places in the office of the Authorised Person and the Appellate Authority.

11. (i) The authorized person shall maintain records of all applications received for supply of information and fee charged.

(ii) The appellate authority shall maintain records of all appeals filed before it and fee charged.

Maintenance of
Records.

FORM A
Form of application for seeking information
(See rule 3)

I.D. No. _____

(For Official use)

To

The authorized person,

1. Name of the Applicant
2. Address
3. Particulars of information sought-
 - (a) Concerned department District Courts-Sub Divisional Courts
 - (b) Period for which information is sought
 - (c) Other details, if any
4. A Court fee of Rs.....has been affixed on the application.

Place :

Date :

Signature of Applicant

E-mail address, if any:

Telephone No. (Office) :

(Residence) :

Note:

- (i) Please ensure that the Form A is complete in all respect and there is no ambiguity in providing the details of information required.

FORM B**Acknowledgement of Application in Form A**

I.D. No. Dated

1. Received an application in Form A from Mr./Ms. resident of under Section.....of the Right to Information Act, 2005.
2. The information is proposed to be given normally within fifteen days and in case within thirty days from the date of receipt of application and in case it is found that the information asked for cannot be supplied, the rejection letter shall be issued stating reason thereof.
- ^[1]3. The applicant is advised to contact the undersignedon any working day during office hours.
4. In case the applicant fails to turn up on the scheduled date(s), the undersigned shall not be responsible for delay, if any.
5. The applicant shall have to deposit the balance fee, if any, before collection of information.
6. The applicant may also consult Web-site of the department from time to time to ascertain the status of his application.

Signature & Stamp of the
Authorised Person
E-mail
Web-site
Telephone No.

Dated:

[1]FORM C**Transfer of application outside the Jurisdiction of the authorized person**
[rule 6(i)]I.D. No.
(For Official use)

Dated:

Ref. No.

Sub:- Request for information (under RTI Act, 2005) from Mr./Ms.
_____ Received in this Office on
_____.

Sir/Madam.

1. I am forwarding herewith an application/request for information (under RTI Act, 2005) received from Mr./Ms.
_____ Son/Daughter/Wife of
_____ resident of _____.
2. The subject matter of the information requested by the above applicant is related to your Department/Office/Organization/Institution _____ which pertains to or partly pertains to _____.
3. The required information and/or an appropriate reply may be supplied to the applicant, under intimation to the undersigned.

Encl: As above

Yours faithfully,
Authorised Person:
E-mail address:
Web-site:
Telephone No:

Copy to: The Applicant

Yours faithfully,
Authorised Person:
E-mail address:
Web-site:
Telephone No:

FORM D
Rejection Order
[Rule 6(ii)]

No. _____

Dated _____

From

To

Sir/Madam,

Please refer to your application, I.D. No. _____ dated _____
addressed to the undersigned regarding supply of information on _____.

2. The information asked for cannot be supplied due to following reasons:-

- (i)
- (ii)

3. As per Section 19 of the Right to Information Act, 2005, you may file an appeal to the Appellate Authority within thirty days of the issue of this order.

Yours faithfully,
Authorised Person
E-mail address :
Web-site :
Telephone No. :

FORM E
Form of Supply of information to the applicant
[Rule 6(iii)]

No. _____

Dated _____

From

To

Sir/Madam,

Please refer to your application, I.D. No. _____ dated _____
addressed to the undersigned regarding supply of information on _____.

2. The information asked for is enclosed for reference.* The
following partly information is being enclosed.*

- (i)
- (ii)

The remaining information about the other aspects cannot be supplied due to
following reasons:-*

- (i)
- (ii)
- (iii)

3. The requested information does not fall within the jurisdiction of the
undersigned.*
4. As per Section 19 of the Right to Information Act, 2005, you may file an
appeal to the Appellate Authority within thirty days of the issue of this
order.*

Yours faithfully,
Authorised Person
E-mail address :
Web-site :
Telephone No. :

*Strike out if not applicable.

FORM F
Appeal under Section 19 of the Right to Information Act, 2005
 [(Rule 8(i))]

To _____ I.D. No. _____
 (For official use)

Appellate Authority
 Address:

1. Name of the Applicant
2. Address
3. Particulars of the authorized person
 - (a) Name
 - (b) Address
4. Date of submission of application in Form A
5. Date on which 30 days from submission of Form A is over
6. Reasons for appeal
 - (a) No response received in Form B or C within thirty days of submission of Form A [8(i)(a)].
 - (b) Aggrieved by the response received within prescribed period [8(i)(b)] [copy of the reply received be attached]
 - (c) Grounds for appeal.
7. Last date of filing the appeal. [See Rule 8(iii)]
8. Particulars of information:-
 - (i) Information requested
 - (ii) Subject
 - (iii) Period
9. ^[1]Omitted.

Place : _____ Signature of Appellant
 Date : _____ E-mail address, if any:
 Telephone No. (Office) :
 (Residence) :

Acknowledgement

I.D. No. _____ Dated _____

Received an Appeal application from Shri/Ms. _____ resident of _____ under
 Section 19 of the Right to Information Act, 2005.

Signature of Receipt Clerk
 Appellate Authority
 Telephone No. :
 E-mail address, Web-Site

^[1]PART H— Chandigarh Union Territory Subordinate Courts (Right To Information) Rules, 2007

In exercise of powers conferred by sub-section(1) of Section 28 read with Section 2(e) of the Right to Information Act, 2005 (22 of 2005), Hon'ble the Chief Justice and Judges of the High Court of Punjab and Haryana are pleased to make the following rules, namely:-

1. (i) These rules shall be called the “Chandigarh Union Territory Subordinate Courts, (Rights to Information) Rules, 2007.”

Short title and commencement.

(ii) These rules shall come into force from the date of their publication in the Official Gazette.

(iii) These rules shall be applicable to all the Subordinate Courts in the Union Territory, Chandigarh.

2. (i) In these rules, unless the context otherwise requires:

(a) ‘Act’ means the Right to Information Act, 2005 (22 of 2005);

(b) ‘Appendix’ means the appendix appended to these rules;

Definitions.

(c) ‘Authorized Person’ means Public Information Officer and Assistant Public Information Officer designated as such by the Hon’ble Chief Justice and Judges of the High Court;

(d) ‘Appellate Authority’ means designated as such by the Hon’ble Chief Justice and Judges of the High Court;

(e) ‘Administrative Officer’ means the Chief Administrative Officer/ Superintendent of the Office of District & Sessions Judge;

(f) ‘Chief Ministerial Officer’ means (the Senior most official out of cadre of Readers/Judgment Writers/ Stenographers as the case may be) of the Court presided over by the senior most judicial Officer at the station having more than one Court other than the District Headquarters and the Chief Ministerial Officer of the Court where there is only one Court at a station;

(g) ‘Competent Authority’ means the Hon’ble Administrative Judge of the concerned Sessions Division as a delegatory of the competent authority as defined in the Act;

[1] Inserted vide Correction Slip No. 141 Rules/II.D.4 dated 14.08.2007

- (h) 'Form' means a form appended to these rules;
- (i) 'High Court' means the High Court of Punjab and Haryana;
- (j) 'Section' means the section of the Act.

(ii) Words and expressions used but not defined in these Rules, shall have the same meanings assigned to them in the Act.

^[1]3. Any person seeking information under the Act, shall make an application in Form 'A' or on a plain paper or through electronic medium in English or Hindi or Punjabi, during office hours on any working day and shall deposit application fee as per Rule 7 by paying fee in cash or by adhesive court fee, or in any other form so determined by the competent authority from time to time.

No application shall be rejected on the ground that the same has not been made in Form "A".

Provided that a person, who makes a request through electronic form, shall ensure that the requisite fee is deposited with the authorized person, in the manner mentioned above, within seven days of his sending the request through electronic form, failing which, the application shall be treated as dismissed:

Provided further that the date of application in such case shall be deemed to be the date of deposit of the entire fee or the balance fee or deficit amount of the fee to the authorized person.

^[2]4. The information specified under Section 8 of the Act shall not be disclosed and made available and in particular the following information shall not be disclosed:-

- ^[3]1. The Information which relates to judicial functions and duties of the Court and matters incidental and ancillary thereto and of confidential nature shall not be disclosed in terms of Section 8(1)(b) of the Act.

Exemption from
disclosure of
Information.

-
1. Amended vide Correction Slip No. 176 Rules/II.D.4 dated 31.03.2014
 2. Substituted vide Correction Slip No. 160 Rules/II.D.4 dated 08.05.2012
 3. Amended vide Correction Slip No. 176 Rules/II.D.4 dated 31.03.2014

Provided that the question as to which information relates to judicial functions, duties of Court and matters incidental and ancillary or of confidentiality shall be decided by the Competent Authority or his delegate, whose decision shall be final.

- ^[1](2) Any information affecting the confidentiality of any examination/selection process conducted by the District & Sessions Judge under Chandigarh Union Territory Subordinate Courts Establishment (Recruitment and General Conditions of Service) Rules, 1997 as amended from time to time.

The question of confidentiality shall be decided by the Competent Authority and in case of the information relating to a Sessions Division by the Administrative Judge of the said Sessions Division acting as a delegate of the competent authority, whose decision shall be final.

5. ^[2]Deleted.

6. ^[3](i) Where the requested information does not fall within the jurisdiction of the authorized person and (a) which is held by another public authority; or (b) the subject matter of which is more closely connected with the functions of another public authority, the authorized person, to whom such application is made, shall transfer the application alongwith fee or such part of it as may be appropriate to that other public authority in Form 'C' as soon as practicable, but, in no case, not later than five days from the date of receipt of the application.

Disposal of application by the authorized person.

^[5] Provided that, where the requested information does not fall within the jurisdiction of the authorized person and the authorized person, to whom such application is made, is not aware as to which other authority is the appropriate authority, then the application shall be disposed of by him and the applicant shall be intimated accordingly.

(ii) If the requested information falls within the authorized person's jurisdiction and also in one or more of the categories of restrictions listed in Sections 8 and 9 of the Act and exemptions detailed in Rule 4 ^[4]ibid, the authorized person, on being satisfied, will issue the rejection order in Form 'D' as soon as practicable, normally within fifteen days and in any case not later than thirty days from the date of the receipt of application.

1. Substituted vide Correction Slip No. 163 Rules/II.D.4 dated 25.07.2012
 2. Deleted vide Correction Slip No. 160 Rules/II.D.4 dated 08.05.2012.
 3. Amended vide Correction Slip No. 176 Rules/II.D.4 dated 31.03.2014.
 4. Amended vide Correction Slip No. 176 Rules/II.D.4 dated 31.03.2014.
 5. Inserted vide Correction Slip No. 185 Rules/II.D.4 dated 25.02.2019.

^[1](iii) If the requested information falls within the authorized person's jurisdiction, but not in one or more of the categories listed in Sections 8 and 9 of the Act and Rule 4 *ibid*, the authorized person, on being so satisfied, shall supply the information to the applicant in Form 'E', falling within its jurisdiction. In case the information sought is partly outside the jurisdiction of the authorized person or partly falls in the categories listed in Sections 8 and 9 of the Act, the authorized person shall supply only such information as is permissible under the Act and is within his own jurisdiction and shall transfer such part of the application as may be appropriate to that other public authority as soon as practicable, but, in no case, not later than five days from the date of receipt of the application.

(iv) The information shall be supplied as soon as practicable, normally within fifteen days and in any case not later than thirty days from the date of the receipt of the application on deposit of the balance amount, if any, to the authorized person, before collection of the information. A proper acknowledgement shall be obtained from the applicant in token of receipt of information.

^[2](v) Deleted.

Charging of Fee.

^[3]7. (i) The authorized person shall charge the fee for supply of information at the following rates, :-

Sr. No.	Description of information	Price/fees in rupees
(A)	Where the information is available in the form of a priced publication	On printed price.
(B)	For other than priced publication	(a) Rupees ten as application fee; (b) Rupees two per page; (c) actual charge or cost price of a copy in larger size paper; (d) actual cost or price for samples or models.
(C)	Where information is available in electronic form and is to be supplied in electronics form e.g. Floppy, CD etc	Rupees twenty five per CD.
(D)	Information relating to tenders documents /bids/quotation/Business contract	Rupees one hundred per application.

-
1. Amended vide Correction Slip No. 176 Rules/II.D.4 dated 31.03.2014.
 2. Deleted vide Correction Slip No. 160 Rules/II.D4 dated 08.05.2012.
 3. Amended vide Correction Slip No. 176 Rules/II.D4 dated 31.03.2014.

^[1](ii) For inspection of documents or records, no fee for the first hour; and a fee of Rupees five for each subsequent hour (or fraction thereof).

(iii) The fees given above may be varied/enhanced by the competent authority from time to time.

(iv) Every page of information to be supplied shall be duly authenticated and shall bear the seal of the officer concerned supplying the information.

(v) During inspection the applicant shall not be allowed to take the photograph of the record/document. The applicant shall not cause any hindrance to the office work and shall cooperate with the staff and complete the inspection as soon as possible. The Public Information Officer concerned shall have the right to fix the time and date of the inspection according to administrative convenience and his/her decision shall be final.

^[2](vi) Omitted.

8. ^[3](i) Any person-

Appeal

(a) who fails to get a response from the authorized person within thirty days of submission of an application as per Rule 3; or

(b) is aggrieved by the response received within the prescribed period;

he may prefer an appeal in Form 'F' or on a plain paper to the Appellate Authority.

(ii) On receipt of the appeal, the Appellate Authority shall acknowledge the receipt of appeal and after giving the applicant an opportunity of being heard, shall endeavour to dispose it of within thirty days from the date, on which it is presented and send a copy of the decision to the authorized person concerned.

(iii) In case the appeal is allowed, the information shall be supplied to the applicant by the authorized person within such period as may be ordered by the Appellate Authority.

1. Amended vide Correction slip No. 176 Rules/II.D.4 dated 31.03.2014.

2. Amended vide Correction slip No. 176 Rules/II.D.4 dated 31.03.2014.

3. Amended vide Correction slip No. 176 Rules/II.D.4 dated 31.03.2014.

This period shall not exceed thirty days from the date of the receipt of the order.

Penalties.

9. (i) Whoever being bound to supply information fails to furnish the information asked for, under the Act, within the time specified or fails to communicate the rejection order, shall be liable to pay a penalty up to fifty rupees per day for the delayed period beyond thirty days subject to a maximum of five hundred rupees per application, filed under rule 3 as may be determined by the appellate authority.

(ii) Where the information supplied is found to be false in any material particular and which the person is bound to supply it knows and has reason to believe it to be false or does not believe it to be true, the person supplying the information shall be liable to pay a penalty of one thousand rupees, to be imposed by the appellate authority.

10. (i) The public authority shall *suo motu* publish information as per sub-section (1) of Section 4 of the Act by publishing booklets and/or folders and/or pamphlets and up date these publications every year as required by sub-section (1) of Section 4 of the Act.

Suo motu
publication of
information by
public authorities.

(ii) Such information shall also be made available to the public through information counters, medium of internet and display on notice board at conspicuous places in the office of the Authorised Person and the Appellate Authority.

11. (i) The authorized person shall maintain records of all applications received for supply of information and fee charged.

(ii) The appellate authority shall maintain records of all appeals filed before it and fee charged.

Maintenance of
Records.

FORM A
Form of application for seeking information
(See rule 3)

I.D. No. _____

(For Official use)

To

The authorized person,

1. Name of the Applicant
2. Address
3. Particulars of information sought-
 - (a) Concerned department District Courts-Sub Divisional Courts
 - (b) Period for which information is sought
 - (c) Other details, if any
4. A Court fee of Rs.....has been affixed on the application.

Place :

Date :

Signature of Applicant

E-mail address, if any:

Telephone No. (Office) :

(Residence) :

Note:

- (i) Please ensure that the Form A is complete in all respect and there is no ambiguity in providing the details of information required.

FORM B**Acknowledgement of Application in Form A**

I.D. No. Dated

1. Received an application in Form A from Mr./Ms. resident of under Section.....of the Right to Information Act, 2005.
2. The information is proposed to be given normally within fifteen days and in case within thirty days from the date of receipt of application and in case it is found that the information asked for cannot be supplied, the rejection letter shall be issued stating reason thereof.
- ^[1]3. The applicant is advised to contact the undersignedon any working day during office hours.
4. In case the applicant fails to turn up on the scheduled date(s), the undersigned shall not be responsible for delay, if any.
5. The applicant shall have to deposit the balance fee, if any, before collection of information.
6. The applicant may also consult Web-site of the department from time to time to ascertain the status of his application.

Signature & Stamp of the
Authorised Person
E-mail
Web-site
Telephone No.

Dated:

[1]FORM C**Transfer of application outside the Jurisdiction of the authorized
person
[rule 6(i)]**

I.D. No.
(For Official use)

Dated:

Ref. No.

Sub:- Request for information (under RTI Act, 2005) from Mr./Ms.
_____ Received in this Office on
_____.

Sir/Madam.

1. I am forwarding herewith an application/request for information (under RTI Act, 2005) received from Mr./Ms.
_____ Son/Daughter/Wife of
_____ resident of _____.
2. The subject matter of the information requested by the above applicant is related to your Department/Office/Organization/Institution _____ which pertains to or partly pertains to _____.
3. The required information and/or an appropriate reply may be supplied to the applicant, under intimation to the undersigned.

Encl: As above

Yours faithfully,
Authorised Person:
E-mail address:
Web-site:
Telephone No:

Copy to: The Applicant

Yours faithfully,
Authorised Person:
E-mail address:
Web-site:
Telephone No:

FORM D
Rejection Order
[Rule 6(ii)]

No. _____

Dated _____

From

To

Sir/Madam,

Please refer to your application, I.D. No. _____ dated _____
addressed to the undersigned regarding supply of information on _____.

2. The information asked for cannot be supplied due to following reasons:-

- (i)
- (ii)

3. As per Section 19 of the Right to Information Act, 2005, you may file an appeal to the Appellate Authority within thirty days of the issue of this order.

Yours faithfully,
Authorised Person
E-mail address :
Web-site :
Telephone No. :

FORM E
Form of Supply of information to the applicant
[Rule 6(iii)]

No. _____

Dated _____

From

To

Sir/Madam,

Please refer to your application, I.D. No. _____ dated _____
addressed to the undersigned regarding supply of information on _____.

2. The information asked for is enclosed for reference.* The
following partly information is being enclosed.*

- (i)
- (ii)

The remaining information about the other aspects cannot be supplied due to
following reasons:-*

- (i)
- (ii)
- (iii)

3. The requested information does not fall within the jurisdiction of the
undersigned.*
4. As per Section 19 of the Right to Information Act, 2005, you may file an
appeal to the Appellate Authority within thirty days of the issue of this
order.*

Yours faithfully,
Authorised Person
E-mail address :
Web-site :
Telephone No. :

*Strike out if not applicable.

FORM F
Appeal under Section 19 of the Right to Information Act, 2005
 [(Rule 8(i))]

To _____ I.D. No. _____
 (For official use)

Appellate Authority
 Address:

1. Name of the Applicant
2. Address
3. Particulars of the authorized person
 - (a) Name
 - (b) Address
4. Date of submission of application in Form A
5. Date on which 30 days from submission of Form A is over
6. Reasons for appeal
 - (a) No response received in Form B or C within thirty days of submission of Form A [8(i)(a)].
 - (b) Aggrieved by the response received within prescribed period [8(i)(b)] [copy of the reply received be attached]
 - (c) Grounds for appeal.
7. Last date of filing the appeal. [See Rule 8(iii)]
8. Particulars of information:-
 - (i) Information requested
 - (ii) Subject
 - (iii) Period
9. ^[1]Omitted.

Place : _____ Signature of Appellant
 Date : _____ E-mail address, if any:
 Telephone No. (Office) :
 (Residence) :

Acknowledgement

I.D. No. _____ Dated _____

Received an Appeal application from Shri/Ms. _____ resident of _____ under
 Section 19 of the Right to Information Act, 2005.

Signature of Receipt Clerk
 Appellate Authority
 Telephone No. :
 E-mail address, Web-Site

1. Omitted vide Correction Slip No. 176 Rules/II.D.4 dated 31.03.2014.

CHAPTER 6**PROCESS-SERVING ESTABLISHMENT****A-REMARKS AND DIRECTIONS**

The rules in Parts B and C have been made by the High Court with the sanction of Government and are republished for the guidance of Civil Courts in supersession of all previous rules on the subject.

General

2. Process-serving establishment are appointed and dealt with in accordance with the rules given in Chapter 18-A, Volume I.

Chapter 18-A
deals with
appointments

3. The Senior Sub-Judge or the Administrative Sub-Judge in districts where there is an Administrative Sub-Judge, has control over, and is responsible for the efficiency of the process-serving establishment of the district except that of the District Judge and Judge, Small Cause Court.

Controlling
authority

4. The Civil Nazir is to be regarded as the ministerial head of the process-serving establishment under the control of the Senior Subordinate Judge (or the Administrative Sub-Judge in districts where an Administrative Sub-Judge has been appointed). His main duty is to maintain the efficiency of the process-serving establishment and for this purpose he will submit reports and make suggestions from time to time to the Senior Sub-Judge or the Administrative Sub-Judge as the case may be.

Duties of Civil
Nazir

5. Every appointment of a process-server shall be registered in the Court of the Senior Subordinate Judge or the Administrative Sub-Judge, of the district in which the appointment is made, together with the following particulars:-

Registration of
process-servers.

The name of the process-server, his age, his place and abode, his father's name and the date of appointment. The names of the process-servers should be entered

according to the date of their appointment in a register containing the above particulars, and a column of remarks should be added for the entry of such notes respecting the conduct of each process-server as the presiding Judge may from time to time deem it necessary to record.

Courts by
whom the
register is to be
kept

6. There shall be one such register for the Court of the District Judge, one for the Senior Subordinate Judge's Court and other Subordinate Courts, and one for each Court of Small Causes.

Only registered
process-servers
to be employed.

7. Except in cases of necessity, when the special leave of the Court must be obtained, no person other than a registered process-server shall be employed in the service or execution of any Civil or Criminal process: the reason for granting such leave should be recorded.

Belts and badges
of bailiffs and
process-servers.

[1]8. Belts and badges for bailiffs and Process Servers:

Every registered Bailiff and Process Server shall be provided with the following equipments, which shall be purchased at the market price from the contingency of the Court to which the registered Bailiffs and Process Servers are attached:

Bailiffs____

- (a) Brown leather Waist belt with cross strap over left shoulder Brass Buckle combined with badge prescribed by High Court to Waist belt;
- (b) Khaki drill haversack.

Process Servers____

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

[1] Substituted vide Correction slip No.169 Rules/II.D4 dated 30th November, 2012.

9. The Civil Nazir will be expected to keep up the Civil Deposit and Repayment Accounts and to manage the execution of decree business. It is left to Senior Subordinate Judges to issue detailed instructions as to the duties which are to be performed by the Civil Nazir. The Civil Nazir should devote his time to the distribution of business amongst process-servers, the transmission of processes to agencies located at tahsils for service, the management of the accounts and correspondence regarding the payment of diet money to witnesses, and other similar matters connected with the carrying out of the system of serving processes through agencies located at outlying tahsils.

Duties of Civil Nazir.

10. The maximum scale of process-serving establishments allowed to each district has been fixed, but the Senior Subordinate Judge or the Administrative Sub-Judge as the case may be has power to distribute the process-servers sanctioned for the Courts of Sub-Judges in such manner as he thinks fit, with reference to the amount of business coming before the different Courts and the distances to be traversed in serving processes; it must be understood, however, that the full number of process-servers should not be entertained unless they are actually required. Civil Register No. XXIII is intended to show how the work is distributed amongst the different process-servers, and controlling authorities should frequently inspect this register for the purpose of satisfying themselves that no unnecessary process-servers are entertained. Every marked diminution in work or income should be followed by a reduction of establishment.

Scale of process-servers and their distribution among different courts.

11. The total amount of contingencies expended on process-serving establishment should not exceed ten per cent of the cost of such establishment for the year.

Contingent expenditure.

12. No sanction of the higher authorities is necessary if one of the registered process-servers attached to a court can be spared for employment as a special messenger in the circumstances mentioned in Chapter 6-B. If, however, all process-servers in the district are attached to the Senior

Special messenger and special bailiff.

Subordinate Judge, the matter should be referred to him for necessary action, special fee will of course be levied in either case.

The appointment of a special messenger need not necessarily cause the creation of a new temporary post. If, however, a temporary post is required, a reference should be made to High Court under paragraph 20.5 of the Book of Financial Powers. The District and Sessions Judge can create posts of bailiffs required for execution of work of the co-operative societies only and not for others.

A special bailiff may be appointed for the execution of a warrant of arrest if service cannot be effected in the ordinary course. The period of such appointment can be determined by the Court concerned in the circumstances of each case but no special fee should be levied.

PART B---- RULES UNDER SECTION 20, CLAUSE(III)

Rules made by the High Court under the power conferred by section 20, clause (iii) of the Court Fee Act 1870, confirmed by the Provincial Government regarding the remuneration of the process-servers and all other persons employed by leave of a Court in the service or execution of processes.

RULES

1. The salaries of the process-serving establishment as such shall not, except with special sanction of the High Court exceed the scale shown below against each officer :--

Scale of salary of process-serving establishment.

Civil Nazir	..	Rs 60---4----80/5—120/5---175
Naib-Nazirs	..	Ditto
Madad Naib-Nazirs	..	Ditto
Execution Bailiff	..	Rs 45---1----60
Process-server	..	Rs 35-----1----50

Provided that existing establishments and existing salaries shall in all cases remain unchanged until the sanction of the High Court has been given to any alterations.

Note1.—The establishment will in addition to salaries, draw such compensatory and other allowances as are sanctioned by Government from time to time.

Note 2.---European bailiffs are now paid a monthly salary of Rs.30 and Rs3 for each process served.

Note3.---- Process servers of the Small Cause Courts, Simla and Amritsar, are allowed in addition to their pay, a bonus of Rs. 2 per mensem of successful personal services effected exceed 50 per cent and Rs 4 per mensem if they exceed 75 per cent.

2. Whenever it is necessary to employ additional persons as process-servers, that is to say, persons other than the registered process-servers, the pay of a person so employed shall be at the rate of seventeen rupees per month.

3. Should it appear to the Court, on the motion of party to a suit or proceeding, or otherwise, that for the convenience of the parties or for some other reason, it is expedient that any process should be executed by special messenger, such process shall be so executed. Except in the case of a warrant for arrest, a special fee will be payable for such emergent service, and the court will, at the time of making its order, declare by whom the fee shall be paid and whether it shall be included in the costs of the suit or be charged to a particular party.

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

How to employ
process-servers.

PART C---- RULES UNDER SECTION 22

Rules made by the High Court with the approval of the State Government, under the power conferred by section 22 of the Court Fees Act, 1870, regarding the number of persons necessary to be employed for the service and execution of processes issued out of the Civil and Criminal Courts established within the local limits of its jurisdiction.

RULES

1. The High Court shall fix, and shall from time to time, as may be necessary, alter the maximum number of process-servers to be retained for the Court of each District and Sessions Judge, and for each district in the State.

High Court to fix number of process-servers for each district.

2. The number of process-servers to be retained in each district shall be allotted by the Senior Subordinate Judge, subject to the control of the District Judge and High Court, to the various Courts of the District in such manner as shall be most convenient for the service of processes.

Distribution of process-servers among senior Courts

3. In submitting proposals with regard to the maximum number of process-servers to be retained in any district, and in distributing the process-servers retained amongst the various Courts, the Senior Subordinate Judge or the Administrative Sub-Judge should ascertain, and report, when necessary, the number of processes issued from his own Court and from every other Civil and Criminal Court in the district during each month of the previous year ; and the maximum number of process-servers fixed for each Court shall be so many as are sufficient for the service of the largest number of process ascertained to have been issued in any one month. In calculating the number of process-servers capable of serving such ascertained number of processes, regard shall be paid to----

How to fix the number of process-servers for each district.

(a) the average distance travelled by the peon;

- (b) the nature of the country to be traversed and the local circumstances ;
- (c) the number of process-servers by whom the processes were actually served *.

* In fixing the number of process-servers regard must be had to the system of serving processes through agencies located in tahsils.

CHAPTER 7

PROCESSES—CIVIL COURTS

PART A—GENERAL

1. The provisions regarding the service of summons on the parties, contained in sections 27, 28, 29 and 143, Order V, Rules 9 to 30, Order XXVII, Rule 4, Order XXIX, Rule 2, Order XLVIII, Rules 1, 2 and 3, Order III, Rules 3, 5 and 6, Order XXVIII, Rules 3, Order XXX, Rule 3, and Order XLI, Rule 14 of the Civil Procedure Code as amended by the High Court should be strictly observed, as neglect of them may often render the service ineffectual, especially when personal service cannot be made.

General provisions, regarding services of summons.

2. Attention is drawn to the following rules regarding service in particular cases :-

Rules regarding service in particular cases.

Re : service on agents	..	Order III, Rules 3 and 6, and Order V, Rules 12, 13 and 14.
Re : service on pleaders	..	Order III, Rule 5.
Re : service on Corporation		Order XXIX, Rule 2.
Re : service on Firms	..	Order XXX, Rule 3.
Re : service in suits against the Government		Order XXVII, Rule 4 and Chapter 8 of Volume I.
Re : service in suits against Military or Naval men or Airmen		Order XXVIII, Rule 3, Order V, Rules 28 and 29 and Chapter 7-D of this volume.
Re : service by post	..	Order V, Rule 10, as amended by the High Court and Rules 20-A, 21, 24 and 25.
Re : service re : appeals	..	Chapter 14-B, volume I.
Re : service re : execution		Chapter 12, E, paragraph 11, Volume I.

3. Summonses for service on persons residing within the limits of cantonments should not be sent to Executive Officers of cantonments.

Service in cantonments.

4. The general procedure for serving processes on witnesses is the same as in the case of defendants. (See

Service on witnesses.

Order XVI, Rule 8, and also Volume I, Chapter 5 “Witnesses—Civil Courts.”

Service of orders
and notices.

5. All orders and notices issued under the Code are to be served in the manner provided for the service of summons (Order XLVIII, Rule 2).

Service of
processes during
trial, appeal and
execution.

6. In connection with the service of processes during the trial, attention is invited to Rules 19 to 25 of Order VII, Rules 11 and 12 of Order VIII and Order XLI (appeals), Rule 38, of the Code framed by the High Court under section 122 of the Code of Civil Procedure. Under the new rules parties are required to file addresses for the purposes of serving notices on them during the trial. If the party concerned is not found at the address given, the procedure laid down in Order VII, Rule 22, should be followed, and if the party fails to appear on the date fixed notice should be sent to the address by registered post. Such service is then taken to be as effectual as personal service.

The new rules are intended to facilitate service of processes on parties throughout the trial including appeals and executions and should be carefully studied.

Form of processes.

7. Forms of processes will be found in Appendix B to Schedule I of the Code of Civil Procedure. In the case of persons of distinction a letter may be substituted for a summons if the Court thinks fit (Order V, Rule 30).

Form for return of
processes.

8. The forms prescribed for the return of Processes by Process-servers (as amended by the High Court) should be followed as nearly as the circumstances of the case permit. These forms are reproduced in Appendix I to this Chapter.

Scale of process-
fees.

9. For the scale of process-fees see Chapter 5 of this Volume. For instructions as to the levy of fresh process-fees in certain cases and fees for substituted service see Part A of Chapter 5 of this Volume.

10. When processes are transmitted by post, they should be sent under service covers, and should ordinarily be registered. (Section 143, Civil Procedure Code).

Processes sent by post.

11. Ordinarily bailiffs are to be employed for the execution of warrants of attachment, arrest and delivery of possession, etc., but process-servers may be employed for this purpose with the permission of the officer-in-charge of the Nazarrat where the value of property involved is not high. *Re* : execution of warrants of sale by process-servers see Rule 24 (iv) Chapter 12-L, Volume I.

Employment of process-servers for execution of warrants of attachment, arrest and sale.

PART B—SERVICE OF PROCESS

(a) *Mode of Service*

[1] 1. (i) Every attempt should be made to effect personal service in the first instance and failing that service on an agent or a member of the family. The process-server should go again and again for this purpose, if there is time before the date fixed for effecting/scrutiny of service, *and obtain for each successive attempt at service, attestation of witnesses different from those who have attested reports of previous attempt (s).* In other words service in any of the ways enumerated in Order V, Rules 12 to 16 of the Code of Civil Procedure, should be insisted upon and service by affixation as provided in Order V, Rule 17, Civil Procedure Code, should not be allowed till after the day fixed for scrutiny.

Service by affixation not to be made before the date fixed for scrutiny of service.

(ii) As for service by post, Order V, Rule 10 proviso (as added by Punjab amendment) of the Code, provides that where the plaintiff so wishes, the Court may serve the summons in the first instance by registered post (acknowledgement due) instead of in the mode of service laid down in that rule. Order V, Rule 20(1) proviso (added by amendment) now enables the Court to direct the summons to be served by registered post after it has been returned unserved for any reason whatsoever.

Service by post.

(iii) The Service of Process to the other party can also be effected through electronic means where the party has furnished the requisite details.

e-Service

2. Order V, Rule 20 (1), of the Code of Civil Procedure, provides that when the Court is satisfied that the defendant is keeping out of the way for the purpose of avoiding service, or that, for any other sufficient reason the summons cannot be served in the ordinary way, service may be effected by affixing a copy of the summons in some conspicuous place in the Court house, and also in some conspicuous place of the house, if any, in which the defendant is known to have last resided, or carried on business, or personally worked for gain, *or in such other manner as the Court thinks fit.*

Substituted service.

3. It should be noted, in this connection, that it is the plaintiff's duty to use his best endeavours to discover the

Plaintiff's duty before obtaining orders substituted service.

[1] Amended/Inserted vide correction slip no. 182 Rules/II.D4 dated 27.11.2018

defendant's residence and to satisfy the Court that he has done so and that the defendant is evading service or for any other sufficient reason cannot be served in the ordinary way. It is only after all the other prescribed methods of effecting service have been tried and have failed that it is open to the Court to exercise the discretionary power conferred by the concluding words of Order V, Rule 20 (1), of the Code.

Publication in newspaper.

4. The discretionary power alluded to above is frequently exercised by Courts by publication in one or more newspapers of a notice calling upon the defendant to appear. But in many cases this method is quite unsuitable. When for example, the defendant is illiterate or belongs to a class which cannot be expected to read newspapers such notice is obviously useless. In the case of educated persons likely to read newspapers it may be proper to resort to this method, but even in such cases the practice should only be adopted as a last resort.

Publication allowed in approved paper only.

5. (i) Whenever notice is to be published in a newspaper it should be published in newspaper approved by the High Court. A list of approved newspapers is circulated to subordinate Courts periodically.

^[1](ii) The notice shall be published in the approved newspaper in the abridged form alongwith link of the website having details of such notice.

Selection of paper to be made by the Presiding Officer.

6. The object of effecting substituted service by advertisement in a newspaper is to inform the defendant that proceedings are pending against him and that he should appear in Court. This object can only be achieved by publication in a newspaper of wide circulation, which is likely to be read by the defendant or the class to which he belongs. The selection of newspapers in which it is proposed to advertise should, therefore, be made by the Presiding Officer himself and not by a clerk of his office.

Preference to vernacular papers printed in the district of the person to be notified.

7. Care should also be taken that such notices are published as far as possible in vernacular papers, vernacular being the language of the subordinate Courts.

[1] Inserted vide Correction Slip No. 182 Rules/II.D4 dated 27.11.2018

They should only be published in papers printed in English if there is good reason to suppose that the persons concerned read English papers and are more likely to be reached in that way. Preference should be given to such papers as are printed in the District where the person notified resides; or if no newspaper is printed in that District, to those printed in the District nearest to it, provided such papers have a good circulation and are likely to be read by the defendant or the class to which he belongs.

8. In sending a judicial notice for publication in a newspaper, the Court should, in the covering letter require the manager of the newspaper to send an intimation immediately after publication of notice to the Court and to send, under postal certificate, the copy of paper containing the notice to the party for whose perusal it is intended at the address given in the notice, marking the notice in question with red ink. He should also be required, as proof of compliance with this order, to attach the postal certificate to his bill when submitting the latter to the Court for payment.

Duties of Manager
of newspaper.

[1]9. This covering letter for sending the notice for publication should be sent to the Manager of the selected newspaper who will arrange for the publication of the Court Notice in the newspaper. The bill for the publication should be sent by the Manager direct to the Court concerned for payment. The Court shall pay the amount after checking the correctness of the Court Notice published by the Newspaper and the publication charges.

Covering letter to be
sent to the Manager
of the Selected
Newspapers.

10. If it is proposed for any special reasons to advertise in any paper, not on the approved list whether published in the Punjab as elsewhere, a reference should first be made to the High Court to ascertain whether there is any objection to the course proposed.

Advertisements in
papers not on the
approved list.

[1] Substituted vide Correction Slip No. 51/Rules.XI.Z.3, dated
17.03.1977

(b) Personal attention to service

General.

1. It has been found by experience that delays in the disposal of civil suits are very often due to the failure of Presiding Officers to pay personal attention to matters connected with the issue and service of processes. The following instructions, must therefore, be strictly observed in future :-

The Judge should watch process of service before date of hearing.

2. Between the date of the issue of process and the date of hearing, Presiding Officers of Court must personally satisfy themselves that service is being effectually carried out and not content themselves with looking into the matter only on the date of hearing.

Court to fix dates for return of process.

3. In order to achieve this object the following procedure shall ordinarily be observed in respect of service of all processes for attendance of parties or their witnesses :-

[1](a) A very near date shall be fixed for the giving of adequate details of the persons to be served. On this date, the Judge shall satisfy himself that the diet money, etc. have been paid and that the name, address and the particulars of the person to be summoned are reasonably sufficient to secure service. If these conditions have been satisfied, process shall be then issued and two dates shall be fixed. The first for the return of the process with a report of the process-serving agency, and the other for the hearing of the case. The interval between the dates of issue and return on the one hand and between the dates of return and hearing on the other, shall in each case leave adequate time for the service of the process. It is not to be left to the discretion of the process service to decide whether he shall effect personal or substituted service.

[1] Substituted vide Correction Slip No. 129/113 Rules/II.D.4 dated 14.11.2003.

- (b) The date of the return should be clearly written on the summons and the Nazir should be warned to return the process before the said date.
- (c) A printed slip showing the following particulars should be filled in by the Reader of the Court and pasted below each order for issuing a process against a party or a witness :-

Reader's note
about service.

- ^1 The date when address was put in.
- (2) The date on which the summonses were delivered by the Ahlmad to the Nazir.
- (3) The date on which the Nazir delivered the process to the process-server or sent it to any other agent.
- (4) The date of return by the process-server, or agent.
- (5) The date of return by the Nazir.
- (6) The name of the official who is to blame for non-service.

Note.-If the interval between the date of return and hearing is sufficient, a second date for return may be fixed.

- (d) Parties should be invited and encouraged to attend in person or by pleader on the date fixed for return of the summons. Whether they do so attend or not, the Presiding Officer should scrutinize the record and pass any order which may be required, such as an order for the issue of a fresh process. Parties should be encouraged throughout to take dasti summons to accompany the process-servers and to render all assistance in their power.

Parties and
Judge's duty as to
scrutiny of service
on date of return.

[1] Substituted vide Correction Slip No. 129/113 Rules/II.D.4 dated 14.11.2003.

Judge to take into consideration party's conduct in deciding about adjournment.

- (e) In deciding whether to give a further adjournment when a process is not served, the Presiding Officer will be justified in taking into consideration whether the party asking for an adjournment had complied with the orders of the Court in paying process fees, diet money, etc., and in giving correctly and promptly the names and addresses of the persons to be served.

Process-server's affidavit *re* service of process.

4. A form of affidavit of the process-server which should accompany the return of the summons has been prescribed by the High Court. See Appendix I to this Chapter. Before passing an *ex parte* order the Court should make it a point to see that this affidavit duly filled in, is with the report of the process-server.

(c) Proof of Service

Court shall not proceed *ex parte*, if summons has not been duly served.

1. No Court can rightly proceed to hear a suit *ex parte* until it has been proved to the satisfaction of such Court that the summons to a defendant to appear has been duly served, that is, has been served strictly in such manner as the law provides.

Process-server's report to be proved by affidavit or examination in Court.

2. Whenever it is necessary, in *ex parte* proceedings, under Order IX, Rule 6, of the Code of Civil Procedure, to have the report of service of summons proved by the affidavit or statement in Court of the process-server he should be ordered by the Court to appear before the proper officer or Court.

Nature of proof of service in different cases.

3. The nature of the proof of service which the Court ought to require in each case, according as it falls under one or other of the various relevant provisions of the Code of Civil Procedure relating to service of summons, may be shortly stated as follows :-

Personal service.

- (i) When the summons or notice is served on the defendant or respondent personally, the service and

the signature of the defendant or respondent on the back of the process should be proved.

- (ii) If the service be made under Order V, Rule 12, on an agent, it should be proved that this person was empowered to accept service, under Order III, Rules 2, 5 or 6, or Order V, Rule 13, of the Code, as the case may be. The party causing the service to be effected must give proof to this effect. It is a matter of which, ordinarily speaking, the serving officer would have no knowledge. Service on agent.
- (iii) If the service be made under Order V, Rule 14, it should be proved in like manner that the summons or notice could not be served on the defendant or respondent in person, and that he had no agent empowered to accept the service and that the person to whom the process was delivered was an agent of the defendant or respondent in charge of the land or other immovable property forming the subject matter of the suit. Service on in-charge of property.
- (iv) If the service be made under Order V, Rule 15, it should be proved that the defendant could not be found or was absent from his residence and had no agent empowered to accept the service, and that the person to whom the process was delivered was an adult male member of his family, and was actually residing with him at the time of such service. It is to be noted that a servant is not a member of the family within the meaning of this rule. Service on adult male member of the family.
- (v) If the service be made under Order V, Rule 17, it should, in like manner, be proved according to the circumstances of the case, either that the persons to whom the summons or notice was tendered refused to sign the acknowledgement, though he was informed of the nature and contents of the document, or that the defendant could not be found or was absent from his residence, and that there was no Service by affixation under Order 5, Rule 17.

agent empowered to accept service, nor any other person on whom the service could be made; and, in either case, that the house, on the outer door of which a copy of the process was affixed, was the ordinary residence or place of business of the defendant at the time when it was so affixed. It is the duty of the Court in such cases to satisfy itself after taking the process-server's affidavit or statement on solemn affirmation and after such further enquiry as may be necessary, that reasonable efforts were made without success to serve the defendant personally, and then declare whether the summons was 'duly served'. Without such a declaration under Order V, Rule 19, the summons cannot be held to be duly served.

Substituted service under Order 5, Rule 20.

- (vi) If the service be made under Order V, Rule 20, it should, in like manner, be proved that the house upon the door of which a copy of the process was affixed, was the house in which the defendant last resided or carried on business or personally worked for gain, and that the service was made in all respects in conformity with the order for substituted service which should accompany the process.

Service by registered post under Order 5, Rule 20 A.

- (vii) If the service has been effected by registered post under order V, Rule 20 A, an acknowledgment purporting to be signed by the defendant or his agent or an endorsement by a postal employee that the defendant or the agent refused to take delivery may be deemed by the Court issuing the summons to be *prima facie* proof of service.

Service at address given by parties.

- (viii) If service has been effected under Order 8, Rule 12, read with Order 7, Rule 22 (as framed by the High Court), it should be proved that the defendant was not found at the address given by him for service, that there was no agent or adult male member of his family on whom service would be made, that a copy of the summons or notice was affixed on the

outer door of his house, and that on his failure to appear on the fixed date, summons or notice was sent to the registered address by registered post for the next date.

- (ix) If the service be made under Order XXX, Rule 3, it should be proved that the summons or notice was served upon any one or more of the partners of the firm concerned, or at the principal place at which the partnership business is carried on within India, on any persons having, at the time of service, the control or management of the partnership business there. In the case of a partnership which has been dissolved, the summons shall be served on every person within India, whom it is sought to make liable.

Service on a firm.

4. The Court should in all cases obtain the proof which is above described as requisite by the verified statement, recorded in writing, of the person by whom the service was effected, or, if deemed necessary, by the examination in Court, as witnesses, of such persons as the Court may think fit to examine.

Proof of service is imperative.

PART C—ISSUE OF SUMMONS OR OTHER PROCESS FOR
SERVICE ON A PERSON EMPLOYED IN THE PUBLIC
SERVICE

1. In regard to the service of summons upon the party or witness who is a public officer (not belonging to the Indian Military, Naval or Air Forces or is the servant of a railway company or local authority it is open to the Court as provided under Order V, Rule 27 of the Code of Civil Procedure to serve the summons through the head of the office in which the said party or witness is employed if this course is considered more convenient. Ordinarily the summons should be served on the defendant or witness in the ordinary way and a copy sent to the head* of the office or department at least 15 days (10 days in the case of local officers) before the date fixed for the hearing.

Service of
summons on
public officers or
servant of local or
railway company.

The method of effecting service through the head of the office will probably be found the most convenient in the case of defendants or witnesses employed in large administrative offices. In all cases where the summons is ordered to be served through the head of the office, an endorsement should be attached to, or written in the body of the summons, conspicuously in red ink, quoting the exact words of sub-rules 1 and 2 of Rule 29, Order V, Civil Procedure Code, which (in the case of witnesses read with Order XVI, Rule 8, Civil Procedure Code) imposes a duty on the head of the office to serve the summons on the subordinate to whom it relates if possible and to return it under his signature with the written acknowledgment of the defendant or witness; or if service is not possible, to return the summons to the Court with a full statement of the reasons for non-service.

Note.—The case of Patwaris forms an exception to the above rule, and is governed by the rules in Chapter 5-B of Volume I. It should be noted that in such cases the summons should be forwarded to the Tahsildar for service, and should not be served direct or through the Deputy Commissioner.

**Note.*—In the case of employees of the Northern Railway, a copy of the summons should be addressed to the Divisional Superintendent or other superior officer concerned according to the list given in the appendix to Chapter 8.

Service of
summons in suits
against railway
companies.

2. In the case of suits against railway companies, in addition to service in the usual way, a copy of the summons should be sent by post under Order XXIX, Rule 2(b) : provided that if the summons is sent by registered post, service in the usual way may be dispensed with.

Sufficient time to
be allowed for the
official superior to
arrange for relief of
the person
summoned.

3. A reasonable time should be allowed for the attendance of the person summoned, in order that his official superior may be able to make suitable arrangements for the conduct of his duties during his absence.

Vernacular
Robkars.

4. Vernacular robkars may be sent to a Kanungo or any other official subordinate to a Deputy Commissioner, to give evidence. Robkars should not be addressed to the heads of public offices and departments in which business is transacted in English. A covering letter or docket in English should be used.

PART D—ISSUE OF SUMMONS OR OTHER PROCESS FOR
SERVICE ON PERSONS IN THE ARMY, NAVY OR AIR FORCE

1. (1) Order V, Rules 28 and 29, of the Code of Civil Procedure, provide for the service of processes on soldiers, sailors or airmen other than commissioned officers. Such processes should invariably be transmitted for service to the proper military authority.

Service of processes on employees in the Army, Navy and Air Forces.

(2) There is no special provision in the Code for the service of processes on officers as distinct from soldiers; and such processes should ordinarily be served personally by the European Bailiff of the Court. If there is no European Bailiff attached to the Court, it will be convenient to send the process to the commanding officer or the officer concerned for service in the manner indicated in Order V, Rules 28 and 29.

Sufficient time to be allowed in fixing dates.

2. In fixing dates for the attendance of persons in the Army, Navy or Air Force, the Courts should be careful to allow sufficient time. It should be remembered that in fixing a date for the appearance of the defendant in such cases, the time necessary for the transmission of the summons, through the usual channels, for service on the defendant must be taken into consideration, as well as the time which the defendant may, after service, reasonably require to make arrangements for obtaining leave and appearing in person or for appointing and giving instructions to an agent to represent him in the case.

Fresh date should be given if time allowed proves insufficient.

3. On the day fixed for hearing, if it appear that from any cause the summons was not served in sufficient time to enable the defendant to make the necessary arrangements for appearing in person, or by agent, a fresh date must be fixed and notice given to the defendant, but this will seldom be necessary if Courts are careful in the first instance to allow sufficient time, as required by Order V, Rule 6, of the

Code of Civil Procedure, and explained in the above remarks.

Service on agent or
pleader.

4. It may be noted that when an officer, soldier, sailor or airman has authorised any person under Order XXVIII, Rule 1, to sue or defend in his stead processes may be served on such agent or upon any pleader appointed by such agent. (Order XXVIII, Rule 3).

PART E—ISSUE OF SUMMONS OR OTHER PROCESSES
FOR SERVICE ON A PERSON RESIDING WITHIN THE
JURISDICTION OF AN OTHER COURT IN THE SAME OR
ANOTHER STATE OR TERRITORY WHO HAS NO AGENT TO
ACCEPT SERVICE WITHIN THE JURISDICTION OF THE
COURT ISSUING THE PROCESS. SERVICE OF PROCESSES
ISSUING TO OR FROM OTHER STATES AND TERRITORIES.

GENERAL.

1. When the person to be served resides within the jurisdiction of another Court the Judge must decide how service is to be effected, and pass orders accordingly.

Different modes
of service.

If the process has to be served within the jurisdiction of another Court but within the same district, the agencies located at tahsils will be employed, the processes being transmitted by post from one agency to another. If the process has to be served in another district, but within the State or Union territory it should be transmitted by post to the Senior Sub-Judge for service and return. But no Court should refuse to serve any process received for service within its jurisdiction from a Court in another district or State, or Union territory merely by reason of the process not having been sent through the senior Subordinate Judge. Processes issued to districts in other States or Union territories should be forwarded for execution to the District Judge of the district in which service of such process is desired, except where they are to be served within one of the Presidency towns (Order V, Rule 22, Civil Procedure Code), when they should be transmitted for service to the Judge of the Court of Small Causes.

The Government of Bengal have decided that in the case of all warrants or other processes which are required to be executed or served by the Court of Small Causes, Calcutta, on or after the 1st June, 1942, conveyance charges at the rate of Rs 1.50 nP. per warrant and annas 4 per copy of summons or other process shall be realised and paid in

court fee stamps in advance and that before warrants or other processes are transmitted to that Court for execution of service, a certificate of realisation of the charge should be endorsed on the warrants or other processes, as the case may be, for the information of the Court of Small Causes, Calcutta, in the absence of which certificate it will not be possible for that Court to execute or serve warrants or processes.—(General letter No. 4 (Civil) of 1942, from the Registrar of the High Court of Judicature at Fort William in Bengal, Appellate Side, copy endorsed to all District and Sessions Judges in the Punjab and Delhi with High Court endorsement No. 7391-R/XXIX-F-2, dated the 4th August, 1942].

2. In issuing processes for service in other States or Union territories the presiding officer of the Court issuing the process should personally satisfy himself that such full particulars of the description of the person summoned are entered in the process as will render it unlikely that the serving officer should mistake the identity of the person summoned. The name, occupation and address should be recorded in the summons, together with any further particulars which, in the opinion of the Court, will facilitate service of the process. The issue of the process should be delayed until such particulars are satisfactorily furnished by the person applying there for. The same care should be taken in regarding to all processes which are to be served outside the jurisdiction of the Court issuing the process.

Full description to be given of person summoned.

Summons should bear the seal and signature of the Court and show the name of the Court and District/e-summons should be e-signed or digitally signed.

[1] 3. All summons should set forth distinctly both the Court from which the summon is issued and the name of the district. Summons should also bear the seal of the Court and should be signed legibly by the Presiding Officer or the Officer authorized by him. The practice of signing initials only or of using a stamp is objectionable and should not be adopted/e-summons should be e-signed or digitally signed by the Presiding Officer or Officer authorized by him.

Cases where in processes should be accompanied by translation in English.

4. All processes sent for service to any district, the vernacular of which differs from that in which, the process is written, should be in duplicate and accompanied by a translation in English.

All reports made on the processes received for service from any district or State or Union territory the vernacular of which

[1] Amended vide Correction Slip No. 182 Rules/II.D4 dated 27.11.2018

differs from that of the district in which the report is written, shall be translated into English, which translation shall accompany the process when returned to the Court issuing it.

5. In every case in which application is made for the issue of a process to a place in India, but beyond the limits of the jurisdiction of the Court, the stamp requisite for the issue of such process, under the rules in force in the Punjab will be levied and affixed to the diary of process fees ; and a note will be made on the process to the effect that the proper fee has been paid. A process issued by any Court in the Punjab will be served or executed free of charge in any other part of India, if it be certified on the process that the proper fee has been levied under the rules in force in the Punjab. (See also Chapter 5).

Note on the process that proper fee has been levied.

6. Processes issued by any Courts in India will be served free of charge by the Punjab Courts under the same conditions as are mentioned in the preceding paragraph, i.e., if it be certified on the process that the proper fee has been levied under the rules in force in that state or territory.

Process issued to or by any Court in India to be served free of charge.

7. Summonses issued for service on a defendant residing out of India who has no agent in India empowered to accept service, shall be addressed to him at the place in which he is residing and sent by post in accordance with Order V, rule 25 of the Code of Civil Procedure.

Summons to defendant out of India to be sent by post.

8. All correspondence between judicial officers in Punjab and the Courts in other States and territories should be conducted in the English language.

Correspondence with Courts in other States etc.

9. Complaints are frequently received that the processes sent for service to other district are not properly attended to. All processes received from other district should be shown regularly in the register "Tamil Zilla Ghair" and the disposal of the processes should be watched by the presiding officer of the Court from time to time.

Service of processes received from other districts should be watched by the presiding officer.

Duty of Court receiving summons from another Court for service.

10. If a summons is issued under the provision of Order V, Rule 21, of the Code of Civil Procedure, it is the duty of the Court serving the summons (a) to proceed as if it had been issued by such Court, (b) to return the summons to the Court of issue together with the record (if any) of its proceedings with regard thereto and (c) to make the declaration referred to in Order V, Rule 19.

In returning the summons from 10 of Schedule I, Appendix B of the Civil Procedure Code, should be used and should be duly signed and sealed.

Service in territories in India to which the Code does not extend.

11. Attention is invited to section 28 of the Code which provides that such summonses and processes may be sent for service in another State to such Court as may be prescribed by rules in force in that State. The word 'State' in this section is to be construed according to the definitions contained in section 3(58) and (41) of the General Clauses Act, 1897 (X of 1897). So construed, the provisions of the Section apply to service in territories forming part of India to which the Code does not extend as such territories are either included in or form a 'State.'

(Government of India letter No. F-80(49)/55-G, dated the 29th February, 1956.)

PART F—SERVICE OF THE PROCESSES OF THE COURTS
IN INDIA IN PLACES BEYOND INDIA AND VICE VERSA

1. Order V, Rule 25, of the Code of Civil Procedure provides, generally, that if the defendant resides out of India, and has no agent in India empowered to accept the service, the summons shall be addressed to the defendant at the place where he is residing, and forwarded to him by post, if there be postal communication between such place and the place where the Court is situate. In practice, all summonses so sent should, where possible, be sent by registered post, and should be “registered acknowledgement due.”

Service of
summonses by
post.

The letter containing the summons which should always be sent in an envelope should be properly and fully addressed and prepaid. A copy of the address on the letter should also kept on the judicial record and care should be taken that the certificate given by the Postal authorities also contains the full address on the letter.

2. If it is not possible to effect service under Order V, rule 25, advantage may be taken of the provisions of Order V, rule 26. As regards clause (a) of this rule, no Political Agent has, so far, been appointed or a Court established with power to serve in any foreign country in which the defendant resides, a summons issued by a Court in India under the provisions of the Code. It is for the State Government to take the necessary action under clause (b) of this rule.

Service under
Order V, rule 26.

3. Where service by post has been tried and has failed and the mode of service, if any, provided by Order V, rule 26 have been availed of, action may be taken under Order V, rule 20 of the Code of Civil Procedure.

Service under
Order V, rule 20.

4. In cases where service is desired to be effected under Order V, rule 26, the following instructions should be followed :

Instructions re.
service under
Order 5, Rule 26
Cr.P.C.

Channel of correspondence.

(a) The summons should be forwarded in an envelope through the District Judge, with a covering letter to the High Court for transmission to the State Government, duly certified that service by post has been tried and failed and in what manner it has failed. The channel of communication within India of summonses for service in foreign countries is the State Government and the Government of India, Ministry of External Affairs. The summons should never be sent direct. An exception is made in the case of certain countries, viz., the Federation of Malaya, Iraq and Nepal to which processes may be forwarded direct by the Indian Court.

Date of returns of Summonses.

(b) In no case should a precise date be fixed in the summons or forwarding letter for the return of the service. It is impossible for a Court in India to order a date before which a foreign judicial authority must execute a request which the foreign judicial authority is under no obligation to execute at all.

A sufficiently long date however (in any case not less than four months) may be fixed for the appearance of the parties before the Court in expectation of the return of the service after making allowance (a) for the time which is bound to be taken by the various channels through which the documents have to pass, and (b) the time which should be given to the person on whom service is effected to prepare his case and attend the Court.

Duplicate copies and translation.

(c) The covering letter, both copies of the summonses and all other documents should be prepared in duplicate and translated in English and type-written and must be checked and legibly signed by the presiding officer of the Court and should bear the seal of the Court. Where it is not possible to type them in English they should be neatly and legibly written by the presiding officer in his own hand

writing. All translations should be certified to be correct.

- (d) The names and addresses of the persons on whom service of summonses is desired should be neatly and legibly written and should also be given in the forwarding letter. The name and address of the Court should be legible, and its seal should also be legible and properly affixed. Summonses, notices copies of plaint and other judicial documents should be accompanied by translation in duplicate in the language of the country in which service is to be effected, at the expense of the party at whose instance summonses, etc., are issued. Where the party concerned is unable to prepare such translation a request should be made that translation be arranged by the Foreign Office.

Names and
addresses and
translation in
foreign language.

The approximate charges for translations into certain foreign language are the same as given in paragraph 27 of Chapter 10-D, Volume I.

Similarly, request should be made that the executing officer should cause translations of all the documents sent by him to be made in English and money for this purpose should be recovered in advance from the party concerned.

- (e) An amount equal to 50 per cent more than the estimated cost of effecting service and translation should be recovered from the party concerned in advance and deposited. This amount need not be sent along with the process as heretofore but should be sent when a demand is made to that effect.

Cost of translation
and service.

- (f) The preparation of summonses must not be left to clerks. The presiding officer of the issuing Court primarily be held responsible for its accuracy and completeness in every respect before transmission to

Presiding officer
responsible for
completion of the
documents.

the High Court and it is the duty of the Superintendent to the District Judge to examine the summonses and its accompaniments carefully and to see that all instructions have been complied with.

Index and schedule
of documents sent.

- (g) The forwarding letter should either at the foot thereof contain a schedule of all the documents sent alongwith it or be followed immediately by an index of such documents. The first document should be a concise narrative of the action of the parties thereto and of the course to be pursued. The documents should be numbered or lettered so as to correspond with the schedule or index mentioned above.

Copies to be
certified.

- (h) All copies should be certified by an official of the Court that they have been examined and are true copies. Such certified copies should also bear the seal of the Court.

Stitching of papers
sent.

- (i) The forwarding letter and all its accompaniments should be on strong paper and sewn together in a parchment paper cover down the left hand side, the end of the silk, tape or thread with which they are sewn being brought out on the front cover and the ends sealed down and the binding signed and sealed by the Judge so that there is no possibility of the removal substitution or addition of any sheet without breaking the seal.

Directions to be
given in forwarding
letter.

- (j) The forwarding letter or the first annexed document should indicate clearly (a) which is the actual document (or documents) to be served, and (b) if any special method of service is desired (as opposed to a case where any method usually employed by the courts of the foreign country in question will suffice)

the method of service desired : (viz., that one copy of the documents to be served should be left with the intended recipient; that a certificate of service by the process-server should be written on the copy of the documents to be served; that the recipient should be asked to sign a copy of the document served, etc., as the case may be.)

- (k) The letter to a Foreign Court, where the proper description of the Foreign Judicial Authority in question is not known, should be addressed to the competent Judicial Authority in _____
(Name of the country concerned.)

Address.

5. Summonses and other processes issued by civil or revenue Courts outside India may be sent to the Courts in the territories to which Code of Civil Procedure extends and may be served as if they were summonses issued by such courts in accordance with the provisions of section 29 of the Code.

Service in the State of Punjab of processes of courts outside India.

Clause (a) of the section refers to Courts in territories specified in clauses (a) to (d) of section 1(3) of the Code.

As regards clause (b), civil and revenue courts in the State of Pondicherry are only courts outside India which are continued by the authority of the Central Government outside India, vide clause (4) of the French Establishments (Administration, Order, 1954, issued under the Foreign Jurisdiction Act, 1947) (See Chapter 15.)

With reference to clause (c) the provisions of section 29 have been applied to Courts in the following countries:-

Serial No.	Name of country	Number and date of notification	Courts in respect of which notification has been issued
1	Singapore ..	S.R.O. 1233, dated 29 th May, 1956	All Civil Courts
2	Ceylone ..	No. 247, dated 16-2-1909	Ditto
3	France ..	No. 852-C, dated 3-2-1913	Civil Courts
4	Spain ..	No. 852-C, dated 3-2-1913	Ditto
5	Belgium ..	No. 852-C, dated 3-2-1913	Ditto
6	Russia ..	No. 852-C, dated 3-2-1913	Ditto
7	Portugal ..	No. 852-C, dated 3-2-1913	Ditto
8	Iraq ..	No.F.209-23, dated 6-6-1923	Civil and Revenue Courts
9	Kenya ..	No.F.811-23, dated 4-6-1924	Civil Courts
10	Egypt ..	No. 369, dated 31-5-1938	Mixed Courts
11	Japan ..	No. 1924, dated 25-11-1920	Civil Courts
12	Sweden ..	No.F.12/17/35, dated 20-1-1936	Ditto
13	Persia ..	No.F.840/25 dated 3-5-1928	Ditto
14	Nepal ..	No.F.576/24 dated 15-8-1925	Courts specified in the Schedule to the notification
15	Pakistan ..	No. S.R.O. 1340, dated 1-9-1951	Civil and Revenue Courts
16	Federation of Malaya	No. S.R.O. 223, dated 24-1-1956	All Civil Courts
17	Sikkim ..	No. S.R.O. 63, dated 6-1-1956	High Court of Sikkim in the exercise of its civil jurisdiction. All Civil and Revenue Court.

6. Special procedure in regard to some particular foreign countries is given below:-

(i) AFGHANISTAN

Procedure with regard to particular foreign country.

There is no agency in Afghanistan for the service of summonses on witnesses issued by the Punjab Courts. It is, therefore, useless to issue such summonses.

Defendants can only be summoned under rule 25 of

Order V of the Civil Procedure Code: in other words by issue of a summons direct to them by post and not through any agency.

If action under Rule 25 of Order V, fails Order V, Rule 26 does not apply for the service of such summonses in Afghanistan.

The Punjab Courts should in no case, address Afghanistan Courts or officials or the authorities in Kabul direct.

Violation of these instructions by Subordinate Judges Magistrates and members of their staff, concerned with the despatch of summonses cause much embarrassment to the Government of India.

It will be impossible to treat breaches of them with leniency even though they may have been the result of mere carelessness.

In cases of any further contravention, disciplinary action will be taken by way of stopping the increments of the official or officials concerned or otherwise as may be considered suitable.

(ii) MAURITIUS

Every process for service in the town of Mauritius shall be accompanied by a remittance of Rs 3 per person to be served. If the process is to be served in the country, a further sum at the rate of 75 cents or about two rupees per mile (to and fro) should be remitted. When documents are written in the vernacular, a sum of Rs 10 should be remitted as translation charges. But in all cases an English translation should be sent.

(iii) UNITED STATE OF AMERICA

Service in this country is normally done by appointing a local lawyer acting as agent for the parties. Where desired Indian Consular Officer will recommend suitable firm of local lawyers.

(iv) KENYA

Processes for service should be sent in duplicate; the copies to be identified “original” and “duplicate” and should be sealed with the Court’s Seal. A Postal Order of 10 shillings for expenses of service should accompany the process.

(v) UNION OF SOUTH AFRICA

Summonses and the processes should not be sent direct to that country but should be sent as mentioned in rule 4(a).

The returnable date of the summonses or other processes should be at least six months.

The charges for service should be sent along with the summonses or other processes.

The fees ordinarily charged by the Courts in the various provinces of the Union of South Africa for the service of summonses issued by Courts in India are given below:-

Province	Fees for service	Travelling allowance (per mile or, fraction of a mile)	Radius (from Deputy Sheriff’s office) within which no transport allowance allowed
Cape ..	5	Civil matters 1/6d Criminal” 1.	Miles 3
Orange Free State ..	6/3	1/3d	1
Natal ..	5	2 (for outward journey only)	1
Transval ..	7	1/3d	3

For procedure for service in Japan, Thailand, Netherland, East Indies, Iran, Nepal, Federated Malaya States, Iraq, etc. see Chapter 10-F, Volume I.

(vi) PAKISTAN

1. It is provided by the proviso. to rule 25 of Order V of the Code that where a defendant resides in Pakistan, the summons, together with a copy thereof, may be sent for service on the defendant to any Court in that country (not being the High Court) having jurisdiction in the place where the defendant resides ; and further that where any such defendant is a public officer in Pakistan (not belonging to the Pakistan Military, Naval or Air Forces) or is a servant of a railway company or local authority in that Country, the summons together with a copy thereof, may be sent for service on the defendants, to such officer or authority in that country as the Central Government may, by notification in the Official Gazette, specify in this behalf.

Service Pakistan.

2. The Central Government has issued the following notification under the second proviso to Order V, Rule 26 of the Code:-

Notification under second provisions to Order V, rule 25.

S.R.O. 1342, dated 1st September, 1951.—In pursuance of the second proviso to rule 26 or Order V in the First Schedule to the Code of Civil Procedure, 1908 (V of 1908), the Central Government hereby specifies the following officers in Pakistan to whom summons may be sent for service on defendant who is a public officer in Pakistan (not belonging to the Pakistan Military, Naval or Air Forces), namely :-

- (a) Where the defendant is a public officer serving in connection with the affairs of the Dominion of Pakistan or is a servant of a Railway in Pakistan, to the Secretary to the Government of Pakistan in the Ministry of the Interior.
- (b) Where such defendant is serving in connection with the affairs of any other Government in Pakistan or under any local authority in Pakistan, to the Home Secretary to that Government or, as the case may be, to the Home Secretary to the Government within whose territory the local authority has its jurisdiction.

3. Whenever a summons issued by a Court in Pakistan is served on a person in India and the report of the service is made in a language other than English the report should also be translated into English and the translation sent with the summons to the issuing Court. The Government of Pakistan have also agreed to offer similar facilities in such matters. (Government of India, Ministry of Home Affairs, letter No. D-3105/J/II/56, dated the 1st September, 1956 and Punjab Government endorsement No. 9360-J-56/76708-A, dated the 17th October, 1956.)

PART G—ASSISTANCE BY VILLAGE OFFICERS IN
PROCESS-SERVING

1. The Financial Commissioners have invited the attention of all the Collectors in the Punjab to the necessity of impressing upon the *Lambardars* that as one of their duties under Rule 20 of the Land Revenue Rules, is to assist all officers of the Government in the execution of their public duties, they are expected to assist the process-servers in serving processes in Civil and Criminal cases and that the more care they devote to this branch of the administration, the more expeditiously will the suits be decided. It was further pointed out that it was obviously to the benefit of the village that the *Lambardar* should do his best to assist in the service of the processes. Subordinate Courts should bring to the notice of the Collectors case of willful negligence of duty in this direction on the part of *Lambardars* and should not hesitate to move the High Court through the proper channel if matters do not improve even then.

2. In order to reduce the possibility of false reports being made on notices of sale, which are not uncommon, it has been decided that the process-server's report on a notice of sale should be attested by a *Lambardar* and, whenever possible, also by the village patwari or school master. The Financial Commissioner, Revenue, and the Director of Public Instruction have respectively instructed patwaris and school masters to attest such reports when asked. The absence of attestation by a patwari or school master should not necessarily be regarded as proof that the process-servers report is false.

PART H—COST OF POSTAGE AND REGISTRATION ON
PROCESSES FORWARDED BY POST, HOW TO BE
DEFRAYED

1. Postal charges on all processes, notices, and other such documents, issued from any Court and transmitted by post, are to be paid by means of service postage stamps, without any additional charge being levied from the parties at whose instance the process or document is issued. In cases in which it is considered necessary to register the cover, the fee for registering it will also be paid by means of service postage stamps.

Service stamps to be used.
Party not required to pay postal charges except under Order 5, Rules 10 and 20-A C.P.C.

(See Section 143 of the Code of Civil Procedure.)

In the case of processes transmitted by post under the proviso to rule 10 or under rule 20A of Order V of the First Schedule to the Code of Civil Procedure, the party at whose instance the process is issued will be required to pay all postal charges for postage and registration. The party will be required to pay only the normal process fee when service by post is ordered either in lieu of or in addition to the service in the ordinary manner. When the party concerned puts in a stamped postal envelope, the Ahlmad or the Moharrir should give him a receipt for the same.

2. Processes received for service from Courts in other States should be returned in service postage paid covers, the stamps being provided by the returning Court. Similarly, processes returned to Punjab Courts from Courts in other States will be sent in service postage paid covers. The same rule, of course, applies to processes returned by or to other Courts in the same State.

Service stamps to be used for transmission of processes to another Province.

Service postage labels required for this purpose will be obtained in the usual way.

[¹]PART J—POLICE ASSISTANCE

[Deleted]

[1] Ch.7 Part J has been deleted vide Correction Slip No. 191 Rules/II.D.4 dated 21.11.2022

PART K—FILLING UP OF FORMS OF PROCESS

1. With their applications for the issue of process, parties may, if they so desire, file printed forms of the same duly filled up in accordance with the rules of the High Court regarding the issue of the process. The date of appearance and the date of the process will be left blank.

Option of a party to fill up forms.

2. The parties or their pleaders shall sign the forms thus filed in the left bottom corner, and will be held responsible for the accuracy of the information entered in the forms.

Responsibility for accuracy of contents.

3. The forms must be filled up in a bold, clear and easily legible hand-writing.

Legible hand-writing.

4. When orders for the issue of process are passed by the Court, the date fixed for appearance will be inserted in the form and the process will be dated by an officer of the Court before the processes are signed.

Dates to be filled in by office.

5. The necessary number of printed forms of process will be supplied to the parties or their pleaders, free of cost, on application to such officer of the Court as the Presiding Judge shall direct.

Free supply of forms.

APPENDIX I

Affidavit of Process server to accompany Return of a Summons or Notice (O.5, R. 18).

The Affidavit of _____ (Title) _____ son of _____

I _____ make oath _____ and say as follows :-
Affirm

(1) I am a process server of this Court.

(2) On the _____ day of _____ 19 ____ I
summons
received a _____ issued by the Court of _____ in Suit No. _____ of
notice
19 ____, in the said Court, dated the _____ day of _____ 19 ____ for service on _____

(3) The said _____ was at the time personally known to me
summons him
and I served the said _____ on _____ on the _____ day
notice her
of the _____ 19 ____ at about _____ o'clock on
the _____ noon at _____ by tendering a copy
him his summons
thereof to _____ and requiring _____ signature to the original _____
her her notice

(a)
(b)
(a) Here state whether the persons served signed or refused to sign the process and in whose presence.
(b) Signature of process server.

or

(3) The said _____ not being personally known to me
accompanied me to _____ and pointed out to me a person whom
he stated to be the said _____ and I served the
summons him
said _____ on _____ on the _____ day of _____ 19 ____
notice her
at about _____ o'clock in the _____ noon at _____ by tendering a
him his summons
copy thereof to _____ and requiring _____ signature to the original _____
her her notice

(a)
(b)
(a) Here state whether the person served signed or refused to sign the process and in whose presence.
(b) Signature of process server.

or

(3) The said _____ and his house in which he ordinarily
personally known to me
resides being _____ I went
pointed out to me by _____

APPENDIX I—*concl'd*[illegible]

find the said
I enquired from

$$\left\{ \begin{array}{l} (a) \\ (b) \end{array} \right.$$

} neighbours

I was told that _____ had gone to _____ and _____ would not be back till _____.

Signature of process server,

or

If substituted service has been ordered, state fully and exactly the manner in which the summons was served with special reference to the terms of order for substituted service.

Sworn
----- by the said before me this day
Affirmed
of 19.

Empowered under section 139 of the Code of Civil
Procedure to administer the oath to deponents

APPENDIX II

List of Civil Courts in the Jammu and Kashmir State

Serial No.	Name of the Court		Territorial Jurisdiction
JAMMU PROVINCE			
1	District Judge, Jammu	..	Jammu excluding Tahsil R.S. Pura and Akhnoor.
2	Munsiff, Ranbir Singh Pura		Tahsil R.S. Pura.
3	Munsiff, Samba	..	Tahsil Samba.
4	Munsiff, Akhnoor	..	Tahsil Akhnoor.
5	Sub Judge, Udhampur	..	Udhampur District excluding Ramnagar and Reasi Tahsils.
6	Sub Judge, Reasi	..	Reasi.
7	Sub Judge, Ramnagar	..	Ramnagar.
8	Sub Judge, Bhaderwah	..	Doda District excluding Kishtwar, and Ramban.
9	Munsiff, Kishtwar	..	Kishtwar.
10	Munsiff, Ramban	..	Ramban.
11	Sub Judge, Poonch	..	Poonch District excluding Rajori.
12	Sub Judge, Rajouri	..	Rajouri.
13	Sub Judge, Kathua	..	Kathua District.
KASHMIR PROVINCE			
14	District Judge, Srinagar	..	Srinagar District.
15	Sub Judge, Anantnag	..	Anantnag District and excluding Shopian and Phulwama Tahsils.
16	Munsiff, Shopian	..	Shopian and Phulwama Tahsils.
17	Sub Judge, Baramulla	..	Baramulla District excluding Sopore and Handwara.
18	Munsiff, Sopore	..	Sopore.
19	Munsiff, Handwara	..	Handwara.
20	Deputy Commissioner, Leh		Ladakh District.

CHAPTER 8

PROCESSES-CRIMINAL COURTS. A---ISSUE AND SERVICE OF SUMMONS.

[1][2] 1. Every summons/e-summons issued by a Court in a Criminal case shall be in writing, in duplicate, signed legibly and in full by the Presiding Officer or Reader of such Court, with the name of his office or the capacity in which he acts/e-signed or digitally signed by Presiding Officer or Officer authorized by him. The practice of signing initials only or of using a stamp is objectionable and should not be adopted.

Signing of
summons.

2. In Criminal cases which are not cognizable by the Police, within the meaning of section 4, clause (f) of the Code of Criminal Procedure, summonses are to be served through the civil process-serving establishment attached to the Courts. District Magistrates shall see that the prescribed fee, if any, is duly paid in such cases.

Regarding
service of
summons in
non-cognizable
cases.

3. Rules under the Court Fees Act, 1870, for the realization of process fee, will be found in Chapter 5, "Process Fees." Rules 5 of the rules in Part B of that Chapter prescribes a fee of twelve annas for every summons issued by a Criminal Court in a non-cognizable case unless it falls within one of the exceptions set out therein. By the notification of the Punjab Government No.314 of the 21st March, 1883, issued under section 68 of the Code, every Criminal summons for the service of which a fee is levied under rules made by the High Court under the Court Fees Act, shall be served by the process serving establishment of the Court issuing the summons.

Fee of twelve
annas to be Paid
for such process.

4. (a) Under section 73 of the Code of Criminal Procedure, a summons issued by a court for service at any place outside the local limits of its jurisdiction, should ordinarily be sent in duplicate to a magistrate within the

Service of
summons sent
by a Court to a
place outside its
jurisdiction.

[1] Substitute vide C.S.No.48/Rules/XIX.A.3, Dated 22nd August,1974.

[2] Amended vide Correction Slip No. 182 Rules/II.D4 dated 27.11.2018

local limits of whose jurisdiction the person summoned resides or is to be there served. In special cases, however, e.g., when particular urgency in service is required the courts may, subject to the general control of the District Magistrate and to any general or special orders issued by him, permit the prosecuting agency to send summonses direct by registered post, acknowledgement due, to the police station concerned.

(b) When the summons has to be sent for service from a court to any district, the vernacular of which differs from that in which the process is written, it should be accompanied by a translation in English.

(c) All reports made on summons received for service from any district or State the vernacular of which differs from that of the district in which the report is written shall be translated into English which translation shall accompany the summons when returned to the Court issuing it.

Affidavits by police officers and process-servers who serve summons.

5. Attention is invited to the provisions of section 74 of the Code of Criminal Procedure, which makes an affidavit of service admissible in evidence in certain cases. When the Police serve a summons outside the local limits of the jurisdiction of the Court from which it issued, and in all cases in which it is probable that the police officer who serves a summons will not be present at the hearing of the case, the police officer, who has served such summons should make an affidavit in the form given below before the nearest Magistrate. The affidavit, and a duplicate of the summons endorsed in the manner provided by section 69 or section 70 of the Code, should then be forwarded to the Court, which issued the summons.

(ii) The same procedure will be observed by process-servers in regard to criminal processes in similar circumstances.

(iii) Printed forms of the affidavits mentioned above will be provided. These should be supplied to all officers in charge of police stations.

(iv) Magistrates must not detain police officers and process-servers who attend their courts merely to make affidavits, longer than is necessary for that purpose.

Declaration of service of summons

I _____ son of _____ do
 hereby solemnly declare that I did on _____ the
 _____ day of _____ serve
 _____ son of _____
 of _____ with the summons now shown to me and
 marked A, by delivering (or tendering) a duplicate to him [or,
 by leaving a duplicate for him with
 _____ an adult male member of his family residing
 with his or by affixing duplicate to a conspicuous part of his
 house or homestead].

(Signed).

Declared before me at _____ by _____
 this _____ day of _____ 19.

Magistrate.

6. The following instructions are issued with regard to the issue of summons for particular classes of persons :-

(i) Government servants generally.—When the person summoned is in the active service of the Government, the Court or Magistrate issuing the summons should, in accordance with the provisions of section 72 of the Code of Criminal Procedure, ordinarily send it in duplicate, to the head of the office in which the person summoned is employed, who will cause the summons to be served on the person named therein. This rule applies to every summons issued under the Code (section 93).

(ii) Bodies corporate.-- When the summons has to be served on an Incorporated Company or other body corporate, such as a Municipal Committee, service may be effected by

Instructions
reissue of
summons for
particular class
of persons.

serving the summons on the Secretary, Local Manager or other principal officer of the Corporation, or by registered post letter addressed to the chief officer of the Corporation in India. In such cases the service should be deemed to have been effected when the letter would arrive in ordinary course of post (vide Section 69(3) of the Code of Criminal Procedure).

(iii) Soldiers in Military Employ.---- When a Criminal Court issues a summons for the appearance of a soldier in military employ, the summons should be sent for service to the Officer Commanding the Regiment in which such soldier is serving. The provisions of section 72 of the Code of Criminal Procedure are wide enough to include persons in military employ ; and whenever it is necessary to summon an officer or soldier or other person in military employ, the summons should always be sent for service to the head of the Office or Head of Department or Officer Commanding the Regiment in which such officer, soldier or other person is serving, unless there are special reasons, which should be recorded, for proceeding otherwise.

(iv) Railway officials.---- (a) Persons in the active service of any Railway Company or Administration are subject to the same rules regarding the issue of summons as Government servants [see (i) above].

(b) Considerable inconvenience results from the indiscriminate summoning of the superior officers of the Railway to give evidence on points of railway practice, customs, orders, etc., which could equally well be done by subordinate Railway officials at or near the place where the trial is being held, and subordinate Courts should, in the exercise of their discretion, abstain from requiring the attendance of the Manager or other high officials of the Railway, except in special cases in which their evidence is absolutely necessary.

(c) To assist the Courts in summoning the subordinate officials who would most probably be able to give the evidence required with the smallest inconvenience to the Railway a list of the superior officers under whose immediate orders the Railway subordinates are, is given in the Appendix to this chapter, and, except where a strict adherence to this rule would cause delay or inconvenience, all processes for the attendance of any subordinate official should ordinarily be served through his immediate superior.

(v) Police.--- Whenever a summons is issued to an officer of Police to appear as a witness it should be served upon such officer through the Superintendent of Police, or, in the case of an outpost, the Assistant or Deputy Superintendent in charge of the outpost to which the individual summoned may belong.

(vi) Medical Officers.----The following instructions regarding the summoning of Medical Officers and their subordinates to give evidence in Criminal cases should be observed :-

- (i) On all summonses intended for service on officials of the Medical Department it should be stated whether the Official concerned is being called to give evidence as an expert, or to give evidence in a case with which he has had to deal in the ordinary course of his duties as a Medical Officer.
- (ii) Summonses for Medical Officers and subordinates in cases in which their evidence as experts is not required, whether the Court is in their own district or not, should be forwarded to the Civil Surgeon concerned for service.
- (iii) Notice should be given to the Director of Health Services whenever a summons has been issued to a medical man in civil employ under the Punjab Government to give evidence as an expert outside his district.

- (iv) The evidence of medical officers under orders of transfer should, wherever possible, be taken before they hand over charge. With this object in view, the Director of Health Services has been requested to communicate to the District Magistrates information about impending transfers of medical officers as soon as orders are received in his office. When the orders are so communicated, the Magistrates of the district, the Superintendent of Police, and the medical officer concerned should be consulted and the evidence of the medical officer in pending cases should be recorded, so far as it may be practicable, before he hands over charge. For the remaining cases, in which it would be necessary for the medical officer to return in order to give his evidence, effort should be made to fix one or two suitable days for the evidence being recorded by all the courts concerned, so as to avoid the necessity of frequent trips to the district for that purpose.

(High Court Circular letter No. 1417-R/XXV-5, dated the 18th February, 1942).

(vii) Consuls-General.—When it is necessary to summon certain Consuls- General residing in or visiting the Punjab to give evidence in a criminal case, the summons should issue in the form of a letter. The form of summons given in Form XXXI of Schedule V attached to the Code of Criminal Procedure will be used, except that it will begin and end as a letter, and the body of the letter need not be so abrupt as the form itself is.

Before summoning a Consular Officer whose office is at a distance from the court, the Magistrate should consider the possibility of taking evidence on commission as provided by section 503 of the Code of Criminal Procedure.

This privilege should be confined to the Consuls-General of Afghanistan, Persia, America, Holland, Germany, Japan and Italy. Other consular officers may continue to be summoned in the ordinary way.

**PART B- PREPARATION AND ISSUE OF WARRANTS OF
ARREST AND OTHER PROCESSES.**

General Warrants for arrest should never be issued by a Court of Justice.

General
Warrants.

2. Every warrant should state as shortly as possible the special matter on which it proceeds, and should be in the Form II given in Schedule V of the Code of Criminal Procedure. This form expresses on the face of it the special cause on which it is granted, viz., that the party 'stands charged with the offence of (stating the offence)'. A warrant issued under section 90 should in like manner be made out in Form VII. A strict adherence to the form of warrants of arrest prescribed by the Code will tend to prevent their being granted irregularly and without inquiry as to whether the circumstances justify their issue.

Prescribed form
of warrants
which should
state the special
cause on which
it is granted.

3. In all warrants and processes of every description, whether under the Code of Criminal Procedure or any other law in force, the father's name, caste, tribe or nationality, and residence of the person to be arrested, summoned, etc., should be entered, so as to place his identity beyond all doubt. The warrant should also set forth the Court from which it issues, and the name of the district.

What a warrant
or process should
contain.

4. (i) Great care should be exercised in distinguishing forms of warrants from forms of summons, and in making the Police and the public acquainted with the difference, different tinted paper and lithographed or printed forms should always be used. The people of the country will gradually become familiar with the appearance of each sort of process and know how to act.

Care to be
exercised in
distinguishing
forms of warrants
and summons.

(ii) All vernacular warrants of commitment to jail should be drawn up in the Roman character, except in the case of Indian Magistrates who are unable to read this character, and ordinary country ink should never be used in filling up the blanks in the printed form of warrant, or in warrants drawn up upon English paper.

A warrant should not be issued where a summons can serve the purpose.

^[1]5. Great care should be taken that a warrant, which always implies personal arrest and restraint, is never issued when a summons to attend would be sufficient for the ends of justice and any attempt to coerce or restrain a party called upon to appear in obedience to a summons should be checked and punished. It must be understood that the police will carry out to the letter the instructions issued in the writ handed over to them, but the Magistrate is responsible for the consequences of an informal or illegal process bearing his official seal and signature. The Hon'ble Judges wish to impress upon the Subordinate Courts the desirability of caution in issuing warrant of arrest against a person in public service unless and until the court is fully satisfied that he is willfully omitting to obey the summons. In most cases it will produce the desired effect if the attention of the superior officer is drawn to the conduct of his subordinate, and the witness is warned that his willful non-attendance might entail coercive and penal action against him. Of course, in cases of pronounced refractoriness, the Courts can set the law in motion in any one or all of the forms available to them.

Service of warrants on Railway servant.

6. Warrants issued against Railway servants should be entrusted for execution to some Police officer of superior grade, who shall, if he finds on proceeding to execute the warrant, that the immediate arrest of the Railway servant would occasion risk or inconvenience, make all arrangements necessary to prevent escape, and apply to the proper quarter to have the accused relieved, deferring arrest until he is relieved.

Execution of a warrant outside jurisdiction of the Court.

7. Under section 83(1) of the Code a warrant to be executed outside the local limits of the jurisdiction of the Court issuing it, may be forwarded by post or otherwise to the Superintendent of Police of the district in which it is to be executed. Similarly, by section 85, an offender when arrested may be taken before the Superintendent of Police instead of a Magistrate, and by section 86, the Superintendent of Police

[1] Substituted vide C.S.No.18-Gaz/V1.Z.23, dated Chandigarh the 11th May, 1966.

may send the offender to the Court issuing the warrant.

8. Every warrant issued under the Public Gambling Act, 1867, if not executed, shall be returned to the Magistrate or Superintendent of Police, who issued it, within a period of not more than fifteen days from the date of issue. The Magistrate or Superintendent of Police will then cancel the warrant, but a fresh warrant can immediately be applied for or issued, if necessary. (*Chief Court Circular Memo. No. 9-1970-G, dated the 4th June, 1896*).

Warrants under
the Gambling Act.

9. Some rules from the Punjab Rules, 1934, dealing with handcuffing of prisoners are reproduced below for the information of the Courts:-

“26.22 (1) Every male person falling within the following category, who has to be escorted in police custody and whether under police arrest, remand or trial, shall provided that he appears to be in health and not incapable of offering effective resistance by reason of age be carefully handcuffed on arrest and before removal from any building from which he may be taken after arrest:-

- (a) Persons accused of a non-bailable offence punishable with any sentence exceeding in severity a term of three years' imprisonment.
- (b) Persons accused of an offence punishable under section 148 or 226 Indian Penal Code.
- (c) Persons accused of, and previously convicted of, such an offence as to bring the case under section 75, Indian Penal Code.
- (d) Desperate Characters.
- (e) Persons who are violent, disorderly or obstructive or acting in a manner calculated to provoke popular demonstration.

- (f) Persons who are likely to attempt to escape or to commit suicide or to be the object of an attempt at rescue. This rule shall apply whether the prisoners are escorted by road or in a vehicle.

(2) Better class under trial prisoners must only be hand-cuffed when this is regarded as necessary for safe custody. When a better class prisoner is hand-cuffed for reasons other than those contained in (a), (b) and (c) of sub rule (1) the officer responsible shall enter in the station Daily Diary or other appropriate record his reasons for considering the use of handcuffs necessary.

27.12. * * *
 * * * * *

If, in accordance with rule 26.23 prisoners have been brought to the court in handcuffs, the handcuffs shall not removed in court unless this is specially ordered by the presiding officer.”

NOTE--- In this connection Rule 26.21-A of Punjab Police Rule 1934 is as follows:-

“26.21-A-Undertrial prisoners are divided into two classes based on previous standard of living. The classifying authority is the trying court subject to the approval of the District Magistrate, but during the period before a prisoner is brought before a competent court, discretion shall be exercised by the officer incharge of the Police Station concerned to classify him as either ‘better class’ or ‘ordinary’. Only those prisoners should be classified provisionally as ‘better class’ who by social status, education or habit of life have been accustomed to a superior mode of living. The fact that the prisoner is to be tried for the commission of any particular class of offence is not to be Considered. The possession of a certain degree of literacy is in itself not sufficient for ‘better class’ classification and no under-trial prisoner shall be so classified whose mode of living does not appear to the Police Officer concerned to have been definitely superior to that of the ordinary run of the population, whether urban or rural.

**PART C-ATTENDANCE AS WITNESSES AND EVIDENCE OF
PERSONS RESIDING BEYOND THE LIMITS OF INDIA.**

1. The issue of warrants for the arrest beyond the limits of India of persons whose attendance is required to give evidence but who are at the time resident beyond the limits of India is illegal and should not be resorted to as warrants for the arrest of a witness can under section 82 of the Code of Criminal Procedure, only be executed at some place in India.

Warrant for the arrest of a witness outside India.

^[1]2. Every warrant should state as shortly as possible the special matter on which it proceeds and should be in printed Form No.2 given in Second Schedule of the Code of Criminal Procedure and shall be duly machine numbered which shall be entered in the relevant column of Register No. XVI contained in Rules and Orders of Punjab and Haryana High Court, Volume-VI Part B-IV. This Form expresses on the face of it the special cause for which it is granted viz., that the party “stands charged with the offence of (stating of offence)”. A warrant issued under Section 90 should in the like manner be made out in Form No.9 of Second Schedule. A strict adherence to the form of warrant of arrest prescribed by the Code will tend to prevent their being granted irregularly and without enquiry as to whether the circumstances justify the same.

Prescribed Form of Warrant which should state the special cause on which it is granted.

^[1]3. In all warrants and processes of every description whether under the Code of Criminal Procedure or any other law in force, the father’s name, nationality and the residence of the person to be arrested, summoned etc. should be entered so as to place his identity beyond all doubt. The warrant should also set forth the Court from which it issues and the name of the District along with the complete particulars of the case.

What a warrant or process should contain.

[1] Substituted vide C.S.No.168 Rules/II.D4 dated 23rd November, 2012.

Care to be
exercised while
issuing the
warrant.

^[1]4. (i) The Presiding Officer of the Court (or responsible officer specially authorized for the purpose in case of High Court) issuing the warrant should put his full and legible signatures on the process and is to ensure that Court seal bearing complete particulars of the Court is prominently endorsed thereon. It must be directed to a particular police officer (or authority), and unless intended to be open-ended, it must be returnable, whether executed or unexecuted, on or before the date specified therein.

(ii) The Presiding Officer of the Court is to ensure that long time is not given for return or execution of warrants and he must insist on the compliance report on the action taken thereon by the Officer-in-Charge of the concerned police station or the concerned authority. The Officer-in-Charge of the concerned police station or the concerned authority should be directed to submit clear, cogent and legible report so as to facilitate fixing of responsibility in case of misuse. Before the warrant is issued, it must be entered in the said Register. The Presiding Officer of the Court at the time of quarterly inspection of his Court is to confirm that every such process is always returned to the Court with due report and placed on the record of the concerned case.

Cancellation of
warrant.

^[1]4-A. Whenever the warrant issued by the Court is cancelled, the order cancelling the warrant should be recorded in case file and the said Register. The copy of the order should be sent to the Officer-in-Charge of the concerned police station or the concerned authority requiring the process to be returned unexecuted forthwith. The date of receipt of the unexecuted warrant should be entered in the said Register. Copy of such an order should also be supplied to the accused.

[1] Substituted vide C.S.No.168 Rules/II.D4 dated 23rd November, 2012.

APPENDIX**LIST OF NORTHERN RAILWAY OFFICIALS TO WHOM
SUMMONES SHOULD ORDINARILY BE ADDRESSED**

Statement showing designation of Heads of Offices of Operating, Locomotive and Engineering Departments through whom summonses are to be served

Head of Office	Officers through whom summons should be served	Staff employed under each
FEROZEPORE DIVISION		
.Sub-Divisional Officer of____ Ferozepore. Kasur. Ludhiana. Jullundur.	Sub-Divisional Officers of these places.	Permanent way inspectors, sub-way inspectors, inspectors of works, sub-inspectors of works, overseers, works clerks, mistris, carpenters, keymen, gangmen, mates, surveyors and sanitary inspectors.
2. Assistant Signal Engineer, Ferozepore.	Assistant Signal Engineer	Block inspectors, sub-assistant block inspectors, assistant signal and inerlocking inspector, sub-assistant inerlocking inspector, time- keepers, mistris, carpenters, painters, blacksmiths, hammermen, fitters, coolies, cleaners, batterymen, linemen, trollymen, khalasis.
3. Loco. Foreman of- Ludhiana. Ferozepore. Jullundur.	Loco. foreman at these places.	Drivers shunters, firemen, shedmen, fuel munshis, school masters, fitter and fitter coolies, store munshis, shed menial staff.
4. Head Train Examiner of____ Ferozepore. Jullundur. Hissar.	Head train examiners at these places.	Train examiners, number takers storemen, wheelmen, cleaners wrenchmen, greasers, hammermen, carpenters, blacksmiths and bhishtis and box porters.

Head of Office	Officers through whom summons should be served	Staff employed under each
FEROZEPORE DIVISION-CONTD.		
5. Divisional Inspector, Power__ (Fuel) "S" (Fuel)"N" Pumps Rolling stock	Divisional Inspector__ Loco. Ferozepore Pumps, Ferozepore Rolling stock, Ferozepore	Box porters
6. Traffic Inspector of__ Ferozepore. Jullundur. Ludhiana.	Traffic Inspectors at these places	Shunting Jamadars, pointsmen cabinmen, shunting porters
7. Train Lighting Electrician, Ferozepore	Train Lighting Electrician, Ferozepore	Electricians, electric examiners assistant electric coolies and number takers
Station Master of__ Ferozepore Cantonment Ferozepore City. Macleod Ganj Road. Abohar. Lohian Khas. Nawanshahr. Doaba. Hoshiarpur. Tarn Taran Patti. Moga Tahsil. Jagraon City. Jullundur. Ludhiana. Amritsar.	Station masters at these places	Station masters, assistant Station masters, signallers, goods clerks, transit clerks, booking clerks, parcel clerks, correspondence clerks, yard foremen, shunting jamadars, shunting porters, cabinmen, signal and pointsmen, luggage porters, gatemen, sweepers

Head of Office	Officers through whom summons should be served	Staff employed under each
CONTROLLER OF STORES		
Foreman, Kalka ..	Foreman, Kalka ..	Clerk, motor fitters, carpenters, riveters, painters, shop jamadar, lifters, re-packers, machineman blacksmiths, hammermen, copper and tin smiths, millwright, moulders, cranemen

Head of Office	Officers through whom summons should be served	Staff employed under each
DELHI DIVISION		
1. Sub-Divisional Officer- Saharanpur. Ambala. Bhatinda. Jind Dharampur.	Sub-Divisional Officer of these places.	Permanent-way inspectors, sub-ways inspectors, sub-inspectors, of works, overseers, time-keepers, mistris, carpenters, Keymen, gangmen, gatemen, mates, sub-engineers surveyors and sanitary inspectors.
2. Loco Foreman- Delhi. Gaziabad. Saharanpur. Ambala. Bhatinda. Jind. Shakur Basti. Kalka.	Loco Foreman at these places.	Drivers, shunters, firemen, shedmen fuel munshis, school masters, fitters and fitter coolies, store munshis, and shed menial staff.
3. Station Master- Meerut Cantonment. Meerut City. Saharanpur. Ambala Cantonment. Rajpura. Ludhiana. Bhatinda. Jind. Shakur Basti. Kalka. Simla. Gahaziabad. N.W.Ry., Delhi and Goods Supervisor, Delhi, Sadar Station. Superintendent, Delhi.	Station Master at these places.	Station master, assistant station master, signalers, goods clerks, transit clerks, train clerks booking clerks, parcel clerks, ticket collector phone clerks, correspondence clerk yard foremen, chaukidars, shunting jamadars, shunting porters, cabinmen, signal and points men, luggage porters, gatemen, sweepers water men, waiting room staff, running room staff, guards and second Guards, gunners, markers, telegraph peons and Station peons.
4. Head Train Examiner- Delhi. Ghaziabad. Saharanpur. Ludhiana. Bhatinda. Kalka.	Head Train Examiners at these places.	Train examiners, number takers store men, wheel men, cleaners wrenchmen, greasers, hammer men, carpenters, blacksmiths and bhishtis.

Head of Office	Officers through whom summons should be served	Staff employed under each
5. Divisional Electrician, Delhi	DELHI DIVISION.....CONTD. Divisional Electrician.	Electricians, electric examiners, assistant electric examiners, electric coolies, and number takers.

CHAPTER 9**FINGER IMPRESSIONS; HANDWRITING; FORGED STAMPS
AND CURRENCY AND BANK NOTES****PART A—DOCUMENTS AND PAPERS ON WHICH THUMB
AND FINGER MARKS SHOULD BE AFFIXED.**

1. The Judges having considered the reports submitted from time to time on the working of the system of taking thumb and finger impressions on judicial records as a means of identification of individuals are pleased to direct that such impressions be affixed to the following documents and papers viz:-

Documents on which thumb impressions are to be affixed.

- (1) Petitions;
- (2) Entries in Petition-writers' Registers;
- (3) Statements and confessions by accused persons;
- (4) Statements by persons against their own interests;
- (5) Compromises;
- (6) References to arbitration;
- (7) Withdrawals of suits under Order XXIII, Rule 1, Civil Procedure Code, 1908, and of complaints under section 248, Criminal Procedure Code;
- (8) Security bonds;
- (9) Receipts filed in Court.

2. For taking thumb and finger impressions the following appliances are required :-

Appliances required and mode of taking impressions.

- (1) A tin slab.
- (2) Printer's ink.
- (3) A rubber roller (to spread the ink).

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 inky film and then impressed on the paper.

Further
directions.

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

Appliances required for reading impressions.

4. For reading impressions the following appliances are required :-

(1) A pointer.

(2) A reading glass.

(3) A pocket lens.

(2) and (3) need only be kept by District Judges and District Magistrates.

Henry's treatise on impressions.

5. A Manual on the classification and uses of finger prints by Mr. E.R. Henry has been circulated to all Sessions Judges, District Magistrates and District Judges in the Punjab. It contains full instructions for taking impressions.

Petition writers to obtain proper apparatus and apply proper impressions.

6. District Judges should make a point of seeing that Petition writers obtain proper apparatus and apply proper impressions to petitions and on their registers.

7. Appellate Courts are requested to see that a subordinate Courts comply with these instructions.

Appellate Courts to see that these instructions are followed.

8. Persons responsible for affixing thumb and finger impressions on documents which bear receipt or Court-fee stamps should be careful to take such impressions on the actual document itself in a place where the paper is clean and free from writing or other marks, and not on the stamp.

Impressions should be affixed on a documents on a space not occupied by the stamp.

PART B—PHILLAUR FINGER PRINT BUREAU.

1. The following are the fees for the examination of finger impressions by Experts of the Finger Print Bureau, Phillaur :-

Examination Fees.

Rs. 16 for every reference and a further fee of Rs. 4 for each finger impression sent for examination when the total number so sent exceeds five. (*Punjab Government letter No. 9076-Police, dated the 25th March, 1924*).

These fees shall be credited to Government in the local treasury under the head “XXIII—Police—Fees, Fines and Forfeitures”. The treasury receipt shall be sent with the exhibits to the Bureau and the fact mentioned in the letter forwarding the exhibits for expert opinion.

2. As the work of taking thumb impressions in civil cases for transmission to Phillaur is not one of the regular duties of a Police officer, the Governor has been pleased to decide that Police Finger Print Proficients who are required to take such impressions shall be paid a fee of Re. 1 for each set of impressions taken and that such fee shall be paid by litigants themselves in addition to the other charges. (*Punjab Government letter No. 2830-H.—Judl., dated the 27th January, 1927*)

Fees payable to the Police Finger Print Proficients.

Note.—The fee of one rupee prescribed in this paragraph is for a complete set of plain and rolled prints of both hands of a person.

3. The following instructions have been framed for the guidance of civil courts when the evidence of a Bureau Expert is required :-

Instructions re: evidence of a Phillaur expert.

Instructions

- (i) When the evidence of a Bureau Expert is required in a civil case the Sub-Judge of Phillaur shall be appointed to be the Commissioner to record it.

Evidence to be taken on commission through Sub-Judge, Phillaur.

Documents may be sent in the first instance direct to the experts for examination and opinion.

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

Sub-Judge, Phillaur, to set apart a day each week for examination of Phillaur experts.

(iii) If a party to a suit desire such opinion to be received in evidence, and expert of the Bureau staff shall be summoned to the Court of the Sub-Judge at Phillaur and examined on Commission on a day to be set apart each week for the hearing of evidence in such cases.

Bureau shall decide the name of the expert deputed to be examined.

(iv) It shall be left to the Bureau to enter on the summons the name of the expert deputed to be examined.

Commissioners' fees.

(v) The fee to be paid for the Commissioner's work shall vary with the value of the civil suit in connection with which the Commission is issued subject to a maximum of Rs. 20; for suits of small value a small fee shall be charged but the maximum fee shall be charged in suits of large value ; the amount of the fee shall in each case be fixed by the Court issuing the Commission, and it shall all be credited to Government in the local treasury under the head "XXI—Administration of Justice—General Fees, Fines and forfeitures—Other General Fees, Fines and Forfeitures".

Fees for the evidence of experts.

(vi) As regards the fee to be paid for the experts' scrutiny of finger impressions and for their examination in Court, the present fee for the scrutiny (plus written opinion) shall stand and an additional fee, to be fixed by the Court issuing the Commission, subject to a maximum of Rs. 16, shall be levied for the attendance of the expert in Court, one-third of which shall be paid to the expert (being remitted by the Court issuing the Commission direct to the Sub-Judge at Phillaur who will make it over to the expert), and two-third credited by the Court into

the local treasury under the head “XXIII—Police—Fees, Fines and Forfeitures”, the treasury receipt being forwarded with the commission to the Sub-Judge at Phillaur who will send it to the Bureau when summoning the expert.

In respect of the Civil Courts at Delhi, the fee shall be remitted in cash by money order to the Superintendent of Police, Incharge Finger Print Bureau, Phillaur, exclusive of the money order commission at the expense of the parties concerned.

- (vii) 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.

Summoning of experts in criminal cases.

- (viii) In order to ensure the protection of documents accompanying interrogatories sent by civil courts to the Sub-Judge, Phillaur, care must be taken to see that they are sent in stout envelopes or strong paper or cloth wrapping. They should be sent by registered post; acknowledgement due, at Government expense, both to and from Phillaur. For the return of the documents to the courts concerned, the Sub-Judge, Phillaur, will use cloth lined envelopes of appropriate size to be obtained on indent for universal forms from the Controller of Printing and Stationery, Punjab.

Instructions re: despatch of documents to Phillaur.

^[1]Note :- The provisions of this Chapter shall apply mutatis mutandis to the Finger Print Bureau Madhuban (Karnal) in their application to the State of Haryana and any reference to Finger print Bureau phillaur or Sub-Judge, phillaur, in these rules shall be construed as a reference to the Finger print Bureau Madhuban (Karnal) and Senior Subordinate Judge, Karnal, respectively.

[1] Inserted vide Correction Slip No. 50 Rules/X.D.11, dated 08.03.1977

PART C—RULES REGULATING APPLICATIONS FOR AND
PAYMENT OF THE SERVICES OF THE GOVERNMENT
EXAMINER OF QUESTIONED DOCUMENTS.

The rules on the above subject were circulated to all Civil and Criminal Courts with Punjab Government endorsement No. 7206-H-53/62203, dated the 28th August, 1953 on letter No. 41/3/50-Police-II, dated the 6th July, 1953 from the Government of India, Ministry of Home Affairs, to all State Governments and are printed as Annexure to Chapter 9-A of High Court Rules and Orders, Volume III. The services of the Government Examiner of Questioned Documents can be availed of by Civil Courts in accordance with those rules.

PART D—EXPERT OPINION IN FORGERIES RELATING TO
STAMP AND CURRENCY, AND BANK NOTES.

1. The Central Government has suggested that in any cases of doubt in which the opinion of an expert may be required on the question whether stamps are genuine or forged, reference, should be made to the Master, Security Printing, India, Nasik Road, for his or his nominee's report.

The following fees will be charged by the Master, Security Printing, for the examination of stamps and for giving evidence on commission :-

Fees chargeable by
the Master,
Security Printing.

- (1) For each stamp examined, Rs. 10, but where the stamps to be examined consist of a block or blocks from the same sheet this fee will be charged for the examination of each block, as any one of the stamps is representative of the whole block.
- (2) For stamps examined on commission, Rs. 20 per document, irrespective of the number of stamps requiring examination on each document; provided that where more than one document relating to the same case is to be examined on the same day, the charges will be Rs. 20 for the first and Rs. 10 for each subsequent document.

These fees will be credited to "VII—Stamps—Central—Security Printing Press—Miscellaneous".

(Government of India, Finance Department, letter No. R.-Dis. No. 44-Stamps/35, dated the 26th April, 1935, to all State Governments, etc.).

2. The Government of India have approved of the following scale of charges to be made by the Master, Security Printing, India, Nasik Road, for the examination of currency and bank notes and for giving evidence on commission :-

Expert opinion
about genuineness
of currency and
Bank Notes. Fees of
the expert.

- (1) For each note examination, Rs. 10 per note.
- (2) For notes examined on commission in connection with forgery cases, Rs. 20 per case.

These fees will be credited to "XXVII—Currency—Miscellaneous".

(Government of India, Finance Department letter No. D-5227-F., dated the 1st August, 1936, to all State Governments, etc.)

Fees of expert when opinion is required by the Police or the Reserve Bank.

3. The Central Government have decided that no charge should ordinarily be made by the Master, Security Printing, India, for giving expert assistance to the Police or to the Reserve Bank in connection with any criminal prosecution. In any case, however, where the Master, Security Printing, India, considers that his free services are being abused, he will bring the matter to the notice of Central Government. He will, of course, be entitled to charge for assistance given to private parties or in civil suits in which Government is not one of the parties.

(Government of India, Finance Department, letter No. D/1880-F., dated the 12th March, 1937, to all State Governments, etc.).

CHAPTER 10**FORFEITED AND UNCLAIMED PROPERTY AND
MALKHANAS****PART A- ITEMS OF ACCOUNT CONNECTED WITH LAW AND
JUSTICE, SALES OF UNCLAIMED PROPERTY, JUDICIAL
FORFEITURES, & C.**

(i) The annexed rules, framed at the instance and with the approval of the State Government, aim at the prevention of fraud so far as items of account connected with law and justice are concerned.

General.

(ii) They deal with-

(1) Sale-proceeds of unclaimed and escheated property; and

(ii) Subjects dealt with.

(2) Judicial forfeitures, including-

(a) The proceeds of property of absconding offenders and witnesses, sold under the provisions of section 88 of the Code of Criminal Procedure;

(b) Forfeitures of earnest money deposited at sales of immovable property in execution of decrees; and

(c) Sums realized under forfeited security and bail-bonds.

(iii) Heads of offices will take particular note of the instructions contained in rules 1-4 inclusive, and will not fail to appoint an officer of the headquarters staff to supervise the Nazirs' Store-room and Miscellaneous Register F as required by rule 4.

Officer-in-charge.

(iv) The principles underlying rules 6 and 7 for the preparation of the returns thereby required, are those which regulate the monthly Fine Statements. As Subordinate

Directions as to preparation of returns.

Judges are under the operation of rule 6 required to furnish a return of the forfeiture of earnest money deposited at sales of immovable property in execution of decrees, District Judges should take steps to instruct Subordinate Judges in the rules, regulating the preparation and submission of fine statements, and direct strict compliance therewith, *mutatis mutandis*, for the preparation and submission of the statement prescribed in rule 6. It will not escape notice that the statements required by rules 6 and 7 must be separate and distinct from each other, and from the statement of fines. The caution to Record-keepers at the end of rule 6 should be brought prominently to the notice of those officials.

Statements to be submitted monthly.

(v) The statements should be submitted monthly to the Accountant-General, as soon as possible after the close of the month to which they refer.

Items of uncertain revenue, stamps, etc., require special attention.

(vi) The attention of Deputy Commissioners is specially invited to the following remarks, regarding items of uncertain revenue, recorded by the Accountant-General:-

“All items of uncertain revenue for which there is no fixed demand, or for which there are no vouchers, as in the case of stamps, are liable to be misappropriated in the first instance by the establishment which collects them, the statements of receipts being falsified in its preparation and made to agree with the sum actually paid into the Treasury. The system of check now proposed will reveal no fraud designed and perpetrated at this stage; and with the knowledge before them, that independent statements of realisations by the collecting officers, and of Treasury credits, exist for comparison, the perpetrators of such frauds would be careful to see that the statement of receipts corresponds with the sums actually paid in by them.”

Portions of bail and security bonds forfeited.

(vii) Demands on account of amounts forfeited on bail and security bonds should be entered in Criminal Register No. XIV, and realizations of such demands in Fine Register No. XV.

(viii) Every Nazir shall be provided with a strong box and store-room for the custody of all property made over to him, including bullion or jewels of less value than one thousand rupees. The bullion or jewels shall be kept in the strong box which shall be deposited in the Treasury under single lock, while the other property shall be kept in the store-room which shall be guarded by the police with Government property. It shall be the duty of the officer-in-charge of the store-room to see that the value of valuable property such as bullion or jewels lying with the Nazir at any time does not exceed Rs. 1,000. If at any time this limit is exceeded the property shall be sent to the Treasury Officer for safe custody.

Nazir's strong box not to contain property exceeding Rs. 1000. Nazir's store-room and Police guard.

(ix) If there is any property which has been attached by a Court in execution of a decree and 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.

Disposal of property attached and subsequently found to be unclaimed.

RULES

1. All property made over to the Nazir under the rules contained in Chapter 11-E of volume III of the Rules and Orders, or otherwise under the orders of a Judicial Officer acting as such, shall, after each article has been entered in Miscellaneous Register F, be kept in such place as may be appointed by the head of the office concerned in consultation with the Police authorities.

Entry of property made over to Nazir in Register K and its safe custody.

2. One register in 2 volumes shall be maintained in each office for both the Civil and Criminal Departments, the first volume for articles which have been forfeited and the second for articles which have been made over to the Nazir pending the decision of a case. If it is subsequently decided that an article entered in the 2nd volume should be forfeited, it should be entered in the 1st volume. Columns 1 to 5 of this

Articles forfeited and made over to the Nazir to be entered in one register, etc., and directions *re.* the entries to be made in this register.

register shall be filled up on receipt of the property. When the property is received from the Police the number given to the deposit in column 1 shall be entered by the Nazir in the Police register in which he acknowledges the receipt of the property. When the property is received otherwise than through the Police, the number given to the deposit in column 1 shall be noted by the Nazir on the record of the proceedings ordering the property to be made over to him. To ensure due compliance with these instructions, the Police Registers should occasionally be compared with the Nazir's registers and Record-keepers should be instructed not to receive into their record-rooms any record in which property appears to have been made over to the Nazir, otherwise than through the Police, unless the acknowledgement of the Nazir and the number given to the deposit in his register have been duly entered on the record.

Directions with regard to the above-mentioned register.

3. Columns 6 to 8 of the register will be filled up when the property is disposed of. If the property is disposed of by delivery to a private person, the delivery shall always take place in the presence of the officer ordering the delivery and be attested by his initials in column 6. In cases in which the sale-proceeds of property or the property itself, where it consists of cash, are paid into the Treasury, the date of payment and number of the Treasury receipt shall be entered in column 8, in addition to the Treasurer's signature; and when items pertaining to several cases are acknowledged in one receipt, the register numbers of the different cases and the amount paid in each shall be endorsed on the Treasury receipt.

Monthly statement by Nazir and its verification by the officer-in-charge. Six-monthly inspection of store-room and monthly inspection of Register K.

4. The Nazir's store-room and Miscellaneous Register F shall always be placed under the special supervision of an officer of the headquarters staff, who shall examine and countersign the register at least once a month, and inspect the contents of the store-room at least once in 6 months. The District Nazir shall be responsible under the officer-in-charge for the disposal of such property and he will prepare the monthly statement of sale-proceeds of unclaimed and escheated property credited into the Treasury for submission

to the Accountant-General. The office copy of the statement will be used for the purposes of checking the Treasury credits and a reference to the number of the entry in Miscellaneous Register F should therefore be made in the last column of the office copy. The officer-in-charge should, when signing the monthly statement after verification by the Treasury, compare the entries in the office copy with those in the Miscellaneous Register F and initial in column 6 of the Register all entries of sale of unclaimed property brought to account in the monthly statement and also all orders of competent authority to destroy such property. Papers relating to orders authorizing destruction or those relating to sale fetching less than Re. 1 should be kept by the Nazir in quarterly files till the accounts have been audited, when those with regard to which no objection has been raised may be destroyed and the others kept pending till the next audit. The rest should be arranged in monthly files and sent to the Record-room.

Note.-1. The officer-in-charge at the time of the six-monthly inspection, required by this rule, should report to the District Magistrate the total value of the property lying with the Nazir and the District Magistrate should satisfy himself that proper steps have been taken to return the articles of private property to their owners and to dispose of unclaimed property by auction.

Note.-2. To safeguard against any loss of property, the personal control of the Nazarat Officer over the store-room is imperative and should be exercised by keeping the store-room, like the district armoury, under double lock, one key of which should remain with the District Nazir and the other with the Nazarat Officer.

5. The papers relating to the disposal of property forfeited in judicial cases are included in the proceedings in which the order of forfeiture is given. Each Court shall send to the Nazir a monthly statement of such realizations. From these statements the Nazir will compile the District statement, but the comparison of entries in the office copy with those in Miscellaneous Register F and the initialing of entries in column 6 of Miscellaneous Register F shall be the duty of the Court dealing with the proceedings for forfeiture.

Judicial
forfeitures- Duty
of Courts to send
monthly
statements and
verify Nazir's
District statement

6. In the event of an order of forfeiture of the earnest money mentioned in Order XXI, Rule 84, Civil Procedure

For forfeiture of
earnest money in
auction sales in
execution-Duty of
Court to submit
statement. Duty of
record-keeper on
receipt of execution
record.

Code, becoming necessary under the operation of Order XXI, Rule 85, the presiding officer of the Court ordering the sale and subsequent forfeiture shall prepare, for submission to the Accountant-General, according to the present procedure for the preparation and submission of the monthly statement of realization of fine by each Court, at the beginning of the month next following that in which the forfeiture occurred, a statement of the sum credited to Government under the provisions of Order XXI, Rule 86; and such presiding officer will be responsible that the legitimate "expenses of the sale" only have been deducted from the amount deposited. The Treasury receipt for the amount actually credited to Government shall remain in the record of proceedings, and Record-keepers shall not receive into the record office any record which is not accompanied by such receipt.

Statement of
sums realized
under forfeited
security and bail
bonds.

7. Sums realized under forfeited security and bail bonds shall be entered in the Register of Fine Realizations (Criminal Register No. XV) maintained by the District Fine Moharrir for all Courts in the District. Each Court shall, at the beginning of every month, prepare, for submission to the Accountant-General, according to the present procedure for the preparation and submission of the monthly statement of realizations of fines by each Court a list of all sums so realized by it during the month preceding.

Note.- The statement mentioned in rule 6 and the list in rule 7 will be separate from each other and from the monthly statement of fines realised, sent to the Accountant-General in accordance with paragraph 20 (i) of Chapter 11 of this volume.

PART B-CUSTODY AND DISPOSAL OF THE PROPERTY
ATTACHED UNDER THE CRIMINAL PROCEDURE
CODE

In order that all property which is at the disposal of the Government under section 88 or attached under sections 386 or 332 or any other section of the Criminal Procedure Code may be brought to account and the responsibility of the Government may be properly discharged, the following rules have been made under Article 227 of the Constitution of India, by the High Court with the approval of the State Government:-

RULES

1. Whenever property is attached under the orders of a Criminal Court, the Court shall make suitable arrangement for its safe custody, preservation and proper management.

Arrangements for the safe custody, preservation and proper management of the property attached. Registers to be maintained.

2. The Court shall maintain the following registers in which all property attached shall be entered:-

(i)Miscellaneous Register K/ 1.

(ii)Index Register.

The forms of these registers are appended to these rules.

In the Index Register the names of the persons whose property is attached should be entered in chronological order and an alphabetical index giving reference to the pages of the register should be maintained in the beginning.

3. The attached property of a proclaimed offender other than that ordered by the Court immediately to be sold under the provisions of section 88(5), Criminal Procedure Code, shall not be sold until the expiration of six months from the date of attachment and until all claims preferred or objections made under section 88 have been disposed of.

Time for the disposal of the attached property by sale.

Time for the disposal of the attached property by sale.

4. If the proclaimed offender does not appear before the Court within six months from the date of attachment and after all the objections, if any, made under section 88 have been disposed of, the Court shall take steps to sell the property unless for sufficient reasons it deems fit to postpone the sale.

Directions as to the delivery of property released.

5. Whenever the Court directs the release of the property attached in favour of any person, in whole or in part, it shall be delivered to him or his authorized agent in the presence of the Court or by an officer of the Court in the presence of respectable witnesses.

Deposit or sale-proceeds of income of property in Treasury.

6. The price realized from sale of the property attached or its income shall be forthwith deposited in Government Treasury under the head "XXI-Administration of Justice".

Refund of sale-proceeds or income.

7. Whenever the price or income of the property is ordered to be delivered to a person, it shall be paid to him by means of a refund voucher.

INDEX REGISTER

Date of attachment	Name and address of the person whose property has been attached	Particulars of the case	Reference to Miscellaneous Register K/1	Date of release	REMARKS

**MISCELLANEOUS REGISTER K/1 OF THE MOVABLE AND
IMMOVABLE PROPERTY**

Serial no.	No. in Index Register	Name and address of the person whose property has been attached	Particulars of the case and date of attachment	Details of property attached and marks of identification	Estimated value and income	Arrangement for custody and management	How disposed of and when	Amount realized	Signature of person to whom property is delivered	REMARKS
1	2	3	4	5	6	7	8	9	10	11

Note.- In column 8, if released, give reference to date of order. If sold, mention the agency through which it has been disposed of. State also for what price sold and whether by public auction or private.

2. In column 9 give the number of the Treasury receipt.

3. In column 11 mention the various orders passed by the Court.

PART C- ARMS AND AMMUNITION

The following rules have been framed by the Punjab Government for the guidance of officers dealing with arms, ammunition and military stores deposited in district *malkhanas*:-

RULES

1. A separate room in every district *malkhana* shall, if possible, be set apart for the deposit of arms, ammunition and military stores. Where such a separate room is used, it shall be kept under double lock, one key being retained by the officer of the headquarters staff responsible for the supervision of the *malkhana*, who is referred to in these rules as the "Nazarat Officer," and the other by the "District Nazir".

Nazarat Officer-
Separate room in
Malkhana under
double lock to be
provided for
custody of arms,
etc.

2. The Nazarat Officer shall be generally responsible for the supervision and disposal of arms, ammunition and military stores deposited in the *malkhana*. He shall compare the arms, ammunition and military stores in stock in the *malkhana* with the register prescribed by rule 4 once a month, and shall submit a report of this inspection to the District Magistrate by the 10th of each month.

Responsibility
of the Nazarat
Officer.

3. Subject to the control of the Nazarat Officer, the District Nazir, and not any of his assistants, shall be held personally responsible for the proper receipt, safe custody and disposal of all arms, ammunition and military stores.

Responsibility
of the District
Nazir.

4. Particulars of all arms, ammunition or military stores received in the *malkhana* shall at once be entered in register to be kept for this purpose, in addition to Miscellaneous Register F, in form I appended to these rules. On the receipt of any arms, ammunition or military stores, columns 1 to 13 shall forthwith be filled up, and the register shall then be submitted to the Nazarat Officer who, after satisfying himself as to the accuracy of the entries, shall place his initials in column 14.

Register of
Arms, etc.,
deposited in
Malkhana.

Return of arms,
etc., deposited
in the
Malkhana.

5. Arms, ammunition and military stores which have been deposited in the *malkhana*, and have not been forfeited to Government, shall be returned to the persons entitled to possess them in cases in which the deposit was made by a Court, under the orders in writing of that court and in other cases under the orders in writing of the Nazarat Officer. The return of all arms, ammunition and military stores under this rule shall take place in the presence of a Gazetted Officer, who shall be responsible for seeing that the relevant columns of the register are filled up.

Sale of arms,
etc. forfeited
and not ordered
to be destroyed.

6. All arms, ammunition and military stores which have been deposited in the *malkhana*, and have been forfeited to Government, and have not been ordered by a Court to be destroyed, may be sold under the orders in writing of the District Magistrate to persons entitled to possess them. A specific and distinct order must be passed with respect to the sale of each weapon or of each lot of ammunition or military stores proposed to be sold, and the sale price must be fixed by the District Magistrate unless the sale is to be by auction. In passing orders for the sale of arms, ammunition and military stores, the District Magistrate should remember that arms, ammunition and stores which can be utilized by the police or by any department under Government may be retained and brought into use with the sanction of the State Government, and should refer for orders any case in which it appears that it would be to the advantage of Government that the arms, ammunition or stores should be retained.

Magistrate
dealing with
administration of
the Indian Arms
Act to be
informed of the
sale.

7. The officer of the headquarters staff who, under the orders of the District Magistrate, deals in the first instance with questions relating to the administration of the Indian Arms Act, 1878, and of the rules thereunder, shall be informed of the sale of all arms, ammunition and military stores, and shall be furnished with a full description of the articles sold and with information as to the address of the purchaser.

8. All arms, ammunition and military stores which have been ordered by a court to be destroyed, or for the destruction of which the District Magistrate, after considering the possibility of their disposal under rule 5, has passed express orders, shall be dealt with as follows:-

Procedure for destruction of arms, ammunition and military stores.

- (a) All rifled fire-arms and fire-barrels, pistols and revolvers shall be sent to the nearest Ordnance Officer, under proper precautions, to be broken up. The Nazarat Officer shall advise the Ordnance Officer concerned of the dispatch of such arms, and shall personally supervise their dispatch. He shall also inform the District Magistrate as soon as he has actually dispatched them, and shall, in due course, submit the receipt of the Ordnance Officer to the District Magistrate for his information.
- (b) All arms, other than those referred to in clause (a) of this rule, ammunition and military stores shall be broken up or destroyed locally in the presence of the Nazarat Officer and the materials(if any) remaining shall be sold.

When the procedure prescribed by this rule has been completed, the relevant columns of the register shall be filled up. It is of great importance that the number of articles awaiting disposal under this rule should not be allowed to become excessive. Articles, the destruction of which has been ordered, should be kept as far as possible separate from the remainder of the arms, ammunition and military stores in the *malkhana*, and should be dispatched to the Arsenal or destroyed locally, as the case may be, at least once a month. A simple register of such articles should be kept in form II appended to these rules.

9. The register mentioned in rule 4 shall be an annual register. At the beginning of each year a new register shall be opened on to which all arms, ammunition and military stores lying in the *malkhana* shall be brought before

Register No. 1 to be opened a new every year. Its checking by the Nazarat Officer and the District Magistrate.

the 10th of January. The Nazarat Officer shall be personally responsible for seeing that all arms, ammunition and military stores not shown as disposed of in the previous year's register are in the *malkhana*, and he shall at once report if there is any deficiency. The District Magistrate shall, during the month of January, check the entries in the register with the arms in the *malkhana*, and, in order to satisfy himself that the register has been properly prepared, he shall examine a sufficient number of entries in the previous year's register. He shall specially arrange for the disposal of arms liable to sale or destruction if their number is excessive.

FORM I
(See rule 4)

REGISTER SHOWING ARMS, AMMUNITION AND MILITARY
STORES IN THE *MALKHANA* AT _____

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	
								FOR WHAT OBJECT RECEIV- ED						DATE OF DISPOSAL									
Serial No.	Date of receipt	Class of weapon	No. of weapon	Class and number of ammunition, or nature and quantity of military stores	From whom received	Under whose orders received	Name and address of owner (where known)	Destruction	Deposit	Date on which liable to forfeiture	Date on which liable to destruction	Initials of Receiving Officer	Initials of Nazarat Officer	Despatch to Arsenal	District Magistrate's sanction to sale and actual sale	Destruction	Restoration to owner	Signatures of despatcher	Signature of receiver, or date of receipt at Arsenal	Initials of Nazarat or Gazetted Officer in whose presence arms were returned to owner	Sale price with No. of chalan and date of despoit in Treasury	REMARKS	

FORM II*(See rule 8)*

REGISTER OF ARMS, AMMUNITION AND MILITARY
STORES, THE DESTRUCTION OF WHICH HAS BEEN
ORDERED

1	2	3	4	5	6
Serial No.	Reference to the serial number in the register in form I	Descrip- tion of article	Date of despatch to Arsenal	Date of destruc- tion	Initials of Nazarat Officer

PART D-CIVIL COURTS' *Malkhanas*

1. 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 to be known as the Civil Nazir's *malkhana*. The *malkhana* shall be placed under the direct supervision of the Senior Subordinate Judge (or the Administrative Sub-Judge in the districts where one has been appointed) or any other officer whom the High Court may, by general or special directions appoint. This officer shall be known as the officer-in-charge for the purpose of these rules.

Custody and supervision of *Malkhanas*

2. Every Civil Nazir shall be provided with a strong box for the custody of all light property such as jewels, bullion, etc., up to the value of one thousand rupees. This strong box may be placed in the outer room of the Treasury, if it is open, as provided in chapter 3 of the Punjab Financial Rules and if it is closed, the officer-in-charge should arrange for its safe custody in the Civil Nazir's *malkhana*, subject to the provision of rule 8. The 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. It shall be the duty of the officer-in-charge to see that the aggregate value of property such as jewels, bullion, etc., in custody of the Civil Nazir, does not at any time exceed Rs. 1,000.

Custody of property with the Civil Nazir.

3. Where the property consists of bullion, coin, currency notes, valuable securities or jewels, and its value exceeds one thousand rupees, it should, instead of being kept in the custody of the Civil Nazir, be made over to the Treasury Officer for safe custody in the Treasury; coin or currency notes (other than counterfeit coin and notes) will be treated as regular deposits under the rules in chapter XII of the Punjab Financial Rules; bullion at its estimated value, securities, irrespective of their face value, and jewels will be deposited for safe custody, and an entry made by the Treasury Officer in the special register kept in Form P.F.R.2 which should be countersigned every month by the District Magistrate, or of the Additional District Magistrate. The

Custody of property with the Treasury Officer.

orders of the Deputy Commissioner must be obtained before placing bullion or jewellery, etc., for safe custody in the Treasury.

Miscellaneous
Register F.

4. Columns 1 to 5 of the Miscellaneous Register F shall be filled up by the Civil Nazir on receipt of the property. The number given to the deposit in column No.1 shall be noted by the Nazir on the record of the proceedings ordering the property to be made over to him.

Record-
keeper's
responsibility.

5. Record-keepers should be instructed not to receive into their record rooms any record in which property appears to have been made over to the Civil Nazir, unless the Acknowledgment of the Civil Nazir, the number given to the deposit in its register have been duly entered on the record.

Disposal of the
property.

6. Columns 6 to 8 of the register will be filled up after the disposal of the property. If the property is delivered to a private person, the delivery shall take place in the presence of the Court ordering the delivery or of the officer-in-charge of the *malkhana* as may be convenient and shall be attested in column 6 by the initials of the officer responsible for the delivery.

Duties of the
officer-in-
charge,
Malkhana.

7. The officer-in-charge shall examine and countersign the register at least once a month and inspect the contents of *malkhana* at least once in six months. He shall at the time of the six-monthly inspection, report to the District Judge the total value of property lying with the Civil Nazir and the efforts made to dispose of the property.

Guarding of
Malkhanas.

8. The Civil Nazir's *malkhana* shall be guarded by a Chaukidar but if the value of the property is large and the property is not of such a nature that it can be conveniently deposited in the Treasury or kept in the Civil Nazir's strong box, the officer-in-charge may appoint temporary additional guard or guards.

9. Where there is a store-room attached to the court of an outlying Civil Court, it shall be under the immediate control and supervision of the Naib-Nazir, who shall be responsible for the safe custody of the contents thereof and the keys, subject to the general superintendence of the officer-in-charge.

Control and supervision of outlying store-rooms.

10. Valuable securities or jewels shall not be kept in outlying store-rooms. Where there is a sub-treasury near the court, such valuable property shall be treated as subject to the provisions of rule 3 and be kept in the local sub-treasury, or where there is no such sub-treasury it shall be transferred for safe custody at District Headquarters according to the foregoing rules.

Custody of valuable securities, jewels, etc., in outlying courts.

General

11. Perishable property or livestock shall not be retained by the Civil Nazir or Naib-Nazir for custody in a malkhana, but made over to a *Sapurdar*.

Custody of perishable property and live-stock.

REGISTER OF BULLION, JEWELLERY AND OTHER VALUABLES
CONNECTED WITH CASES REQUIRED TO BE TAKEN OUT
FREQUENTLY

	Date of receipt		From whom received	Description of the case concerned	Description of article
1	Serial No.				
2					
3					
4					
5					
6					
7					
8					
9					
10					
11					
12					
13					
14					
15					
16					
17					

CHAPTER 11**REALIZATION OF FINES**

1. Although section 70 of the Indian Penal Code gives the power to levy a fine at any time within six years or during the term of imprisonment of the offender, if this be more than six years, neither that section nor section 386 of the Code of Criminal Procedure requires that the power should be exercised in every case. The law is permissive and not imperative. When sufficient efforts have been made to realize a fine by distress and sale, but without any success, the Court should exercise its discretion, according to the circumstances of each particular case, as to whether any further steps should be taken towards the realization of the fine within the period allowed by law. If there is reason to believe that the offender is able to pay, but will not do so preferring to undergo imprisonment, the law should be strictly enforced; but if it appears that the fine was not paid for want of means or that its full realization would be ruinous to the offender or his family, it is not desirable that further steps should be taken.

Discretion to be used in making further efforts to realize fines if sufficient efforts made have failed.

2. Under section 386, as amended in 1923, the offenders, movable as well as immovable property is now liable to be sold for realization of the fine. But sale of immovable property must be made through the Collector of the District. When an offender has undergone the sentence of imprisonment awarded in default of payment of the fine, no Court can issue a warrant for realization of the fine unless for special reasons to be recorded in writing, it considers it fit to do so.

Warrant for recovery of fine to be issued only for special reasons if accused has undergone imprisonment in lieu of fine.

3. Every Court, whether Criminal or Civil, will keep up in the vernacular a separate Fine Register (No. XIV Criminal), and it will be the duty of the Reader of each Court to see that all fines imposed by the Judge or Magistrate are entered the same day in this register. Compensation awarded under section 545 of the Code of Criminal

Fine Register. Its scope and inspection.

Procedure will be treated as a fine imposed in a case instituted on complaint by the original defendant. Fines imposed under section 480 of the Code of Criminal Procedure, or under Order XVI, Rules 12, 17, of the Code of Civil Procedure, will also be entered in the register and dealt with according to the instructions laid down in these directions. The register should be inspected and signed, in the case of Sessions Courts, by the Judge once a month, and, in other Courts, by the Presiding Officer once a week.

General Register of fines. Its scope and inspection.

^[1]4. In addition to the above register there will also be kept up in the same form, at the headquarters of each District, a General Register of Fines, in the office of the Chief Judicial Magistrate. This register will be under the special charge of the Fine Moharrir, whose duty it will be to see that the register is correctly maintained, that the necessary measures are taken from time to time to realize the fines, and that sums realized are duly disposed of. He should in each case look for his orders to the officer who, under these directions, is responsible for the due execution of the sentences of fine. Separate pages of this register and separate serial numbers should be assigned to the Court of each Magistrate and each Civil Court in the District, and also to the Sessions Court exercising Jurisdiction therein. The presiding officer of each Court will send to the Fine Moharrir a copy of all entries made in his separate register on the day on which they are made. Fines imposed by the Sessions Court will be entered in accordance with the rules herein after provided. The register should be inspected and signed by the Chief Judicial Magistrate once a week.

Payment of fine at the time of pronouncing sentence-procedure.

5. (i) If a person, at the time of being sentenced to fine, whether or not in addition to other punishment, tenders payment, in whole or in part, to the Judge or Magistrate imposing the fine, such Judge or Magistrate will receive the amount tendered and grant, under his hand, a receipt in the form prescribed for the same.

[1] Substituted vide Correction Slip No. 52/Rules.XII.A.12 dated 11.08.1977

(ii) If the fine has been paid in full, the Court will cause an entry to that effect to be made on the file of the case and will sign such entry; and, if the Court is a Court of Session, will, in forwarding a copy of the sentence to the Magistrate of the District, under section 373 of the Code of Criminal Procedure, notify the fact of payment with a view to the necessary entry being made in the District Register of Fines. If the fine has been paid only in part, the Court will likewise cause such payment to be entered on the file of the case and will then proceed as provided hereinafter.

(iii) Fines thus paid direct into Court at the time of sentence should be entered at once in the Court's Fine Register, the amount received being noted by the Presiding Officer with his own hand in column 12, and should be then dealt with in the manner provided in paragraph 19 of these directions.

^[1]6. Under section 421 of the Code of Criminal Procedure, 1973, it is in the discretion of the Court passing a sentence of fine to issue a warrant for the levy of the amount by distress and sale of movable property belonging to the offender, although the sentence provides for his imprisonment in default. If the fine is imposed by a Court of Session, the judge should, in the absence of any special direction to the contrary in the law under which the fine is imposed, direct the warrant to the Chief Judicial Magistrate of the District. If the whole or a portion of the fine has been awarded in compensation or reward, this fact should be communicated, alongwith the warrant. The Chief Judicial Magistrate to whom the warrant is addressed will, on receipt, cause the particulars to be entered in the proper page of the General Fine Register, and the Fine Moharrir will then be responsible that the proper steps are taken for the realization of the fine.

Procedure for
recovery of fines
imposed by the
Sessions Judge.

[1] Substituted vide Correction Slip No. 52/Rules.XII.A.12 dated 11.08.1977

Procedure for
recovery of fine
imposed by
Magistrates.

7. If the fine is imposed by a Magistrate the warrant should, except when issued by a Tahsildar for execution in his own tahsil, or as hereinafter provided in paragraph 11, ordinarily be addressed to the Tahsildar within whose jurisdiction the offender resides. Warrants for the levy of fine, received by a District Magistrate under the preceding paragraph, should also be executed through the Tahsildars in the same manner as the warrants issued by Magistrates.

Warrants for
recovery of fine not
to be sent to Police.

8. The practice of issuing a written order to the police for the realization of the fine has been discontinued under the orders of the State Government. In considering whether a warrant of distress should or should not be issued, the Court will bear in mind the provisions of section 386 of the Code of Criminal Procedure.

Recovery of fine in
installments and
suspension of
execution of
sentence of
imprisonment.

9. Section 388 of the Code (as recently amended) provides for the realization of fine in installments and suspension of the execution of the sentence of imprisonment in default of payment of the fine, when an offender is sentenced to fine only.

Recovery of fine in
Cantonments.

10. Warrants issued for the levy of fines by distress and sale of movable property situate in Cantonments will not be executed by the Tahsildar, but through the Magistrate entrusted with the Judicial work of the Cantonment concerned.

Procedure for
attachment, sale
and objections as
laid down in C.P.C.

11. Formalities will be observed in attachment, sale and adjudicating upon objections similar to those in force in the execution of Civil decrees, with this difference, that the process issues on the Criminal side.

Attachment of
agricultural im-
plements should be
rarely resorted to.

12. Although agricultural implements are not exempt from distress and sale in realization of a fine, the measure is one which should be resorted to with discretion; otherwise it may entail undue hardship.

13. When an objector comes forward, he should be warned of the penalties prescribed in section 207 of the Indian Penal Code for a fraudulent claim to property to prevent its seizure in satisfaction of fine. After this warning, the objection should be inquired into and disposed of, either by admitting the claim or referring the objector, to a civil action if his claim seems *prima facie* groundless.

Objections to attachment.

14. The officer employed on the duty of selling property attached in default of payment of fines will receive a commission at the following rate, to be deducted from the sale-proceeds—

Commission on sale.

if the sale-proceeds do not exceed Rs 5,000, at 5 per cent.

if the sale-proceeds exceed Rs 5,000, 5 per cent on Rs 5,000 and at $\frac{1}{2}$ per cent on the remainder.

15. When a Tahsildar has realized a fine or part of a fine, in the manner above provided, he will forthwith dispose of it as hereinafter directed in paragraph 19 below, and return the warrant to the Magistrate who issued it with an endorsement that he has done so. In the endorsement should be noted the date of payment into the Treasury and the number of the Treasury receipt. On the return of the warrant the Magistrate will at once notify in the form prescribed, under his hand and seal, the payment endorsed thereon to the Superintendent of the Jail in which the offender is confined, if he is in prison, and, after causing the necessary entries to be made in his Fine Register and attaching the warrant to the file of the case, will pass on the papers to the Fine Moharrir with a view to the results reported by the Tahsildar being noted in the General Fine Register, a fresh warrant being prepared if further proceedings appear to be called for.

Action to be taken subsequent to the realization of a fine.

Note.—The notice (see form No. 93 of Rules and Orders, Volume VI-B, part B-I) of payment to the Superintendent of the Jail shall be sent by the Magistrate by registered post, or by a special messenger if the offender is confined in the local jail.

Fine may be tendered at any time to Magistrate, Tahsildar and Superintendent of

16. (i) All Magistrates will, at any stage of the proceedings, receive fines imposed by themselves or their predecessors in office, if tendered in their court, and proceed in the manner described in paragraph 5, and, if the offender is in prison, intimate the payment in the prescribed way to the Superintendent of the Jail in which he is confined.

(ii) Magistrates of Districts will likewise receive fines tendered to them in satisfaction of warrants received from the Courts of Sessions, under the provisions of paragraph 6.

(iii) Tahsildars will always receive fines by whomsoever tendered and will grant receipts. These receipts must be in the prescribed form and be signed by the Tahsildar in full, and will then be admitted by the Magistrate executing the sentence as proof of payment.

(iv) Superintendents of Jails will also receive fines in respect of prisoners in their Jails, and send the money with a report to the Magistrate of the District. The Magistrate of the District will make over sums so received to the Nazir, to be dealt with according to the provisions of paragraph 19, and when this has been done, will forward the report of the Superintendent of the Jail, duly endorsed with the date on which the fine was paid into the Treasury and the number of the treasury receipt, to the Magistrate executing the sentence, who will inform the Tahsildar, and cause the necessary entries to be made in his Fine Register and the report to be attached to the file of the case.

Form of receipt of fine. Number of copies to be prepared.

17. A form of receipt has been prescribed. When a fine is received by a Tahsildar on behalf of another Magistrate, the receipt should be prepared in triplicate; one part should be given to the person paying the fine; the second part should be sent to the Court which imposed it, the third part being retained by the Tahsildar himself. Where the fine is paid direct to the Court which imposed it, the receipt need only be prepared in duplicate, one copy being given to the person paying the fine and the counterfoil being retained for record by the Court.

Where a fine is remitted by a Superintendent of a Jail to the Magistrate of the District as provided in sub-paragraph (iv) to paragraph 16, the receipt will also be prepared in duplicate, one copy being sent to the Superintendent of the Jail and the counterfoil being retained by the Magistrate of the district. The form of receipt referred to in this paragraph will be found at No. 142 of Part B-III, Rules and Orders, Volume VI-B.

18. Fines may be paid in any district, but if paid in any district other than that in which the offender was sentenced, the following procedure should be carefully observed :-

Procedure to be followed when fine is paid in another district.

(a) When a warrant or intimation has been received from the district where the fine was imposed the amount received or realized should either be at once credited to Government and intimation sent to the Magistrate of that district, or in case the whole or any part of the fine is to be paid in compensation or to be credited to any Local Fund, so much should be remitted to the Magistrate of that District, and intimation sent to him that the remainder has been credited to Government. In case the fine is only partially realized, and it is not clear in what way the amount should be disposed of, it should be kept in deposit pending instructions from the Magistrate of the District concerned, to whom reference should at once be made.

(b) In case no warrant or intimation has been received, the amount received or realized should be placed in deposit and intimation at once sent to the Magistrate of the District where the fine was imposed with a request for instructions as to its disposal.

(c) Any fine, or portion of a fine, which has to be finally credited to Government, should be credited in the District in which it is levied, and the Magistrate of the District in which the fine was imposed, should, when communicating, as laid down in clauses (a) and (b) of this paragraph, with the District Magistrate who has received the fine, notify to him the amount to be so credited.

(d) Unless the payment is made to the Jail authorities, notice of the realization should at once be sent in the manner prescribed in the note to paragraph 15 to the Superintendent of the Jail in which the prisoner is confined, either by the Magistrate of the District where the offender was sentenced, or by the Magistrate of the District where the offender is confined, in case the fine is paid in that district.

Sums received by Courts in payment of fine shall be paid into the Treasury.

19. (i) Every sum received by a Judicial Officer in payment of fine will be taken charge of by the Nazir of his Court, or by the Assistant Nazir or other officer performing the duties of Nazir. If the officer holds his Court in the immediate vicinity of a Government Treasury, whether District, Sub-Divisional or Tahsil, the realizations of each day will be paid into the Treasury at the close of the day. If the officer holds his Court at a distance from a Government Treasury, sums received in payment of fine will be paid into the nearest Treasury once a month at least, on the 25th day of each month, and oftener if the amount received since the last payment exceeds Rs 100 in all. When the payment into the Treasury is made on account of fines which have been paid direct to the Court which imposed them, or if imposed by the Court of Session, to the ^[1]Chief Judicial Magistrate **of** the District acting under paragraph 6, the date of payment into the Treasury with the number of the Treasury receipt will be noted in respect of each fine so paid in the Court's Fine Register and on the record of the case.

Directions as to the credit of the sums sent to the Treasury.

(ii) Sums thus paid into the Treasury will be paid to the credit of Government, or as a deposit, according as the fine is, under the terms of the sentence or the orders relating thereto, to be credited to Government or to be paid in compensation or reward.

Refund of fines credited to Government.

(iii) Sums paid into the Treasury for credit to Government should, even in appealable cases, be credited at once to Government, and will be subject to refund if

[1] Substituted vide Correction Slip No. 52/Rules.XII.A.12 dated 11.08.1977

remitted on appeal or in revision. A form of certificate for refund of fine has been prescribed. Before the amount of the remitted fine, or any portion of it, can be refunded, the exact amount realized and credited in the accounts of the Treasury must be ascertained and certified by ^[1]the Fine Moharrir of the office of the Chief Judicial Magistrate of the District and countersigned by the Chief Judicial Magistrate, and the certificate must be passed for payment by the officer-in-charge of the Treasury to which it is presented for that purpose.

(iv) Sums paid into the Treasury as deposits will be withdrawable on the order of the Court executing the sentence, on application being made therefore by the party or parties entitled to receive the same, after the expiry of the period of appeal or, if an appeal has been presented, after the decision of the appeal. When sums are realized which, under the term of the sentence, are payable in compensation or reward, intimation should be given to the party or parties concerned by the Court which is executing the sentence.

Withdrawal of fines paid in Treasury as deposit.

(v) A strict observance of the forgoing directions is necessary, as the Code of Criminal Procedure contains no provision for recovering sums once paid away in compensation or reward.

Consequences of neglect to follow the directions.

20. (i) Further rules on the subject of crediting and accounting for fines have been issued by the Accounts Department, and these rules must be strictly observed. At the close of each month a statement, for the whole District, of all the fines imposed by Courts, which were realized, and credited to Government during the month, should be prepared and submitted to the Accountant-General or, if no fines were so realized, a certificate that no realizations were effected, should be submitted. The statement for the Sessions Court will be prepared by the District Moharrir of Fines and signed by the Magistrate of the District. The

Statement of fines imposed, realized and credited to Government to be sent to the Accountant-General every month.

[1] Substituted vide Correction Slip No. 52/Rules.XII.A.12 dated 11.08.1977

officer who signs the statement will be responsible for its accuracy. The certifying officer should at the same time satisfy himself that realizations excluded from the statement have been duly accounted for.

Register XV of fine realizations.

(ii) To facilitate the preparation of these statements and the checking of the items excluded from them a register of fine realizations, No. XV, will be kept by the District Fine Moharrir for all Courts in the District and for the Sessions Court. The entries in this register should invariably be made at the same time as the corresponding entries are made in the General Register of Fines, No. XIV, prescribed in paragraph 4 above. The register should be totalled at the end of each month and should then be examined and checked by the officer-in-charge of fines with reference to the Treasury certificate-in-regard to credit of fines in the Treasury during the month. Register No. XV is not to be maintained in future by Courts.

Duty of Fine Moharrir to draw the attention of the Magistrate to unrealized fines.

21. Under the foregoing rules, as each fine has been realized, the Fine Moharrir will have noted the fact in the proper column of his register, after satisfying himself that the amount has been credited to Government or otherwise duly dealt with; if a Tahsildar has reported that there are no effects, this also will have been noted; if payment has been made, this will also have been noted. It is also the duty of the Fine Moharrir, from time to time, to draw the attention of the Magistrate to unrealized fines, in order that fresh processes may issue as assets are indicated.

Quarterly statement of fine realized to be sent to Sessions Judge. Action to be taken by Sessions Judge.

22. At the close of each quarter, a return will be submitted to the Sessions Judge, in the prescribed form, showing the progress which has been made during the quarter in realizing the fines imposed by his Court. The realizations shown in this return should be carefully noted in the appropriate column of the Sessions Court's Fine Register, and explanations should be called for or instructions issued in cases in which failure to realize seems to call for explanation or orders. The result of this return

will be embodied in the Sessions Judge's Annual Statements.

23. Care should be taken to prevent illegal detentions in prison. When the Superintendent of a jail receives a fine or a notice, in the prescribed form, that a fine has been realized, he will note the realization in the warrant of imprisonment, and, if the prisoner is entitled to his release, will release him and return the warrant, duly endorsed, to the Magistrate.

Illegal detention after the fine has been recovered should be prevented.

24. Whenever prisoners under sentence of fine are transferred to a Jail in another district, care should be taken to notify on the back of the warrant the amount of fine realized if any realization has been effected. The name of a transferred prisoner who is sentenced to fine must necessarily remain on the Fine Register of the District in which sentence was passed until the whole of the fine has been paid, or until the period within which it can be realized has expired.

Precautions to be taken as to noting of fines as prisoners transferred to another jail.

25. A careful observance of the foregoing directions will result in the following checks :-

A general result of the directions.

- I. Every fine imposed by Courts exercising jurisdiction in the District will be entered in the Fine Registers.
- II. When the fine has been paid into Court, the fact will appear in the proper register, under the hand of the Judge or Magistrate, and on the file of the case.
- III. In other cases, the proceedings of the Tahsildar will show what steps have been taken for forcible levy.
- IV. Each realization will be checked by the Fine Moharrir.
- V. The realizations of each Court will be checked and certified once a month by the presiding officer of the Court, or, in the case of fines imposed by the Sessions Court, by the Magistrate of the District.
- VI. An inspection of the District Register of Fines will always at once show every stage of each transaction, and quarterly, half-yearly or annual audit can be held of the whole fine transactions of the period, by

Duty of officer-in-charge of the Fine Department to check the District Fine Register.

comparing each entry of the register with the record of the case and the credit in the Treasury. The officer-in-charge of the Fine Department should occasionally test the correctness of the entries in the District Fine Register by comparing some of them with the records of the cases to which they relate and with the credits in the Treasury.

Some directions apply to fines imposed by civil courts for contempt of court.

26. It will be observed that fines imposed by Civil Courts under the powers conferred by section 480 of the Code of Criminal Procedure, must be dealt with in accordance with the instructions laid down in this Chapter so far as they are applicable. It will accordingly be necessary for Courts of purely Civil jurisdiction to keep up Criminal Register No. XIV.

Appointment of an officer to supervise the Fine Department. Duty of District Magistrate and controlling officers *re.* supervision.

27. District Magistrates should invariably appoint an Assistant or an Extra Assistant Commissioner to supervise the Fine Department, and should themselves, from time to time, see that these directions are understood and carried out. Whenever any Court is inspected by a controlling officer, special attention should be given to the subject.

CHAPTER 12

OATHS, AFFIRMATIONS AND AFFIDAVITS

^[1]PART A- OATHS AND AFFIRMATIONS

^[1] Deleted vide C.S.No.153 Rules/II.D4 dated 26th April, 2011.

CHAPTER 13**TOUTING**

The attention of all District Judges and Deputy Commissioners is directed to the definition of a “tout” in section 3 and the provision of section 36 of the Legal Practitioners’ Act, 1879, as amended by Act XI of 1896 and Act XV of 1926.

Definition of a tout.

In Section 3 a “tout” is defined as a person:-

- (a) who procures, in consideration of any remuneration moving from any legal practitioner, the employment of the legal practitioner in any legal business; or who proposes to any legal practitioner or to any person interested in any legal business to procure, in consideration of any remuneration moving from either of them, the employment of the legal practitioner in such business; or
- (b) who for the purposes of such procurement frequents the precincts of Civil and Criminal Courts or of revenue offices, or railway stations, landing stages, lodging places or other places of public resort.

2. It is very desirable that use should be made of section 36, as it enables Courts to protect suitors and respectable members of the bar, at least to the extent of stopping touting within the precincts of the Courts.

Stopping toutism.

3. Section 36 only requires that the Court preparing a list of touts should satisfy itself that persons habitually act as touts, and should give them an opportunity of showing cause against the inclusion of their names. A wide discretion is left to the Court as to the method in which it may so satisfy itself.

List of touts to be prepared by Court.

Punishment for
acting as tout.

4. Particular attention is drawn to clause (6) of section 36, as it now stands. This clause provides that if a person, whose name is on the list of touts, acts as a tout, he is liable to punishment. This provision is not sufficiently known, and it is desirable that it should be enforced.

CHAPTER 14**LEGAL PROCEEDINGS BY OR AGAINST JUDICIAL OFFICERS**

Without obtaining the authorisation of the Government to which he is immediately subordinate, no Government servant is permitted to have recourse to the Courts for the vindication of his public acts or of his character as a public functionary, from defamatory attacks. In giving authority to institute proceedings the State Government concerned will decide whether the circumstances of the case are that the Government should bear the cost of the proceedings, Civil or Criminal, or leave the officer to institute the prosecution or suit at his own expense, and in the latter case it will also determine, in the event of the matter being decided by the Courts in the officer's favour whether he should be recouped by Government the whole or any part of the cost of the action.

Institution of proceedings by Government servant against defamatory attacks on his public acts with the sanction of Government

2. The ruling above laid down does not affect an officer's right to defend his private dealings or behaviour in any way that he may be advised; but his official reputation is in the charge of the Government which he serves, and it is for that Government to decide in each case whether the institution of proceedings to vindicate his public acts or character is necessary or expedient. Section 198-B of the, Code of Criminal Procedure inserted by Act No.26 of 1955, now provides a speedy remedy for such cases.

No sanction required for private cases

3. Detailed rules in connection with suits by or against Public Officers will be found in Part III, paragraphs 20 to 23, of the Punjab Law Department Manual, 1926 (pages 61 to 63).

Detailed rules.

No criminal prosecution of a Government servant for official acts without sanction of the Government.

4. Attention is also invited to section 197 of the Code of Criminal Procedure, which prohibits any Criminal Court from taking 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 appropriate Government exercising its individual judgment; and to section 80 of the Code of Civil Procedure, which requires two months' notice of a suit against a public officer in respect of any act purporting to be done by him in his official capacity.

Report about legal proceedings by or against judicial officer in his official capacity to be sent to Registrar.

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

CHAPTER 15**FOREIGN JURISDICTION**

1. 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. Vide, preamble and section 2(a) of The Foreign Jurisdiction Act, 1947. (XLVII of 1947).

Origin of foreign jurisdiction.

II. It shall be lawful for the Central Government to exercise foreign jurisdiction in such manner as it thinks fit. (Section 3(1), *ibid*).

Manner of its exercise.

III. 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. (Section 4(1), *ibid*).

Notifications and orders by Central Government.

IV. Whereas by virtue of the agreement dated the 21st day of October, 1954, entered into between the Government of India and the Government of France, the Central Government has jurisdiction in and in relation to the French Establishments in India ;

French Establishments (Administration) Order, 1954.

And whereas it is expedient that provision should be made by the Central Government for the administration of the said Establishments;

Now, therefore, in exercise of the powers conferred by section 3 and 4 of the Foreign Jurisdiction Act, 1947 (XLVII of 1947), and of all other powers enabling it in this behalf, the Central Government is pleased to make the following Order, namely :-

1. (1) This order may be called the French Establishment (Administration) Order, 1954.

- (2) It extends to the whole of the French Establishments.
 - (3) It shall come into force on the 1st day of November, 1954.
2. In this order "French Establishments" mean the areas comprised in the French Establishments in India known as Pondicherry, Karaikal, Mahe and Yanam.
3. There shall be a Chief Commissioner at the head of the administration of the French Establishments appointed by the Central Government.
4. (1) Subject to the direction and control of the Central Government the Chief Commissioner may, from time to time appoint such judges, magistrates and other authorities as may be necessary for the administration of the French Establishments and may, by general or special order, determine their jurisdiction, powers duties and functions.
- (2) Without prejudice to the provisions of sub-paragraph (1) but subject to any law for the time being in force in the French Establishments, all judges, magistrates and other authorities of the French Establishments who, immediately before the commencement of this order, were exercising lawful functions in the said Establishments or any part thereof, shall, until other provision is made by the Chief Commissioner continue to exercise their respective powers and jurisdiction and perform their respective duties and functions in the same manner and to the same extent as they were doing before the commencement of this Order.
5. All laws in force in the French Establishments or any part thereof immediately before the commencement of this order and not repealed by paragraph 6 of the French Establishments (Application of laws) Order,

1954, shall continue to be in force until repealed or amended by a competent authority.

Provided that all functions exercisable under the said laws by the Commissioner of the Republic for the French Establishments in India shall be exercisable by the Chief Commissioner.

6. All taxes, duties, cesses or fees which, immediately before the commencement of this Order, were being lawfully levied in the French Establishments or any part thereof shall, in so far as such levy has not been discontinued by any of the laws extended to the French Establishments by the French Establishments (Application of Laws) Order 1954, continue to be levied and applied for the same purposes until other provisions are made by a competent Legislature or authority.

(Government of India, Ministry of External Affairs, Notification No. S.R.O. 3314, dated the 30th October, 1954).

V. The following persons in Jammu and Kashmir State are authorised to certify documents for the purposes of section 79 of the Indian Evidence Act :-

Notification under 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.

(Government of India Notification No. 417-1, dated the 6th August, 1932).

CHAPTER 16

RECORDS

PART-A- PREPARATION OF JUDICIAL RECORDS

1- General Directions

1. ^[1][All applications and petitions presented to Civil and Criminal Courts shall be written shall be typed on both side of superior quality legal size paper of 80 GSM. The font shall be Thorndale or Times New Roman in size ‘14’ with double space. Margins on the top and bottom of the page shall be 1.25 inches and 0.75 inch, respectively. The left side and right side margins shall be 1.25 inches. The numbering shall be at the top middle of each page and will run through both sides of the page.

Quality of paper to be used for applications, petitions etc.

The use of petition paper is not necessary for powers of attorney filed by counsel, *Fard Talbanas*, and lists of documents. The courts should, however, insist on foolscap paper of good quality being used for such documents.

Note: In order to avoid immediate inconvenience to the stakeholders, the filing shall be accepted as per existing unamended rule for two months from the date of coming into force of this amendment or for such period thereafter as may be extended by Hon’ble the Chief Justice.]

2. The official foolscap half-sheet, which is very nearly the same size as the petition paper alluded to in to last paragraph, should be used for all English portions of the record.

Paper to be used for English record.

3. All Judicial forms which are in the English language are supplied on paper of the size of half a sheet of foolscap. Forms which are in the Vernacular should be printed on paper of the size of the standard petition paper, or of a quarter sheet of standard Jail paper as may be most convenient.

Paper to be used for forms.

[1] Amended vide Correction Slip No. 181 Rules/II.D4 Dated 29.10.2018

Paper to be used for vernacular records of Court.

4. The Vernacular portion of the record should be written on 'B' quality paper as supplied by the Jail Department, folded to quarter sheet, which will be as nearly as possible of the same size as a half sheet of ordinary foolscap, and as the standard pattern petition paper. There is no objection to paper of lighter texture being used for forms of processes which may have to be transmitted by post, but the size should always be that prescribed above. Decretal order forms and other forms used for purposes of records should always be printed on stout durable paper. 'B' standard quality paper supplied by the Jail Department should be used exclusively for All Vernacular Records, Proceedings and Registers.

Paper to be used for vernacular autograph records of Courts.

5. Country-milled *Badami* paper may be used for the autograph records of Judges and Magistrates who do not write their records in English. This paper is obtainable on indent from the Controller, Printing and Stationery, Punjab, in accordance with the rules in the Punjab Printing and Stationery Manual.

General Instructions for preparation of record.

6. Attention should be paid to the following matters:-

Writing on top and sides.

(a) The practice of writing orders and other matters across the top and along the sides of a page is forbidden;

Margin to be left on either sides.

(b) In all Vernacular proceedings a sufficient margin should be left on each side of the paper, so that writing may not be obliterated by fraying at the edges;

How records should be tied and kept between stiff covers.

(c) Records in use in Courts should be placed between stiff wooden or cardboard protectors of the standard size so that the strain of the cloth or other covering, or of the string or tape, does not fall on the papers within. It is not intended that the record of each case should be placed between stiff covers; all that is necessary is to tie each record with broad tape or *nawar* instead of string. But each *bundle* of records should, until consigned to the Record-room, be kept between stiff covers to prevent fraying, folding, etc;

English papers.

(d) all English papers should be placed full size, unfolded and, tagged together within a cover of strong country paper;

Exhibits.

(e) exhibits should be folded to as nearly as possible the same size and placed in envelopes of the size of the record;

[1](f) The abstract of the case, depositions of witnesses and judgments shall be in English language duly typed on both side of superior quality legal size paper of 80 GSM. The font shall be Thorndale or Times New Roman in size ‘14’ with double space. Margins on the top and bottom of the page shall be 1.25 inches and 0.75 inch, respectively. The left side and right side margins shall be 1.25 inches. The numbering shall be at the top middle of each page and will run through both sides of the page.

Abstracts of the case, evidence and judgment.

Note: In order to avoid immediate inconvenience, the abstract of the case, depositions of witnesses and judgments shall be typed as per existing unamended rule for two months from the date of coming into force of this amendment or for such period thereafter as may be extended by Hon’ble the Chief Justice.

(g) Every page (not sheet) should be consecutively numbered;

(h) It should be remembered that one of the essentials of a good record is that it can be read without difficulty by others. Cases sometimes come before the High Court in which the record is so illegible as to cause serious inconvenience.

Numbering of pages.

Handwriting.

[2](i) The Court may in its discretion order the lamination of documents wherever found proper and appropriate and on specific application of any of the parties at their costs. The costs of the lamination of documents shall also be borne by the party directed by the Presiding Officer(s) of the Court(s).

II-Index of Papers, Consigning and Checking of Record

1. Each civil and criminal record should have pre-fixed to it an index of its contents, and such index should be in the prescribed form.

Index

2. Each paper admitted should be entered in the index on the day on which it is so admitted by the official in charge. The autograph record of the presiding officer should be entered, as a single paper, as soon as the case is concluded. The entries in column 4 must be in sufficient detail to allow of the papers described being readily identified, e.g., the entry regarding a power-of-attorney should specify by whom the power is granted and whom it empowers; the entry regarding a deposition sheet should note the name of the deponent etc., etc.

Directions as to preparation of index.

[1]Amended vide Correction Slip No. 165 Rules/II.D4 Dated 30-8-2012, and Further, amended vide Correction Slip No. 181 Rules/II.D4 Dated 29.10.2018
[2] Inserted vide Correction Slip No.138 Rules/II.D.4, Dated 3-4-2007

3. Each paper on being entered in the index should be marked with its index number. Where a paper consists of more than one sheet, each sheet should be thus marked. Whenever documents used in evidence are withdrawn, whether before or after judgement, a note of such withdrawal should be made in the column or remarks, and it should be stated whether a copy has been substituted or not.

4. At the conclusion of the case, the official who has had charge of the record should separate the papers and arrange them into two or three parts (Part A, and Part B, or Part A Part A (i) and Part B, as the case may be) according to rules 3 and 4 of part F of this chapter. For each Part there shall be a separate index. The index on Part A will show all the papers which were originally on the record, while those on Part A (i) and Part B will only show those papers which are transferred to those parts. When any paper is transferred to Part A (i) or Part B, an entry should be made in the Remarks column of the index of Part A showing the Part to which the paper has been transferred. The said official should also enter in red ink the words “Not to be destroyed” in the remarks column of the index of Part A of the record against any paper which is to be preserved under Rule 17 of Part F of this chapter. The certificate at the foot of the index should be signed and the record should then be made over to the record department.

5. Records of cases decided by all criminal and civil Courts excepting those courts which have separate record-rooms of their own (e.g., the Courts of District and Sessions Judges and Courts of small causes at Amritsar) are consigned to the District Record Room under the control of the Deputy Commissioner.

Note 1.- The records of a suit decided by a Sub-Judge in exercise of the powers of a Judge or Registrar which have been specially conferred, or of a Judge or Registrar of a court of Small Causes in exercise of the powers of a Sub-Judge, are consigned to the record of the Deputy Commissioner.

Note 2.- Records of cases under the Guardians and Wards Act and the Provincial Insolvency Act decided by a Sub-Judge specially empowered in this behalf, are consigned to the record room of the Deputy Commissioner.

Note 3.- Records of Civil Appeals and Civil Revisions decided by a Sub-Judge specially empowered, are consigned to the record room of the District Judge except in the districts which are not the headquarters of a District Judge where they are consigned to the record room of the Deputy Commissioner.

Index number on record. Withdrawal of documents to be noted on index.

Separate index for each part. Note about destruction and certificates.

Consigning records to record room

Records of Small Cause Court.

Insolvency and Guardianship record.

Records of a Civil Appeal or Revision decided by a Sub-Judge specially empowered.

5-A Civil and Criminal Courts while sending records for consignment to the District Record Room under the control of the Deputy Commissioner, shall comply with the following instructions:-

(i) In the case of courts at headquarters of districts, a challan in duplicate in form given hereinafter, alongwith the court registers, duly completed, will accompany the records. The court registers will be immediately returned after being signed by the Record Room Clerk receiving the records. 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 by Record Room staff.

(ii) In the case of outlying courts, the challan will be prepared in triplicate and sent to the District Record Room along with the records sought to be consigned. The Record Room Clerk will acknowledge receipt of the records by signing and immediately returning one copy of the challan without waiting to enter the Goshwara number and date to the court concerned. The second copy will be returned later after entry of the Goshwara number with date against each record and signature in full of the Record Room Clerk. The third copy will be retained by the Record Room Staff.

(iii) The Goshwara numbers given by the Record Office in the challan will be entered in the court registers by the Ahlmad. Presiding Officers of Court should, on the first working day in the months of February, May, August and November check the Goshwara numbers given in the court registers by Ahlmads with those entered in the challan in order to see that entries are correctly made in the court registers and sign the court registers in token of their check;

(iv) Copies of challans retained by the Record Room staff will be kept for 3 years and destroyed there-after.

[1] 5-B. (i) 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 and that in case of default, explanation for the delay, duly signed by the Presiding Officer, should accompany the record;

(ii) on the 15th day of every calendar month, each District & Sessions Judge shall obtain from all Judicial Officers subordinate to him certificates to the effect that all cases decided by each of them during the month immediately preceding have been consigned to the record room within the said period of 15 days, and shall submit a report to the High Court after checking up the relevant registers in order to verify the correctness of the certificates with reference to the entry of the Goshwara number in each case.

[1] Inserted vide Correction Slip No.40 Rules/XX.C.32 dated 5-2-73

Court of _____ in _____ District

CHALLAN OF FILES CONSIGNED TO DISTRICT RECORD-ROOM

Date of Despatch of records to District Record Room	Serial Number	Cas e Nu mbe r	Names of parties	Na tu re of ca se	Date of decision	Name of village Basta in which record consigned	Signatures in full of Record Room Clerk receiving the file with	Goshwara number with date
1	2	3	4	5	6	7	8	9

6. On receipt of the case in the record room, the Record-keeper will examine the index and check the entries in columns 1,2 and 6 with the papers and stamps in the record. He will then, if the record is complete, sign the certificate to that effect at the foot of the index, and enter the case in its appropriate Register; if any papers or court-fee stamps are missing he will at once bring the deficiency to notice.

Checking of records by the record-keeper.

7. In every office there should be a responsible Despatcher and Receiver of Judicial records, whose duty should be to check the papers in each record which passes through his hands, and either certify, in the manner provided in Part B that the index is correct and the record complete, if this is the case, or immediately bring to notice any deficiency in papers or court-fee stamps. This course will be followed by every succeeding official into whose hands the record passes for any purpose unless such official has been specially exempted by the head of the office from complying with this rule. Heads of offices should only permit exemptions in case in which the purpose for which the record is required is of so temporary or special a nature as to render compliance with the rule unnecessary. The last certifying official will ordinarily be held responsible in the event of any deficiency in papers or court-fee stamps being subsequently discovered.

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

III- Execution Records

8. To enable proper destruction of records in accordance with sub-rule(1) of rule 12 of Chapter 16-F, Rules and Orders, Volume IV, all civil courts will, in January, April, July and October each year, send to the record-keeper a list of their execution cases in respect of records which are six years old or are about to become 6 years old in which the decrees have been fully executed or have become incapable of further execution. For the preparation of these lists, reference should be made to civil register No. I (Civil suits) and to civil register No. X (execution of decrees) as prescribed in Part A-IV of Rules and Orders, Volume VI, Part A. Columns 16 to 18 and 20 register No. I show what happened in execution while column 22 of register No.10 contains the date on which an execution case struck off the file and the purport of the final order. It is the duty of each presiding officer to see that the registers of his court are properly maintained, and that the quarterly statement prescribed herein is correctly prepared and despatched to the record-keeper promptly.

Statements of case in which decrees have been satisfied or have become incapable of execution to be sent to record-keeper.

PART B- TRANSMISSION OF JUDICIAL RECORDS

1. When records are transmitted from one office to another, a list of the records transmitted should be prepared in duplicate in the Vernacular in the prescribed form and be sent with them. This list will be in addition to the regular index of papers attached to each record. The signature of the Despatcher in column 9 will, in the absence of a report to the contrary, operate as a certificate that the record is complete according to the index.

Duplicate
Challans.

2. On receipt of the record the proper official of the receiving office should check the list referred to in the preceding rule. If the list is correct, he should note the date of receipt of the record in the appropriate column of both copies and sign the entry; if the list is incorrect, he should make a note to that effect thereon, and forthwith report the fact to the head of the office for orders. One copy of the list will be returned to the despatching office immediately after examination, with the intimation that the papers received are correct, or, if this is not the case, with a note of objection. A similar note of receipts, etc., should be made (in column 11) by each succeeding official into whose hands the records pass, unless he has been exempted under rule 7, Part A. When the records are no longer required, the second copy of the list will be returned with the records to the office from which they were received. Here the list will again be checked; and, if found to be correct, will be returned, attested as such, to the office to which the records went to be kept with the record of the proceedings in connection with which the records were required.

Checking of
records.

3. All records transmitted from one office to another should, except in the case of records transmitted to or from a Tahsil be sent under cover of an English docket in which an indication must be given of the No. and date of the requisition and the class and No. of the case in the Court for which the records are being transmitted.

Docket to
accompany
records.

Transmission of record to appellate courts in parts.

4. In transmitting the record of an original court to an appellate court, where there are duplicate records in English and Urdu, one part should be sent to the appellate court at one time and the other part separately thereafter.

Precepts of High Court.

5. As regards compliance with the precepts of the High Court, see chapter 20, Volume IV.

Quarterly list of record sent from record room but not returned.

6. On the 2nd day of the first month of each quarter, the register of files taken out of the Record room (Form No. B on page 33 of part A- IV, Rules and orders, Volume VI, Part A) should be checked by the Record Keeper and a list of the files not returned to the Record Room should be prepared and forwarded to each Court for verification in the form annexed, which is a revenue standard form No.71.

LIST OF FILES ISSUED

TO THE COURT OF _____ DATED _____

Number of file in issue register	Record-room No. Of files	Name of parties	Description of case	Date fixed for hearing	Date on which the file left the record- room	Verification of Ahlmad of Court.
1	2	3	4	5	6	7

PART C- INSPECTION OF JUDICIAL RECORDS

Rules made by the High Court under Article 227 of the constitution of India, regulating the procedure in Courts subordinate to High Court , in cases where any person is entitled to inspect a record of any such Court, and prescribing the fee payable by such persons for inspection.

RULES

1. Records of decided cases shall be open to the inspection of the public , subject to the general control of the head of the office.

Inspection of
decided cases.

The District Judge for the records of his own Court, the Deputy Commissioner for the records of all District Courts , and the Judge of a Court of small causes for the records of such Court, shall be deemed to be the head of the office.

2. Records of pending cases shall be open to the inspection of the parties or their pleaders or agents alone, subject to the general control of the Judge of the Court in which the case is pending. Inspection by petition-writers is absolutely forbidden; and Legal Practitioners' Clerks may only inspect records when the Legal Practitioner concerned is present.

Inspection of
pending cases.

[1] Provided that a stranger to a civil or criminal case may, for sufficient reasons shown to the satisfaction of the Court inspect record of such pending case (s) before the final order is passed.

Inspection shall not be allowed on the day fixed for the hearing of the case without the special permission of the presiding Judge, and then only if the urgent fee is paid (vide Rule 5 below), except in challan cases which may be inspected at ordinary fees even on the date of hearing.

[1] Inserted vide Correction Slip No. 139 Rules/II.D.4, dated 13-8-2007

[1]2-A. Whenever any written request is received through the Committee for Implementing Legal Aid Scheme constituted by the Government of India or any other Legal Aid Committee constituted by the State Government of Punjab, Haryana and Union Territory of Chandigarh, by the District and Sessions Judge, the records of the pending cases, in any Court, may be allowed to be inspected by the person(s), so authorized by him.

Time and Place
for Inspection.
Inspection by
Government Law
Officers.

3. The inspection of records shall be made at such time, in such place, and in the presence of such official as the head of the office, in the case of records of decided cases, and the presiding Judge, in the case of records of pending cases, may direct; if the record is not inspected on the date fixed by the proper officer it shall be restored and a fresh application must be submitted before the record can again be taken out for inspection:

Provided that records of cases, to which Government is a party, may be inspected by the Advocate-General or the Assistant Legal Remembrancer of the Punjab at the office of the Deputy Registrar of the High Court. The Deputy Registrar will, on the application of the Advocate-General, call for the records of any case required from the District in which such, case is pending, or is on record, and will cause the records to be returned in due course after inspection.

4. Application for inspection of records shall be made in writing and shall distinctly specify the record which it is desired to inspect, and shall bear, if inspection is required of the records of a decided civil case, one rupee Court-fee stamp and, if inspection is required of the records of a decided case other than a civil case, two rupees Court-fee stamp, being the amount of the fee charged for search.

[1] Added vide Correction Slip No. 78 Rules/II.D.4, dated 7-2-1987

Punjab Government Revenue Department Memo. No. 4426-E-53/1834, dated the 4th April, 1953.

4-A. When any person inspecting the record of a case desires to continue inspection of the same record on the following day, he may give notice of his intention to the official in whose presence inspection is made; and in such case no fresh application need be made in writing; provided that the inspection is continued from day-to-day. This will not affect the fees payable under Rule 5.

Day today
inspection.

[1]5. The inspection fee for each day or part of the day shall be Rs. 2 for ordinary and Rs.3 for urgent inspections, i.e. on the date of hearing. Urgent fee is, however, not to be recovered when inspection is carried out after the hearing is over even though it be done on the date of hearing. Inspection of challan cases should, however, be allowed at ordinary fees even before the case is heard on the date of hearing.

Inspection fees,
amount and mode
of payment.

The fee provided above shall entitle the applicant to inspect the record on one day only. If inspection of the record is desired on another day, a fresh application is required and a fresh fee paid.

Note I.- These rules do not authorise a court to charge a fee when a record is sent for and inspected by a Court of first instance on the application of a party, under the provisions of Order XIII, Rule 10, of the Code of Civil Procedure, 1908. But every application made under Order XIII, Rule 10, must (unless the court otherwise directs) be supported by an affidavit of the applicant or his pleader, showing that the production of the record is necessary.

No fees when a
record is sent for
under Order 13,
Rule 10, C.P.C.

Note II.-No fee should be charged for the inspection of records in Civil and Criminal cases by the Advocate-General or Public Prosecutor as such or by any counsel appearing for Government in such cases or by counsel appearing for accused who is a pauper or is defended by counsel provided at Government expense.

[1] Substituted vide Correction Slip No. G.S.R. 127/Const./ART./227/78 dated 21-11-1978.

[1] Note III.-In pending civil cases, where a serving Indian soldier is either a party to the proceedings or is materially concerned in the outcome of the proceedings, no fee shall be charged under these rules when a record is inspected on behalf of such a soldier by counsel engaged by District Soldier's Boards which have been approved by the High Court.

Note IV.-No fee shall be charged for the inspection of insolvency proceedings made by the Receiver, as provided in rule 6 of Chapter 4-C, High Court Rules and Orders, Volume II.

Inspection of
separate records.

5. 6. A separate application shall be made and a separate fee paid for each record which it is desired to inspect, unless the records are so closely connected that, in the opinion of the head of the office or presiding Judge, they may be regarded as one, in which case one application and one fee will suffice.

6.
[2]
Inspection by the
persons with
disability

6-A. Where a person with disability, who is entitled to inspect the record seeks inspection, such person shall be given out of turn preference. If such person is suffering from visual impairment, then he/she shall be provided with the with the relevant document after converting the same into sound/braille format by the office free of cost.

Fees in Court-fee
stamps.

7. No mark shall be made on any record or paper inspected, and no servant of any member of the Bar shall be allowed on any account to take notes for his master except in the presence and under the supervision of his master. The copying of any document or portion of the record in pen and ink is strictly prohibited; but pencil copies of a document or portion of the record may be made by counsel or under his supervision and his presence, by his clerk or servant. 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.

Free inspection of
Court registers.

8. Fees under these rules are realized in Court-fee stamps. All Courts should keep an account of receipts from inspection fee so realized.

9. In order to trace particulars of a suit or document, Counsel may, with the previous permission in writing of the Presiding officer of the Court concerned and in the presence of a court official, inspect the civil or criminal registers of the Court on behalf of parties, free of charge.

Note.- For inspection of Records by the police, see chapter 11-F of volume III.

[1] Substituted vide Correction Slip No. G.S.R. 27/Const./ART./227/78 dated 21-11-1978.

[2] Inserted vide correction slip no. 197 dated 09.05.2025

PART D-CUSTODY OF JUDICIAL RECORDS

1. The following orders as to the assumption and relinquishment of charge of judicial records shall apply to holders of the under mentioned posts :-

- | | |
|--|--|
| (a) Courts of District and Sessions Judges, Additional District and Sessions Judges. | 1. Ahlmads.
2. Record Keepers. |
| (b) Courts of Senior Subordinate Judges, Administrative Subordinate Judges and other Subordinate Judges. | 1. Ahlmads.
2. Execution Moharrirs.
3. Guardian Moharrirs
4. Reader to Administrative Subordinate Judges. |
| (c) Small cause Courts | 1. Ahlmads.
2. Naib-Sherriffs-in-charge of execution work.
3. Insolvency Clerks |

2. When any of the officials named in Rule 1, having custody of pending judicial records is transferred to another office permanently, or proceeds on leave for a period of two months or more , he shall make over full and complete charge of the records in his custody to the official relieving him.

3. 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, see that no document is missing, and then sign a certificate to the effect that he has carefully checked all the records made over to him, and has received the documents mentioned in the indices attached to

them. If any part of any record or any document is found to be missing the matter shall immediately be brought to the notice of Presiding officer of the Court.

4. If any document or part of the record is subsequently found to be missing, the Presiding Officer of the Court shall immediately take action for its recovery or reconstruction. He shall also fix responsibility on the custodian if the document was on the index, or on the official whom the custodian relieved, if it was not on the index.

5. When an official having charge of such records is granted leave for a period of less than two months or is temporarily transferred to another post, those records only which are required for cases which are likely to come up for hearing in the ordinary course during his absence shall be taken over by the relieving official and the procedure laid down in paragraphs 2 and 3 adopted. The remaining records shall be locked up the key of the lock being kept by the Presiding Officer of the Court. If any further records are needed during the absence of the permanent custodian, they shall be taken out and properly checked under the supervision of the Presiding Officer before being taken over by the temporary custodian.

6. So far as the record room is concerned, only the files not yet acknowledged by the Record Keeper need be checked.

7. For the purpose of paragraphs 2 to 6 , both the relieved and relieving official will be regarded as on duty in the same post while charge is being transferred. In cases covered by paragraph 2, the transfer of the charge shall not ordinarily take more than four days, but this period may be extended to 7 days under the written sanction of the Presiding Officer of the Court, and to 10 days under the written sanction of the District and Sessions Judge. In cases under paragraph 5, not more than half a day should be allowed for the transfer of charge.

8. Frequent transfers of officials holding charge of records should be avoided.

9. These instructions do not apply to the transfer of charge of administrative files.

PART E- PRODUCTION OF REVENUE RECORDS

1. Requisitions by the High Court or by Courts Subordinate thereto for original Revenue records will be addressed to the Deputy Commissioner, who will take measures to transmit such records to the Court calling for them. Such Court will be Responsible for the safe custody of the records, and if in any case a record is found to have been damaged in the Court concerned, the Deputy Commissioner will report the fact to such Court and to the Financial Commissioner with in twenty-four hours of its being returned.

Requisition to
be made to
Deputy
Commissioner.

2. Original Revenue records will be produced in Courts of first instance by the special Kanungo, or Patwari Moharrir in accordance with the instructions mentioned in paragraph 5 below.

Production of
records by a
revenue official.

3. In every case it is the duty of the Court to insist-

- (a) on the plaintiff filling with the plaint the statement required by paragraph 9 (ii) of Chapter 1-C, Rules or Orders, Vol. I ;
- (b) on both parties filling certified copies or extracts of all relevant entries on which they rely.

Measures to
obviate
production of
revenue record.

4. Appellate Courts should refrain from calling for original records unless it is absolutely necessary for a determination of the case, and if the necessity arises from the neglect of a Court of first instance to comply with the instructions here issued, such Courts should be severely dealt with by the Appellate Court in the exercise of the functions of administrative control vested in it.

Appellate Courts
to avoid calling
for original
revenue record.

5. For the convenience of the public, excerpts from the Revenue records are prepared by the Special Kanungo. For detailed instructions regarding the manner in which the services of the Special Kanungo are to be utilised, see Chapter 8, Volume 1, of the Rules and Orders.

Excerpts from
revenue
records.

^[1]**CHAPTER 17-A**

**PUNJAB AND HARYANA CIVIL COURTS PREPARATION AND
SUPPLY OF CERTIFIED COPIES OF TYPE-WRITTEN
APPEALABLE INTERIM ORDERS/JUDGMENTS RULES,
1982.**

The Punjab and Haryana Civil Courts preparation and Supply of Certified Copies of Type-Written Judgments Rules, 1982, notified,--*vide* notification No. 257 G.S.R. C.A./V/1908/R6B and 20 Order XX/82, dated 5th August, 1982 and, thereafter, amended,--*vide* correction slip No. 379 Rules/II.D.4, dated 9th November, 1994 and called as The Punjab and Haryana Civil Courts preparation and Supply of Certified Copies of Type-Written Appealable Interim Orders/Judgments Rules, 1982, shall be included as Chapter 17-A, of the Rules and Orders of the Punjab High Court, Volume IV, after the existing Chapter 17.

**No. G.S.R. 85/257/C.A./V/1908/R6-B and 20, Order
XX/82 dated 05.08.1982**

In exercise of the powers conferred by rule 6-B read with rule 20 of Order XX of Code of Civil Procedure, 1908, as amended the High Court of Punjab and Haryana makes the following rules to regulate the preparation and supply of certified copies of type-written judgments in civil cases by Courts provided with stenographers/steno-typists, namely :-

1. (1) These rules may be called the Punjab and Haryana Civil Courts Preparation and Supply of Certified Copies of Type-written Judgments Rules, 1982.

Short title, extent
and commence-
ment.

(2) They shall apply to every civil court for the time being provided with a stenographer or a stenotypist, subordinate to the High Court.

(3) They shall come into force with immediate effect.

[1] Inserted vide Correction Slip No. 117/Rules/II.D4 dated 28.03.2001

Definitions.

2. In these rules, unless the context otherwise requires-

- (a) 'Copy' means certified copy of a type-written judgment prepared in accordance with these rules.
- (b) 'Code' means the Code of Civil Procedure, 1908.
- (c) 'High Court' means the High Court of Punjab and Haryana at Chandigarh.
- (d) All other words and expressions used in these rules but not defined shall have the meaning respectively assigned to them in the Code.

Persons entitled to obtain copy.

3. Any party to a civil case including proceedings of a civil nature shall be entitled to obtain copy from the Court if an application is made to the Presiding Officer of that Court at any time before the conclusion of arguments.

Duty of the Court to inform the parties and their pleaders as to their right for the supply of copies.

4. The Court shall, before the commencement of arguments, inform the parties and their pleaders present in Court as to their right to the supply of a copy if an application is made by them at any time before the conclusion of arguments.

Procedure for submission of application.

5. An application for a copy shall be made by the party, his authorised agents or by his pleader on a plain paper bearing a Court fee stamp of 40 paise apart from the court fee stamp, if any, to cover the cost of a copy.

Charges for copy and manner of payment thereof.

6. Copying fee shall be charged at the rate of Re. 1 per page which shall be paid by the applicant in the form of court fee stamps before taking delivery of the copy.

Preparation of copies by ^[1]Judgment Writers, stenographers/steno-typists.

7. The ^[1]Judgment Writers, stenographers or the steno-typists, as the case may be, shall prepare as many extra carbon copies of judgments as are applied for by the parties or their pleaders within the prescribed time limit, at the time of transcription of the judgment pronounced by the Court.

[1] Inserted vide Correction Slip No. 118 Rules/II.D4 dated 31.03.2001

8. (1) The ^[1]Judgment Writer, stenographer or the stenotypist, as the case may be, who prepared the copy, shall make thereon the following endorsement :-

Endorsement on
copies.

“ Certified to be a true copy”

and shall sign and date the endorsement and also subscribe his official designation below which he shall make the following further endorsement :-

“Authorised by section 76 of Indian Evidence Act, 1872.”

(2) If the copy is on more than one sheet of paper, he shall endorse the word “attested” on every such sheet, and shall enter his initials and the date thereunder. He shall at the same time cancel the court fee stamps on the application, if not already done and also those representing the cost of the copy.

9. The ^[1]Judgment Writer, stenographer or the stenotypist, as the case may be, 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.

Recovery of copying
fee and supply of
copy.

10.(1) The ^[1]Judgment Writer, stenographer or the stenotypist, of every civil court shall maintain a register showing there in each day’s income from the supply of copies and other particulars in the following form :-

Account of income
in register.

- (i) serial No.,
- (ii) date of application,
- (iii) date of pronouncement of judgment,
- (iv) number and title of the case,
- (v) name of the applicant,
- (vi) number of pages of the judgment,
- (vii) amount recovered as copying charges,

[1] Inserted vide Correction Slip No. 118 Rules/II.D4 dated 31.03.2001

- (viii) date of delivery of copy, and
- (ix) remarks by the presiding officer of the Court.

(2) After the close of each month, he shall total the income and prepare a statement of monthly income which shall be sent by him after being countersigned by the Presiding Officer of the Court by the 15th of succeeding month to the Officer Incharge of the Copying Agency which is required to supply copies of the records of that Court.

Payment of 40% fee to the ^[1]Judgment Writers, stenographers/stenotypist.

11. 40% of the income derived from the supply of copies prepared by a ^[1]Judgment Writer, stenographer or stenotypist, as the case may be, shall be paid to him by the Officer In-charge of the Copying Agency within a period of 15 days from the receipt of statement under the rule 10 out of the imprest of the Copying Supervisor of that agency.

[1] Inserted vide Correction Slip No. 118 Rules/II.D4 dated 31.03.2001

CHAPTER 17

PUNJAB HIGH COURT, CHANDIGARH

NOTIFICATION

Rules made by the High Court under the power conferred by Article 227 of the Constitution of India with the previous approval of the State Government, for regulating the preparation and supply of copies of records of Civil and Criminal Courts by the copying agencies under the control of the District and Sessions Judges and the Judge, Small Cause Court, Amritsar.

RULES

1. These rules may be called the Punjab Civil and Criminal Courts Preparation and Supply of Copies of Records Rules, 1965.

Short title.

2. In these rules, unless the context otherwise requires-

Definitions.

(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) "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, inquiry, trial or other proceeding in any Civil or Criminal Court.

3. 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, copies may be granted as follows :—

Persons entitle to obtain copies.

(1) Any party to a civil or criminal case is entitled at any stage of the suit or complaint to obtain copies of the record of the case including documents exhibited and finally accepted by the Court as evidence :—

Explanation.—(i) “Complaints” include challans.

(ii) A party to a suit or complaint who has been ordered to file a written statement is not entitled to a copy of the written statement of his opponent until he has first filed his own.

(2) A stranger to a civil or criminal case may, after decree or judgment, obtain copies of the plaint or complaint, written statement, affidavits and petitions filed in the case, as also of the evidence recorded by the Court, and may, for sufficient reasons shown to the satisfaction of the Court, obtain copies of any documents before the final order is passed. He may also obtain copies of any judgment, decree or order, at any time after the same has been passed or made, but he shall not be granted copies of exhibits put in as evidence except with the consent of the person by whom they were produced or under the orders of the Court.

[1] (2A) A stranger has no right to obtain copies of any judgments/orders or proceedings/documents in cases pertaining to matrimonial matters, The Protection of Children from Sexual Offences Act (POCSO Act), sexual offences against women, rape cases and contempt matters.

(3) Official letters shall be treated as privileged documents and copies thereof shall not be ordinarily granted. Should it be necessary to grant a copy of a letter, or of an extract of a letter, received by a subordinate from a superior officer reference shall, in every case, be made to the superior officer for permission to grant copy thereof.

[1] Inserted vide Correction Slip No. 184 Rules/II.D4 dated 13.12.2018

[2]3A. Copies to persons suffering from visual impairment, as per the entitlement specified in Rule 3 above, if so requested, shall be granted in braille format.

Grant of Copies to person(s) suffering from visual impairment

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

[1]Supply of copies free of charge to persons accused or convicted and to Public Officers and to Borstal Institutions.

(1) If a person convicted in a summons case is in Jail and requires a copy for purposes of appeal or revision he or his agent shall be allowed a copy of the judgement free of charge.

(2) Copies of judgment and other documents required to be supplied to the accused under section 371 of the Code of Criminal Procedure, 1898, shall be prepared by the Court Stenographer and supplied free of charge to the accused, after having been duly attested by the Reader of the Court, in accordance with the provisions of the said section. In courts having no Stenographers, such copies shall be prepared and duly attested by the Copyists and supplied free of charge

[1]Substituted vide Correction Slip No. 33 Rules/XX.A.2 dated 26.02.1970

[2] Inserted vide correction slip no. 197 dated 09.05.2025.

(3) Copies of Judgements or orders, or English translations of vernacular judgements or orders, convicting, acquitting or discharging Government servants, including a person subject to military law or a civilian in military employ, of criminal offences, shall be supplied free of charge of the Heads of Departments or Offices concerned.

[1] (4) 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 the supply of copy is endorsed by the Head of the Department of the concerned Government.

[2] (5) Copies of judgments ordering detention of boys in Borstal Institutions shall be sent free of charge to the said institutions alongwith the orders of detention.

[3] (6) Copies of records required by the Supreme Court Legal Aid Committee, High Court Legal Aid Committee, District Legal Service Authorities and Sub-Divisional Legal Service Committees constituted by the State Governments/Union Territories, shall be supplied free of charge, provided that the application for copy is received from the Member Secretary/Secretary of such Committees/Authorities or any other person so authorized by them.

5. An application for a copy of any record, including requisition for a free copy may be made personally, or through an agent, or may be sent by post.

Note.—The authority of the agent need not be a formal power of attorney.

Procedure for
submission of
application for
copy.

[1] Substituted vide Correction Slip No. 72 Rules/II.D.4 dated 16.05.1983

[2] Added vide Correction Slip No. 33 Rules/XX.A.2 dated 26.02.1970

[3] Inserted vide Correction Slip No. 85 Rules/II.D.4 dated 18.10.1989 and

amended vide Correction Slip No. 177 Rules/II.D.4 dated 22.08.2014

Officers authorised to receive applications.

6. (1) An application for a copy of any record of District and Sessions Judges' Court shall be received by the Superintendent of that Court.

(2) An application for a copy of any record of Court of Small Causes, Amritsar, shall be received by the Clerk of the Court, provided that the record, a copy whereof is applied for, is in the possession of the Court.

Copy to be supplied with permission of officers concerned.

[1] 7. (i) An application for a copy of a record of the High Court, or of a District and Sessions Court, or of an Office or Court of Commissioner or of the Financial Commissioner made to a lower court, or office, in which the record may be lying at the time of the application, shall be complied with only with the permission of the Court or officer concerned.

Note.-- In no case shall a record be sent from the headquarters of a district, to a sub-division or tahsil, or a mufasil court for being copied.

(ii) An application for supply of attested copy of Judgment/Order of decided case of High Court may be made by the person entitled and in the manner prescribed in Chapter 5-B of the Rules and Orders of Punjab and Haryana High Court, Volume-5, to the Copying Supervisor of the copying agency in any District Court in the States of Punjab, Haryana and Chandigarh.

Procedure where record is before High Court.

8. Whenever an application is made for a copy of record in case in which the record is before the High Court, the application shall be forwarded to the High Court for disposal. If the application be made under section 548 of the Code of Criminal Procedure, 1898, by a prisoner in Jail and is submitted with the grounds of appeal or for revision, the memorandum of appeal for the petition for revision, as the case may be, shall also be forwarded along with the application.

[1] Amended/Inserted vide Correction Slip No. 183 Rules/II.D4 dated 27.11.2018

9. (1) Every application shall, as far as possible, be in Form C.D.I. and bear a forty paise court fee stamp, apart from the court fee stamps, if any, to cover the cost of the copy.

Form application for
and Court Fee
Stamp to be
affixed.

Notes.-- (i) The applicant shall give full particulars of the record copy whereof is required so that the record may be easily traced, but no application shall be returned unless it fails to give the minimum information required to trace the record.

(ii) The form C.D.I. shall be stocked with the Controller of Printing and Stationery, Punjab, Chandigarh, from where all supplies shall be obtained on indent. These forms shall be supplied by licensed stamps-vendors at a rate of three Paise per form. Such discount shall be allowed to the stamp vendors at the time of purchase of forms worth Rs 5 and above by deduction from the purchase money as may be fixed by the Punjab Government in the Revenue Department from time to time. This commission shall be debited to the head "19—General Administration—E—District Administration—S—Other Establishment". The receipts on the sale of these forms shall be credited to the head "L.II—C. Misc. Copying Agency Accounts."

(2) Applications shall not be returned where the court fee stamps borne on them are not properly endorsed by the stamp vendors. In such cases the stamp-vendors concerned shall be proceeded against under section 34 of the Court Fees Act, 1870.

(3) Immediately on receipt of the application the receiving official shall satisfy himself that the applicant is entitled to the copy applied for by him, and shall forthwith effect cancellation of the court fee stamps in the manner prescribed in section 30 of the Court Fees Act, 1870, read with rules 1 and 2 in Chapter 4-C of the High Court Rules and Orders, Volume IV.

10. 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, e.g., if copies are required of four separate papers in one record, only one application is necessary.

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

[1] 11. The charges of Rs. 100/- shall be paid in advance alongwith application with contact detail/email of the authorized person for obtaining copies of different records which are detailed in the schedule appended to these rules. Thereafter the total cost of the documents shall be prepared on the basis of the number of copies. If the total cost does not exceed the advance paid, the copies of the documents shall be prepared immediately and the balance amount shall be remitted to the account of applicant immediately. If the total cost of copies is higher than the amount deposited by the applicant, the applicant shall be asked to make good deficient amount. On receipt of full amount the copies shall be prepared.

Charges for copies and manner of payment thereof

Provided that the applicant may, at his option,--

- (1) pay for the copy in advance by affixing to the application court fee stamps to cover the cost of the copy, and if the applicant desires that the receipt in Form C.D. 10 be posted to him immediately on the receipt of his application, he shall affix an extra court fee stamp of fifteen paise to the application; and if he further desires to have the copy sent to him by post, he shall also affix a court fee stamp of seventy-five paise to cover registration and other postal charges ; or

[1] Rule 11 substituted vide correction slip no. 196 dated 05.05.2025.

- (2) remit the cost of the copy by money order to the Copying Supervisor ; or
- (3) ask that the copy be supplied to him per v.p.p. by affixing to his application an extra court fee stamp of the value of ninety paise.

Note.—Where the applicant takes delivery of the copy personally, the V.P.P. or the registration charges paid by him shall be accounted for towards the cost of the copy, the excess amount being refunded under rule 37.

12. (1) On receipt of an application, the Copying Agent shall scrutinize it as to whether—

Scrutiny of
application.

- (a) the copy applied for can be supplied under these rules ;
- (b) the application has been duly stamped with forty paise court fee stamp and gives the necessary particulars for tracing the record ;
- (c) the fee, if prepaid has been correctly assessed, in accordance with the scale laid down in Schedule A.

(2) Whenever an application is made for a copy of a civil judgement for the purpose of appeal, the applicant shall be informed that a copy of the decree is also necessary and he shall be supplied with such copy, unless he declines to pay the necessary fees, in which case a certificate, under the signature of the officer-in-charge of the copying department, shall be endorsed on the copy of the Judgment supplied to the applicant to the effect that he was duly informed that a copy of the decree was also necessary, and after being so informed, declined to pay fees for the same.

(3) The applicant who applies for a copy of a appellate judgement for the purposes of a second appeal shall be intimated that a copy of the trial Court's judgment is also necessary and the procedure of sub-rule (2) shall, as far as may be, apply to such an application.

13. 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 fifteen days, or returned by registered post if the applicant has paid extra fee for registered post or V.P.P.

Rejection of application.

Note.—The court fee label of forty paise affixed to the application shall be destroyed by the Copying Agent in the presence of the Copying Supervisor in the manner laid down in rule 39.

14. If it is clear that the copy can be supplied as a matter of routine and the application is in order, the officer receiving the application shall order the copy to be prepared. If, however, he is doubtful on any point he shall put up the application for the orders of the District and Sessions Judge or the Registrar of the Small Cause Court, as the case may be.

Presiding Officer to be consulted in case of doubt.

15. If a copy is ordered to be prepared, the officer receiving the application shall—

Duties of Officer receiving application.

- (a) endorse or cause to be endorsed thereon the dated and in the case of urgent applications the time of presentation ;
- (b) initial the endorsement ;
- (c) cancel the court fee stamps in the manner prescribed in rule 33 ;
- (d) issue receipt of the application in form C.D. 10 ;
- (e) cause the application to be registered in Form C.D. 2 and the serial number of the register given in red ink on the reverse of the application ; and
- (f) cause the application to be made over to the Record keeper if it relates to a decided case, or to Ahlmad, if it relates to a pending *cause*.

Note.—The number of copies asked for, if more than one, shall be recorded in the remarks column of the register in Form C.D. 2.

Record Keeper or Ahlmad to make over record on the same or next working day.

16. It shall be the duty of the Record Keeper or Ahlmad to see that the records are made over to the senior copyist on the day he receives the application or in the morning of the next working day at the latest. The senior copyist shall maintain a register in Form C.D. 7.

Delivery of urgent copies.

17. If the record, copy whereof is required, is too lengthy to be copied within the fixed time, or if, after sanction of an application for an urgent copy it is found subsequently not possible to supply the copy within the fixed time, the applicant shall be enquired as to whether he agrees to the application being treated as an ordinary application; and, if he so agrees, the difference between the fee paid by him and the fee which would have been payable if the application had been for an ordinary copy shall be refunded. If he still desires to have his application treated as urgent and given priority over ordinary applications, he shall forego all claims to the refund.

Instructions regarding preparation of copies.

18. Every copy, made under these rules, shall-

- (a) if in English, be invariably prepared on a typewriter [1]/Photocopier/Computer ;
- (b) if in vernacular be written in good legible hand, in case it cannot be prepared on a typewriter ;
- (c) be written with ink of a good quality ; and
- (d) be prepared on Government water-marked paper, except in cases in which copies are allowed on printed forms ;
- (e) have a margin of one-fourth of the sheet on the left ;
- (f) be written on both sides of the paper in such a manner that the margin on turning over the page is on the right hand side ;

[1] Added vide Correction Slip No. 123 Rules/II.D4 dated 02.03.2002

- (g) have a space between the lines equal to the second space of a typewriting machine ;
- (h) have marginal reference to the paging of the original ;
- (i) be duplicated if more than one copy of the same record is ordered to be prepared at the same time ;
- (j) have, as far as may be, the following number of words and lines on each page,-
 - (i) typewritten-360 words in 35 lines ;
 - (ii) english writing-240 words in 22 lines ; and
 - (iii) vernacular writing-250 words in 22 lines.

[1]18(A). (a) All judgments/orders of more than one page shall be typed on computer with font Thorndale or Times New Roman in size '14'.

[1] Standards to be followed regarding preparation of certified copies.

- (b) The judgments/orders shall be typed in double space. Margins on the top and bottom of the page shall be 1.25 inches and 0.75 inch, respectively. The left side and right side margins shall be 1.25 inches.
- (c) The paper used shall be of superior quality legal size of 80 GSM and above.
- (d) The judgments/orders of more than one page shall be typed on both side of the paper.
- (e) The numbering shall be at the top middle of each page and will run through both sides of the page.

[1] Inserted vide Correction Slip No. 165 Rules/II.D4 dated 30.08.2012, and Further, amended vide Correction Slip No. 181 Rules/II.D4 dated 29.10.2018

(f) In case, the certified copy is prepared on the photocopier or printout of digitally signed order, it shall comply with the above prescribed norms.

^[2](g) In case(s) involving Advocate(s) suffering from visual impairment, on request, the copy of the Judgment/Order shall be provided in braille format.

Note: In order to avoid immediate inconvenience, the judgments/orders shall be typed as per existing unamended rule for two months from the date of coming into force of this amendment or for such period thereafter as may be extended by Hon'ble the Chief Justice.

19 . To every copy, made under these rules, shall be prefixed a heading containing the following particulars-

Headings
to be
prefixed to
copies.

(a) the court or office by which the case was decided, giving the name and powers of the presiding officer and, in an appeal case, the name and official designation of the officer whose order was appeal-ed against, and the date of that order ;

[1] Inserted vide Correction Slip No. 165 Rules/II.D4 dated 30.08.2012, and Further, amended vide Correction Slip No. 181 Rules/II.D4 dated 29.10.2018

[2] Clause (g) inserted in Rule 18-A vide correction slip no. 197 dated 09.05.2025.

- (b) the date of the institution of the suit, proceeding or appeal, as the case may be ;
- (c) the name, parentage, trade or occupation, and place of residence with tahsil and district of the parties ; and
- (d) the subject matter of the case.

Certain copies to be prepared on forms prescribed for original documents.

20. Copies of records which are maintained in a tabular or printed form shall be supplied on the forms used in the Courts. The following are, among others, documents, copies where of should be given on such forms:-

Decrees,
Notices of ejectment,
Criminal charges,
Headings of “opening sheets” in
Judicial records.

Copy of copy.

21. A copy of a copy shall not be supplied unless expressly asked for as such, as, for instance, in order to call in question the correctness of the copy granted. The said fact shall be entered in the heading of the copy and marked as the “copy of a copy”.

Stitching of copies in book form.

22. If a copy covers more than one sheet of paper, the sheets of paper, on which the copy is prepared shall be stitched together in a book form, and shall not be attached one to the end of another so as to form a roll.

Particulars to be endorsed on copy.

23. After a copy has been prepared but before it is revised and attested, the following particulars shall be endorsed thereon in the language in which the copy is prepared :—

- (a) The number of the application in register C.D. 2.
- (b) The date of presentation of the application for a copy.

- (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 cause of delay if the copy has been completed after the third day from the date of the application.
- (g) The number of words or pages.
- (h) (1) The cost of the copy as prescribed in the schedule annexed to these rules ;

(2) Urgent fee ;	..
(3) Search fee ;	..
(4) Registration and postal charges ; and	..
(5) V.P.P. Charges	..
Total recovery	..
- (i) Date of delivery or despatch.

24. (1) A copy shall ordinarily be ready by the third working day of the receipt of application, but an urgent copy shall be ready before the close of the same day, if possible, provided the application is presented with the urgent fee within the first two hours of the same day. If the application is presented later, the copy shall be furnished, if possible, in the forenoon of the following working day. Any case of delay shall be verified and certified by the Examiner, or Copying Agent, before the copy is attested and delivered.

Delay in preparation of copy.

(2) Any complaint by Copyist or applicant shall be made in writing to the Officer-in-charge who shall take such action thereon as he may deem proper.

Applicant to be informed by post if copy is not expected to be ready on appointed day.

25. The applicant shall be entitled to have his copy furnished to him, as far as possible, on the day appointed for delivery of the copy. If, for any reasons, it is not possible to prepare the copy asked for by the appointed day, the Officer-in-charge shall send an intimation by post to the applicant fixing another day for its delivery so that he does not unnecessarily visit the Agency.

Revision and attestation of copies.

26. Every copy shall be revised and attested by the Superintendent in an agency under the control of a District and Sessions Judge and by the Clerk of Court in the agency under the control of the Judge, Small Cause Court, Amritsar.

Examination, certification and stamping etc. of attested copies.

27. In the case of applications for attested copies 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.

Duties of Examiner.

28. Every Examiner, before he attests any copy in accordance with the manner prescribed by these rules, shall-

- (a) personally compare such copy with the original record from which it has been made, with the help of the copyist who prepared it, who shall read out the original ;
- (b) attest every alteration made in such copy by initialing 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, and see that they are in accordance with the law, rules and directions applicable to such copy ;
- (e) see that the provisions of rule 18 have been fully complied with ;

(f) see that the court fee stamps affixed to copies are punched, cancelled and initialed ;

(g) make an entry in register C.D. 5 as to the out-turn of the copyist as required by rule 48.

29. (1) 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 :—

Endorsement on copies by Examiner.

“Certified to be a true Copy” ;

and shall sign and date the endorsement, and also subscribe his official designation below which he shall make the following further endorsement :—

“Authorised by section 76 of Indian Evidence Act, 1872.”

He shall then cause the proper seal to be affixed to the copy.

(2) If the copy 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 there under. He shall at the same time cancel the court fee stamps, if not already done, representing the cost of the copy.

30. In the event of any copy being found to be unfit for issue by reason, that it-

Cancellation of defective copies.

- (a) has not been legibly and neatly written ;
- (b) is not in the prescribed form or on paper of the prescribed quality ;
- (c) is so incorrect that revision has rendered it unfit for issue ;
- (d) does not conform to these rules ; or
- (e) is defective or otherwise open to objection,

the Examiner shall forthwith write the word "cancelled" across the copy; and a fresh copy shall be made without further charge. At the same time he shall submit a separate report against the copyist for his carelessness.

Examiner's signature to denote that he has satisfied himself about accuracy of copy.

31. The affixing, by the Examiner, of a signature to a copy is a certificate that the official has personally satisfied himself of its accuracy, and that the copy has been personally compared by him, and is suitable for delivery.

Unattested copies of depositions etc.

32. The Copying Agent may deliver copies, unattested by the Examiner, of the record specified in item 9 of the Schedule annexed to these rules.

Register C.D. 6 and guard-file and punching and cancellation of stamps.

33. (1) The Copying Supervisor shall maintain a register in Form C.D. 6 for payments received by money order or through V.P.P. He shall convert all such payments into court fee stamps. Affix them to the application, and then cancel them by punching out the figure-head so as to leave the amount designated on the stamp un-touched. The part removed by punching shall be burnt or otherwise destroyed. As an additional precaution, the cancelling officer shall affix his signature and the date across each label, at the time of cancellation, in durable ink.

(2) After complying with the formalities laid down in sub-rule (1) the Copying Supervisor shall hand over the application to the Copying Agent by obtaining his receipt in the register maintained in Form C.D. 6.

(3) The money order and V.P.P. coupons shall be pasted in a separate guard file and numbered serially.

Register C.D. 8, search fee, duties of copying agents, etc.

34. (1) Copyists shall in no circumstances be allowed access to the Record Room and the records shall be made over to the Copying Agent by the Ahlmad or the Record Keeper according as the case is pending or a decided one, and receipts taken in the Register maintained in Form C.D. 8.

(2) The Record Keeper shall recommend on the application itself that a search fee of *fifty paise* should be

imposed in every case in which an unreasonable amount of trouble has been caused in finding the original record by the failure of the applicant to give correct particulars, and this fee shall be recovered as part of the copying fee in court fee stamps and affixed to the application concerned. Such court fee labels shall also be punched and cancelled as provided in rule 33.

(3) If it is not possible or desirable to send the file to the Copying Agency, the file-fetcher shall, if possible, be given the particular record only from the file, by obtaining receipt from him.

(4) The Copying Agent shall be responsible-

- (i) that no file is taken out of the copying room by any one ;
- (ii) that all files are locked up in an almirah with the key in his possession before leaving office ;
- (iii) for the proper and equal distribution of work among the copyists ;
- (iv) for the proper maintenance of accounts, and preparation of returns ; and
- (v) for the regular and proper delivery of copies.

35. Copies when prepared shall be delivered or despatched by the Copying Agent.

Despatch or delivery of copies.

36. (1) The Copying Agency, before delivering a copy, shall make sure that all fees chargeable according to the Schedule annexed to these rules have been duly recovered.

Recovery of fee by Copying Agent.

(2) In cases of refusal to pay the Copying fee wholly or partly, either personally or when sent by V.P.P., the Copying Agent shall arrange to recover the same in accordance with the provisions of rule 53.

(3) The Copying Agent, before any copy is delivered, shall endorse thereon the date of delivery and verify the cancellation of the Court Fee stamps.

Refunds.

37. (1) In the following cases, the refund of Court Fee Stamps tendered in the payment of copying fees shall be allowed in cash under orders of the Officer-in-charge, provided an application for refund is made within three years from the date of application for the copy-

- (a) when an application for a copy has been rejected ;
- (b) when an application is withdrawn before a copy has been prepared ;
- (c) when for any reason it is not possible to prepare the copy asked for ;
- (d) when an excess payment is made by mistake ;
- (e) under rule 17 ; and
- (f) when the applicant takes delivery of a copy personally and applies for refund of the V.P.P. or registration charges already deposited under rule 11(3).

Note .—The refund shall be subject to the deduction of six paise in a rupee or a fraction of a rupee in the cases mentioned in clauses (a) and (b) above.

(2) Refunds shall be made on Form C.D.9 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 the permanent advance. The contingent bill shall be classified as debitable to head “L.II.H.Misc. Deduct Refund”. The refund vouchers in Form C.D. 9 shall be prepared in all cases in which a refund is actually made either in person or by money order.

(3) The particulars entered in the refund bill shall be verified by the Copying Agent, countersigned by the Copying Supervisor and the pay order passed by the Officer-in-charge.

(4) All the refund 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 of suitable size across each order, by the Copying Agent, and initialled by the Copying Supervisor. The refund vouchers not exceeding Rs. 25 in amount shall be retained.

(5) When the applicant is not present in person, the amount refundable to him shall be remitted by money order, at his expense, but when the balance of any deposit received by money order and converted into court fee stamps, amounting to less than twenty paise, remains unclaimed personally for fourteen days, it shall be disallowed.

38. (1) Should the applicant be not present when first called to receive the copy, his copy shall be kept pending delivery for ten days. After ten days the copy with the application shall be filed and the copy shall not be given to him unless a fresh application with a forty paise court fee stamp is made.

Procedure when applicant fails to receive copies on appointed day.

(2) In the event of failure to put in a fresh application referred to in sub-rule (1) action under rule 53 (2) shall be taken to recover the balance due, if any, against the applicant.

(3) If a copy is required to be despatched by post or V.P.P. it shall be despatched as soon as it is ready.

(4) The copying Agent shall maintain a separate register in Form C.D.11, in which he shall enter the balance of fees recoverable in each case and refused V.P.Ps. and from which he shall prepare the statement required by rule 53 (2).

39. Sanctioned applications for copies shall not be destroyed until a stamp auditor has audited the records and registers concerning them or until the expiry of three years, whichever is later. At the end of this period or after the audit, if the audit is not completed within three years, the Officer-in-charge shall have such applications destroyed in his presence and shall certify their destruction in the

Limitation for preservation of sanctioned applications and destruction of cancelled stamps by Stamp Auditor.

manner prescribed in rule 27 of the Punjab Stamp Refund Renewal and Disposal Rules, 1934.

Account of service postage stamps.

40. Service postage stamps shall be supplied to copying section and an account shall be kept therefore. The serial number of register C.D. 2 shall also be recorded in the despatch register maintained for this purpose.

Constitution of copying agencies.

41. While the District and Sessions Judges and the Judge Small Cause Court, Amritsar, shall be responsible for the supply of copies, there shall be an officer-in-charge in each of these agencies, as follows:—

<i>Agency</i>	<i>Officer-in-charge</i>
(A) All District and Sessions Courts	(i) The Additional District and Sessions Judge, or the Superintendent when there is no Additional District and Sessions Judge
(B) Court of Small Causes, Amritsar	The Registrar of the Court

Copying Supervisor and Examiner.

42. The Superintendent in District and Sessions Judges Court and the Clerk of Court in the Court of Small Causes, Amritsar, shall be the Copying Supervisor and the Examiner in the Copying Agencies of their respective Courts.

Copying Agent.

43. The Senior Copyist in each agency shall be the Copying Agent and file fetcher and shall be subject to the control of the Copying Supervisor.

Pay and leave rules applicable.

44. The Copyists, shall be on the cadre of permanent pensionable establishment, shall be eligible to subscribe to the provident fund, shall receive such pay as may be sanctioned by the State Government from time to time and in the matter of leave shall be governed by the Punjab Revised Leave Rules, 1936. The Punjab Civil Services Rules shall also be applicable to them.

45. The Copyists should be qualified for both English and vernacular copying work and will be eligible for appointment to regular permanent pensionable establishment, if otherwise qualified. No person shall in future be appointed as copyist unless he possesses the minimum educational qualifications prescribed for recruitment to a clerical ministerial post in Chapter XVIII-A of High Court Rules and Orders, Volume I.

Qualifications for appointment of Copyists.

46. (1) The number of copyists, as fixed for each agency shall not be varied except with the sanction of the High Court.

Number of copyists and their daily out-turn.

(2) The following minimum daily out-turn is prescribed for each copyists:—

	<i>Words</i>	<i>Pages</i>
Typewritten	7,200	20
Handwritten-		
(1) English	3,600	15
(2) Vernacular	3,750	15

Explanation .—This standard includes the work of comparison of the copies prepared by each copyist with the Examiner.

(3) The Senior Copyist acting as Copying Agent and file-fetcher shall be required to give only half the standard prescribed in sub-rule (2).

(4) The working hours of the staff working in Copying agencies shall be each such as may be fixed by the High Court from time to time for the staff of the Courts subordinate to it.

47. If for a short period, e.g., during the month of September, there is not sufficient copying work, copyists shall with the permission of the District and Sessions

Employment of copyists on other work for short periods.

Judge, or the Judge Small Cause Court, as the case may be, be employed on some other work.

Register of
daily out-turn.

48. A register of daily work done by copyists shall be maintained by each copyist in Form C.D. 5. The register shall be written up daily by the Examiner who shall, at the end of the month, prepare a statement and submit a report on the adequacy or inadequacy of the monthly out-turn, of each copyist to the District and Sessions Judge or the Judge, Small Cause Court, Amritsar, as the case may be.

Character rolls.

49. Character rolls of the copyists shall be maintained in the same manner as are kept in the case of other Clerks.

Head of account to
which pay of
copyist shall be
charged.

50. The pay of copyist shall be charged to minor head "Copying Agencies (District and Sessions and Small Cause Court) under the major head "21-Administration of Justice".

Inspection by
District and
Sessions Judge or
the Judge, Small
Cause Court,
Amritsar.

51. The District and Sessions Judge or the Judge, Small Cause Court, Amritsar, as the case may be, shall examine the registers of his copying department once a month-

- (a) to see that copies are supplied within the time prescribed in rule 24 unless for some special reasons extra time was allowed in any particular cause;
- (b) to see that court fee is correctly affixed to the copies; and
- (c) to take necessary measures to enforce compliance of these rules.

Supervision.

52. 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, and receive cash payments for the purpose of converting them into court fee stamps. He shall hold a permanent advance of such amount may be considered sufficient by the District and Sessions Judge or the Judge, Small Cause Court, as the

case may be. He shall report to the officer-in-charge or where he himself is the officer-in-charge to the District and Sessions Judge on all complaints and cases of dereliction of duty on the part of any member of the copying agency, Record branch or Court staff. He shall examine registers daily, deal with delays and whenever he proposes to recoup the imprest he shall render an account to the officer-in-charge.

53. (1) A separate income account shall be kept by the Copying Agent in Register C.D. 3 in which each day's income shall be recorded by the Copying Agent and totalled monthly.

Accounts of income
in register C.D. 3.

Explanation—The daily income means all payments received daily, whether copies for such payments have been made or not.

(2) After the close of each month the Copying Agent shall prepare a statement showing the cases in which the fee or any portion thereof remains to be realised. The statement shall be checked by the Copying Supervisor and submitted to the Collector through the District and Sessions Judge or Judge, Small Cause Court, as the case may be, for recovery of fees as arrears of land revenue.

(3) The Copying Agent shall keep a duplicate copy of the statement referred to in sub-rule (2) with him and shall be responsible for reminding the Collector at regular intervals.

Note.—Only cases in which a copy was prepared more than 10 days back or in which a copy sent out by V.P.P. has been refused shall be included in this Statement.

54. The permanent advance register C.D. 4 shall be kept and maintained personally by the Copying Supervisor. This imprest is intended for refunds and contingent expenditure.

Permanent Advance
Register C.D. 4.

55. The establishment charges shall be drawn on the usual establishment bill forms.

Drawing of esta-
blishment charges.

Income and
expenditure
account.

56. (1) A separate monthly account of income and expenditure shall be kept in the Court of each District and Sessions Judge and Judge, Small Cause Court, Amritsar, in Form C.D. 12.

(2) A copy of the monthly account referred to in sub-rule (1) shall be submitted to the High Court by the 15th of the following month.

Compilation of
statement for the
whole State.

57. (1) The total income of the copying agencies that is the copying fees excluding search fees, if any, shall be credited to the head "XIV—Stamps".

(2) In order to enable the Accountant-General, Punjab, to afford credit of such receipts to the head "L.II—C. Misc.—Copying Agency Accounts", the District and Sessions Judge and Judge, Small Cause Court, shall, immediately after the close of the financial year, submit to the High Court a statement of receipts of the copying agencies of their courts for the year to which it relates.

(3) The High Court shall on receipt of the Statement referred to in sub-rule (2) compile a statement for the whole of Punjab State and send it to the Financial Commissioner, Punjab, who shall specify the amount of discount allowed to stamp vendors and forward the statement to the Accountant-General, Punjab.

(4) The Accountant-General shall credit the net amount (after deducting the discount intimated by the Financial Commissioner) to the head "L.II—C.Misc.—Copying Agency Accounts."

Copies of
translations.

58. Where a copy is asked for in English or Vernacular but in a language other than that of the original, the copying fee shall be as indicated in rule 61 whether a translation is already in existence on the file or not. Such applications shall be entered in the ordinary register C.D. 2 in which applications for copies are entered, and shall be distinguished by the letter 'T'.

59. The District and Sessions Judge and the Judge, Small Cause Court, Amritsar, shall, if the work is sufficient, appoint special translator for the work otherwise he shall entrust the work to any clerk (not a copyist) in addition to his own duties, provided that he does the work after office hours.

Special Translator.

60. Where a translation is already in existence, the translator shall copy such translation and check it. Where a translation is not in existence, the translator shall make a translation, place it on the record, and copy it for the applicant.

Procedure when translation is not on record.

61. The translation charges payable in court fee stamps shall be as follows :—

Translation charges.

For first 200 words or under .. 75 paise

For every additional 100 words .. 40 paise
or a fraction thereof

62. (1) The translator shall receive half of the fees mentioned in the preceding rule, payments being made in cash out of the imprest of the Copying Supervisor and recouped as "Refunds".

Translator to be paid half the translation fee.

(2) The Examiner shall attest the Correctness of the copy in the usual way, but such copies shall be distinctly noted in the heading to be copies of a translation.

Necessary entries shall be made in Registers C.D. 2 and C.D. 3.

63. In so far as these rules make no provision or make an insufficient provision on any subject and a provision is made on that subject in the Punjab Copying Agencies Manual (1947), as amended from time to time, the provision made in the said Manual shall, with necessary modifications, apply to the extent it is not inconsistent with these rules.

Applicability of Punjab Copying Agency Manual.

[1]SCHEDULE

(See rule 11)

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

Rate of fees for copies whether in English or Vernacular.

S.No.	Nature of document	Rate
1	(a) Copies of judgments decrees & orders and all other papers connected there to, in civil cases (b) Copies of Judgments in criminal cases & papers connected thereto	Rs.2 per page subject to a minimum of Rs.5 For each additional carbon copy Re.1 per page. Ditto
2	Copies of original documents filed in the cases and marked as exhibits.	Ditto
3	Copies of entries in register.	Re.1 per entry per copy.
4	Copies of documents in Part B of the file/case.	Rs.2 per page subject to a minimum of Rs.5 For each additional carbon copy Re.1 per page.
5	Copies of documents of which only certified copies are placed on the record.	Ditto
6	Copies of maps, etc. (a) Building maps. (b) Copies of maps/Shajras-Khasra, Pamaish, Khasra Khana shumari masavi etc. (c) Copies of naqsha (d) Copies of pedigree tables	Rs.10 for a house upto 4 rooms. Re.1 for each additional room per copy. Rs.10 upto 20 Khasras Re.1 for each additional Khasra per copy. Rs.5 per entry per copy. Rs.5 upto 5 entries. Re.1 for each additional entry per copy.
7	Unattested copies of all kinds of documents on record.	Re.1 per page subject to a minimum of Rs.2. For each additional carbon copy Re.1 per page.

[1] Substituted vide Correction Slip No. 89 Rules/II.D4 dated 28.01.1993

8	Bahi transliterations.	Rs.2 per page subject to a minimum of Rs.5. For each additional carbon copy Re.1 per page.
[2] 9	Copy of Judgment/Order of High Court in decided cases.	Fee shall be charged as prescribed in Chapter 5-B of the Rules and Orders of Punjab and Haryana High Court, Volume-5

[1]Notes :

- (I) The above rates for attested and unattested copies shall also apply to copies supplied in departmental enquiries.
- (II) For additional charges for copies required by post or by V.P.P. and for search fees reference should be made to Rules 11 and 34.
- (III) The urgent fee is Rs. 5 extra for each copy, Urgent fee shall be charged only when an urgent application has been made and priority is consequently given to it over other applications and not when a copy is prepared and delivered on the same day in the ordinary course.
- (IV) For the purpose of Note (III) 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 to whether a paper is separate or not, the decision of the officer-in-charge shall be final.
- (V) If two or three English type-written copies of a document are asked for, there shall be only one "Urgent fee". If the copies asked for are from four to six, the urgent fee shall be twice as much and so on. In the cases of vernacular script urgent fee shall be charged for each copy. Remarks to this effect shall be made in the remarks column of Register C.D.2.
- (VI) All copies of proceedings and other cases decided by a Debt Conciliation Board under the Punjab Relief of Indebtedness Act, 1934, shall be charged with fees on the same scale as for the Civil Suits.

[1] Substituted vide Correction Slip No. 89 Rules/II.D4 dated 28.01.1993

[2] Inserted vide Correction Slip No. 183 Rules/II.D4 dated 27.11.2018

FORM C.D. I(See **Rule 9**)

Note.- Affix here court fee stamp of 40 paise and court fee stamp of the cost of the copy

URGENT/ORDINARY

The applicant requests that copies detailed in statement No. I be granted								
Class of case, Whether (1) Civil, Criminal Revenue or Miscellaneous. (2)Original or appeal.	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.	Purpose for which copy is required.	Detail of copies required	Seal or signature of the applicant
	Plaintiff or complainant.	Defendant or accused.						

Statement No. 11 Applicant's full address					
Name to be written Clearly.	Parentage.	Occupation.	Address		Name of villages and post-office.
			District.	Tahsil and Thana.	

FURTHER PARTICULARS

1. How will delivery of the copy be taken ?

Personally, by registered post or V.P.P.

Note.—(a) The only necessary advance is the 40 P. court fee stamp to be affixed to the application, but the applicant may at his option, affix stamps to cover the cost of the copy.

(b) If required by registered post an extra charge of 75 P. in court fee stamps shall be levied.

(c) If required by V.P. an extra, charge of 88 P. in court fee stamp shall be levied.

2. What is the value of the court fee stamps including the 40 P. court fee stamp affixed to this application ?

3. A receipt shall be given as in C.D.10 if the application is personally delivered or it shall be sent by post if any additional 15P. court fee stamp is affixed to the application for the purpose. Application rejected.

Date

Office-in-charge.

A copy may be supplied.

Copy Agent.

Date

A search fee of 50 P. should be levied.

Record Keeper.

Date

0 f	Remarks.		
	Initials of the copying agent.		
	Date of filing the case of undelivered copies in which no balance is due from the applicant.		
	Reference to the number and date of the refund voucher.		
	Net amount due for refund to the applicant		35
	Amount to be deducted, if any.		34
	Balance due to applicant.		33
	Serial number of register of copies pending clearance (in case undelivered copies)		32
	Serial number of C.D. 3 in respect of the balance		31
	Date of recovery of balance		30
	Balance due from the applicant (if any).		29
	Initial of copying agent authorizing the delivery.		28
	Date of delivery.		27
	Fees	Total of columns 18 to 21.	26
		V.P.P and registration charges.	25
		Search fee.	
		Urgent fee.	
		Copying fee.	
	Number of pages of the copy.		
	Name of copyist.		
		Date of completion and examination of copy.	16
		Serial number of Register C.D.3.	
		Total deposits.	
		V.P.P. and registration charges.	
		Urgent fee.	
		Copying fee.	
		Language U.E.R. and J. or T.	
	Number of copies required.		
	Brief description of copy applied for.		
	Date of order or record concerned.		10
Nature of case, with the number of the item of schedule A.		9	
Nature of case, with the number of case.		8	
Name of court to which the file belongs.		7	
Name and residence of applicant.		6	
Serial number of application.		5	
Date.		4	
		3	
		2	
		1	

FORM C.D. 3(See **rule 53**)*Daily Income Register*

Serial No.	Date	Serial No. C.D. 2	Copying fee	V.P.P. Charges	Regist- ration charges	Urgent fee	Search fee	Total amount received	Remarks
1	2	3	4	5	6	7	8	9	10
			Rs	Rs	Rs	Rs	Rs	Rs	

FORM C.D. 4(See **rule 54**)*Permanent Advance Register*

Date	Balance of day before	<i>Paid on account of refund</i>		Recoupment of contingent bill on account of refund	Daily total of expenditure	Balance
		Number of voucher	Amount			
1	2	3	4	5	6	7
	Rs		Rs	Rs	Rs	Rs

FORM C.D. 5(See **rule 48**)*Register of individual daily out-turn to be maintained by each Copyist**Name of Copyist*_____

Month, Date	Number of C.D. 2 supplied	<i>Daily work done</i>			Cost of the copy	Initials of the Examiner with dates in token of having examined the copies ready for delivery	Daily remarks as to adequate or inadequate out-turn as compared with the standard in prescribed rule 46
		English type- written page	English hand- written pages	Vernacu- lar page			
1	2	3	4	5	6	7	8

FORM C.D. 6(See **rule 36**)

Register of cash and V.P.P Payments to be maintained by the Copying Supervisor

Date	Application No. in C.D. 2	Cash received in advance	Payments made by V.P.P.	Court fee stamps purchased affixed and cancelled	Receipt of copying agent	Serial number of the money order or V.P.P. Coupons in the guard file
1	2	3	4	5	6	7
		Rs	Rs	Rs		

FORM C.D. 7*(See Rule 16)**File Fetcher's handbook of applications received as requisitions for file*

No. of application as registered in C.D. 2 with value of Court fee stamps attached	Name of court or Tahsil to which the application relates	Signature of Ahlmad of court of moharrir, Record Room	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 C.D. 8

(See **rule 34**)

Register of files issued to and returned from copying agencies to be maintained by file fetcher, Court Ahlmad and Record-keeper

1	Serial No.	
2	Date	
3		
4	Number of application as Registered in C.D.2	
5	Gadwara or Registration No.	
6	Case No.	
7	Date of decision/hearing	
8	Parties names	
9	Nature of case	
10	Name of Court	
11		
12	Signature of the Officer/In-charge	

FORM C.D. 9(See **Rule 37**)

REFUND VOUCHER

Name of applicant _____

Serial No. of C.D. 2	Total amount deposited in advance	Total amount charged for copying fee, search fee, registration and postal charges	Amount deposited in excess (column 2- 3)	Deduction under rule 39(i)	Net amount refundable	REMARKS
1	2	3	4	5	6	7
	Rs	Rs	Rs	Rs	Rs	

Certified that the above particulars have been checked by me.

Copying Agent.

Copying Supervisor.

In Cash
Pay Rs _____
by money order

Received the sum of Rs _____

Officers-in-charge.

Date.

Note.— In case of remittance by Money Order the money order coupons when received should be pasted on this form.

FORM C.D. 10

(See rule 15)

Receipt No. _____ C.D. 10

Received from _____

an application dated _____
for copies/a copy with court-fee stamps
/stamp of the value of Rs. (in words) _____affixed to it which has been entered as
No. _____
in C.D. register No. 2. The copy is likely to
be ready for delivery on _____

Copying Agent

Note.- If for any reason it is not possible to prepare the copy asked for by the appointed day, the Copying Agent shall send an intimation to this effect by post to the applicant fixing another day for its delivery.

Receipt No. C.D. 10 _____

Received from _____
an application dated _____FOR COPIES/Copy with court fee stamps
/stamp of value of Rs. (in words) _____affixed to it which has been entered as
No. _____
in C.D. register No. 2. The copy is likely to be
ready for delivery on _____

Copying Agent

Note.- If for any reason it is not possible to prepare the copy asked for by the appointed day, the Copying Agent shall send an intimation to this effect by post to the applicant fixing another day for its delivery.

FORM C.D. 11(See **rule 38**)*Register of V.P.Ps. and balances of fee due.*

Serial No.	Name and Address of applicant	No. of entry in C.D. 2 for which fees are due	Amount of balance due	<i>Included in statement for month of</i>	Date of recovery with reference to serial No. of guard file of V.P.P. and money Order Coupons	REMARKS
				For recovery as arrears of Land Revenue		
1	2	3	4	5	6	7

FORM C.D. 12(See **Rule 56**)*Register of monthly account of income and expenditure*

Receipts	..	Amount
Total copying, urgent and search fees	..	
<i>Deduct</i> —Refunds	..	
		Net Receipts _____
<i>Charges</i>		
Establishment		
Allowances	..	
Stationery	..	
Contingencies	..	

		Total charges
Saving (excess of income over expenditure)		
Deficit (excess of expenditure over income)		_____
The charges include—		
(a) The pay of the staff employed:		
(b) The cost of articles for the use of copyist, such as office furniture and any stationery purchased locally;		
(c) Hot and cold weather charges;		
(d) the cost of typewriters and accessories, and charges for their repairs;		
(e) the cost of stationery obtained from the Controller of Printing and Stationery and supplied by the District and Sessions Judges or the Judge, Small Cause Court, as the case may be.		

CHAPTER 19**CORRESPONDENCE****PART A—GENERAL DIRECTIONS**

1. All communications to and correspondence with the High Court should be in English, and should be addressed to the *Registrar of the Punjab High Court* at Chandigarh.

Correspondence
with High Court.

2. The Orders contained in Punjab Government Consolidated Circular No. 5 regarding the routine and procedure to be observed in the submission of correspondence, should be carefully observed by all officers of the Judicial Department. The directions relating to correspondence with the Punjab Civil Secretariat are to be followed, *mutatis mutandis*, in corresponding with the High Court. Judicial officers are not allowed to correspond direct with the Judges on matters affecting leave, transfer, etc. or other such official questions.

Ditto

3. (a) Every letter should have at the commencement its number, the name (when possible) as well as the office of both the writer and the officer addressed, and the place from which it is written, and its date. This rule applies as well to copies as to original documents.

Letters.

(b) Every letter should refer to the last preceding letter, if any, on the subject and also give, either as a heading or on the margin, a brief description of the subject; the subject in respect of a judicial case pertaining to the court which is being addressed, will be the title of the case (i.e. the class, number and year of the case and the parties' names). This will also be done when reminders are issued to facilitate the quick tracing of cases.

(c) Rule 2.42 of the Punjab Financial Rules Volume 1, enjoins that all references by Government servants on personal matters, such as, leave, leave salary, pay

Use of service stamps
for personal reference
not allowed.

increments, funds, subscriptions, house-rent, postings etc., must be submitted in covers stamped with ordinary postage stamps and not with service postage stamps. When, however, references are forwarded officially by a superior Officer the letter should be treated like any other official communication.

Representations by Government servants for settlement of claims etc.

(d) In cases of complaints of delays and unnecessary cuts by Accountant-General Punjab, Income Tax Department, P.W.D. and other Government offices, Government servants are at liberty to make a representation to the higher executive authorities of their departments for expeditious settlement of their claim and seeking redress of their legitimate grievances.

(Punjab Government letter No. 2013-P-56/55959, dated the 7th July, 1956).

Margin size and filing.

4. Correspondence should ordinarily be conducted on the $\frac{3}{4}$ margin system. The docket size should ordinarily be used. For the filing of correspondence the *flat file* system will be found to be the most convenient (the size of a halfsheet of foolscap).

Loss or damage.

5. A report should be made to the High Court through the District and Sessions Judge whenever any judicial records or file or correspondence is found to have been seriously damaged, tampered with, destroyed lost or mislaid. Every effort should be made to replace missing or damaged papers from all available sources.

^[1]5-A. Every report under Rule 5 should be registered in a separate register giving all the essential details as may be prescribed. When a report has been made to the High Court, the Court concerned should send quarterly reports of the efforts that have been undertaken to replace missing or damaged papers from all available sources.

[1] Inserted vide Correction Slip No. 143 Rules/II.D.4 dated 18.9.2007

The instructions have been issued by the High Court vide Letter No. 24066 Rules/XX.C.1 dated 13.07.2011 for preventing loss of record in Subordinate Courts. The relevant portion of the same is given below:-

“ I am directed to refer you on the subject cited above and to inform you that the matter regarding loss of judicial records in Courts has been engaging the attention of Hon’ble the Chief Justice and Judges of this Court. With a view to curb the growing number of cases of loss of judicial record, it has been decided to issue fresh instructions which should be followed in the matter in supersession of earlier instructions issued on this subject.

PREPARATION OF RECORD

1. The Rules contained in Chapter 16-A to D of High Court Rules and Orders Volume IV should be strictly followed by the officials as well as the Presiding Officers. It is laxity in the enforcement of the Rules and instructions relating to the preparation, maintenance, inspection and custody of records that leads to the loss of documents. It must, therefore, be ensured that all concerned acquaint themselves with these rules/instructions and strictly comply with the same.

2. It is further directed to invite a reference to Rule 6(g) in Part-A of Chapter 16 of Volume IV of the Punjab and Haryana High Court Rules and Orders which provides that every page (not sheet) should be consecutively numbered and also Rule 2 in Part A-II of Chapter 16 ibid which, inter alia, requires that each paper should be indexed on the day on which it is admitted by the official in charge. Further, Rules 10 and 11 of Chapter 1-C of Volume IV of the Punjab and Haryana High Court Rules and Orders, read with Part IV of Chapter 2-B of Volume IV, ibid, enjoin upon all the Presiding Officers of Subordinate Courts to ensure that the aforementioned instructions regarding the paging and indexing of papers in judicial records are strictly observed.

3. It has come to the notice of the Hon'ble the Chief Justice and Judges that proper care is not taken by some of the Presiding Officers in admitting documents filed by the parties in evidence as required by Order XIII, Rule 4 of the Code of Civil Procedure, which enjoins that every document must be endorsed and signed or initialed by the Judge in the manner required therein and also assigned an Exhibit mark. Apart from the admission of documents in evidence, documents which are not admitted in evidence must similarly be endorsed, before their return, with the particulars specified in Order XIII, Rule 6 C.P.C. together with a statement of their being rejected. Such endorsement be signed or initialed by the Judge. Documents which are admitted in evidence should be placed in strong covers, one used for documents produced by the plaintiff and the other for those produced by the defendant.

4. If any of the party desires or the Court considers necessary, documents, which form basis of a suit or a proceedings, should be kept in safe custody and in a sealed cover.

5. The indices of all the papers in the judicial record must be maintained properly and the documents filed from time to time entered therein without any delay.

6. Where a document is produced in the course of the hearing of a case, it shall be the duty of the Reader either to enter the same himself or to have it entered by the Ahlmad in his presence in the index before sending back the record to the Ahlmad.

PRESERVANCE AND MAINTENANCE OF RECORD

7. Judicial Officers in the District/Division working under your control should ensure that the Subordinate Staff does not take any judicial record outside the Court premises, without prior written permission of the Presiding Officer. The Ahlmad should ensure that all the files are kept in almirah (s), except those fixed for the day or which are being

inspected or in which compliance of some orders, including issue of processes, is to be made.

Strict instructions be issued to staff of subordinate Courts that no one should remove in future any judicial record from the courts without the prior express permission to be granted only sparingly of the Presiding Officer in writing specifying the purpose for which the file(s) is/ are required failing which the official(s) concerned shall render himself/ themselves liable to the disciplinary action which may even amount to dismissal.

8. Each Reader should be provided with one or more almirah(s) depending upon the number of files which are fixed on an average, per day, in the concerned Court so that no file is kept in open on the dais of the Court or at some other place.

9. When the judicial record comes to the Reader in connection with the hearing of a case, it shall be his duty to ensure that the Rules and instructions of this Court are being followed in the maintenance thereof. In case he finds any defect in compliance with the Rules, he shall forthwith bring it to the notice of the Presiding Officer to enable him to issue necessary instructions to the Ahlmad to remove the defects and ensure compliance in this behalf.

10. In order to avoid any possibility of loss, misplacement or tampering with the valuable documents such as Will / Pronote / Cheques, etc. following steps are required to be taken at the very first stage when these are produced:-

- i) Such document shall be shown in red ink in the index;
- ii) The party producing such document must furnish a strong cloth-lined cover for keeping each such document at the time when it is produced, along with a Photostat copy of the document. The cloth-lined cover containing such document should be sealed.

11. The Ahlmad of the Court shall be responsible for the safe custody of records. If he finds any record or part thereof misplaced or lost, he shall at once report in writing to the Presiding Officer, who shall, in addition to the action to be taken by him, order immediate reconstruction of the same.

12. If it comes to the notice of any official that any paper/document from any judicial record is missing, it shall be his duty to bring it to the notice of the Presiding Officer immediately.

13. It has come to the notice of this Court that judicial records are not properly maintained and a large number of loose papers including interlocutory orders, pleadings, statements of witnesses and un-serialized documents are kept in strong covers which are designated as 'Chitha' for which there is no warrant in the rules, with the result that the cases of loss of records are increasing day by day. Practice of keeping loose papers including interlocutory orders, pleadings etc. in the Chitha, should be discontinued forthwith.

INSPECTION OF RECORD

14. The instructions regarding the inspection of records should be strictly followed. The Ahlmad should permit inspection only in his presence or that of the Inspection Clerk, if any.

15. It should be ensured that inspection is carried out by counsel, clerk accompanied by counsel, and if a party is not represented by counsel, the party or its duly appointed Special/General Attorney.

16. Sealed documents should be inspected after obtaining specific written permission of the Presiding Officer, for the purpose. After inspection is over, Ahlmad should

ensure that the documents are put back in the cover meant for the purpose and are sealed again. The Ahlmad should satisfy himself that there has been no tampering with the record or loss of any paper.

SUPERVISION BY OFFICE OF DISTRICT JUDGE & PRESIDING OFFICERS

17. The importance of careful supervision of registers and pending case files by the Presiding Officers can hardly be exaggerated. Superintendent Grade-I and Superintendent Grade-II have been provided in the Sessions Courts. Superintendent Grade-II should be deputed to look into the indexing of cases of each Court on monthly basis and submit report. He shall inspect the registers and the work of the ministerial staff. He shall also scrutinize the pending files and report, if any loss has occurred.

18. Each Presiding Officer should inspect his Court frequently so as to satisfy himself about the compliance of instructions regarding maintenance of files and he should send a report in this regard in duplicate to the District and Sessions Judge.

19. A certificate to the effect that no paper/document from any judicial record was found or reported missing should be forwarded by each Presiding Officer along with the monthly statement. Whenever any paper/document is found missing/tampered with, the name and designation of the official in whose custody it was, should be reported by the Presiding Officer to the District and Sessions Judge, for taking further necessary action in accordance with the Rules.

20. The Presiding Officer should ensure that the files of decided cases are consigned to the record room within the time prescribed.

RECONSTRUCTION

21. Whenever a report regarding loss/damage of the judicial record/document is received, it be entered in a register maintained for the purpose. Proforma of the register shall be as per the annexed format **Annexure 'B'**. Thereafter notice be issued to parties to the proceedings and their Advocates, requiring them to furnish copies of the lost/damaged record, if the same are in their possession.

22. Officers should make prompt and sincere efforts to get the record reconstructed from all available sources/resources and fix the responsibility of the officials at fault within a fixed time frame, i.e. within 6 months and in case the lost/damaged documents are not reconstructed within fixed time limit, the reasons for non-reconstruction thereof should be intimated to this Court.

23. Quarterly progress of all the cases where documents have been lost or damaged should be sent to this Court in a consolidated form in the prescribed proforma enclosed as **Annexure 'C'** specifically indicating the changes occurred during the course of the last quarter.

24. It is a matter of experience that some of the Officers are not paying proper attention towards reconstruction of lost/damaged judicial record and years are taken for completion of the process of reconstruction and for fixation of the responsibility of the defaulting officials. Thereafter, reports are received that it is not possible to reconstruct the documents.

There can be no case where reconstruction of the document to some extent is not possible. It seems that officers are not properly aware about the process of reconstruction of the documents, so the files are kept pending for reconstruction proceedings for years together. The process of reconstruction of the documents can be speeded up by following a set procedure for reconstruction of the documents.

PROCEDURE FOR RECONSTRUCTION OF DOCUMENTS

25. Loss report will be entered in register maintained for the purpose and notice be issued to parties to the proceedings and their Advocates to furnish copies of lost or damaged record, if the same are in their possession. On the stipulated date, their statement(s) should be recorded and copies of the lost/damaged record be got produced from the parties/counsel. Opposite Party/Parties or his/their counsel should verify the correctness of the record produced by the other party, so that the same be not disputed at later stage of proceedings. If parties/counsel fail to produce copies of the lost/damaged record due to non availability of copy or for any other reason, efforts should be made to reconstruct the lost/damaged record with the help of other record, which may include :

- (a) In case the lost/damaged record is a statement recorded in the Court or order/judgment of the Court, then a copy of the same can be taken out from the hard-disk of the Computer used by Judgment Writer/Steno or from his shorthand copy.
- (b) Peshi Register
- (c) Disposal Register
- (d) Cause Lists
- (e) Record maintained by copyist
- (f) Record of Higher Courts or any other Court or Forum, where copies of record have been filed.
- (g) If record is a statement and double record is maintained, then from that record.
- (h) Statements can be reconstructed by summoning witnesses again.
- (i) If record is a copy of some public record, then by getting copy from original or copy of public record.
- (j) In case record relates to some other institution such as private banks, company, society etc., then from the record of that institution.

(k) If copies of record have been filed by the parties before other authorities e.g. in case of complaints etc. before Higher Courts, Human Rights Commission, CBI and other authorities, then from that record.

(l) History Sheets of the cases prepared for submission to the Higher Authorities.

FIXATION OF RESPONSIBILITY.

26. As per Rule 1 of Part D, Chapter 16 of High Court Rules and Orders Volume IV, Ahlmad is prima facie responsible for safe custody of the records. Once it is established that record is lost, then prima facie, Ahlmad is responsible for the loss of record. It is the duty of the Ahlmad to account for the record as he is the custodian of the record. If Ahlmad prima facie proves that the record in question was sent to Reader of the Court or to the copying agency/Inspection Clerk and soon after the receipt of the record from Reader/Copyist/Inspection Clerk, he reports the loss of the documents then the role of Reader, Copyist or Inspection Clerk can be, prima facie, inquired into and responsibility of the defaulting officials can be fixed.

27. Whenever any Ahlmad or custodian of record is transferred from office permanently or proceeds on leave for a period of two months or more, he shall make over full and complete charge of record in his custody to the official relieving him by following the procedure prescribed in Rule 3 of Part-D, Chapter 16 of High Court Rules and Orders Volume IV.

28. If any document or part of the record is subsequently found to be missing, the Presiding Officer of the Court shall fix responsibility of the custodian, if the document was on the index, or on the official whom the custodian relieved, if it was not on the index.

29. All the Presiding Officers should keep a strict vigil over the staff working under them. Whenever responsibility of

an official is fixed with regard to loss of any document, strict action should be taken against the official at fault. The punishment inflicted upon the Delinquent official should be commensurate with the quantum, nature and importance of lost record.

30. A copy of the above instructions be given to all the Presiding Officers and the officials responsible for maintenance and custody of the record for facility of reference.

Annexure 'B'

PROFORMA[illegible]

Annexure 'C'

Sr.No.	Case and Category	Loss reported to this Court on	Nature of Lost record/document	Whether loss is in a pending or decided case, if pending at what stage?	Whether the lost record reconstructed or not, if not why?	Whether Enquiry against delinquent official is completed or not	Delinquent official punished/retired/died
--------	-------------------	--------------------------------	--------------------------------	---	---	---	---

»

Chalan.

6. (i) When several papers or records are transmitted under one cover, a list or invoice (*chalan*) in duplicate, should accompany the parcel. In the case of judicial records each of which has an index to the papers contained in it, the files only need be entered in the chalan but in this chalan the No. and date of the requisition and the class and No. of the case in the Court by which each record is requisitioned, must be given for the convenience of that Court which may not otherwise know the purpose for which the records have been transmitted.

Verification of
chalan.

(ii) The receiving officer should, on receipt, verify the list or invoice with the papers received and return one copy thereof after entering the date of receipt thereon and signing it. If any paper or record entered in the list of invoice has not come to hand, the fact should be noted on each copy of the list or invoice and the despatching office informed of the fact by letter also, as soon as possible.

Checking of judicial
records, received
with chalan.

(iii) In the case of judicial records the receiving officer will, after despatching a copy of the list or invoice, subject each record to examination in order to satisfy himself that the papers thereon correspond with those entered in the index; that the papers are not in a seriously damaged state; and that the Court-fees are complete and in good condition. If any document or court-fee is missing or damaged, or appears to have been tampered with, intimation of the fact, should be sent, as soon as possible, to the office of despatch. Unless objection is taken within one week of receipt, responsibility will ordinarily be taken to have been transferred to the receiving office. (See also Chapter 16, "Records", Part B, regarding the transmission of Judicial Records).

Destruction of
correspondence.

7. The destruction of judicial records is governed by the rules in that behalf contained in Chapter 16 "Records" part F. As regards ordinary official correspondence, routine, and ephemeral correspondence may be destroyed after one year, under the supervision of the head of the office, a note in red ink (under the signature of the head of the office) being made of the fact in the column of remarks of the register.

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

High Court
Circulars and
correction slips
to Rules and
orders.

9. Special directions regarding judicial communications intended for places outside India will be found in High Court Rules and Orders, Volume I, Chapter 10, Volume III, Chapter 9-C, and 16 and Vol. IV, Chapter 7-F and 8-C.

Correspondence
with places
abroad.

10. Further instructions regarding compliance with the precepts of the High Court will be found in Chapter 20.

Precepts of High
Court.

11. Instructions regarding the submission of building references will be found in Chapter 22, "Judicial Buildings", and with regard to submission of the annual budget in Chapter 21, 'Budget'. Attention is also drawn to Chapter 7-C, paragraph 4 and Chapter 7-E, paragraph 8 on the subject of correspondence.

Other references.

12. All letters received from mercantile bodies, firms private individuals, etc., not under Government, should be replied to unless they are in reply to communications from the High Court or office itself and call for no further action. If there is likely to be any delay in disposing of such letters, an *ad-interim* acknowledgement should be sent as soon as possible. The acknowledgement should ordinarily issue in the form below.

I ----- am directed
have the honour to acknowledge the receipt of your
letter No. ----- dated the

A reply will follow.

I

(Punjab Government letter No. 3937 P.G.41/58974,
dated 12th November, 1941).

PART B—VERNACULAR CORRESPONDENCE CONNECTED
WITH JUDICIAL MATTERS.

The rule regarding correspondence being ordinarily conducted in English is not intended to require the use of the English language when the vernacular language is obviously the most expeditious and convenient vehicle of communication.

When correspondence in vernacular advisable.

2. For instance, if a Judicial Officer requires further information on some subject from a subordinate in an adjoining district, he should so word and engross his enquiry in the Vernacular that the same sheet of paper which he sends may be forwarded to such subordinate, through the agency of, but without troubling, the Deputy Commissioner or District Judge of that District; and be returned, in the same way, with the information endorsed on it, but leaving no trace of itself but the receipt in the letter despatch book.

Ditto.

3. Similarly, whenever offenders have to be arrested or transmitted, a vernacular papers is the most convenient medium, so that there may be no mistake in the name and residence of the party, but the same paper which is sent will be received back with the proper endorsement.

Correspondence regarding arrest and transmission of offenders.

4. In like manner, when offenders have to be proclaimed or public notice given of any fact, the proclamations or notices should be prepared by the officer who has occasion for them in the jail press or elsewhere; he should use a proper selection in determining the places where the notices are to be published, and will then forward them by a vernacular docket to District Officers, Officers in charge of Sub-Divisions or Tahsildars, as the case may be, taking care not to entail on the office receiving the notice any more trouble than is involved in executing the order, and in endorsing the fact on the docket, and returning it.

Public notices and proclamations.

5. English figures alone shall be used in all official papers prepared and registers maintained in the Judicial

English figures.

Department, except in the case of vernacular summonses or notices, or in the vernacular judgments of Judicial Officers, or in vernacular translations of English Judgements.

Judicial orders and processes : Signatures and address of the officers.

6. Judicial Officers are reminded that, as a rule, every order passed by them, and every process issued from their courts under their signatures, should be signed in *full, with the name of their office, or the capacity in which they act, whether as judge, Magistrate, Deputy Commissioner, etc.* The practice adopted by many officers of endorsing important orders and issuing *robkars* with only the initial letters of their names and these often illegible, causes much inconvenience and it should be avoided.

Vernacular correspondence between officers of different ranks.

7. Vernacular correspondence between an officer of superior rank and an officer of lower rank shall be conducted by *parwana* on the part of the former and by *arzi* on that of the latter. A Tahsildar or other officer of superior rank, when corresponding with an officer of equal rank with himself, will make use of the *robkari* form. The use of the word '*tum*' should be avoided; the word '*ap*' being used as far as practicable.

PART C—THE USE OF RUBBER STAMPS FOR SIGNATURES
IN OFFICIAL CORRESPONDENCE.

1. The Honourable Judges have observed the use by a certain District and Sessions Judge of a rubber stamp in place of signatures in correspondence addressed to this office.

Rubber stamps for
signatures not
allowed.

2. This procedure in official correspondence, even in matters of a routine nature is objectionable for obvious reasons. Full signatures should always be affixed by the forwarding officer to all correspondence addressed to this Court.

Ditto.

3. Should it not be possible for the forwarding officer to sign all letters, they should be signed for him by some responsible official.

When letters may be
signed by an
official.

CHAPTER 20**COMPLIANCE WITH THE HIGH COURT PRECEPTS**

All precepts issuing from the High Court are in English.

Language of
precept.

The process or order enclosed within the precept for service or compliance is, in cases in which the parties are Indians, issued in the Vernacular.

2. If in any case it is found inconvenient to make the endorsement of return of a precept in English, there is no objection to its being made in the Vernacular. In most cases, however, no difficulty should be found in making the return to the precept in English. The endorsement on the process or order of service or compliance (as the case may be) may be made in Vernacular.

Language of
endorsement
of return

3. Extreme inconvenience is caused by the failure on the part of lower courts to attend promptly to High Court precepts, and orders should be issued to prevent such precepts from being lost sight of or treated in a leisurely or routine fashion. In criminal cases precepts are invariably urgent matters.

Precept to be
treated urgent.

4. A Despatch Register should be maintained in each subordinate court, showing records and other papers despatched (on requisition) to the High Court. The number and year of the case noted in the precept of the Court should be entered in the Register, and the number in the Register should be noted on the reverse of the precept, with the date of despatch of the records.

Papers sent
to be entered
in Despatch
Register.

5. It occasionally happens that in transmitting records all connected records are not submitted. In order to ensure the despatch of all the necessary records and papers, the Reader of every original Court should be required to attach a list of connected records to each original record, this list being initialled by the Reader. When a case is called for, the Record-keeper will then be able to decide at once what

Despatch of
connected
records.

records it is necessary to despatch. The Record-keeper should be held responsible that no record of a decided case is received in his office without the list of connected records being attached, and that when a case is called for by an appellate Court all such records are despatched.

Checking of
records
received from
High Court.

6. Intimation should be given direct to the Registrar, within one month of the receipt of records returned from the High Court, if, in any record, 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. Unless such intimation is given in due time the office of the High Court will not be held responsible.

Transmission
of records to
High Court.

7. In transmitting records to the High Court, the instructions regarding the preparation of an index and the transmission of records should be carefully complied with, and the list of the records should be submitted in duplicate. An indication must be given in the list of the No. and date of the requisition and of the class and No. of the case in the High Court for which the records are transmitted. On receipt of the records in the High Court the Superintendent of the Judicial Branch will fill in columns 10 and 11, and return the duplicate copy to the office of the despatch. When the records are returned by the High Court, the receiving office will fill in columns 15 and 14 in the original list, and will return it for record as an acknowledgment.

Packing of
records sent.

8. Records despatched to the High Court should be packed in an inner cover of paper tied across with tape and secured in an outer cover of coarse cloth. During the rainy season wax-cloth should, if possible, be used for the outer covering. All parcels should be securely closed and sealed.

Despatch of
connected
records.

9. Before records are despatched in civil or criminal cases they should be carefully examined with the chalan, and all the records of connected cases to which reference is made in the judgment of the Original Appellate Courts should also be sent up, 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.

10. Where an extract from the settlement records is not with the records it should be prepared and put up before despatch.

Extract from Settlement records to be sent.

11. Requisition for records must be complied with within a week of the receipt of the precept or docket calling for them, except where compliance is desired by return of post. If there is likely to be delay in forwarding a record, or a record is still required by a lower court, the fact should be intimated at once and the probable date of despatch of the record given.

Requisition for records should be promptly complied with.

12. Notices issued by the High Court in civil and criminal cases should be served and returned with promptitude.

High Court notices to be promptly served.

CHAPTER 21**BUDGET****PART A—GENERAL**

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 instructions given below are intended only for a brief summary of the principal points to be borne in mind by judicial officers in dealing with expenditure.

Introductory.

2. 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.

Sanction and budget provision necessary for expenditure.

3. 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 shall be the authority named in the following statements :-

Heads of departments, controlling and disbursing authorities.

1	2	3	4	5
Major Heads including group heads thereunder	Minor Heads including sub-heads thereunder	Disbursing Officer	Controlling Officer	Head of Department
27-Administration of Justice	A—High Court E-Civil and Sessions Courts— (1) District and Sessions Judges 2) Subordinate Judges (3) Process-serving establishment, District and Sessions Judges Courts (4) Process-serving establishment-Sub-Judges' Courts (5) Circuit and Sessions Houses F-Courts of Small Causes G-Criminal Courts	Registrar, High Court District and Sessions Judges Senior Subordinate Judges District and Sessions Judges Senior Subordinate Judges District and Session Judges Judges of Small Cause Courts Deputy Commissioners	Registrar, High Court District and Sessions Judges Ditto Ditto Ditto Ditto Ditto Ditto	Chief Justice of the High Court Ditto Ditto Ditto Ditto Ditto Ditto

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

PART B—PREPARATION OF BUDGET ESTIMATES AND
SCHEDULES OF NEW EXPENDITURE

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

- (1) Estimates of ordinary charges.
- (2) Schedule of New Expenditure.
- (3) Supplementary Schedule of New Expenditure.
- (4) List of Major and Minor Works.

The list of Major and Minor Works is dealt with in Chapter 22-A.

2. Budget forms are supplied direct to District and Sessions Judges and Deputy Commissioners by the Finance Department. On their receipt, these officers should take immediate steps to collect the necessary material for compilation of the estimates. If forms are not received in time, copies should be typed from the specimens in the Budget Manual.

3. The dates for submission of the estimates are printed at the top of the budget forms, and are also given in Appendix D of the Budget Manual. Controlling and Disbursing Officers are responsible for seeing that estimates are submitted punctually on the date fixed.

4. There is room for considerable misconception in the matter of distinguishing items which should appear in the estimates of ordinary expenditure and in the Schedule of New Expenditure, and particular care is necessary in this respect. The principle which should guide officers in deciding whether expenditure of a particular kind is to be included in the estimates of ordinary expenditure or in the Schedule of New Expenditure is laid down in detail in

Estimates.

Budget Forms.

Date of submission
of estimates.

Classification
items of
estimates. of
the

paragraphs 5.1, 5.4, 7.1 of the Budget Manual. The Schedule should be drawn up in Form B.M. 16.

Estimates of ordinary expenditure.

5. Particular attention is drawn to the following points in connection with the estimates of ordinary expenditure :-

Pay of Officers and Establishment

- (i) Provision should be made with reference to the pay due on April 1 and increment 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, if any.
- (iv) Permanent and temporary establishment should be shown separately.
- (v) Special care should be taken to show voted and charged expenditure 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 had or anticipated.

(viii) No change may be made in the contract contingent grants without the previous sanction of Government.

(ix) With the estimates of ordinary expenditure estimates should be submitted for--

(a) Rewards for examinations in oriental languages.

(b) 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 paragraphs 5.18 and 5.14 of the Budget Manual.

(x) Under the head "Other contingencies" provision should be made for the cost of –

(a) Survey maps.

(b) Bicycles.

(c) Law books (including official publications) paid for in cash.

6. For any item which it is proposed to include in the Schedule of New Expenditure, administrative approval must be obtained in good time before the Schedule is submitted.

Schedule of New
Expenditure.

Any item not supported by administrative approval (which should be clearly quoted) will be automatically cut out.

7. In addition to the estimates mentioned in paragraph 5 above, the following statements are also required :-

Order estimates.

(1) Forecast of stores likely to be purchased through the High Commissioner in England.

(2) Estimates of leave and deputation allowances to be drawn from the Home Treasury.

- (3) Stationery to be obtained from the Controller of Printing and Stationery, Punjab.
- (4) Estimates of advances payable to Government servants, e.g., house building, conveyance and purchase of typewriters.
- (5) Estimates of superannuation allowances, pensions, and commuted value of pensions.

Provisions should be made for all articles of Stationery which are obtainable from the Controller of Printing and Stationery so as to reduce local purchases of such articles to a minimum. Local purchases, due to a failure to make proper budget provisions are frequently brought to light during audit.

Instructions
should be strictly
followed

8. Although the personal attention of District and Sessions Judges has been drawn to the necessity of complying with these instructions the Judges regret to notice that the estimates received continue to exhibit the same defects as before. The only conclusion to be drawn is that little or no trouble is taken to read and understand these instructions.

Importance of punctual
submission of correct
estimates.

9. Owing to the submission of estimates to the Legislative Assembly on a fixed date, a great burden is thrown upon the Finance Department of the State Government in collecting and co-ordinating estimates received from all departments throughout the State within a time which is comparatively short for the work involved. 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. Incorrect classification makes submission of the estimates in the form required by Assembly impossible; and when errors cannot be corrected at headquarters, the result is a final estimate which may lead to a reduced allotment of funds.

10. The Honourable Judges trust that District and Sessions Judges will bear these considerations in mind, and after taking a note of the dates on which the various estimates are due, they will themselves personally insist on the preparation of estimates by their office before these dates. 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. Punishment has already been awarded to the ministerial officers responsible for delays, errors and omissions. It is however, necessary to repeat that disciplinary action will again be taken if serious irregularities continue to occur.

Common errors.

PART C—APPROPRIATIONS AND RE-APPROPRIATIONS

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 by the Finance Department in the shape of lump sums allotted under minor and sub-heads of account distributed under one or more of the following heads:-

Primary units of appropriation.

Primary Units of Appropriation

1. Pay of Officers.
2. Pay of Establishments.
3. Travelling allowances.
4. Other allowances and honoraria.
5. Contingencies.
6. Grants-in-aid, contributions and donations.
7. Works.
8. Assignments and compensations.
9. Establishment charges paid to other Governments, Departments, etc.
10. Reserve.
11. Suspense.

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

Appropriation of the supply.

- (a) supply provided for charged items of expenditure must not be appropriated to votable items, and without the previous consent of the

Finance Department, supply provided for voted items must not be appropriated to charged items ;

- (b) supply must not be appropriated to any item of expenditure which has not been sanctioned by an authority competent to sanction it ;
- (c) supply 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 ;
- (e) supply shall not be appropriated towards expenditure which should be met from a contract contingent grant beyond the amount specified in the grant.

Re-appropriation.

3. No re-appropriation can be sanctioned by Controlling or Disbursing Officers, except from one secondary unit to another secondary unit subordinate to the same primary unit.

Ditto.

4. Other re-appropriations require the sanction of the High Court, and are subject to the same rules as those set out in paragraph 2 above.

Application for additional appropriation.

5. Applications for additional appropriations shall be prepared in Form B.M. 33 and shall set forth the particular primary unit of appropriation, the provision for which has been exceeded or is likely to be exceeded.

Reasons.

6. 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 Controlling Officer, and the Head of the Department. No separate re-appropriation statement or covering letter is required.

7. If the amount shown in column 2 includes any additional appropriation already sanctioned during the year, the number and date of the order sanctioning it should be quoted.

Additional appropriation already sanctioned should be mentioned.

8. The application will be numbered and dated by the Disbursing Officer, and subject to paragraph 11 below, forwarded through the Controlling Officer to the High Court.

Submission of the application.

9. The officer forwarding the application should endeavour to suggest a source of re-appropriation; and if he is competent to sanction it himself he should do so, instead of forwarding the application.

Duty of forwarding authority.

10. All applications for additional appropriations must be submitted by the Disbursing Officer as soon as the necessity can be foreseen and should not be postponed.

Prompt submission of the application.

11. In the case of applications 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.

Additions to contract contingent grants.

PART D—CONTROL AND DISTRIBUTION OF GRANTS

1. As soon as the Legislative Assembly has voted a grant, the Finance Department communicates to the High Court the amount so voted, together with any sum assigned to the same major head or heads of accounts which does not require the vote of the Assembly. The amounts are communicated in the shape of lump sums allotted under minor and sub-heads of account and distributed over such of the prescribed primary units of appropriation as may be necessary. Such grants are communicated not later than the 15th April in each year.

Communication of grant to the High Court.

2. Grants under the primary units of appropriation “Pay of Officers” and “Pay of Establishment” which represents the cost of permanently sanctioned posts borne on State Service’s Scales, are regarded as supply distributed by the Finance Department, and are not distributed.

Grant for pay of officers and establishment.

3. The High Court, out of the supply allotted to it, distributes among the Controlling and Disbursing Officers concerned in such manner as may appear suitable --

Distribution by High Court.

(a) any portion of the grants for the primary unit “Travelling Allowances”.

(b) any portion of the grant under the primary unit “Contingencies” other than sanctioned contract grants.

(c) any portion of the grant under the primary units “Other Allowances and Honoraria”, Works “Works”, “Contributions”, “Suspense” or “Reserve” as is not excluded from distribution. (See paragraphs 10.5 and 10.6 of the Punjab Budget Manual).

4. The High Court may in carrying out such distribution retain a portion of the grant as a reserve in its own hands.

Reserve.

The distribution is carried out not later than the 15th May in each year.

General Control of
High Court.

5. 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.

Duty of controlling
Officer to prevent
expenditure beyond
grant.

6. 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 --

- (a) by transfer from one Disbursing Officer to another under his powers of appropriation within the primary unit of appropriation ;
- (b) by exercise of his delegated powers of re-appropriation ;
- (c) by application 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.

7. 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. He shall pay prompt attention to any warnings received from the Accountant-General and arrange to submit an application for an additional appropriation as soon as the necessity arises.

Duty of Disbursing Officer.

8. 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 either by the Legislature or by the State Government.

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

9. The duty of the Audit Officer is to keep a close watch over orders of appropriation and re-appropriation and to pay attention to the progress of expenditure against (1) the grant as a whole, (2) the appropriations for primary units. The Accountant-General will report to the Head of the Department any excesses likely over the grant as a whole.

Duty of Audit Officer.

CHAPTER 22**JUDICIAL BUILDINGS****PART A-SUBMISSION OF PROPOSALS AND ESTIMATES**

1. These instructions relate to buildings which are purely judicial and not Judicial and General Administration jointly. The latter (e.g., the district Kutchery) are dealt with under the orders of the Financial Commissioners under paragraph 20.13 of the Book of Financial Powers. All buildings of which the Deputy Commissioner is incharge are "General Administration" buildings. Purely "Judicial" buildings include District and Sessions Judges' Courts, Sessions Houses, Courts of Small Causes and Subordinate Judges' Courts and subsidiary buildings attached to them, - vide serial No.6 of paragraph 20.13 of the Book of Financial Powers. Buildings which are both Judicial and General Administration, that is, buildings, which are used for both purposes and are not exclusively applied to judicial purposes (e.g., Sub-Judges' court located in a Tahsil buildings), and buildings subsidiary to them will, for purposes of additions and alterations, be dealt with by the department requiring the larger amount of accommodation, viz., the High Court, through the District and Sessions Judge, or the Financial Commissioners through the Deputy Commissioner, as the case may be.

What are judicial buildings.

2. As regards Bar Rooms, that is , accommodation specially provided by the State Government for the convenience of Legal Practitioners, the Punjab Government have decided that Bar Rooms, which are detached buildings even though they may be situated in the compounds of a Tahsil or a Commissioner's office, etc., shall be classified as Judicial buildings under the control and management of the High Court. A Bar Room which forms part of another building, shall be classified in accordance with the classification of that building. Bar Rooms at the headquarters of districts and at outlying stations where there are more courts than one will be of two classes according to standard plans which have been approved by the Punjab Government

Bar rooms and Waiting rooms.

and are kept by the Public Works Department, viz., class A for stations where there are more than fifty lawyers, and class B where there are fifty or less. It is intended that Bar Rooms of this description should be situated in a central position within reasonable distance and roughly equidistant from the civil, criminal and revenue courts. When the Sessions Court is at some distance from the main Kutchery, a separate waiting room and bath room should be provided in the former, and similarly, in the rare cases where any one subordinate court or block of courts is far distant from the remainder similar provisions should be made. These waiting rooms will be under the entire control of the court concerned and will ordinarily be open to respectable litigants as well as to members of the Bar. It should be understood that Bar Rooms and Waiting Rooms so provided will be open only to the members of the recognized local bar associations.

Reference.

3. Local officers will be guided by chapters II and III of the Public Works Department Code (2nd edition), and chapter 7 and appendix D of the Punjab Budget Manual in the matter of all definitions and proposals relating to works.

Procedure to be adopted when-ever a work is to be proposed.

4. Whenever the necessity for a work other than a petty work, becomes apparent the District and Sessions Judge, before calling upon the Public Works Department to prepare rough plans and estimates for any work, should first of all obtain the consent of the High Court to taking up the scheme. If the Judges are of the opinion that the scheme for any reason is not likely to mature in the near future, they will veto it at this stage. Consent to proceed having been obtained, the next move of the local officer should be to prepare, in tabular form, a statement of accommodation required, and to convey, in a brief note, any remarks he may wish to make about special features and design, and whether cheapness, appearance or finish is a primary consideration. The requirements should be formulated as concisely as possible, e.g., so many rooms for accommodating so many officers of a certain standing or records of a certain quantity or other details which the Public Works Department might require to know; but all details which might unnecessarily tie

the hands of the Public Works Department should be excluded, e.g., if it is stated that a room for two junior clerks is among the requirements, it need not be stated what its area or dimensions should be. At this stage the Executive Engineer or the Superintending Engineer should be consulted personally and orally by the local officer himself if the latter has any difficulty in framing his list of requirements, but the system of deputing a subordinate to consult a Public Works Department subordinate should be rigorously avoided. The local officer should then submit his list of requirements to the executive Engineer according to paragraph 2.10 of the Public Works Department Code; a rough estimate and pencil plan (unless a standard plan exists) will then be prepared by the Public Works Department after which the District and Sessions Judge will take steps to obtain the necessary administrative approval.

5. In applying to the High Court for administrative approval, the District and Sessions Judge will see that all proposals for new buildings, etc., are not submitted in a form which fails to explain clearly either the nature of the proposals or the reasons for making them. All proposals should, therefore, be submitted with a self-contained letter describing the nature and extent of the requirement with such plans and maps as may be required to understand them. The High Court should not be left to extricate the details from the plans and estimates supplied by the Public Works Department. When proposals are submitted relating to different courts, these should be dealt with in separate letter whenever this can be conveniently done. It is sometimes necessary to refer to a scheme relating to several courts as a whole, but the aim should be to keep works relating to different courts distinct, and it should be borne in mind that when several proposals are submitted together each of them is likely to be delayed by this course.

Submission of proposal to obtain High Court's sanction.

6. Certain powers to accord administrative approval have been delegated to the Judge of the High Court, viz.-

Limits of High Court's power sanction.

- (a) works relating to judicial buildings other than resident buildings to the extent of Rs. 10,000 (that is, Minor Works), - vide serial No.5 of paragraph 20.14 of the Book of Financial Powers;
- (b) estimates of capital expenditure on the construction or purchase of residences for Government servants of the Judicial Department to the extent of Rs. 2,000,-- vide serial No.23 of paragraph 20.13 of the Book of Financial Powers.

Power to accord and administrative approval in excess of the limits mentioned in (a) and (b) above vests with the State Government. Works under (a) above in excess of Rs. 10,000 are termed "Major Works" and those up to that limit "Minor Works".

In the case of alterations to existing residential buildings the power to accord administrative approval vests with-

- (1) the Superintending Engineer in the Public Works Department circle concerned up to a limit of Rs.200;
- (2) the Chief Engineer, Public Works Department, up to a limit of Rs. 2,000 ; and
- (3) the State Government beyond Rs. 2,000;- vide paragraph 20.13 of the Book of Financial Powers.

Date of
submission of
Projects.

7. Lists of Major Works and of Minor Works for the whole of the Judicial Department are prepared annually in the High Court Office and forwarded to the State Government in the Administrative Department not later than the 1st September in each year. No work can be included in the list of Major Works unless it has first received the administrative approval of the competent authority and such approval is operative within the meaning of paragraph 18.16 of the Book of Financial Powers. The rules regulating the preparation and submission of these lists are laid down in chapter 7 of the Punjab Budget Manual.

A project for which funds are required in the following year must be forwarded to the High Court in time for administrative approval to be obtained before the beginning of September. As the preceding months are usually occupied by the Court vacation, it is advisable to forward the completed project for the orders of the Judges at least two or three weeks before the vacation begins. Unless this is done, it will not ordinarily be possible to provide funds during the following year unless (a) the work is a petty one the cost of which can be met from the reserve at the disposal of the Judges for Minor Works or (b) it is of sufficient urgency to justify a demand for a supplementary grant.

8. Funds for Majors Works when voted by the Legislative Assembly are allotted by the State Government to the Public Works Department and that department then begins execution in respect of such works for which funds are assigned. In the case of Minor Works, however, funds are placed at the disposal of the High Court under the head "50-Civil Works (Transferred) Voted- Original Works-Buildings-(G) Administration of Justice", and the Judges then proceed to select the works for execution during the year, due regard being paid to the relative urgency of projects and to the amount of funds available.

Allotment of funds for works.

9. Intimation of all administrative approvals to Minor Works will be given by the High Court, where the High Court accords such approval, to the Superintending Engineer of the Public Works Department circle concerned to whom also the plans and estimates will be forwarded for disposal under the rules of that department. Funds will either be allotted simultaneously or at a subsequent date when they are available. Such intimations will also be communicated to the District and Sessions Judge concerned.

Intimation of administrative approval to P.W.D.

10. In the High Court registers will be maintained of (a) Major Works and (b) Minor Works in which all works will be entered as administrative approval is accorded and the entries therein will be completed as each event occurs. The registers will contain the following entries:-

Registers of works approved.

(a) Major Works

- (1) Annual serial number.
- (2) High Court file number.
- (3) Name of work.
- (4) Number and date of authority conveying administrative approval.
- (5) Amount of administrative approval.
- (6) Number and date of authority conveying technical sanction.
- (7) Amount of technical sanction with cost of “Original Works” and “Repairs” shown separately.
- (8) Remarks, viz., budget in which provision was suggested and provided, dates of commencement and completion of work, etc.

(b) Minor Works

- (1) Annual serial number.
- (2) High Court file number.
- (3) Name of work.
- (4) Number and date of authority conveying administrative approval.
- (5) Amount of administrative approval with cost of “Original Works” and “Repairs” shown separately.
- (6) Remarks, viz., amount of funds allotted and date thereof.

A third register in the prescribed form will be maintained for the purpose of keeping a running account of the allotment for Minor Works placed at the disposal of the Judges in each year.

PART B- SESSIONS HOUSES.

1. The following instruction have been issued by these Judges with regard to control over Sessions Houses.

2. In accordance with Punjab Government Consolidated Circular No. 28, the management of Sessions Houses is vested in the Sessions Judges concerned. Funds are provided under the head "27- Administration of Justice- Civil and Sessions Courts Circuit and Sessions Houses" for which they are both the disbursing and the controlling officers,- vide Appendix D to the Punjab Budget Manual (Fourth Edition), pages 258-59.

Management.

3. It has been brought to the notice of the Honourable Judges that in certain districts the allotment placed at the disposal of the Sessions Judges by this Court is, according to past practice, transferred to the Deputy Commissioners who incur expenditure therefrom on their own responsibility. This is perhaps due to misapprehension of the revised rules. They are, therefore, pleased to direct that District and Sessions Judges should in future keep the allotment in their own hands, if they so desire.

District Judges are disbursing officers.

4. It should be made clear to all concerned that as laid down in the circular quoted, a Sessions House is primarily intended for the use of a Sessions Judge as a Sessions Court for disposal of his judicial work. These officers have therefore the first claim to use the Sessions House. But subject to this condition Financial Commissioners and Commissioners are also entitled to use the buildings when on tour but should first ascertain that it is not required by the Sessions Judge for the trial of cases. The management of Sessions Houses vests with the sessions Judge whose permission must be obtained before a Sessions House is occupied by anyone other than the Financial Commissioner or the Commissioner. When permission is given by a Sessions Judge to any person to occupy a Sessions House it will be subject to the rules given in the circular and to the condition that the occupant

Use of Sessions Houses by other officers.

will vacate as soon as the building is required by the Sessions Judge, the Financial Commissioner or the Commissioner.

The Financial Commissioner will be entitled to the occupation of the whole of the Sessions House while on Official tour.

Use of Sessions
Houses by other
officers.

5. Whenever the Financial Commissioner or the Commissioner requires the use of the Sessions house as his residence while on tour, the correct procedure would be for the Deputy Commissioner on his behalf or for the Financial Commissioner or the Commissioner direct to enquire whether cases have been fixed or not. In one instance a Sessions Judge was asked to postpone the cases, if fixed, as the Sessions House was required for the use of the Commissioner and in another case the same request was made as it was wanted by another higher officer, the excuse advanced for this being that Sessions Houses are shown in the list of Rest Houses and could, therefore be used as such by Government officers entitled to the use of Rest Houses. This view of the case is wrong. A Session House can be used as a Rest House only if it is not first required by the Sessions Judge and then by the Financial Commissioner or the Commissioner of the Division.

PART C-COURT FURNITURE

^[1]The following scale has been prescribed by the Judges for the furnishing of the Subordinate Courts:- Scale.

The District and Sessions Judges**Court Room**

1.	Central Table for dias	1
2.	Presiding Officer's Chair	1
3.	Reader/Steno table 3'X 2¼'	2
4.	Office Chair for Reader/Steno	2
5.	Lawyer's tables 15' x 3'	2
6.	Office Chairs for Lawyers	24
7.	Clock	1
8.	Side Racks	6
9.	Steel Almirahas	2
10.	Benches for litigants	6
11.	Duree for dias.	1
12.	Woollen carpet 7' x 4'	1
13.	Curtains according to requirement	
14.	Room cooler	1

Retiring Room

1.	Office Table Sunmica top 7' x 4'	1
2.	Office Chair revolving cushioned seat	1
3.	Duree	1
4.	Woolen Carpet 7' x 4'	1
5.	Steel Almirah (Wardrobe type)	1
6.	Foot Rest	1
7.	Side Racks	2
8.	Side Table 2' x 2'	1
9.	Office Chairs	6
10.	Sofa Set 3 Pieces	1
11.	Central Table sunmica top	1

[1] Substituted vide C.S.No.54-A/III.G.9/Rules, dated 2nd April, 1979.

13. Towel Stand	1
14. Screen	1
15. Waste Paper Basket	1
16. Trays	2
17. Soap Case	1
^[1] 18. Air Conditioner 1½ ton capacity	1
19. Curtains according to the requirement	

For bathrooms where modern sanitary amenities are not provided.

1. Wash hand stand with crockery consisting of bowl, jug, soap dish and brush dish.
2. Commode
3. Chamber utensil

The Additional District and Sessions Judge

Court Room

1. Central table for dias	1
2. Presiding Officer's Chair	1
3. Reader/Steno table 3'x2¼'	2
4. Office Chairs for Reader/Steno	2
5. Lawyer's Table 15'x 3'	1
6. Office Chairs for lawyers	18
7. Clock	1
8. Side Racks	4
9. Steel Almirahs	2
10. Benches for the litigants	4
11. Duree for dias	1
12. Woolen carpet 7'x4'	1
13. Curtains according to requirement	
14. Room Cooler	1

Retiring Room

1. Office table sunmica top 7'x4'	1
-----------------------------------	---

[1] Substituted vide C.S.No.56/A/III.G.9/ Rules, dated 22nd August, 1979.

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	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.	Trays	2
17.	Soap case	1
18.	Room Cooler	1
19.	Curtains according to requirement.	

For bathrooms where modern sanitary amenities are not provided.

1. Wash hand stand with crockery consisting of bowl, jug, soap dish and brush dish.
2. Commode
3. Chamber utensil

The Chief Judicial Magistrate

Court Room

1.	Central table for dias	1
2.	Presiding Officer's Chair	1
3.	Reader/Steno table 3'x2¼'	2
4.	Office Chair for Reader/Steno	2
5.	Lawyer's Table 15'x 3'	2

6.	Office Chairs for lawyers	18
7.	Clock	1
8.	Side Racks	2

9.	Steel Almirahs	2
10.	Benches for the litigants	4
11.	Duree for dias	1
12.	Cotton carpet 7'x4'	
13.	Curtains according to requirement	
14.	Room Cooler	

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 Rack	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.	Tray	2
17.	Soap case	1
18.	Room Cooler	1
19.	Curtains according to the requirement	

For bathrooms where modern sanitary amenities are not provided.

1. Wash hand stand with crockery consisting of bowl, jug, soap dish and brush dish.
2. Commode
3. Chamber utensil

The Senior Sub-Judges

Court Room

1.	Central table for dias	1
2.	Presiding Officer's Chair	1
3.	Reader/Steno table 3'x2¼'	2
4.	Office Chair for Reader/Steno	2
5.	Lawyers Table 15'x 3'	2
6.	Office Chairs for lawyers	18
7.	Clock	1
8.	Side Racks	2
9.	Steel Almirahs	2
10.	Benches for the litigants	4
11.	Duree for dias	1
12.	Cotton carpet 7'x4'	1
13.	Curtains according to the requirement	
14.	Room Cooler	1

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 Chair	4
10.	Easy Chair	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 requirement | |

For bathrooms where modern sanitary amenities are not provided.

1. Wash hand stand with crockery consisting of bowl, jug, soap dish and brush dish
2. Commode
3. Chamber utensil

The Sub-Judges-cum-Judicial Magistrates

Court Room

- | | | |
|-----|-----------------------------------|----|
| 1. | Central table for dias | 1 |
| 2. | Presiding Officers Chair | 1 |
| 3. | Reader/Steno Table 3'x 2 ¼' | 2 |
| 4. | Office chair for Steno/Reader | 2 |
| 5. | Lawyers Table 15'x3' | 1 |
| 6. | Office chair for Lawyers | 12 |
| 7. | Clock | 1 |
| 8. | Side Rack | 2 |
| 9. | Steel Almirah | 2 |
| 10. | Benches for litigant | 4 |
| 11. | Duree for dias | 1 |
| 12. | Cotton carpet 7'x4' | 1 |
| 13. | Curtains according to requirement | |
| 14. | Room Cooler | 1 |

For Retiring Rooms

- | | | |
|----|------------------------------------|---|
| 1. | Office Table 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 Rack	2
8.	Side Table 2'x2'	1
9.	Office Chair	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. Tray	2
17. Soap case	1
18. Curtains according to requirement	
19. Room Cooler	1

For bathroom where modern sanitary amenities are not provided

1. Wash hand stand with crockery consisting of bowl, jug, soap dish and brush dish
2. Commode
3. Chamber utensil

^[1]1-A. The following scale has been prescribed by the Judges for the furnishing of the office and Waiting Room in the Sessions Houses:-

1. Office Table Sunmica top 7'x4'	1
2. Office Chair revolving cushioned seat	1
3. Duree	1
4. Woollen Carpet 7'x4'	
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

[1] Inserted vide C.S.no.65A/III.G.9/Rules dated 6th February, 1981.

16. Trays	2
17. Soap case	1
18. Air Conditioner- 1½ ton capacity	1
19. Curtains according to requirement	1

List of furniture
for each year.

2. A card must be placed on the wall of each Subordinate Judge's Court, showing the number of article supplied for the room. Inspecting Officers must satisfy themselves that all articles are present at inspection ; and in particular that chairs, tables and durries are not allowed to wander into office rooms, retiring rooms and residences.

Renewal of
furniture.

3. The refurnishing of Subordinate Judges' Courts will be done by District Judges out of their grants. The Presiding Officer of each court is responsible for seeing that all furniture is maintained in good condition, and he will apply to the District Judge 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 destroyed or sold. The storing of broken and useless chairs, etc., in godowns is absolutely for bidden.

CHAPTER 23

REPORTS AND RETURNS

PART A—GENERAL

There are four main classes of returns relating to Judicial Work. These are :-

Different kinds of returns.

- (i) The statements attached to the Annual Civil and Criminal District Reports, which are combined into the State's statements for the purpose of making a yearly survey of the Judicial administration.
- (ii) Periodical returns, usually monthly or quarterly, made to the High Court in order that the Judges may keep a check on the progress of judicial business.
- (iii) Periodical returns made by Subordinate Courts to the District and Sessions Judge or to the District Magistrate for the same purpose.
- (iv) Returns made to other departments, such as the Police for their own use.

2. The purpose for which the returns are made should be clearly understood by the officers by whom they are prepared and to whom they are submitted. Annual reports and returns are dealt with in Part B of this Chapter. Classes (ii) and (iii) are dealt with in Part C. Instructions regarding information to be supplied to the police will be found in Part D.

References

3. Appendix I to this Chapter gives a list of the reports and returns which are to be submitted to the High Court, and the dates on which they are due. Appendix II gives a list of returns for which blank forms will be supplied by the High Court without indent.

References.

PART B -- ANNUAL DISTRICT CIVIL AND CRIMINAL
REPORTS

1. The Annual Civil and Criminal Statement should be compiled with strict attention to the explanatory notes at the foot of the printed forms of each statement. To ensure this being done, reporting officers should each year, on receiving the blank forms, have each note carefully explained to the person whose duty it is to compile the statements, and again, before despatching the statements, satisfy themselves that all instructions as to compilation have been properly observed.

Statements to be prepared strictly according to instructions.

2. (i) The reports which accompany the statements should be as concise as is consistent with the omission of nothing that really requires notice or explanation, and should be written on half sheets of foolscap and on one side of the paper only. Half sheets, with printed headings, will be supplied from the High Court office. Where the subject discussed requires more than one half sheet, other half sheets should be tacked on according to requirements. Where a subject calls for no remarks, the half sheet with the printed heading should still be inserted in its place, and en faced with the words 'no remarks'. The subject headings will ordinarily be as shown in the annexure I to this part.

Reports accompanying statements.

(ii) The Annual District Civil and Criminal Reports should be limited to 15 pages, and the Annual Report of District and Sessions Judges on the work of their own Courts should be limited in the case of the Civil Report to 5 pages and in the case of the Criminal Report to 6 pages; and the rest will be in marginal comments on the reports of District Magistrates.

3. District Magistrates Criminal statements and reports should be submitted to the Sessions Judge not later than the 1st February of each year, the office copies being despatched to the High Court at the same time. The Session statements should likewise be despatched to the High Court

Date of submission.

not later than the 15th February, and the Sessions Judges' report, with the fair copies of the District reports and statements, should follow not later than the 15th February.

Date of submission.

4. District Judges' Civil statements and reports for their own and for Subordinate Courts should be submitted to the High Court not later than the 15th February of each year.

Scope of Statements.

5. The statements of Judicial business required annually from the Criminal and Civil Courts of the Punjab comprise :-

- (a) statements prescribed by Government – whether Central or of the State ;
- (b) statements prescribed by the High Court for submission by subordinate Court.

State's statements.

6. No special statements have been prescribed by the State Government, but the States' statements submitted by the High Court with the Annual Notes on Criminal and Civil Justice supply more detailed information under many heads than is required by the Central Government, and have been framed so as to supply all information required by the State Government. Excluding sub-divisions of statements, there are six Criminal and eleven Civil (including five relating to Sikh Gurdwaras Tribunal, five to the other Civil Courts and one to Insolvency cases).

District statements.

7. In order to obtain the information necessary for the State Judicial Statements and the Annual Reports, statements are prescribed for submission by District and Sessions Courts. These are :-

10 Civil Judicial Statements

6 Criminal Judicial Statements (Sessions Judges)

8 Criminal Judicial Statements (Courts subordinate to Sessions Judge).

8. As serious discrepancies often exist between the annual returns submitted by District Magistrates as to the state of crime in their districts, and the reports submitted by the local Police authorities, the attention of all District Magistrates is called to the following points with a view to the prevention of such discrepancies in future :-

Discrepancies between statements submitted by Police and District Magistrates.

- (i) In the District returns, cases which have actually been pending since the previous year, are shown as cases reported during the current year.
- (ii) When a charge is made of one offence, but the accused person is actually convicted of another offence, care is not always taken to note the change, with the result that the returns of the Police and the District Magistrate are mutually inconsistent. Both should, of course, return it as a case of the offence for which the accused stood convicted.
- (iii) When the Police authorities send in cases for cancellation at the end of the year, just before the Annual District and Police returns are due, it sometimes occurs that District Magistrates continue to cancel cases after their own District reports have been despatched. The result is that a case figures as *true* in the District reports and as *false* in the Police returns, which are delayed until every case sent up for cancellation has been received back from the District Magistrate. District Magistrates should either insist on all cases for cancellation being sent in to them in time to allow of the results being incorporated in the District returns, or should decline to continue to cancel cases after the despatch of their own District report.

- (iv) District Magistrates should show separately the number of police challans received, disposed of and pending.
- (v) Magistrates should not show separate cases when absconders are arrested and sent up after the main challan has been entertained or disposed of.
- (vi) A case should not be shown as pending in which actual trial has not been taken up.

List. 9. A list of all the statements required will be found in annexure II to this part. The Provincial Statements are compiled in the High Court.

Form. 10. Forms of the statements will be found in Volume VI of the Rules and Orders of the High Court.

ANNEXURE I TO PART B

SUBJECT HEADINGS

1	2	3	4
Number	SUBJECT		References to Statements
	Printed Head	Points to be noticed	
	A--ADMINISTRATION OF CIVIL JUSTICE		
	<i>Original Suits</i>		
1	Institutions	Increase or decrease of litigation.	Statement IV (Part I).
2	Classification of suits ..	..	Statement II (Part I).
3	Value and cost of suits	..	Statement III
4	Details of disposals, duration and pending cases.	..	Statement IV and VIII.
5	Agency by which suits were disposed of.	Distribution of Civil business	Statement IV (Part I).
6	Miscellaneous cases ..	..	Statement II (Part II) and IV (Part II).
7	Execution of decrees ..	..	Statements VI and VII.
8	<i>Cancelled</i>		
9	Working of Small Cause Courts	..	Statements II, III and IV.
10	<i>Appeals</i>	(a) Institutions .. (b) Details of disposal, duration and pending files.	Statement V.
11	<i>Procedure</i>	All or any of the following points may be noticed:- (a) Issue of summons for final disposal. Time allowed for appearance of defendant. (b) Cause Lists. (c) Adjournment, intimation to parties of time and place of hearing. (d) Commissions for local investigations or to examine accounts (e) Recording evidence and preparation and delivery of judgment. (f) Any point or points of procedure not included in the above.	Statement VIII.

1	2	3	4
Number	SUBJECT		References to Statements
	Printed Head	Points to be noticed	
	A-ADMINISTRATION OF CIVIL JUSTICE— <i>concl'd.</i>		
	<i>Miscellaneous</i>		
12	Process Fees and Process-serving Establishment	Number of civil, revenue and criminal processes issued, Receipts and expenditure as compared with previous year	Statement IX
13	Supervision of civil work of subordinate Courts	..	
14	Notice of Officers	..	
15	Any Subject connected with the Administration of Civil Justice not included in the above.	..	
	B – ADMINISTRATION OF CRIMINAL JUSTICE		
	<i>Original Jurisdiction</i>		
1	General review of offences committed and brought to trial	Offences reported, struck of register upon application of the police, and admitted to have occurred Variations in crime. Proportion of offences brought to trial to offences admitted to have occurred	Statement II.
2	Offences classified – under the Indian Penal Code	Under these heads (viz 2, 3 and 4) comment should be made, and, if possible, explanation given of the predominance or the increase or decrease of any special offence ... and of anything that appears unusual in the disposal of any special offence or class of offences	Statement II
3	Offices classified – Local and Special Laws		
4	Offices classified – Miscellaneous proceedings under the Criminal Procedure Code		
5	General results of inquiries and trials	Cases and persons for disposal and disposed of, with details of disposal, cases pending and duration cases	Statement IV (Part I)
6	Agency by which Criminal work was disposed of	..	Statement IV (Part I)

1	2	3	4
Number	SUBJECT		References to Statements
	Printed Head	Points to be noticed	
	B--ADMINISTRATION OF CRIMINAL JUSTICE- <i>contd.</i>		
	<i>Original Jurisdiction</i> – <i>contd.</i>		
7	Special Jurisdiction ..	Trials under section 30, Criminal Procedure Code Summary Trials ..	Statement VIII Statement IV (Part I)
8	Trials under Frontier Regulations	..	
9	Witnesses ..	Number .. Detention Diaries Payment of expenses to witnesses Service of summons by means of Process-serving Establishment and Police	Statement IV column 37
10	Punishments ..	<i>Imprisonment</i> – Rigorous and simple Solitary confinement <i>Fine</i> – Amount imposed and realised Compensation awarded and realised	Statement V (Part I)
11	<i>Appeals</i> ..	Number of appeals Proportion of appeals to appealable convictions Distribution of appellate business Details of disposal Pending files and duration of appeals	Statement VI

1	2	3	4
Number	SUBJECT		References to Statements
	Printed Head	Points to be noticed	
	B--ADMINISTRATION OF CRIMINAL JUSTICE- <i>concl</i> d		
	<i>Original Jurisdiction</i> – <i>concl</i> d		
12	<i>Procedure</i> ..	Examination of complainant and preliminary investigation by police (sections 200 and 202, Criminal procedure Code) Recording of evidence and of examination and confessions of accused persons Habitual offenders and offenders previously convicted Sections 348 and 349, Criminal Procedure Code. Section 75, Indian Penal Code Proof of previous convictions, sections 221 and 511 Criminal Procedure Code. Any other points calling for notice.	
13	General ..	Supervision of subordinate Courts – by means of appeals, by inspection of files and registers Cases referred for revision or criticised	
14	Notice of Officers ..	..	
15	Any other subject connected with the Administration of Criminal Justice	Here insert any subject that is not directly connected with any subject contained in the first twelve heads and yet is connected with the Administration of Criminal Justice	

ANNEXURE II

LIST OF ANNUAL STATEMENTS

1	2
Number	Brief description of contents
	A-STATE'S STATEMENTS
	<i>(a) Civil</i>
I, Part I	Showing the number of Judicial Divisions and number of officers exercising appellate or original jurisdiction in the Punjab on 31 st December, 19 ____.
I, Part II ..	Showing the number of cases decided in the courts of the Punjab for the year 19 ____.
II ..	Showing the number and description of civil suits instituted in the Civil Courts of the Punjab during the year 19 ____.
III ..	Showing the number and value of civil suits instituted in the Civil Courts of the Punjab during the year 19 ____.
IV, Part I ..	Showing the general result of the trial of civil cases in the Courts of original jurisdiction in the Punjab in the year 19 ____.
V, Part II ..	Showing the general result of the trial of civil cases in the Courts of original jurisdiction in the Punjab in the year 19 ____.
V, Part I ..	Showing the business of Civil Appellate Courts in the Punjab in the year 19 ____.
V, Part II ..	Showing the business of Civil Appellate Courts of the Province of the Punjab in the year 19 ____.
	SUPPLEMENTARY STATEMENT
	Proceedings in Insolvency under the Provincial Insolvency Act, 1920 (V of 1920) in the Civil Courts of the Punjab during the year 19 ____.
Part I ..	Showing number and results of Insolvency Petitions presented under Section 7 of the Act and the number of Insolvents before the Courts.
Part II ..	Showing the number of estates in the hands of Receivers and the progress made in winding them up during the year 19 ____.
	<i>(b) Criminal</i>
	Showing the number of Judicial Divisions and number of officers exercising appellate or original jurisdiction in the Punjab during the year.
II ..	Showing the number of cases decided by various classes of Tribunals in the Punjab during the year.

1	2
Number	Brief description of contents
III .. IV .. V .. VI ..	A-STATE'S STATEMENTS- <i>concl'd.</i> <i>(b) Criminal-concl'd.</i> Showing the general results of trials of Criminal cases in the Punjab during the year. Showing the results of appeals and revisions in (Criminal) cases in the Punjab during the year. Showing nature of offences reported and number of persons tried, convicted and acquitted of each class of offence in the Punjab during the year. Showing the punishments inflicted in Criminal cases by various Tribunals in the Punjab during the year.
	B-DISTRICT AND SESSIONS STATEMENTS
	<i>(a) District Statements - Civil</i>
	I Showing the number of officers exercising jurisdiction in Civil cases on the last day of the year.
	II, Part I Showing the number and description of Civil original cases instituted in civil courts.
	II, Part II .. Showing the number and description of miscellaneous cases instituted in the Civil Courts.
III ..	Showing the value of suits instituted.
IV, Part I ..	Showing the general result of the trial of Civil cases in the Civil Courts of original jurisdiction.
IV, Part II ..	Showing the general result of miscellaneous cases.
V, Part I ..	Showing the business of civil appellate Courts.
V, Part II ..	Miscellaneous Appeals.
VI ..	Showing the result of proceedings on application for the execution of decrees.
VII, Part I ..	Showing the number and result of Insolvency petitions presented under Section 7 of the Act and the number of insolvents before the Courts.
VII, Part II ..	Showing the number of estates in the hands of Receivers and the progress made in winding them up.
VIII ..	Showing the final result of dismissals for default, <i>ex-parte</i> decisions, references to arbitration, and applications for review of judgments with particulars regarding the issue of commissions, attachment before judgment, and the award of interest on decrees.
IX ..	Showing the Income from process-fees and expenditure on account of the service of processes.
X ..	Showing classification of suits.

1	2
Number	Brief description of contents
	B-DISTRICT AND SESSIONS STATEMENT- <i>concl'd</i>
	<i>(b) Sessions Statements</i>
I ..	General Sessions Statements.
II ..	Showing the punishments inflicted by the Session Court.
III ..	Showing the result of appeals and applications for revision preferred to the Sessions Court.
IV ..	Showing persons convicted in murder cases.
	<i>(c) District statements - Criminal</i>
I ..	Showing the number of officers exercising jurisdiction in Criminal cases on the last day of the year.
II ..	Showing the offences reported and persons tried, convicted and acquitted during the year.
III ..	Showing miscellaneous proceedings under the Code of Criminal Procedure.
IV, Part I ..	Showing the general result of criminal trials in the various Courts (individual officers).
IV, Part II ..	Showing the general result of criminal trials in the Tribunals of various classes (Classes of Courts).
V, Part I ..	Showing the punishments inflicted by Magisterial Officers.
V, Part II ..	Showing punishments inflicted by the various Criminal Tribunals.
VI ..	Showing the result of appeals and applications for revision in criminal cases.

PART C-- PERIODICAL REPORTS AND RETURNS DUE TO
DISTRICT AND SESSIONS JUDGES AND DISTRICT
MAGISTRATES, AND BY THEM TO THE HIGH COURT.

In addition to the annual statements, certain monthly and quarterly returns have been prescribed by the High Court in order to enable the Judges to exercise a constant check upon the state of business in subordinate Courts and the manner in which that business is disposed of.

Introductory.

2. District and Sessions Courts are required to submit the following monthly returns :-

District and
Sessions Judges
statements.

No.1.--Statement of Sessions cases, Criminal appeals and Criminal References and of Civil appeals, Original Civil Cases, Insolvency and Liquidation cases instituted, disposed of and pending in the court of the District and Sessions Judge during the month.

No. 2.-- Statement of persons punished and acquitted by the Sessions Court during the month.

No. 3.-- Statement of persons awaiting trial by the Sessions Court.

No. 4.-- Statement showing the number of civil suits instituted, disposed of and pending in the Courts of Subordinate Judges during the month (except for the month of September).

3. All monthly statements submitted to the High Court will be retained in the High Court Office.

Monthly statements
to be retained in
High Court.

4. The following returns are required from Civil Courts subordinate to the District Judge :-

Subordinate Judge's
statements.

Civil Quarterly District Statements

No. 1.- Showing civil suits and appeals disposed of and pending and execution work, and the number of hearings fixed for civil cases in each Courts.

No. 2.- Showing the number of fresh Civil suits and Execution cases instituted in the Civil Courts.

Note.- Quarterly returns must reach the High Court by the 10th of the month succeeding the quarter to which they relate.

5. District Criminal Courts are required to submit the following returns :-

District Criminal
Courts' statements.

Criminal Quarterly District Statements

No. 1.- Showing Criminal cases instituted, disposed of and pending.

No. 2.- Explanation of Criminal cases pending over four months.

No. 3.- Showing convictions of persons previously convicted.

No. 4.- Showing the number of fresh cases instituted.

Note I.- Due by District Magistrates to Sessions Judges on the 5th and to High Court on the 10th of the month succeeding the quarter to which they relate.

Note II.- The instructions given in rule 8 of the Part B of this Chapter should, with necessary modifications, be followed by the Criminal Courts in preparing the monthly and quarterly statements.

6. Magistrate's statement No. 2 should be prepared according to the following directions :-

Criminal Courts
Statement No. 2

(a) Columns 1 to 6 should be filled in by the official concerned.

- (b) The cases should be entered in the order in which they were instituted.
- (c) The Magistrate should sign the statement and he will be responsible for the correctness of the entries thereof.
- (d) In column 7 the explanation for delay in the disposal of a case should be given in some detail. The circumstances in which service on witnesses or accused could not be effected, the time actually taken by the appellate court in disposing of transfer applications, etc., should be given. If the record was sent to some Court, the number and date of the letter by which it was requisitioned and also the number and date of the letter by which it was sent should be given.
- (e) History sheets containing abstracts of orders passed on different dates in all cases pending over one year (provided they are not stayed) should be furnished with the Statement.

7. District Magistrates and District and Sessions Judges should carefully scrutinize the monthly statements of their Districts, as they come before them, in order to enable them to remark, upon anything that may appear to be irregular or unsatisfactory, and to take immediate steps to correct what is amiss. Their remarks and orders should be communicated at once to the officer concerned. The District Magistrate should forward a copy of his remarks and orders with the statements, to the Sessions Judge, the original draft being retained with the office copies of the statements in the District office for record.

Remarks.

8. On receipt of the District Criminal Statements, the Sessions Judge should carefully review them, notice and take measures to correct any irregularities which have been passed over by the District Magistrate and forward at once a copy of his remarks to the District Magistrate, for

Submission to High Court.

communication to the officer concerned. When the Sessions Judge has thus disposed of the District Criminal Statements he will submit them, with the District Magistrate's remarks, and a copy of his own to the High Court, retaining a copy of his own remarks for record in his office.

The Sessions Judge should note in the covering letter whether a copy of the remarks recorded by him was sent to the District Magistrate.

Statement No. III

9. With reference to quarterly statement No. III of convictions of persons previously convicted, it is directed that, when intimation is received by a District Magistrate from the Sessions Judge or the High Court that the sentence passed by a subordinate Magistrate on a second conviction is light, without the records being called for, the District Magistrate shall look into the case himself and make such communication as he thinks proper to the Magistrate concerned; or, if he considers the punishment awarded completely inadequate, report the case for revision in the usual way.

Forms.

10. Forms of the statements required in paragraphs 2, 4 and 5 above will be found in the Books of Forms given in the Rules and Orders, Volume VI.

Reference.

11. Detailed instructions regarding the annual reports and returns required for the preparation of the annual notes on the Administration of Civil and Criminal Justice will be found in Part B of this Chapter.

Certificate as to
delivery of
judgement.

12. (i) All District and Sessions Judges should, in their monthly statements of work, furnish a certificate to the following effect :-

“Certified that judgments have been delivered within a month of the final hearing of arguments in all suits and appeals except in the following cases.....”

They should also append a certificate in the following form on the Subordinate Civil Courts statement referred at paragraph 2(4) above :-

- (1) Certified that all Subordinate Judges have pronounced judgments within a month of the final hearing of arguments in all suits and appeals, except in the cases for which explanations are attached.
- (2) Certified that the provisions of Section 4 of the Punjab Regulation of Accounts Act were duly complied with in all suits for debts tried by all the Civil Courts.

(ii) A certificate in the following form should also be furnished with the statements showing the work instituted, disposed of and pending in the Court of the District Judge and the Courts of Subordinate Judges during the month of August each year :-

“Certified that decrees have been drawn up in all suits and appeals decided by the undersigned all Subordinate Judges before the vacation and that the records of all such suits and appeals have been consigned to the Record Room* except in the following cases for which explanations are attached-”

13. It is the duty of the District Judge to control and adjust to the best advantage and equalize the work in subordinate courts. He should watch institutions and disposals and see that each officer's out-turn is normal. He should therefore make his remarks on the monthly pending file statements under the following heads :-

Remarks by District Judge on monthly statements.

- (i) Subordinate Judges who in his opinion have not given sufficient out-turn and have therefore been warned.
- (ii) Steps taken or proposed to be taken to equalize work in different courts.

*Delete if necessary.

- (iii) Suggestions for investiture of or enhanced Small Cause powers in order to quicken disposal of petty cases.
- (iv) Steps taken or proposed to be taken to prevent accumulation of execution cases where such work is heavy.
- (v) Steps taken to ensure that 3rd and 4th class cases are not neglected owing to higher class cases.

14. In order to put a stop to bad cases of delay in subordinate Courts, abstracts of order-sheets shall be submitted by each Subordinate Judge to his District Judge in respect of all original suits, appeals and execution cases pending over for more than a year. The District Judge shall examine them and after recording his remarks thereon, with details of action, if any taken, by him to prevent a recurrence of the same mistake, shall forward them to the High Court. They shall not be forwarded simply "for examination by the Judges". District Judges shall similarly submit abstracts of order-sheets for their own courts.

Date of sub-
mission of
abstract.

15. Abstracts for the whole division shall be submitted at one and the same time and by the 15th of the month following the quarter to which they relate which shall be clearly specified in the forwarding letter.

Note 1: Under the orders dated 17.02.2014 of Hon'ble the Chief Justice, passed on the recommendations of Hon'ble Executive Committee (Computer and E-Governance Committee), the new proformas meant for sending monthly/quarterly/half yearly/annual statements/reports of the Subordinate Courts were forwarded to all the District and Sessions Judges in the States of Punjab, Haryana and U.T. Chandigarh vide this Court's letter No. 257 Spl/Gaz.II(9) dated 26.03.2014 and to the Presiding Officers of Labour Courts of the States of Punjab, Haryana and U.T., Chandigarh vide this Court's letter No. 259 Spl/Gaz.II(9) dated 26.03.2014, respectively with the request to forward the work done statements in the standardized spreadsheet proformas through post and also by e-mail.

Note 2: However, the revision of Punjab and Haryana High Court, Rules and Orders, Volume-IV is under process.

PART D—INFORMATION TO BE SUPPLIED TO THE POLICE
IN REGARD TO CRIMINAL STATISTICS

1. The Judges are pleased to direct, in accordance with the letter No. 277 (Home-Police), dated the 24th October, 1905, from the Secretary to Government, Punjab, that certain statements giving criminal statistics shall be supplied by each District Magistrate to the District Superintendent of Police in his district, as soon after the 1st January in each year as possible. The forms of these statements will be found in Volume VI-B, Part B-V.

Statements to be
supplied to Police.

2. It should be noted that the only columns of State A, Parts I and II, which Magistrates are required to fill up, are columns 1, 2, 3, 15 and 16 of Part I, and columns 1, 2, 3, 13, 14 and 15 of Part II. But Magistrates are required to fill up the whole of Statement B, Parts I and II, and the whole of Statement C, which only refers to property stolen and recovered in cases taken up direct by Magistrates.

Columns to be filled
in by Magistrates.

3. Columns 15 and 16 of Statement A, Part I, should show all cognizable offences taken up direct by Magistrates otherwise than on a Police report. Columns 13, 14 and 15 of Statement A, Part II, should show all persons concerned in cases taken up direct by Magistrates, otherwise than on a Police report.

Directions as to
certain columns.

4. It should be noted that the order to be shown in these returns as the result of a trial is the final order in the case, and therefore the order in force at the close of the year should be shown. If the order of the Lower Courts has been reversed or modified within the year, it is the order of the Appellate or Revisional Court which must appear in the statement.

Final order to be
entered.

**PART E—INFORMATION TO BE SUPPLIED TO THE CANAL
AUTHORITIES**

The annual return showing the number and nature of judicial cases disposed of by the Canal Deputy Collectors and Sub-Divisional Officers during a year has been discontinued as a result of the withdrawal of Magisterial Powers from Canal Officers. It is, however, necessary, that the Irrigation Department should still continue to get information as to the number of cases instituted under the Canal Act. Information relating to all the cases instituted under the Canal Act, VIII of 1873, should be supplied by the District Magistrates to the Superintending Engineers of the Irrigation Department annually, as soon after the close of the calendar year as possible to enable the latter to submit the cases to the Chief Engineer by the 1st February.

PART F—RETURNS IN CASES IN WHICH THE COLLECTOR
ACTS AS MINISTERIAL OFFICER IN THE EXECUTION OF
DECREES

The Civil Courts should submit periodical returns concerning all cases in which the execution remains in the hands of the Court and the Collector only assists as a Ministerial Officer of the Court. Collectors have also been directed by the Financial Commissioners to furnish periodical returns relating to such cases. The Judges have, with the concurrence of Financial Commissioners, drawn up three forms of quarterly returns. In this connection see chapter 12-M of High Court Rules and Orders, Volume I and the forms printed in Part A-V of High Court Rules and Orders of the High Court.

to executions of decrees in which the Collector is consulted.”

APPENDIX I

LIST OF PERIODICAL REPORTS AND RETURNS SUBMITTED TO THE HIGH COURT AND THE DATES ON WHICH THEY ARE DUE

Description of Report or Return	Latest date of submission to High Court	REMARKS
YEARLY		
Statement of probates and letters of administration	10 th April ..	By District Judge
List of Legal Practitioners ..	10 th January ..	Ditto
List of Pleaders and Mukhtars whose certificates have been renewed	Ditto	Ditto
Criminal report and statements ..	1 st February	By District Magistrate to Sessions Judge not later than 1 st February, office copies being sent to High Court at the same time. Fair copies are to be sent by Sessions Judge to High Court not later than 15 th February
Civil Report and Statements ..	15 th February	By District Judge
Confidential list of certain persons who are considered fit to exercise or fit to be tried with certain judicial powers	Ditto	Ditto
Report on the conditions of Libraries of Subordinate Courts	1 st April	Ditto
Reports on the civil judicial work of judicial officers	2 nd April	Ditto
Reports on the magisterial work of officers of the I.A.S. and P.C.S.	21 st April	By Sessions Judge to whom they will be sent by District Magistrate by 2 nd April
Estimate of Expenditure for Stationery ..	15 th July ..	By District Judge
Annual return of licensed Petition-writers	1 st October ..	Ditto
Budget estimates ..	15 th September	Ditto
Annual indent for Stationery for Subordinate Courts	1 st September	Ditto
Recommendations for the issue of licenses to Petition-writers	15 th November	Ditto
C inage statement ..	15 th January	By District Magistrate direct
List of judicial buildings ..	1 st July ..	By District Judge

Description of Report or Return	Latest date of submission to High Court	REMARKS
YEARLY—concl'd QUARTERLY Statement showing grants of probate and administration in estates of persons of European extraction District Civil Statement No. I .. District Criminal Statements I to III Abstract of order sheets of cases pending over a year Notes about inspection of their courts by the presiding officers MONTHLY Statement of Civil and Criminal work of District and Sessions Courts District Criminal Statements I to III .. Return of suits pending in Courts of Subordinate Judges	7th of month succeeding quarter for which due 10th of month succeeding quarter for which due Ditto 15th of the month succeeding the quarter for which due Ditto 15th of next month .. 10th of next month	By District Judge Ditto By District Magistrate to Sessions Judge on 5th and to High Court on 10th District Judge and Subordinate Judge District Judge and Subordinate Judge By District and Sessions Judge By District Magistrate to Sessions Judge on 7th of next month By District Judge

**Note.*—It is discretionary with District and Sessions Judges to call for either monthly or quarterly Civil Statements from Courts subordinate to them.

APPENDIX II

LIST OF PERIODICAL RETURNS OF WHICH BLANK FORMS WILL BE
SUPPLIED BY THE HIGH COURT WITHOUT INDENT

Description of Return	<i>Number of copies supplied</i>	
	To District or Sessions Judge	To District Magistrate
YEARLY		
District Criminal Statements Nos. I to VI, in English ..	..	4
District Criminal Statements Nos. I to VI, in Vernacular ..	..	30
District Civil Statements Nos. I to X, in English ..	4	..
District Civil Statement Nos. I to X, in Vernacular ..	30	..
Sessions Statements Nos. I to IV, in English ..	3	..
Sessions Statements Nos. I to IV, in Vernacular ..	3	..
Civil Appeal Statements Nos. I to IV, in English ..	3	..
Civil Appeal Statements Nos. I to IV, in Vernacular ..	3	..
Subject headings for Civil and Criminal reports ..	3	..
Statement of probates and letters of administration ..	3	..
Coinage Statement in English ..	..	3
Coinage Statement in Vernacular ..	..	30
Statement of Cognizable Crimes, A, B and C, in English ..	..	3
Statement of Cognizable Crimes, A, B and C, in Vernacular ..	..	50
QUARTERLY		
Statement of fines realized in Sessions cases ..	..	11
Statement of grants of probate or letters of administration ..	8	..
MONTHLY		
District Criminal Statements Nos. I to IV, in English ..	..	22
District Criminal Statements Nos. I to IV, in Vernacular ..	..	43
District Civil Statement Nos. I in English ..	16	..
District Civil Statement No. I, in Vernacular ..	45	..
Statement of Civil and Criminal work of District and Sessions Judge, Nos. I to III ..	30	..
Return of suits pending in the Courts of Subordinate Judges ..	30	..

CHAPTER 24

5.

REGISTERS

1. The registers prescribed for use in all civil and criminal courts will be obtained from the Controller of Printing and Stationery, Punjab at Chandigarh, to whom indents will be submitted by District and Sessions Judges in accordance with the instructions laid down in the Punjab Printing and Stationery Manual.

Indents.

2. All registers will be made of convenient sizes with all headings and columns printed and ruled. The paper will be country-milled paper, known as *Badami*, and the binding will be of card board with leather backs and corners in the case of registers which are preserved for 12 years or more, and with *Kharwa* cloth in the case of other registers.

Binding
size, etc.

3. Should any officer desire to suggest alteration of a prescribed register, he should address the District and Sessions Judge who will make such recommendations as he thinks fit to the High Court. In no case should the Controller of Printing and Stationery be addressed direct in such a matter.

Suggestions for
alterations.

4. The registers which have been prescribed by the High Court, with the sanction of the Provincial Government, for adoption in the subordinate civil and criminal courts of the Punjab 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. Part I of the appendix enumerates the registers which are reproduced in Volumes VI-A and VI-B, Rules and Orders of the High Court; Part II of the Appendix enumerates the registers which are not reproduced in Volumes VI-A and VI-B but in the other Volumes 1 to IV. The remarks made in the column of remarks in the appendix should be read with the footnotes, where they exist, to the registers reproduced in Volumes VI-A and VI-B for instructions as to the manner in which certain registers are to be maintained.

Explanation of
the list given in
the Appendix.

Registers to
be kept in
English.

5. The registers will have headings in English as well as Urdu, and they should be maintained in the former language except when the Presiding Officer of a Court, for reasons to be recorded, permits any of them to be maintained in Urdu.

Common
mistakes in
filling up
registers

6. Presiding Officers must remember that they are responsible to see that the registers of their courts are correctly and regularly written up. The following is a list of the common mistakes made by officials in writing up registers. Mistakes of this kind must be avoided:-

- (1) Many registers have no *peshani* or heading at all, while some of them are in such a torn and mutilated condition that they are of no practical value. It is impossible to maintain any register correctly unless it has a regular heading in good condition.
- (2) Entries are sometimes made in a running order across several columns. Each individual column must be filled up separately.
- (3) Entries do not follow the column headings, but are made regardless of them. This creates confusion.
- (4) Some entries are written partly in English and partly in Urdu.
- (5) Entries cancelled do not bear any initials.
- (6) Persian *raqums* are used in filling some columns. English numerals should always be used.
- (7) Entries are sometimes made in pencil which is objectionable.
- (8) Separate serial numbers are not given for each calendar year.

- (9) Sometimes the serial number is changed with a change of register; it should only be changed with the new year.
- (10) In the several registers in which an abstract of the orders passed is to be entered, the entry very often merely says "*dakhal dafter ho*" or "consigned to the record room". This is not sufficient. The particulars of the orders passed should be entered in greater detail so as to show exactly how the case was disposed of or why it was consigned to the record room.
- (11) In the several registers in which the name of the Judge or Magistrate deciding the case is to be entered, the name should always be set out in full. Entries saying "Lala Sahib" or "Sardar Sahib" are meaningless and will not be understood after a few years if and when it becomes necessary to find out the name of the presiding officer. The name of an English Officer, or of an Indian Officer, who has anglicized his name, should be written in English characters, even if the register is kept in Urdu.

7. All civil and criminal registers shall be consigned to the record room to which judicial files are normally consigned; they should be destroyed under the supervision of the Record-keeper in accordance with the rules contained in Chapter 16-F, Volume IV.

8. The Execution Moharrir of each Court shall be responsible for the same custody of old volumes of civil Register No.1 till they are consigned to the Record Room. The officials who maintain the other registers shall be responsible for the safe custody of old volumes of them.

9. The following registers shall be consigned to the Record Room 12 years after their completion:-

Civil Registers Nos. I and X

10. The following registers shall be consigned to the Record Room 6 years after their completion:-

Civil Registers Nos. II, III, IV, VI, VII, XI, XII, XIII, XIV, XXVI and XXVII.

Note.- when 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 A and B

11. The following registers shall be consigned to the Record Room 3 years after their completion:-

Civil Registers Nos. XXV, XXVIII, XXIX, XXX and XXXII.

Miscellaneous Registers C, D, E, F, G, H and I.

Criminal Registers Nos. V, VI, VII, VIII, IX, X and XVIII.

12. The following registers shall be consigned to the Record Room 2 years after their completion:-

Criminal Registers Nos. I, II, III, IV, XI, XII and XVII.

13. The following registers shall be consigned to the Record Room one year after their completion:-

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

14. Criminal Registers Nos. XIV and XV shall be consigned to the Record Room after the expiry of every calendar year; and criminal register No. XIII shall be consigned and when it is finished.

15. No register should ordinarily be retained in a court after the period prescribed for its consignment to the Record Room. If the Presiding Officer of a Court wishes to retain any register for a longer period, he should record his reasons for doing so in writing and communicate them to the Record Keeper concerned.

APPENDIX

PART I- REGISTERS REFERRED TO IN PARAGRAPH 4 AS BEING
REPRODUCED IN VOLUMES VI-A AND VI-B, RULES AND ORDERS

No. of Register	Name of Register	Court in which to be kept	Official by whom to be kept	REMARKS
(a) LIST OF CIVIL REGISTERS				
I	Register of Civil Suits	(a) All Sub-Judges' Courts (honorary and stipendiary) (b) Small Cause Court..	Ahlmad .. Clerk of Court ..	(i) A separate register should be opened in each Court exercising original Civil jurisdiction. (ii) See foot-notes to form in Volume VI-A, Part A-IV. (iii) Cost should be shown separate from the thing or substantive sum, decreed in column II. (iv)The names of the Counsel of the parties should be noted in each case together with a remark as to whether or not the Counsel is authorised to receive moneys in execution. (v)The terms of a decree passed on a compromise should always be entered in detail. A mere note saying "decree on compromise" is not sufficient.
II	Register of Miscellaneous suits cognizable only by a Principal Court of original jurisdiction.	(a) Courts of District Judge (b) Courts of Sub-Judges where empowered	Ahlmad ..	In this register should be entered all cases cognizable by a Principal Court of original jurisdiction for which no special register is prescribed, e.g., applications relating to minors under Act VIII of 1890, and applications for Succession Certificates, Probates, or Letters of Administration, under the Indian Succession Act. See foot-notes to form in Volume VI-A, Part A-IV.

PART I- REGISTERS REFERRED TO IN PARAGRAPH 4 AS BEING
REPRODUCED IN VOLUMES VI-A AND VI-B RULES AND ORDERS-
CONTD.

No. of Register	Name of Register	Court in which to be kept	Official by whom to be kept	REMARKS
-----------------	------------------	---------------------------	-----------------------------	---------

(a)LIST OF CIVIL REGISTERS-CONTD.

	Register of Divorce and Matrimonial cases	Courts of District Judge	Ahlmad ..	See foot-notes to form in Volume VI-A, Part A-IV. Petitions under the Special Marriage Act, 1954, or the Hindu Marriage Act, 1955 should be entered in his register.
IV	Register of cases under the Land Acquisition Act.	Courts of District Judge	Do	Ditto
V	Register of Probates, Letters of Administration and Succession Certificates granted.	(a)Courts of District Judge (b)Courts of Sub-Judges where empowered	Do	In compliance with the orders of Government Courts are directed to keep up a register of probates, Letters of Administration and Succession Certificates granted by them and of the amount of stamp duty levied thereon. The register may be opened as subsidiary to register II and in a part of the same book, if convenient. The information is required annually and the return should be dispatched to the High Court.
VI	Register of Miscellaneous petitions and applications	All Civil Courts ..	Do ..	See foot-notes to form in Volume VI-A, Part A-IV.
VII	Register of applications to sue and appeal as a pauper.	Ditto ..	Do ..	
VIII	Register of rejected and returned plaints and memoranda of appeal.	Ditto	Reader	(i)The entries should be made by the 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.

PART I- REGISTERS REFERRED TO IN PARAGRAPH 4 AS BEING
REPRODUCED IN VOLUMES VI-A AND VI-B RULES AND ORDERS-
CONTD.

No. of Register	Name of Register	Court in which to be kept	Official by whom to be kept	REMARKS
-----------------	------------------	---------------------------	-----------------------------	---------

(a)LIST OF CIVIL REGISTERS-CONTD.

IX	Register of dates fixed for trial of original suits, appeals, and execution of decrees.	(a)Courts of District Judges. (b)Other Civil Courts.	(a)Ahlmad (b)Reader	(ii)This register must not be used for “documents returned” for which a separate register XXIV is prescribed. 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. See also foot-notes to form in Volume VI-A, Part A-IV.
X	Register of execution of decrees.	Ditto	Execution Moharrir	(i)Column 9 for adjustments subsequently to the decrees should be filled up carefully and regularly. (ii) Column 8 is for the amount decreed and column 10 for the amount for which execution is sought in any particular execution. It is a common mistake to put down the same amount in both the columns. The mistake should be avoided. (iii)See foot-note to form in Volume VI-A, Part A-IV.

PART I-REGISTERS REFERRED TO IN PARAGRAPH 4 AS BEING
REPRODUCED IN VOLUMES VI-A AND VI-B, RULES AND ORDERS-
CONTD.

No. of Register	Name of Register	Court in which to be kept	Official by whom to be kept	REMARKS
-----------------	------------------	---------------------------	-----------------------------	---------

(a) LIST OF CIVIL REGISTERS-CONTD.

XI	Register of miscellaneous petitions in execution proceedings	Ditto	Ditto	Column 8 is for the "specification of the property, if any, to which the claim in the petition relates." These specifications must be given in sufficient detail. Such entries as "Jaidad Makruka" or "property attached" are meaningless. The Khasra Numbers of agricultural land, boundaries of house properties, and a description of the cattle in dispute should be given.
XII	Register of applications for review in suits and appeals and for amendment of decrees	Ditto	Ahlmad	..
XIII	Register of appeals from decrees	Courts invested with appellate powers.	Do	When a memorandum of appeal is admitted the appellate Court shall endorse thereon the date of presentation, and shall register the appeal in a book to be kept for the purpose, such books shall be called the Register of Appeals. (Order XLI, rule 9, of Act V of 1908).
XIV	Register of Miscellaneous appeals	Courts invested with appellate powers	Do	In this register should be entered all appeals from orders which do not appear in register XIII.
XV	Record-keeper's General Register of suits and appeals disposed of	Record Rooms of- (a) Courts of District Judges (b) Small Cause Courts (c) Other civil courts All Civil Courts	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

PART I- REGISTERS REFERRED TO IN PARAGRAPH 4 AS BEING
REPRODUCED IN VOLUMES VI-A AND VI-B RULES AND ORDERS-
CONTD.

No. of Register	Name of Register	Court in which to be kept	Official by whom to be kept	REMARKS
-----------------	------------------	---------------------------	-----------------------------	---------

(a)LIST OF CIVIL REGISTERS-CONTD.

XVI	Register of Judgment-debtors imprisoned in execution of decrees	All Civil Courts	Ahlmad	a week expires 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 Deputy Commissioner or the District Judge, as the case may be. (i)Column 10 is for the amount of diet money deposited with the period for which it is deposited and the rate at which it is calculated. All these particulars must be furnished. (ii)The reason of release must be noted invariably in column 13.
XVII	Register of persons punished for Contempt of Courts	Ditto	Reader	..
XVIII	Register of stamp deficiencies to be maintained by Courts and Offices	All Civil Courts	Reader	(i)At the end of every month an extract from this register showing the duties and penalties levied during the month, with the other particulars entered in the register, must be sent to the Deputy Commissioner. (ii)An adequate description of each document must be given in column 6. (iii)Column 22 (Brief Reasons) must be filled up intelligently and not left blank

PART I-REGISTERS REFERRED TO IN PARAGRAPH 4 AS BEING
REPRODUCED IN VOLUMES VI-A AND VI-B RULES AND ORDERS-
CONTINUED

No. of Register	Name of Register	Court in which to be kept	Official by whom to be kept	REMARKS
-----------------	------------------	---------------------------	-----------------------------	---------

(a) LIST OF CIVIL REGISTERS-CONCLUDED

XIX	Register of Commissions	Ditto	Reader or Clerk of Court.	..
XX	Register of Process-Servers } }	Courts of- (a) District Judge.. (b) Senior Sub-Judge (c) Small Cause Courts }	Nazir ..	..
XXI-A	Register for special qanungo	Special Qanungo..	Special Qanungo	..
XXI-B	Register of Commissions is used to the Special Qanungo	All Civil Courts.	Ahlmad .. Naib Nazir ..	Column 4 is for a brief description of the kind of evidence required. This must be given in detail
XXI-C	Register of inspection notes } }	(i) District Judge .. (ii) Senior Sub-Judge ..	(i) Superintendent ... (ii) Clerk of Court..	
XXII	Register of warrants executed by Bailiffs	Senior Sub-Judge ..	Civil Nazir ..	..
XXIII	Register of process served by process-servers	Ditto	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.
XXIV	Register of documents returned	(a) All Civil Courts .. (b) All Record rooms ..	Reader .. Record-keeper	(i) On the return of a document which has been admitted in evidence a receipt shall be given by the party receiving it in a receipt book kept for the purpose (Order XVI, Rule 9 of Act V of 1908) (ii) An adequate description of the document returned must be given in column 4 The Record-keeper will maintain this register for return of documents in cases which have been consigned to the Record Room

PART I- REGISTERS REFERRED TO IN PARAGRAPH 4 AS BEING
REPRODUCED IN VOLUMES VI-A AND VI-B RULES AND ORDERS-
CONTD.

No. of Register	Name of Register	Court in which to be kept	Official by whom to be kept	REMARKS
-----------------	------------------	---------------------------	-----------------------------	---------

(a)LIST OF CIVIL REGISTERS-CONTD.

XXV	Register of deposits and refunds of commission on sale proceeds in execution proceedings	(a)Courts of District Judge (b)All other civil Courts	Reader Ahlmad ..	..
XXVI	Register relating to the property of minors and annual accounts of their estates	(a)District Judge .. (b)Sub-Judge, where empowered	} Do	Special attention must be given to filling up the entries in part 2 of the Register
XXVII	Register of persons adjudicated insolvents and administration of their estates	All Courts exercising insolvency jurisdiction	} Do	
XXVIII	Register of applications under Section 31 of the Punjab Relief of Indebtedness Act, 1934	All Civil Courts ..	Reader Ahlmad	..
XXIX	Diary Register for Process-servers and Baillifs	All Civil Courts ..	Process-server or Bailiff	..
XXX	Register of declarations under the Muslim Personal Law (Shariat) Application Act, 1937	All Civil Courts..	Reader	..
XXXI	Register of records under the Muslim Personal Law (Shariat) Application Act, 1937	Record Rooms under the control of Deputy Commissioners	Record Keeper	..
XXXII	Register of Appeals under the Muslim Personal Law (Shariat) Application Act, 1937	District Judge ...	Ahlmad ..	..

PART I- REGISTERS REFERRED TO IN PARAGRAPH 4 AS BEING REPRODUCED IN VOLUMES VI-A AND VI-B RULES AND ORDERS-
CONTD.

No. of Register	Name of Register	Court in which to be kept	Official by whom to be kept	REMARKS
-----------------	------------------	---------------------------	-----------------------------	---------

(a)LIST OF CIVIL REGISTERS-CONTD.

XXXIII	Register showing the decrees transferred to other courts and vice-versa	All Civil Courts ...	Ahlmad	..
XXXIV	Register of applications for revision under section 65 of the Punjab Gram Panchayat Act, 1952 (P.Act No. IV of 1953)	Court of the District Judge or any Court to which these powers may be delegated under sub-section (4) of Section 95 of the Act	Reader or Ahlmad at the discretion of the Court	..

PART I- REGISTERS REFERRED TO IN PARAGRAPH 4 AS BEING
REPRODUCED IN VOLUMES VI-A AND VI-B, RULES AND ORDERS –
CONTINUED

No. of Register	Name of Register	Court in which to be kept	Official by whom to be kept	REMARKS
-----------------	------------------	---------------------------	-----------------------------	---------

(b) LIST OF CRIMINAL REGISTERS

I	Register of cognizable and non-cognizable offences instituted on complaint or on Magistrate's own motion or reported by the Police under sections 157 and 173 of Criminal Procedure Code	Courts empowered to receive complaints or reports	Ahlmad ..	(i)Under section 157, Criminal Procedure Code, intimation is to be sent to the Magistrate having jurisdiction of all complaints or information preferred to the Police of all cognizable offences, Columns 1 to 13 of the Register should be filled up by the proper Officer of the Court as soon as orders have been passed by the Magistrate on the complaint or report submitted by the police (ii)entries in Column 3 should be classified as "Alif" or "Be" according to the instructions given in the printed heading (iii)Column 11 should not be left blank as is often done. See foot-notes to form in Volume VIB, Part B-IV (iv)Summary cases should be entered in this register as soon as these are received in Court. When the accused appears the case can then be entered in Register No. XVII
II	Register of cases under the Indian Penal Code	All Magistrates' Courts	Do	(i)In this register should be entered all cases under the Indian Penal Code sent up for trial by the Police, or entertained

PART I- REGISTERS REFERRED TO IN PARAGRAPH 4 AS BEING
REPRODUCED IN VOLUMES VI-A AND VI-B, RULES AND ORDERS –
CONTINUED

No. of Register	Name of Register	Court in which to be kept	Official by whom to be kept	REMARKS
-----------------	------------------	---------------------------	-----------------------------	---------

(b) LIST OF CRIMINAL REGISTERS

III	Register of cases under Special and local Laws and under the Code of Criminal Procedure	All Magistrates' Courts	Do	by the Magistrates on complaint preferred directly to themselves (ii)Appealable cases should always be marked as such (iii)Column 15 should mention the "Head of Crime" applicable as given in the police statement A, Part B-V of the Rules and Orders Volume VI-B All cases of offences punishable under Special and local Laws and security cases under Chapter VIII of the Code of Criminal Procedure should appear in this register
IV	Register of Miscellaneous Criminal Cases	(a)Sessions Courts (b)All Magistrates 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 Sections 87 and 88 of the Criminal Procedure Code, rights to unclaimed property under sections 25 to 27 of Act V of 1861 etc.

PART I- REGISTERS REFERRED TO IN PARAGRAPH 4 AS BEING
REPRODUCED IN VOLUMES VI-A AND VI-B, RULES AND ORDERS –
CONTINUED

No. of Register	Name of Register	Court in which to be kept	Official by whom to be kept	REMARKS
-----------------	------------------	---------------------------	-----------------------------	---------

(b) LIST OF CRIMINAL REGISTERS

V	Register of cases decided in each Court.	All Magistrates' Courts	Do	This and register VI are 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 columns 38 to 41 a distinctive mark should be used to show whether the imprisonment was rigorous or simple. At the close of the year the persons and cases in the pending file must be added in the appropriate columns 5 to 10 and 20 to complete the figures for the annual statements. When a case is transferred from one Court to another in the same District, the case will not be entered in the register of the transferring Court, but will be shown as if it had been originally instituted in the Court, which eventually disposed it of. When a case is transferred to another District or State a note in the column of remarks should show the District or State to which the case has been transferred. In cases in which a complainant is required to pay compensation to the accused, the fact should be noted in the column of remarks. A note in the column of remarks should also show whether the persons entered in columns 29 to 31 were imprisoned in default; and if so, for how many days they remained in prison, the amount of security or recognizance demanded being specified
---	--	-------------------------	----	---

PART I- REGISTERS REFERRED TO IN PARAGRAPH 4 AS BEING
REPRODUCED IN VOLUMES VI-A AND VI-B, RULES AND ORDERS –
CONTINUED

No. of Register	Name of Register	Court in which to be kept	Official by whom to be kept	REMARKS
-----------------	------------------	---------------------------	-----------------------------	---------

(d) LIST OF CRIMINAL REGISTERS-CONTINUED

VI	Register showing the number of offences reported and brought to trial and of persons discharged, acquitted or convicted	District Magistrate ...	Statistical Clerk.	Cases on which orders have been passed will be entered under the proper head of crime from time to time. To enable the Statistical Clerk to write up this register, all courts will furnish a return in vernacular form No. C.O.124 to reach him on the 7th, 15th, 22nd and the last day of each month. Pending cases will be added at the end of the year in order to complete the entries to be made in the annual statement II. It must be remembered that cases committed or referred to a higher Court are to be entered when the result in the higher Court has been ascertained; until then they will be treated as pending. In such cases the Court entered in Column I will be the Court which finally disposed of the case and the number of the case in the register of that Court will be entered in column 2. Cases transferred to another Court in the Punjab will not be entered until the case has been finally disposed of. To ensure this register being properly brought up to date at the close of each year Sessions Judges should take care that the results of all cases (whether received on commitment of reference) decided during the year are duly intimated to the Magistrate of the District concerned before the close of the year. Similarly care should be taken that the results of all references under Section 374, Criminal Procedure Code, and of committals to the High Court disposed of during the year, are duly communicated before the close of the year.
----	---	-------------------------	--------------------	---

PART I- REGISTERS REFERRED TO IN PARAGRAPH 4 AS BEING
REPRODUCED IN VOLUMES VI-A AND VI-B, RULES AND ORDERS –
CONTINUED

No. of Register	Name of Register	Court in which to be kept	Official by whom to be kept	REMARKS
-----------------	------------------	---------------------------	-----------------------------	---------

(b) LIST OF CRIMINAL REGISTERS- CONTINUED

VII	Register of Sessions trial and of references made to the Court of Sessions under section 123, Criminal Procedure Code.	Sessions Courts..	Ahlmad ..	
VIII	Register of trials of European British subjects			Discontinued in view of Act XVII of 1949
IX	Registers of complaints against, or inquiries into, conduct of the servants of the Government	(a)District Magistrates.. (b)Sessions Courts..	} Superintendent..	
X	Register of appeals and revisions in Criminal cases	(a)District Magistrate (for revisions only) (b)Other Magistrates empowered to hear revisions (c)Sessions Courts..	} Ahlmad..	Separate registers for appeals and for revisions will be maintained. Revision cases under section 51 of the Punjab Gram Panchayat Act, 1952 will be entered in this register.
XI	Register of dates fixed for trial of Criminal cases including dates of receipt of cases sent up for trial by the Police	(a)All Magistrates' Courts (b)Sessions Courts	(a)Reader .. (b)Ahlmad	Section 344 of the Code of Criminal Procedure limits to a maximum of 15 days the period for which an adjournment or remand can be granted and under section 247 summons should always fix a date.
XII	Register of Prisoners under trial	All Judicial lock-ups	Officer-in-charge..	This Register is intended to keep the Magistrate informed of the number of persons in the lock-up and to serve as a check on the illegal detention of any persons in custody and should be carefully maintained registers XII and XIII need not be kept by the lock-ups attached to Jails
XIII	Register of persons admitted to and removed from the lock-up in the District	All Judicial lock-ups..	Officer-in-charge..	

PART I- REGISTERS REFERRED TO IN PARAGRAPH 4 AS BEING
REPRODUCED IN VOLUMES VI-A AND VI-B, RULES AND ORDERS –
CONTINUED

No. of Register	Name of Register	Court in which to be kept	Official by whom to be kept	REMARKS
-----------------	------------------	---------------------------	-----------------------------	---------

LIST OF CRIMINAL REGISTERS- CONTINUED

XIV	Register of Judicial fines	(a)All Magistrates' Courts.. (b)Sessions courts..	See next column	(i)In every criminal and civil court the Reader of the Court will keep up a separate fine register (ii)In addition to this register there will be kept up in the same form at the headquarters of each district a general register of fines by the District Fine Moharrir (iii)The amount of fine realized should always be entered in column 12 in the Magistrate's own handwriting as required by Rule 5(iii) of Chapter II, Volume IV, of the Rules and Orders (iv)The number and date of the Treasury Receipts should always be given in column 13
XV	Register of Judicial fine realizations	District Magistrate	District Fine Moharrir..	See Chapter 11, Volume IV, Rules and Orders
XVI	Record keeper's General Register of decided cases	Record Rooms of- (a)Sessions Courts (b)Other Criminal Courts	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 a week expires between the date of decision and the date of filling the record, the delay should be brought to the notice of the District Magistrate or the Session Judge, as the case may be. It is unnecessary to enter in the register cases dismissed under section 203 of the Code of Criminal Procedure, or cases under the Police. Hackney and Stage Carriage, Cantonments, Cattle Trespass, Workmen's Contract. Punjab Municipal Cruelty to Animals, and Vaccination Acts.
XVII	Register of Summary Trials	All Magistrates exercising summary powers	Reader..	Columns 7-14 should be filled in by the Magistrate himself.

PART I- REGISTERS REFERRED TO IN PARAGRAPH 4 AS BEING
REPRODUCED IN VOLUMES VI-A AND VI-B, RULES AND ORDERS –
CONTINUED

No. of Register	Name of Register	Court in which to be kept	Official by whom to be kept	REMARKS
-----------------	------------------	---------------------------	-----------------------------	---------

(b) LIST OF CRIMINAL REGISTERS- CONTINUED

XVIII	Register of Road and Diet-money of witnesses	All Criminal Courts..	Do..	See Chapter 9-B, Rules and Orders, Volume III-This Register should be checked by the Magistrate or the Sessions Judge, at least once a week and column 10 initialled
XIX	Register of prisoners who are released or whose punishment is reduced on appeal or revision	(a)All Magistrate's Courts (b)Sessions Courts	Ahlmad or any other official to be nominated by the Court	This register should be checked once a week by the Presiding Officer of the Court who should see that all warrants are being complied with or received in the jails. He should verify this from the detachale portion of each warrant
XX	Register of applications for transfer of criminal cases	(a)District Magistrates and Sub-Divisional Magistrates (b)Sessions Courts	Ditto	..
XXI	Register of traffic cases-	All Magistrates appointed to try traffic cases	Ahlmad	(1)All cases relating to traffic filed by the Police under any Act other than the Indian Penal Code shall, after entry in the Police Traffic Register, be handed over to the Ahlmad of the Magistrate appointed to try traffic cases. The Ahlmad shall sign the Police Traffic Register in token of receipt of the complaints and other papers, shown in the Police Traffic Register, and shall within 24 hours enter these cases in the Court Register of Traffic Cases (Register No. XXI) (2)Cases, entered in this Register shall not be entered in Criminal Register Nos. I and III (prescribed in Volume VI, Part B-IV of Rules and Orders of the High Court) For purposes of statistical returns, e.g., pending and old cases, figures relating to traffic cases, which were formerly taken from Criminal Registers Nos. I and III will now be taken from the Register of Traffic Cases.

PART I- REGISTERS REFERRED TO IN PARAGRAPH 4 AS BEING
REPRODUCED IN VOLUMES VI-A AND VI-B, RULES AND ORDERS –
CONTINUED

No. of Register	Name of Register	Court in which to be kept	Official by whom to be kept	REMARKS
-----------------	------------------	---------------------------	-----------------------------	---------

(b) LIST OF CRIMINAL REGISTERS- CONTINUED

XXI	Register of traffic cases-concl'd	All Magistrates appointed to try traffic cases-concl'd	Ahlmad-concl'd	(3)The Traffic Magistrates shall check once a month the Register of Traffic Cases maintained in his Court and in the course of his check he shall have before him the Police Traffic Register. He shall in particular, satisfy himself that all cases and licences shown in the Police Traffic Register have been entered in the Court's Register. At the conclusion of his check, he shall sign both the registers. (4)If any case it has been impossible to obtain the appearance of the accused, the Magistrate before consigning the records to the Record Room shall satisfy himself that any licence shown as having been impounded and attached to the report is still present. He shall then forward the impounded licence to the licencing authority by whom it was originally issued through the Police by attaching it to the "Conviction Slip" in which a reference should be made to it (5)as far as possible, the records of traffic cases-which are not actually being heard by the Magistrates should be kept under lock and key, the keys being retained either by the Magistrates himself or some particular court official on whom individual responsibility can be fixed in the event of any loss. (6)This register will be maintained only in court to be selected by the District Magistrate
XXII	Register of bail application	All Criminal Courts	Ahlmad	Every entry in the register should be signed and dated by the Presiding Officer

(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 Senior Sub-Judge. (c) Small Cause Courts	Nazir or Cashier under the Supervision of- (a) Superintendent (b) Clerk of Court (c) Clerk of Court	
B.	Register of files taken from the Record Room for reference.	Record Rooms of- (a) District and Sessions Courts. (b) Small Cause Court. (c) Other civil and Criminal Courts.	Record Keeper..	
C.	Register of miscellaneous proceedings received from other Districts or courts.	All Civil and Criminal Courts.	Ahlmad	
D.	Register of despatch of packets or letters.	Ditto	Ditto	
E.	Register of general orders issued in the judicial department.	(a) District Magistrates. (b) District and Sessions Judges.	Reader of the Court..	In this register should be copied all orders issued for the guidance of Subordinate Courts in the order and date on which they were issued
F.	Register of property received into the Nazir's store room.	(a) Criminal Courts at head-quarters. (b) Civil Courts at head-quarters. (c) Civil and Criminal Court at Tahsils. (d) Small Cause Courts.	(a) District Nazir .. (b) Civil Nazir Nazir	See Chapter 10-A, Rules and Orders, Volume IV
G.	Register of ministerial officers.	(a) District and Sessions Courts and Subordinate Judges' Courts. (b) Small Cause Courts.	(a) English Clerk.. (b) Clerk of Court	At the beginning of each year a list of officials, should be made out in the prescribed form, the names of officers who have been removed or transferred being omitted.
H.	Register of petition writers.	District and Sessions Courts	English Clerk ..	See Chapter 17-A Rules and Orders Volume I Rules 2
I.	Register of Affidavits.	All Civil and Criminal Courts.	Reader..	See Chapter 12-B, Rules and orders, Volume IV
J.	Register of General Correspondence.	District and Sessions Judges, Courts.	English Clerk	

PART II-REGISTERS REFERRED TO IN PARAGRAPH 4 AS NOT BEING REPRODUCED IN VOLUMES VI-A AND VI-B BUT IN VOLUMES 1 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 Senior Sub-Judge and Small Cause Court	Volume I, Chapter 18-C
Register E of Guardians	Ahlmad	Volume II, Chapter 2-B
Insolvency registers..	Do	Volume II, Chapter 4
Official Receiver's registers..	Official Receivers..	Volume II, Chapter 4-E
Civil Court Deposit Registers..	Civil Nazir and Nazir	Volume II, Chapter 8-E
Sheriffs Petty Accounts Registers	Civil Nazir and Nazirs or Cashiers	Volume II, Chapter 8-D
Note Book of Bailiffs	Bailiffs	Volume II, Chapter 8-E
Note Book of Process-servers.	Process-servers	Volume II, Chapter 8-D
Register of maintenance orders made by Courts outside India for enforcement in India	Presiding Officer of Court	Volume III, Chapter-7-B
Register of Arms and Ammunition	Officer-in-charge of Nazarat	Volume IV, Chapter 10-C
Supply of Copies Registers..	Senior Copyist	Volume IV, Chapter 17

CHAPTER 25**SUPPLY OF FORMS****PART A—SUPPLY OF FORMS**

1. The forms prescribed for the use of Courts are printed by the form work contractors to the Punjab Government and despatched direct to indenting officers. All indents for such forms should be addressed to the Controller of Printing and Stationery, Punjab, who has been appointed the medium of communication between the indenting officers and the printers.

Indents.

2. The annual consolidated indent for such forms due with the Controller of Printing and Stationery, Punjab, by the 15th March and District and Sessions Judges are enjoined to see that this date is strictly adhered to or the Press will not be responsible for any delay that may occur in the supply of printed forms. District and Sessions Judges are included in the list of officers entitled to indent direct for Departmental English forms, *vide* Appendix D of the Punjab Printing and Stationery Manual (Third edition).

Date of submission of indent.

3. The indents will be prepared 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.

Instructions for preparing indents.

Indenting officers should so frame their *annual* indents as to obviate the necessity for a large or frequent supplementary indents. Notice will be taken of any case in which these instructions are found to have been neglected.

4. When dispatching packages containing forms to indenting officers, the Contractors will also forward by a letter-post a dispatch note or *chalan*. On receipt of the package the officer concerned should examine the contents carefully, and, after ascertaining that they are correct, return the *chalan*, duly signed, to the despatching officer.

Chalan of forms dispatched.

Periodical returns.

5. These instructions do not apply to periodical returns, forms for which will be supplied by the High Court without indents, according to the Appendix II attached to Chapter 23 of this Volume "Reports and Returns"

List of form
Stocked forms.

6. Lists of the Civil and Criminal forms which have been prescribed by the High Court for general use in the Punjab will be found in the Books of Civil and Criminal Forms given in the Rules and Orders, Volumes VI-A and B.

It will be observed that only such forms as are in most general use and are marked "Stocked" will be supplied in print; the others must be prepared in manuscript whenever required. Books containing complete sets of Civil and Criminal forms are supplied to each Court, and should be kept carefully up to date.

Establishment and
contingents bills.

7. Forms of establishment and contingent bills will be supplied by the Accountant-General.

Civil Nazir to stock
forms.

8. All civil forms will be stocked by the Civil Nazir whose duty it will be to supply them to Subordinate Judges and Extra Assistant Commissioners when required.

Universal forms and
envelopes.

9. 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 by officers entitled to indent direct for such. (Appendix D to the Manual).

Vernacular Forms for Judicial Purposes

Vernacular forms.

10. Vernacular forms used by subordinate Courts are obtained locally by District Courts. Vernacular forms are to be printed on paper of the size of official petition paper, or a quarter of a sheet of the standard jail paper, as may be most convenient. The paper prescribed is "B" quality paper as supplied by the Jail Department.

11. Care should be taken to adhere strictly to the wording of judicial forms prescribed by law or by the orders of the High Court.

Forms should be correctly prepared.

12. Indents for vernacular forms should be submitted to the Controller of Printing and Stationery, Punjab, at Chandigarh by the 15th April, of each year at latest so as to enable that officer to comply with all indents in time. In preparing the indent care should be taken to form a proper estimate of the probable requirements for the year, so as to avoid the necessity of submitting supplementary indents.

Indents.

PART B—PRINTING

1. All lithographic printing has under the orders of the Punjab Government to be done as far as possible, at the Government press at Chandigarh. Lithographed forms, a revised list of which has been prepared by the Controller of Printing and Stationery, Punjab, and will be supplied to departments concerned, are to be obtained from the Government Press on indent to cover the annual requirements of each Department. Supplementary indents must be avoided as far as possible.

Lithographed forms.

2. The annual indent of Civil and Criminal Vernacular forms from District and Sessions Judges, to cover the requirement of the District, is due with the Controller of Printing and Stationery, by the 15th April. This date must be strictly adhered to or the Press will not be responsible for any delay that may occur in the supply of printed forms.

Date of submission of indents.

3. Unless Government has specially permitted a deviation from the rule, no work must be sent direct to a private press. All indents for printing of every description whether typographic or lithographic should be sent to the Controller of Printing and Stationery, Punjab, who will decide with regard to the state of work in the various Government Presses whether to carry out the work himself or place it at a private press. In the latter case he will pay the bill himself from the allotment for printing at private presses or lithography, as the case may be.

Printing by private press direct prohibited.

4. Heads of Departments and District and Sessions Judges have been delegated powers to sanction, expenditure in emergent cases on account of printing-typographic or lithographic at a private press, to a limit of Rs. 10 in each case. These orders will be paid, for by the officer concerned but a duplicate copy of the bill, together with a voucher copy of the work, should be forwarded to the Controller of Printing and Stationery, Punjab, for examination and record. Such expenditure should be charged to the head "56-Stationery and Printing" Minor heads, "Printing at Private

Emergent printing.

Presses” or “Lithography” and should not be met from the contingent grant.

Complaints against
Government Press.

5. If the work supplied by the Government Press proves unsatisfactory or if it is not done promptly the fact should be reported to the Controller of Printing and Stationery, Punjab, and the High Court is informed at the same time.

Rules made by the High Court of Punjab under section 3 of the Destruction of Records Act, 1917, with the previous sanction of the state government 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.

RULES

A-General

1. 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 :

Timely destruction of records.

Provided that the District Judge in the case of Civil Judicial records, the Sessions Judge in the case of records of the Court of Sessions and the District Magistrate in the case of Magisterial records may order, for reasons to be specified, that any particular paper or the record of any particular case be preserved beyond such period.

2. The destruction of such records and registers shall be carried out under the supervision of the Record Keeper and shall be effected by tearing, care being taken that all Court-fee stamps have been duly cancelled. The paper shall then be sent to the nearest paper-making mill [list given in note(II) below] after ascertaining from the mill concerned whether it does require the waste paper. The paper should be sold in the open market if the reply of the Mill is in the negative; the sale-proceeds being credited to the head "XXI-Administration of Justice –Miscellaneous Fees and Fines-Judicial Record Room Receipts".

Manner of destruction and disposal of waste paper.

NOTE (i). In the case of Small Cause Courts the work of destruction shall be carried out under the supervision of the registrar.

NOTE (ii) . – The Following are the paper-making jails:-

- (1) Ambala District Jail.
- (2) Hissar District Jail.
- (3) Gurdaspur District Jail.

2-A. Documents of a secret or confidential nature should not be sold but destroyed by being burnt under proper supervision.

[1, 2 & 3] 2B. The general complaints wherein no action is required to be taken may be weeded out after two years of its final disposal.

Provided that before destruction of any complaint the same be got scanned, orders of the competent authority shall be obtained and thereafter, the inventory of each destroyed record shall be maintained to keep record of the same in the following proforma:-

Sr.No.	Date of complaint	Name and address of the complainant	Subject	Final orders passed thereon	Date of destruction

B-Records

Arrangement of certain civil records in three parts.

3. The following Civil Records shall be arranged in three part A, A(i) and B, namely, those of –

- (1) suits involving the title to immovable property as defined in section 3, clause 25, of the General Clauses Act, 1897, other than suits for arrears of rent, or for a share in the produce, when the right is not disputed and only the amount contested;
- (2) suits relating to succession to an office, or to establish or set aside an adoption, or otherwise determine the status of an individual, and all suits relating to trusts or religious endowments;

-
1. Inserted vide Correction Slip No. 186 Rules/II.D4 dated 07.01.2020 for Union Territory Chandigarh.
 2. Inserted vide Correction Slip No. 187 Rules/II.D4 dated 04.03.2021 for the State of Haryana.
 3. Inserted vide Correction Slip No. 190 Rules/II.D4 dated 05.07.2021 for the State of Punjab.

Vol.IV**Ch. 16-F**

- (3) Proceedings under the Indian Succession Act, 1925 and under the repealed Acts entered in Schedule 9 of that Act;
- (4) Proceedings under the Indian Divorce Act, 1869.

Part A shall contain the following papers:-

- (1) The index of papers.
- (2) The order sheet or chronological abstract of order.
- (3) The plaint together with any schedule annexed thereto.
- (4) The written statements and pleadings of the parties.
- (5) The memorandum of issues with amended or additional issues, if any.
- (6) All depositions of witnesses.
- (7) All documents received by the Court during the trial, as evidence between the parties other than copies of Civil, Revenue or Municipal records.
- (8) Commissions, proceedings held thereunder, and reports of Commissioners.
- (9) Applications to refer to arbitration, the award of other final return of the arbitrators, with the proceedings, depositions and documents submitted therewith, and any application to set aside the award with the Court's orders thereon.
- (10) Instruments of withdrawal, compromise or confession of judgment.
- (11) The Judgment or other final order.
- (12) The decree and all documents relating to the preparation or amendment thereof.
- (13) All notes in the handwriting of the Judge.

Vol.IV

Ch. 16-F

- (14) Any order by the Court accepting an application for review of judgment or for a new trial.
- (15) Judgments and decrees of Appellate Courts, if any.
- (16) All orders passed in execution proceedings with applications, objections, writs of which service has been effected, notices, reports and returns relating thereto.
- (17) All receipts and acknowledgements filed in execution proceedings.
- (18) Processes by which service is effected on the defendants in civil suits decided ex parte.
- (19) Powers of attorney of Counsel or agents of parties.

Part A (i) shall contain the following papers:-

- (1) Copies of Civil, Revenue and municipal record received by the Court during the trial as evidence between the parties.
- (2) Applications of parties who are strangers to the suit with the Court's orders thereon.
- (3) Reports furnished by the Record Department.
- (4) Orders of arrest or attachment before judgment with all documents relating thereto.
- (5) Applications for review of judgment or for a new trial, with the Court's orders thereon, other than orders accepting such applications.

Part B shall consist of all papers not included in Parts A and A(i).

Records to be
divided into two
parts- A and B.

4. All other Civil records and all Criminal records shall be arranged in two parts –A and B.

5. In the case of such other Civil Records Part A shall contain the following Paper:-

Papers included in parts- A and B of civil record.

- (a) In original cases, other than those to which Rule 3 applies, heard by any Court other than a Court of Small Causes.

Those papers specified in Rule 3 as contained in Parts A and A (i).

- (b) In cases heard by a Court of Small Causes-

- (1) The index of papers.
- (2) The order sheet or chronological abstract of orders.
- (3) The plaint with the papers annexed thereto.
- (4) Any cross-claim set up by the defendant by way of set-off.
- (5) All documents received by the Court during the trial as evidence between the parties.
- (6) Any award of arbitrators, or deed of withdrawal, compromise or confession of judgment.
- (7) The judgment or other final order.
- (8) The decree.
- (9) All notes in the handwriting of the Judge.
- (10) Any application for review of judgment, or for a new trial, with the Court's orders thereon.
- (11) Any order passed by the High Court as a Court of reference or revision.

- (12) All orders passed in execution proceedings with all applications, writs of which service has been affected, notices, reports and returns relating thereto.
- (13) All receipts and acknowledgements filed in execution proceedings.
- (14) Written statements of parties.
- (15) Processes by which service is effected on the defendants in suits decided ex parte.
- (16) Powers of attorney of Counsel or agents of parties.
 - (c) In appeal cases—
 - (1) The index of papers.
 - (2) The order sheet or chronological abstract of orders.
 - (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) Application to the Appellate Court to refer to arbitration, references, the award or other final return of the arbitration with the proceedings, depositions and documents submitted therewith and any applications to set aside the award, with the Court's orders thereon.
- (10) Deeds of withdrawal, compromise or confession of judgment.
- (11) The judgment or other final order.
- (12) The decree of the Appellate Court.
- (13) All notes in the handwriting of the judge.
- (14) Applications for review of judgment, with the Court's orders thereon.
- (15) Any judgment and decree of a superior Court of appeal.
- (16) Powers of attorney of Counsel or agents of parties.

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

6. In the case of criminal records Part A shall contain the papers noted below:-

Papers included in parts-A and B of Criminal record.

- (a) In original cases tried by a Court of Session-
 - (1) The index of papers.
 - (2) The order sheet or chronological abstract of order
 - (3) The charge, original and as amended by the Sessions Judge.

Vol.IV**Ch. 16-F**

- (4) All depositions of witnesses and statements of accused persons, including depositions and statements transferred from the file of the Committing Magistrate.
 - (5) All documentary evidence.
 - (6) The final order.
 - (7) The verdict of the jury.
 - (8) All notes in the handwriting of the Judge.
 - (9) The judgment or order of the High Court as a Court of appeal, reference or revision.
 - (10) Warrants returned after execution of sentence.
 - (11) All proceedings relating to the realization of fines.
- (b) In Magisterial inquiries and trials-
- (1) The index of papers.
 - (2) The order sheet or chronological abstract of orders.
 - (3) The final Police report (Chalan), or petition of complaint.
 - (4) All depositions of witnesses and statements of accused persons.
 - (5) All documentary evidence.
 - (6) The charge, where a formal charge is drawn up.
 - (7) The final order of the Court.

- (8) All notes in the handwriting of the Magistrate.
- (9) The judgment of the Appellate Court, if any.
- (10) The judgment of the High Court in revision, if any.
- (11) Warrants returned after execution of sentence.
- (12) All proceedings relating to the realization of fines.
- (13) Bonds for good behavior taken under section 110 of the Code of Criminal Procedure.

(c) In appeal cases-

- (1) The index of papers.
- (2) The order sheet or chronological abstract of orders.
- (3) The petition of appeal.
- (4) Copy of the judgment of the Lower Court.
- (5) Any additional evidence taken under section 428 of the Code of Criminal Procedure.
- (6) The final order of the Court.
- (7) All notes in the handwriting of the Judge.

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

7. The following records shall be preserved in perpetuity:-

Records to be preserved in perpetuity.

- (1) Part A of all suits and appeals involving title to immovable 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 clause I of Rule 12 will 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 proceedings under the Indian Divorce Act, 1869.
- (6) Records relating to the disposal of immovable property forfeited to Government under section 62 of Indian Penal Code.
- (7) 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.
- (8) Correspondence with other offices on matters connected with the administration of justice, including annual reports and the statements appended thereto: provided that heads of offices may, with the previous sanction of the District Judge, order the destruction after three years, of any correspondence of a merely formal or ephemeral character, after personally satisfying themselves, in regard to each paper ordered to be destroyed, that its retention is no longer necessary.

Also, annual confidential reports on the work of magistrates and subordinate Judges, stipendiary and honorary, may be destroyed five years after the end of the year to which they relate.

- (9) Part A of proceedings under the Indian Lunacy Act IV of 1912.
- (10) Part A proceedings under the Companies Act, 1956 (No. I of 1956) or under the Banking Companies Act (X of 1949).

NOTE.- A list of all papers which it is proposed to destroy under this clause must be prepared and, in the case of a subordinate office, be submitted to the District Court for sanction. This list will be preserved in perpetuity.

8. The following records shall be preserved for sixty years and shall then be destroyed:-

Records to be preserved for 60 years.

- (1) Part A of proceedings under sections 1 and 8 of Regulation XVII of 1806.

9. The following records shall be preserved for fifty years and shall then be destroyed:-

Records to be preserved for 50 years.

- (1) Part A of proceedings under the Guardians and Wards Act, 1890, and under Act XL of 1858 and IX of 1861, other than those in which the petitions have been rejected.
- (2) Records of Insolvency proceedings under all Acts other than those falling within Rule 7(7) which have not been destroyed previously under Rules 11 and 13. The period of fifty years shall be taken to run from date of the order of adjudication.
- (3) Part A of the cases relating to any of the offences specified in section 44 of the Code of Criminal Procedure, as offences of which all persons are bound to give information, in which any of the suspected persons have escaped apprehension:

provided that, whenever it is known that the offenders or offenders on whose account such records are kept, are dead, the records may be destroyed.

- (4) 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 3 and 4 when the time comes, when under ordinary circumstances they would be liable to destruction, shall be removed to a separate bundle of cases of absconding and unknown offenders.

- (5) Part A of criminal cases in which a lunatic is concerned, unless the lunatic shall have been subsequently tried or have died.

10. The following records shall be preserved for twenty years and shall then be destroyed:-

Records to be
preserved for 20
years.

- (1) Part A (i) the Civil records specified in Rule 3 above.
- (2) 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.
- (3) Part A of cases in which any public servant has been tried, whatever may have been the result of the case.
- (4) Part A of all Civil suits and appeals, other than suits and appeals falling under Rule 7, where one of the parties is a minor suing or sued through a guardian under Order XXXII of the Code of Civil Procedure.
- (5) Part A of Criminal cases relating to any offences other than those specified in section 44 of the Code of Criminal Procedure in which any suspected persons have escaped apprehension provided that,

whenever it is known that the suspected offender or offenders on whose account such records are kept, are dead, the records may be destroyed.

11. 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:-

Records to be
preserved for 12
years.

- (1) Part A of 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 XXXVI of the Code of Criminal Procedure in which maintenance is awarded.
- (3) Insolvency proceedings 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, 1809, and under Act XL of 1858 and IX of 1861 in which the petitions have been rejected.

12. 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:-

Records to be
preserved for 6
years.

- (1) Part A of all Civil suits and appeals other than suits and appeals falling under Rule 7: 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 in District offices under this clause shall be made at the time of destruction in the list of cases put up with the village bundle.

Note 2.- In January, April, July and October, each the record-keeper will receive from Civil Courts, - vide paragraph 1 of Chapter 16-A, Part III, Rules and Orders, Volume IV, lists of execution cases in respect of records which are six years' old or about to become six years' old in which decrees have been fully executed or have become incapable of further execution. On the receipt of these lists, the record-keeper should make a note to this effect on each file and he should not destroy any file unless it contains this note without ascertaining whether the decree has been fully executed or has become incapable of further execution.

Note 3.- Only such portion of the record, if any, as relates to the attachment, sale and delivery of immovable property in executed decrees, including all objections, proceedings, and orders thereon should be taken out and preserved permanently as required by rule 7 when the record is destroyed under rule 12.

- (2) Part A of cases tried by the Magistrate of the District under section 30 of the Code of Criminal Procedure, in which he has inflicted a heavier punishment than might have been inflicted by a Magistrate of the first class : provided that, if the sentence has not been fully executed, the record shall be preserved until the return of the warrant and then destroyed.
- (3) Records relating to the realization of fines of Criminal Courts.

Records to be
preserved for 3
years.

13. 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.

Vol.IV

Ch. 16-F

- (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 Magistrate or District Judge and Subordinate Courts, and other records, periodical statements, reports, proceedings, applications, etc., not expressly provided for in these rules : provided that, in respect of records falling under this clause, heads of offices must exercise their discretion in preserving reports, returns and proceedings likely to be useful in the future, as containing the result of inquiries or other information, or the opinions of experienced officers on matters connected with the general administration of justice.

14. The following records shall be preserved for one year and shall then be destroyed:-

Records to be preserved for 1 year.

- (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.

[1]& [2] 14-A The original record in physical form should also be preserved in Digital Form.

Records to be preserved in Digital Form :-

[1] Inserted vide Correction Slip No. 155 dated 19-5-2011

[2] Clarification vide Correction Slip No. 189 dated 27.05.2021 (Insertion made vide corrections Slip No. 155 dated 19.05.2011 be treated as amendment made in Chapter 16-F instead of Chapter 16-E)

Vol.IV

Ch. 16-F

Mode of reckoning
period.

15. The periods prescribed above shall except in the case noted below, be taken to run from the date of the final order of the Court of first instance, or , in the event of an appeal, from that of decision of the appeal.

In cases under Chapter XXXVI 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 award.

Notes of
destruction.

16. (i) When under the above rules the whole of the papers of Part A of the record are destroyed, a note to the 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 14 above.

Preservation of
papers belonging
to Government or
private persons.

17. 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 Deputy Commissioner of the district and of the Court in which the suit was tried or, if such Court has been abolished of such other Court or Courts as may be exercising jurisdiction in lieu of it. Heads of offices must make the best arrangements for the custody of these documents that the circumstances admit of. In District offices it will probably be most convenient to keep them with the appropriate village bundles.

C-Registers

18. The following judicial registers shall be preserved in perpetuity:-

Registers to be preserved in perpetuity.

Civil Register Nos. I,II,III,IV, V, XV and XXIV.

Criminal Registers Nos. VII, VIII and XVI.

19. The following judicial registers shall be preserved for fifty years from the date of the last entry and shall then be destroyed:

Registers to be preserved for 50 years.

Civil Registers Nos. XXVI and XXVII.

Criminal Register No. IX.

Miscellaneous Registers G and I.

20. The following judicial registers shall be preserved for twenty years from the date of the last entry and shall then be destroyed:-

Registers to be preserved for 20 years.

Civil Registers Nos. X, XI and XIII.

Criminal Registers Nos. II and X.

Miscellaneous Registers Nos. A and H.

Vol.IV

Ch. 16-F

Registers to be
preserved for 12
years.

21. The following judicial registers shall be preserved for twelve years from the date of the entry and shall then be destroyed:-

Civil Registers Nos. VI and XIV.

Criminal Registers Nos. I, III, IV and XIV.

Registers to be
preserved for 6
years.

22. The following judicial registers shall be preserved for six years from the date of the last entry and shall then be destroyed:-

Civil Registers Nos. XVI, XVIII, XXI-A, XXI-B and XXV.

Criminal Register No. XV.

Miscellaneous Register B.

Provided that Civil Register No. XVIII and other registers mentioned in this Rule shall be preserved for a longer period, if necessary. Such registers shall be preserved for a period of at least 3 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.

Registers to be
preserved for 3
years.

23. The following judicial registers shall be preserved for three years from the date of the last entry and shall then be destroyed:-

Civil Register Nos. VII, VIII, IX, XII, XVII, XXI-C, XXII And XXIII.

Criminal Registers Nos. V, VI, XI, XII and XIII.

Miscellaneous Registers C, D, E and F.

Instructions
regarding
destruction of
Civil Register No.
XX and
Miscellaneous
Register M.

24. Civil Register No. XX and Miscellaneous Register should be treated as follows:-

When a book is full, the names of the peons still in service or of the petition-writers still holding licences should be copied into a new register and the old register destroyed.

25. No Judicial Registers shall be destroyed except as directed above.

No Judicial register to be destroyed.

D-Other Papers

26. Personal files of all officers and ministerial and menial servants of Government:-

Regarding personal file of officers, and ministerial and menial servants.

- (a) 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
- (b) Who have retired, shall be preserved until their death and then destroyed, provided that no file shall be destroyed before three years from date of retirement when death occurs within three years of retirement.
- (c) ¹[The casual leave application record be preserved for 3 years from the end of relevant calendar year and the casual leave application register be preserved for 3 years from the end of the calendar year of its completion and shall be destroyed after retaining the scanned copies thereof.]

27. Vouchers relating to contingencies should be preserved for 3 years and then destroyed, this period being reckoned from 1st January following the date of payment.

Destruction of voucher relating to contingencies.

²[27A. All the administrative diary Receipt Registers/Dispatch Registers shall be preserved for 5 years from the end of Calendar Year of its completion and thereafter, be destroyed after retaining the scanned copies thereof.]

Diary Receipt Registers/Dispatch Registers

28. The records relating to Sheriff's Petty and Civil Court Deposit Accounts shall be preserved for the period noted against each in the subjoined statements.

Preservation of records relating to Sheriffs' Petty and Civil Court deposit Accounts.

^{1&2}. Sub Rule 26(c) and Rule 27A inserted vide Correction slip No. 192 dated 15.12.2023 (for the District Courts of Punjab).

^{1&2}. Sub Rule 26(c) and Rule 27A inserted vide Correction slip No. 193 dated 19.01.2024 (for the District Courts of U.T. Chandigarh).

^{1&2}. Sub Rule 26(c) and Rule 27A inserted vide Correction slip No. 195 dated 19.01.2024 (for the District Courts of Haryana).

CIVIL COURT DEPOSIT ACCOUNTS REGISTERS AND FORMS		Period for which it is proposed to preserve 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) Form 28 Civil Account Code, Volume I)	6 years
Form No. 13	Clearance Register (Cash System)	Do
Form No.14	List of repayments (Cash system) (Form 47, Civil Account Code, Volume II)	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.	One year from the date of last audit
Form No.18	Stock Book to Forms of Receipt Books/Cheque Books	One year from the date of last audit

SHERIFFS' PETTY ACCOUNTS

SHERIFF'S 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 warrant 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 one year has elapsed since the removal of the objection originally raised.

SHERIFFS' PETTY ACCOUNTS

SHERIFF'S PETTY ACCOUNTS REGISTERS AND FORMS

New Number	Heading	Old Number	Heading	Period for which it is proposed to preserve the Register
Form No.9..	Challan Form..	Form J..	(a) Memo to accompany remittance of surplus money to the treasury	6 years
		Form K..	(b) Of monthly balance to the treasury	
		Form L..	(c) Consolidated Memo of remittance to the treasury	
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 Forms 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 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.

(Punjab Government letter No. 8026-FR-53/8147, dated the 4th November, 1953)