CHAPTER - XII

JUDICIAL-MISCELLANEOUS

1. TRANSFER OF CASES

(i) Regular cases

C.L. No. 51 dated 23rd September, 1960

Appeals from the orders and sentences of the Assistant Sessions Judges should ordinarily be heard by Sessions Judges themselves and not transferred to Additional Sessions Judges.

G.L. No. 42 dated 3rd November, 1932

The instructions given below apply to additional courts other than those, which have been working regularly and are more or less in the nature of permanent courts or additional courts created for the trial of particular cases.

There is a tendency in subordinate courts to postpone complicated cases and to take up the disposal of such cases as are short or convenient and when an additional court is created such old and complicated cases are often transferred to it in order to give relief to the permanent court. The Presiding Officers of such additional courts are generally less experienced than those of permanent courts, and such an arrangement is not satisfactory, and is disapproved by the High Court.

C.L. No. 100-B dated 12th September, 1952

Stayed cases should not be transferred to additional courts of Civil Judges or Munsifs. Old cases should be retained on the file of permanent courts and only fresh institutions should be transferred to additional courts for disposal.

C.L. No. 43/IV-g-27 dated 13th April, 1979

The court has noticed that cases below Rs. 10,000/- in valuation are still pending in the courts of Civil Judges and have not been transferred to the courts of Munsifs who have been conferred with the powers to try such cases. Though the principle that cases should normally be tried by the lowest court competent to try them cannot be given the shape of a peremptory rule, the same cannot be ignored. It does not only save the time of court of the higher jurisdiction for doing more important work but it also safeguards the right of the litigants of having their first appeal heard and decided by the appellate court of their respective districts. The above principle should always be kept in mind while making distribution of the work in the district.

G.L. No. 9/B-9 dated 1st May, 1941

In transferring criminal cases, the practice of transferring only difficult and complicated cases of the permanent judge's own file or lengthy and involved appeals is to be deprecated. The Court is unwilling to lay down any hard and fast rule which might inconvenience Sessions Judges in their discretion to transfer either cases from their own file or new institutions to the additional courts, but the Court insists that Sessions Judges must not place an unfair burden upon additional courts by giving to them only difficult and complicated work. The Court suggests as a broad principle to be followed that unless there are strong reasons to the contrary, there should be an equal distribution between the permanent court and the temporary court of difficult and

easy, long and short cases. The Sessions Judge can easily satisfy himself from the calendar or from glance through the committal order and the Magistrate's estimate of the number of days likely to be taken in the hearing whether a case is likely to be long and difficult, or short and easy. It appears to the Court that certain Sessions Judges transfer cases as the result of a policy of showing a good disposal in their own courts with a comparatively low disposal in the courts of Additional Sessions Judges. The Court considers this to be bad administrative policy and will make comment to that effect in future in the personal files of the judges concerned.

No. 55/2007Admn. (G). Allahabad Dated: 13.12.2007.

The Hon'ble Court has taken serious note of the Magistrate Courts not observing the provision as laid down in Rule 21 of the General Rules (Criminal), Sub Clause (ii) of which provides that in case of transfer of a criminal case from the court of one Magistrate to another magistrate a new serial and a number shall be given showing the new number in the numerator and the old number in the denominator. The non-observance of this rule has resulted in difficult to ascertain as to how old a particular case has become due the said case not being decided by a particular court. Therefore, I have been directed to say that every court of a magistrate shall ensure strict compliance of the Rule 21 of the General Rules (Criminal) with all seriousness without fail.

I am to say further that kindly bring the contents of this circular Letter to notice of all the magistrates working under your administrative control for strict compliance.

C.L. No. 71/VII-h-13 dated 11th June, 1952

All Sessions Judges should transfer a sufficient number of civil and criminal appeals to temporary courts of Additional District Judges so that if for some reason sessions trial cannot be proceeded with they may have some other work to fall back upon. Ordinarily at least 50 criminal and civil appeals should be pending before an Additional District Judge. If necessary, they should on days the work in the temporary courts falls short also transfer to the temporary court any work available, which it is competent to try so that there may be no waste of time.

C.L. No. 65/VIII-h/37/D R(S) dated 12th October, 1982

The cases pending in vacant court of Civil Judge, should be transferred to different courts of Additional District and Sessions Judges, District Judge and to the court of other Civil Judge, if any, posted in the judgeship.

C.L. No. 4/Admn.(A) dated 17th August, 1976

It invites attention to clause 53 added to Section 4 of the U.P. General Clauses Act by Act No. 54 of 1975 according to which any reference to the "District Judge" has to be construed as including a reference to the "Additional District Judge". This being the position of the revisions filed before the District Judges can always be transferred to and heard and disposed of by the Additional District Judges.

C.L. No. 163/IV-h-19/Admn.(A) dated 16th October, 1976

Only civil work should be allotted to some of the Additional District Judges and only criminal work to rest of the Additional District Judges, depending on the pendency of civil and criminal work in the judgeship. The changeover from civil to criminal and vice-versa will be made yearly.

C.L. No. 63/IV h-14 dated 12th June, 1979

In future Sessions Judges should see that criminal revisions and equally distributed for hearing in the file of Sessions Judges and Additional Sessions Judges.

C.L. No. 108-B dated 17th October, 1952

Jail appeals need quick disposal and should normally not be transferred by Sessions Judges to other courts.

C.L. No. 2041-B dated 2nd June, 1912

It should be clearly understood that extra officers are deputed to assist in the disposal of work in those exceptional circumstances where arrears and institutions have accumulated to such an extent as to make the reduction of work impossible by the efforts of the ordinary staff. The posting of an extra officer is not therefore to be made the opportunity for a permanent man to proceed on leave. This nullifies the whole object of the creation of the additional post. Nor is it conducive to the expeditious dispatch of work that the new officer should have made over to him old or part-heard cases, and this practice where it exists should be discontinued. Additional staff can be best employed in hearing appeals, whenever the officer is empowered to do this work, and in taking up new cases as they arise. This results in a minimum dislocation of work and enables the permanent staff to dispose of all its arrears.

C.L. No. 67/VIII-b-13 dated 12th August, 1968

In transferring cases, the District Judges should exercise their discretion in such a manner as courts, which are already burdened, should not be burdened further. Courts meant for doing civil work should primarily do civil work and criminal work should be transferred to such court only when there is not enough civil work to keep them fully occupied. Haphazard transfer of criminal work results in dislocation of civil work. It is highly improper on the part of a District Judge to avoid doing civil work, which is equally important.

C.L. No. 44/VIII-a-14 dated 22nd March, 1971

Bail and transfer applications should invariably be taken up by the Sessions Judge himself unless for special reasons he is unable to do so. In case the bail applications are entrusted to Additional or Assistant Sessions Judges, the record should be maintained by the sessions clerk of the Sessions Judge, so that responsibility can be fixed on one official for not pointing out that an earlier application has already been rejected. Every application for bail must clearly indicate whether it is the first bail application or not and if not, what order was passed on the earlier application.

C.L. No. 22/VIII-a-14 dated 8th February, 1971

In order to prevent the possibility of corruption and also to avoid unnecessary complaints, the Sessions Judges should themselves transfer sessions trials, appeals, revisions, etc. to the various courts. They should, as far as possible, themselves entertain bail applications.

C.L. No. 73/VIII-a-14 dated 29th October, 1948

All sessions trials triable by Assistant Sessions Judges should ordinarily be transferred to their file on receipt of the calendar and the record.

C.L. No. 24/VII-a-14 dated 27th March, 1965

Instructions contained in Court's C.L. no. 73/VIII-a-14, dated October 20, 1948, be strictly complied with and the case in which the maximum sentence provided by the I.P.C. is imprisonment for life or imprisonment for a term exceeding ten years, should not be transferred to Assistant Sessions Judges.

C.L. No. 58/VII-b-7 dated 18th July, 1956

In districts where there is a large institution of cases under sections 302, 396 and 397 it is advantageous to transfer cases under sections 304 and 395 to Assistant Sessions Judges. Before a case under section 304 is transferred, District Judges should see that the accused has really been charged under that section, and that there is no likelihood of the charge being altered into one under section 302, I.P.C.

C.L. No. 80/VIII-a-14 dated 25th November, 1949

For the time an Additional Sessions Judge is posted at the station, very few sessions trials at the most, two or three a month for each Judge should be transferred to the file of Assistant Sessions Judges working under the District Judge so that they may be able to devote a greater part of their time to civil work.

(ii) Numbering of cases

C.L. No. 1578/44 dated 15th May, 1912

The number on a suit transferred from one court to another should not be altered.

The following is the correct procedure in these cases:

A case is instituted, say, in the court of the Munsif of Muhammadabad and on institution is marked:

MUNSIF OF MUHAMMADABAD
NO. 10 OF 1919
A v. X

It remains in that court till, say, issues have been struck and is then transferred to the court of the Munsif of Azamgarh. On reaching that court it will be entered in the register on the date of receipt as an entry after the last entry in the register, but instead of getting a serial number it will be entered as-

MUNSIF OF AZAMGARH
No. 10 of 1910 of Munsif of Muhammadabad
A v. X

and this will be the inscription on the papers following:

It will go into the record room when completed as a complete record of the court of the Munsif of Azamgarh but the record-keeper will on examination place it in the basta of the Munsif of Muhammadabad according to the date of institution, making an entry in the list of the fact of transfer of the case to the court of Munsif Azamgarh.

C.L. No. 93/VIIIb-48 dated 30th August, 1952

Cases received on transfer should, therefore, after decision be placed in the basta of cases of the court in which they were originally instituted.

C.L. No. 101 dated 23rd September, 1969

It is not necessary to re-enter the original suits on retransfer to the parent courts in Register No. 3 and an entry to this effect in the remarks columns against the original entry alone would serve the purpose.

(iii) Transfer of part-heard cases

C.L. No. 2889/67-II dated 5th July, 1913

Whenever a judicial officer is transferred in a local arrangement, the District Judge should arrange that the officer keep on his file cases in which he has recorded evidence. This can be affected by recording an order transferring such cases to his file.

C.L. No. 67/VII-c-22 dated 16th November, 1967

A court declared to be a "District Court" by Government in Judicial Department Miscellaneous notification no. 2207/VII-664-55, dated October 11, 1956, as amended from time to time, cannot be said to be subordinate to another "District Court" and, therefore, cases under the Hindu Marriage Act, 1955 cannot be transferred by the District Judges from one such court to another.

(iv) Central Administrative Tribunal

C.L. No. 79/VII f-238 dated 30th November, 1985

Since under the provisions of section 29(1) of the Administrative Tribunals Act, 1985 every suit or other proceedings relating to "service matters" as defined in clause (q) of section 3 of the said Act shall stand transferred to the Central Administrative Tribunal, Allahabad on the 1st day of November, 1985 as notified by the Central Government, the District Judges should make, as and when demanded by the Tribunal, immediate arrangements for transferring all the cases pending in their judgeships relating to service matters of the persons covered by the Act.

C.L. No. 15/VII f-238 dated 3rd March, 1986

The District Judges should keep in readiness a list of cases to be transferred to the Central Administrative Tribunal, Allahabad in quadruplicate with complete index of files to be handed over to the Tribunal as and when demanded by it and to send a copy of each of the lists to the Tribunal under advice to the Principal Bench of the Tribunal at New Delhi.

C.L. No. 9/VII F-238 dated 6th February, 1987

The jurisdiction of the Central Administrative Tribunal has been extended to the cases relating to Council of Scientific and Industrial Research. The District Judges are therefore requested to sort out the cases relating to above mentioned society and make proper arrangement for their transfer to the Central Administrative Tribunal, Allahabad.

C.L. No. 71/VII f-238 dated 29th October, 1986

The jurisdiction of the Central Administrative Tribunal has been extended under the Notification No. A-11019/16/86-AT dated 2nd May, 1986 issued by the Ministry of Personnel, Public Grievances & Pensions, Department of Personnel & Training, Government of India, so as to bring following corporations, or societies and other authorities within the purview of section 14 of the Administrative Tribunals Act, 1985 (Act No. 13 of 1985) :

1.	Central Board of Trustees constituted under the Employees Provident	Statutory body

	Funds and Miscellaneous Provisions Act, 1952	
2.	Employees' State Insurance Corporation	Corporation
3.	Central Board for Workers' Education	Registered society
4.	National Labour Institute	Registered society
5.	National Council of Safety in Mines, Dhanbad	Registered society

District Judges should sort out cases relating to such corporations, societies and other authorities as are mentioned in the schedule to the enclosed notification and make proper arrangement for their transfer to the Central Administrative Tribunal, Allahabad.

C.L. No. 91/VII f-238/Admn. (G) dated 17th December, 1987

The jurisdiction of the Central Administrative Tribunal has been extended under the Notification Nos. A-11019/97/86-AT, dated 6.2.1987 and A-11019/13/87-AT, dated 20.4.1987, issued by the Ministry of Personnel, Public Grievances & Pensions, Department of Personnel & Training, Government of India, New Delhi, so as to bring the cases relating to the "Central Social Welfare Board" and "Indian Council of Agricultural Research" given in the said notification within the purview of sub-section (2) of section 14 of Administrative Tribunals Act, 1985 (13 of 1985) by amending its G.S.R. No. 730(E), dated May 2, 1986 under the provision of sub-section (3) of Section 14 of the said Act.

The District Judges should sort out cases relating to above-mentioned society and an authority controlled by the Government, and make proper arrangement for their transfer to the Central Administrative Tribunal, Allahabad.

(v) To railway claims tribunal

C.L. No. 84/VII f-88 dated 1st December, 1989

The Central Government have established a railway claims tribunal with effect from 8.11.1989. In Uttar Pradesh, two benches of the said tribunal have been established, one at Gorakhpur and the other at Lucknow. The jurisdiction of these two benches is as given below:-

GORAKHPUR **:** Districts of Gorakhpur, Deoria, Ballia, Ghazipur, Azamgarh, Mau, Basti, Sidharth Nagar, Mirzapur, Sonbhadra (Robertsganj), Jaunpur, Faizabad, Gonda, Bahraich, Sultanpur, Pratapgarh, Lakhimpur Kheri, Allahabad, Varanasi, Bareilly, Sitapur, Pilibhit, Nainital, Shahjahanpur, Budaun and Hardoi.

LUCKNOW **:** All Districts of Uttar Pradesh, except those mentioned above.

Entertaining proceeding of any railway matter of the nature as defined in section 19 of the Railways Claims Tribunal Act, 1987, be stopped by the courts concerned in all judgeships with effect from 8.11.1989.

All such pending proceedings (other than appeals) may be transferred to the Railway Claims Tribunal, Gorakhpur Bench, or Lucknow Bench, according to their jurisdiction, for disposal in terms of section 24 of the aforesaid Act, as early as possible sending simultaneously a list of such cases to the concerned Railway Claims Tribunal, Gorakhpur Bench, or Lucknow Bench, as the case may be for information.

(vi) Pollution cases

C.L. No. 41/Admn. (A) dated 9th September, 1988

All cases pending in the judgeship under Water (Prevention and Control of Pollution) Act, 1974 and the Air (Prevention and Control of Pollution) Act, 1981, should be transferred to the special court of Judicial Magistrate First-Class, Lucknow.

(vii) Calculation of duration of case

G.L. No. 2893/67-4 dated 24th August, 1916

The duration of the case when restored to its former number, either by an order of the original court or by an order of the appellate court, will be calculated from the date of original institution up to the date of decision.

These cases should be and are generally entered in red ink. It is not difficult therefore, to recognize them. The court concerned can in the column of remarks show what period has been occupied in the hearing and decision of the application for restoration or the period which intervened between the institution of the appeal and the order restoring the case or the period from the date the first decision to the date of filing the application for restoration. These periods may be deducted from the total duration.

As regards duration, a similar rule is to be observed in cases transferred. The duration will be calculated from the date of original institution up to the date of decision.

C.L. No. 49/ 2000/Admn.A-3 Dated: 1st November, 2000

(viii) Regarding transfer of pending cases pertaining to New districts from other districts to new district.

I am directed to say that after a consideration of the matter regarding transfer of pending cases, pertaining to new district from parent Districts to newly created districts, Courts has been pleased to observe that except part heard cases pertaining to new districts, the other pending cases relating to newly created districts be transferred to newly created Districts and the old circular letter No 42/1D/Admin A-3 dated 25.09.1997 In this respect has been recalled

Necessary steps in the matter be taken accordingly.

2. DISTRIBUTION OF WORK BY C.J.Ms.

(i) Amongst Judicial Magistrates

C.L. No. 3/Admn.(B) dated 18th March, 1971

Under section 190* Criminal Procedure Code distribution of work among the Judicial Magistrates should be done by the Chief Judicial Magistrate who may, in his turn, consult the Sessions Judge in this behalf.

C.L. No. 124/Admn.(B) dated 30th September, 1975

The Chief Judicial Magistrates are required to act under the general supervision of the District and Sessions Judges even for the purposes of sub-section (2) of section 15 of Criminal Procedure Code.

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* NOTE: It should be Section '15'.

C.L. No. 73/Admn. (A) dated 19th May, 1976

The Chief Judicial Magistrates should take necessary steps for transferring cases under special and local Acts to the Executive Magistrates, if not already done.

C.L. No. 4/Admn. (A) dated 21st January, 1987

The District Judges are requested to issue suitable directions to the Chief Judicial Magistrates with regard to distribution of work under local and special Acts amongst Executive Magistrates conferred with powers of Special Judicial Magistrates Ist Class, by the Court.

(ii) Distribution between C.J.M. and A.C.J.M.

C.L. No. 198/Admn. (A) dated 10th December, 1976

The Chief Judicial Magistrates will as far as possible, assign half the officers to be inspected by him and the rest by the Additional Chief Judicial Magistrates. The inspection notes of the District Judges/Chief Judicial Magistrates/Additional Chief Judicial Magistrates will be sent to the successor inspecting officer. Henceforth all the District Judges will also inspect the criminal work of the Judicial Magistrates and Munsif-Magistrates in addition to civil work.

Jail inspections will be made by the Additional Chief Judicial Magistrates only.

Correspondence work, compliance of High Court orders etc. and collection of statements will remain with the Chief Judicial Magistrates.

Any distribution of work among the Judicial Magistrates and the Additional Chief Judicial Magistrates or any change made therein by the Chief Judicial Magistrates will have the prior approval of the District Judge.

(iii) Conferment of powers

C.L. No. 17/Admn. (B) dated 28th January, 1975 read with

C.L. No. 44 dated 9th April, 1975

The Court has conferred powers of Judicial Magistrate second class on the Executive Magistrate mentioned in the Court's notification No. 1/Admn.(B) dated January 10, 1975, in addition to their own duties subject to the following conditions :-

They shall work under the supervision of the Sessions Judge and Chief Judicial Magistrate and shall do such work as may be assigned to them.

They shall comply with the instructions issued by the High Court and if work is not done properly by them, the High Court will withdraw the powers so conferred.

They shall fix certain days in the week for judicial work and on those days, they shall sit in court throughout the day and dispose of the criminal work. Absence from duty on such day may be condoned only in case of maintaining law and order situation and for no other reasons.

C.L. No. 52/Admn. (A) dated 23rd April, 1976

The aforesaid directions shall be applicable to all the Executive Magistrates who have so far been appointed as Special Judicial Magistrates u/s. 13 Criminal Procedure Code or who may be appointed as such subsequently.

C.L. No. 102/VIb-11 dated 9th June, 1976

The Executive Magistrates who have been conferred powers of Magistrates First Class will be given cases under special and local Acts. While doing this work they will be under the judicial control of the District Judge although the administrative control on them will be of the District Magistrates. A list of cases under special and local Acts, which would normally merit a sentence of fine, only may, therefore, be prepared and kept ready so that as soon as appropriate arrangements are made the selected cases may immediately be transferred to the Executive Magistrates.

(iv) Administrative control over Additional Chief Metropolitan Magistrates/ Additional Chief Judicial Magistrates

C.L. No. 51/Xa-9/Admn. (A) Dated August 1, 1991

I am directed to refer to Court's C.L.No. 124/Admn. (D), dated 30.9.1975 and C.L. No. 198/Admn. (A), dated 10.12.1976, on the above subject, and to say that on a consideration of the matter, the Court has further decided that Additional Chief Metropolitan Magistrates and the Additional Chief Judicial Magistrates are subordinate to the Chief Metropolitan Magistrate/Chief Judicial Magistrate subject to the general supervision and overall administrative control of the Sessions Judge.

I am, therefore, to request you kindly to bring in the notice of all Magistrates working under your supervision, the content of this letter for their information and future guidance.

3. DIARY OF PRESIDING OFFICER

(i) Proforma

C.L. No. 189/VIIIb-121 dated 25th November, 1976

It invites attention to rule 5-B and rule 11-A of General Rules (Criminal) regarding maintenance of a court diary by the presiding officers and a register of processes issued in criminal matters respectively in the prescribed proforma.

All the courts are directed to maintain a court diary in the proforma given in Annexure-1 and a register of processes in the proforma given in Annexure-II.

As modified by C.L. No. 6/VIIIb-121 dated 7th January, 1977

ANNEXURE 'I'

Court diary

Case No. and date of institution	The number of times already adjourned			Particulars			Purpose	Rough estimate	Remarks
	At the instance of prosecution/ complainant (P)/(C)	At the instance of Defence (D)	For other reasons (O)	P.S.	Section	Name of parties			
1	2	3	4	5	6	7	8	9	10

(Note: Outcome of the case and in the event of adjournment, the adjourned dates, shall also be noted in the remarks column)

ANNEXURE II

REGISTER OF PROCESSES ISSUED IN CRIMINAL MATTERS

Particulars of cases	Date of order for issue of process	Date of despatch of process from court	No. and description of processes with names	Initials with date of police or other officials receiving processes	Name of Thana or Distt. to which process sent	Date fixed for return	Actual date of return	Remarks
1	2	3	4	5	6	7	8	9

C.L. No. 131/VIIIb-121 dated 21st November, 1978, and

C.L. No. 45/VIIIb-121 Admn. (G) (8) dated 20th July, 1983

The court diaries shall be maintained by the presiding officers of the courts in their own handwriting and all the columns of the said diary including columns 2A, 2B and 2C relating to adjournments are also to be filled up by the presiding officers themselves.

C.L. No. 56/VIII-b-121 dated 6th July, 1973

Presiding Officers should avoid ambiguity while making entries in their diary and should clearly mention the purpose for which the case is fixed on a particular date in the purpose column. Vague words like P.H. and F.H. should not be used and the purpose shown in the diary should tally with the business done on a particular date. "Remarks column" should indicate the outcome of the case, the number of witnesses examined, the number of pages in which the evidence has been recorded and the date to which the case has been adjourned. The memorandum book and the reader's diary should also be maintained in the like manner.

(ii) Arrangement of cases

G.L. No. 11/VIII-b-121 dated 16th August, 1952

The diary should be so arranged that the oldest cases appear on the top and later ones are entered lower down on the page. This can be easily done if the top portion of the space allotted to a particular day is reserved for entering the oldest cases fixed for hearing on that day, the middle portion being similarly reserved for later cases and bottom portion for the more recent ones. It is considered that if the diary is maintained in the manner indicated above and the cases are taken up in the order in which they appear in the diary, the disposal of older cases will be expedited.

(iii) Weekly cause list

C.L. No. 31 dated 7th March, 1952

A list in the form subjoined, of cases including criminal cases, if any, fixed for hearing during the following week prepared in legible Hindi and signed by the Munsarim of the court should be posted on the last working day of the week in some conspicuous place of every court house. In the preparation of such list, precedence should be given to cases, which are part heard or have previously been adjourned, and the order in which cases are entered should not be departed from without the express order of the Presiding Judge of the court.

Space should be left in the list at the head of the entries for each day for the subsequent insertion if necessary, of adjourned cases.

In the fourth column should be noted against each case the purpose for which it is to be laid before the court; whether, for instance, for settlement of issues or for final disposal or for delivery of judgment.

DATE, MONTH AND YEAR

Number and description of cases	Name of parties	Name of parties' lawyers	Purpose

(iv) Providing the copy of the Case Diary or and other information in respect of the investigation to the accused person in criminal cases.

C.L. No. 29 /2005 Dated 26th September, 2005

Upon consideration of issue regarding supply of the copy of the case diary or any other information in respect of the investigation in criminal cases, the Hon'ble Court (Hon'ble Dr. Justcie B.D, Chauhan and Hon'ble Mr. Justice Arun Tandon) in criminal Misc. Writ petition No. 5840 of 2005- Mukesh & ors. Vs. State of U.P. & others, while concluding that an accused person or his agent cannot ask for supply of the copy of the case diary, has provided that the accused are not entitled to seek the copy of the statement of any witness recorded under Section 161 Cr. P.C. or any other part of the evidence collected by the investigating Officer prior to reaching the stage of filing the charge sheet. The accused cannot ask for the copy of the case diary at any stage. He is entitled only for receiving the copy of the documents, which are being relied by the prosecution against him.

As applications for providing copy are often filed in the Courts below every day, I am directed to transmit herewith a copy of judgment and order dated 03.06.2005 aforedetailed, with request that the contents of and direction in the judgment and order be kindly brought to the notice of all judicial Officers in the judiciary under your administrative control, for their information and guidance.

(v) Maintenance of court diaries by the Presiding Officers of the Subordinate Courts in their own handwriting.

C.L. No. 40 Dated: 12th October, 2004

In continuation of Court's Circular letter No. 131/VIIIb-121, dated November 21, 1978 and Circular Letter No. 45/VIIIb-121, dated July 20, 1983 on the above subject, I am directed to say that inspite of clear directions issued by the Court, the Presiding Officers of the Subordinate Courts are still not maintaining the court diaries in their own handwriting and also the columns of the said diary including column nos. 2A, 2B and 2C relating to adjournments, are not being filled in by the Presiding Officer themselves. Upon consideration of the matter, the Hon'ble Court has taken this lapse very seriously and has desired that the compliance of the directions as contained in the aforementioned circular letters be now ensured.

I am, therefore, directed to request you kindly to draw the attention of all Judicial Officers working under your administrative control and they be required to ensure strict compliance of the above directions faithfully and punctually.

4. ADJOURNMENT OF CASES

(i) How to minimise

C.L. No. 22/VIII-b-13 dated 28th March, 1949 and

C.L. No. 61/VIII-h-13 dated 29th May, 1972

It has been found that Presiding Officers do not exercise proper discretion in granting adjournments. Adjournments are very often granted as a matter of course on flimsy grounds. This should be avoided and the cause list so adjusted as not to admit adjournment of a case more than once for want of time.

C.L. No. 22/VIII-h-13 dated 18th March, 1949

If the pending file is heavy or is such that the cases are not likely to be fixed for hearing within three months, presiding officer may leave fresh cases without date after having framed issues therein. The records of such cases should be kept in a separate box or compartment of an almirah in chronological order till it is possible to fix a date therein within a period of three months.

C.L. No. 19/VIII h-10 dated 27th February, 1956

The correct procedure is that if a date for disposal of a sessions trial is not available within the next two months or a date for final disposal of a suit is not available within the next three months, no date should be fixed at all.

G.L. No. 73/VIII a-14 dated 29th October, 1948 read with

G.L. No. 7/VIII a-14 dated 12th February, 1949

If the criminal work is heavy, all working days should be devoted to sessions cases and criminal appeals in which accused persons are in jail. Saturdays may, however be excluded if required for miscellaneous work.

C.E. No. 39/VII-d-102 dated 18th March, 1971

A case should be dismissed in absentia, as far as possible, only when the same has been listed peremptorily twice.

G.L. No. 12/VIII-b-13 dated 15th September, 1951

When a presiding officer takes short leave, he should, so far as practicable, take care to adjourn beforehand the cases fixed for hearing during the period when he would be absent on leave and to give timely information thereof to counsel for the parties and, where possible, also to parties themselves and their witnesses. In criminal cases such information should, where practicable, also be given to jurors or assessors. Where there may be difficulty in giving information to any counsel for the parties owing to his absence from the station or for some other cause, such information may usefully be sent also to the Bar Association concerned.

G.L. No. 4311/67-8 dated 22nd December, 1916

In fixing adjournments dates courts should see-

1. that cases are adjourned to dates on which there is a reasonable hope of their being heard;
2. that strict precedence is given to adjourned cases;

3. that the adjourned cases are heard *de die in diem* until completed; and
4. that if a case is decided either ex parte or in default restoration be not granted except for sufficient cause shown to the satisfaction of the court.

G.L. No. 50 dated 17th August, 1948

An effort should always be made to bring old cases to as speedy a decision as possible. Whenever old cases have to be adjourned, they should be adjourned to nearer dates. In case they are already booked with later cases, the later cases should be adjourned to give preference to older ones.

It is expected that a careful fixing of the cause list may not lead to such frequent adjournments. The practice of allowing long interval to intervene between the close of evidence and the hearing of arguments should also be avoided.

C.L. No. 3/VIII h-13 dated 16th January, 1980

The courts should be strict in the matter of granting adjournment of cases for filing written statements.

C.L. No. 67 dated 28th October, 1964

Presiding Officers should follow the instructions contained in rule 81 of Chapter III of General Rules, (Civil), 1957, Volume I which requires that a Judge before beginning his work for the day should go through the cause list, dispose of all uncontested work first and then begin the contested work. It is, therefore, desirable that in cases where adjournment is unavoidable orders for postponement, if practicable, should be passed in the early hours of the day so as to avoid harassment or hardship to the parties and the witnesses. In cases in which the parties do not put in adjournment applications in the early hours and such applications are presented only when the case is called or in cases in which the litigant does not contact his counsel well before the court hours and the counsel being busy in other courts is not able even to draft adjournment applications in the early hours, order of adjournment may be passed as soon as such applications are presented.

C.L. No. 76 dated 15th May, 1971

Presiding Officers should, as far as possible, first take up cases for settlement of issues and then the cases for interlocutory order. The cases for final hearing, i.e. for recording evidence and hearing arguments should be taken thereafter. To minimise harassment and inconvenience to the litigants due to frequent adjournments of cases at the fag end of the day, the presiding officers should ascertain in the early hours of the day as to which case would occupy him throughout the day and which cases cannot be reached. Accordingly, the later ones including criminal cases can be adjourned in the early hour of the day. This practice also will considerably help the presiding officers to regulate his diary, have full control over the pending files, thereby avoiding complaints of corruption, etc. from public.

C.L. No. 42/VIII b-181 dated 26th September, 1979

The District Judges should see that henceforth, strict compliance of the instructions of the above noted Courts circular letters may be done by all the officers concerned working under them, so that the litigants are not detained in court's for unduly long hours unless necessary.

C.L. No. 112/VIII b-181 dated 26th September, 1979

In spite of the above C.Ls., it has come to the notice of the court that cause list of the subordinate courts is still over crowded and the litigants have to wait for the whole day at great personal inconvenience and loss of personal work. The District Judges should see that henceforth, strict compliance of the instructions of the above noted Court's circular letters is done by all the officers concerned so that the litigants are not detained in courts for unduly long hours unless necessary.

C.L. No. 55/VIII b-13 dated 19th April, 1971 and

C.L. No. 74/VIII-h dated 17th May, 1974

To avoid unnecessary adjournments, a Magistrate should not fix more than four criminal cases per day for recording of full evidence of the prosecution or the recording of defence witnesses and arguments. A few part heard cases in which one or two witnesses have to be examined may be listed for the days along with miscellaneous cases. While fixing dates for the recording of evidence the Magistrates should earmark the first date for the recording of total prosecution evidence and then they should adjourn the case to another date for the recording of total defence evidence and arguments.

C.L. No. 152/VIII-b-13 dated 28th September, 1974

Attention is drawn to general instructions contained in Court's circular letter no. 55/VIII-b-13, dated April, 19, 1971, for recording of full evidence and arguments in cases fixed before the Magistrates for the day. The same should be strictly followed with regard to summary trials as well. No piece-meal evidence should be recorded in such (summary) trials.

Attention is also drawn to the second proviso to sub-section (2) of section 309, Criminal Procedure Code 1973 and explanation No. 2 below the aforesaid section. Adjournment should, as far as possible, be refused in summary trials also. If, however adjournment is granted, the party applying for the same should be taxed with costs sufficient to compensate the other party and his witnesses.

C.L. No. 23/IV-g-64 dated 12th May, 1967

In order to avoid adjournments and to ensure attendance of witnesses on the dates fixed, adequate time should always be allowed for service of summons on witnesses in cases under the Prevention of Corruption Act.

C.L. No. 75/VII-b-68 dated 15th May, 1971

Above instruction should be strictly followed by all the courts including the Magistrate. If necessary urgent reminders by wireless should be issued and it should be ensured that the messages are transmitted, if possible, six days before the commencement of the trial to enable the head of department to spare the officer to appear in court on the date fixed.

C.L. No. 121 dated 25th September, 1971

Presiding Officers should make a note in the daily sitting register about the time wasted in a case on account of non-appearance of witnesses. (Copy of this C.L. endorsed also to District Magistrates and Superintendents of Police in the State under C.E. no. 122 of date).

G.L. No. 73/VIII-a-14 dated 29th October, 1948

Part-heard sessions cases should ordinarily be accommodated within the cause list already fixed and if necessary by adjourning or dislocating temporarily other sessions cases preferably other than murder cases.

Sessions Judge should be strict in granting adjournment and should ordinarily record the statements of all the witnesses present.

C.L. No. 42/VIII-b-13 dated 31st March, 1952

With a view to secure speedy disposal of criminal appeals whenever a criminal appeal has to be adjourned say more than once or twice on account of sessions cases or some other work, efforts should be made to fix a special date for its hearing so that it may not have to be adjourned over again for a similar reason.

C.L. No. 49/VII-b-68 dated 3rd April, 1971

To avoid unnecessary adjournments of sessions trials and consequential appearance of the police witnesses and Magistrates transferred to other stations, affidavits of formal witnesses should be filed along with the charge sheet or before the committing Magistrate or soon after its committal to the court of session as provided u/s. 296 of the Code of Criminal Procedure.

No. 73/2007Admn.(G). Allahabad Dated: 13.12.2007

A catena of Circular letters have already been issued by the court noted in the margin in respect of providing guidelines for granting adjournments prohibiting adjournments on flimsy grounds and in old cases but this malady is still persisting . The Hon'ble Court has viewed with seriousness the granting of adjournments in Cases wherein the witnesses are present in Court even then the Presiding officers proceed to grant adjournments liberally.

1.C.L.No.1 of 1976 dt.14th January,1976.
2.C.L.No. 38/98 dated 20.8.1998.
3.Court's Letter no. 2586/2004 dated 19th February 2004.

Therefore, in continuation of the Circular letters noted in the margin, I am directed to say that in all such cases where witnesses are present in a Court the adjournment shall be granted only for extremely unavoidable reasons.

(ii) Accommodating lawyers

G.L. No. 41/44-31 dated 25th November, 1930 read with

G.L. No. 3/44-7 dated 29th January, 1938

Although the view taken by the High Court is that the rights of clients and the convenience of courts take precedence over the convenience of counsel who have voluntarily assumed political duties, yet it is of opinion that some concession of a very limited character might reasonably be allowed during the period that the budget is under discussion and that dates in cases in which legal practitioners who are also members of the legislative bodies appear may not unnecessarily be fixed during that period if the court is in no way hampered by this concession.

As regards adjournment of cases, an adjournment may, subject to the discretion of the presiding officer, be granted if two conditions are satisfied. The first is the personal assent of the parties and the second that such adjournment will not delay or hamper the work of the court.

C.L. No. 118/VII b-14 dated 13th November, 1972

Except in very exceptional circumstances the members of the Bar Council, who seek adjournment of their cases on the ground of attending the meeting of the Bar Council, may be accommodated to enable them to attend such meeting on the date fixed therefore.

(iii) Entries of adjournments

C.L. No. 6 dated 19th August, 1905

When a date has been fixed by the Court for the settlement of issues in or for the hearing of a suit, all adjournments after the date, for whatever reason they may be made, must be counted for the purpose of column no. 24 of register in form no. 67 (register of original suits disposed of) of the General Rules (Civil), 1957. The practice of some courts of not counting adjournments because summonses have not been served on the parties or their witnesses, or because the parties applied for an adjournment, or because the court was unable to take up the case must be discontinued.

When the evidence in a case is heard *de die in diem,* and the hearing lasts over more than one day, such hearing, though it lasts over several days, is to be considered and entered as one hearing. The case will not be considered as adjourned until the court passes on from such continuous hearing to take up another case. But it must be distinctly understood that when a case has once been taken up the hearing of that case and of that case alone, must be continued until the evidence of all the witnesses in attendance has been recorded.

5. PREPARATION OF ORDER SHEETS

G.L. No. 887/44-28 dated 3rd March, 1914

District Judges shall take steps to ensure that the orders on order sheets are written in a clear and legible hand.

If the ahalmad and court reader cannot write legible, they should not be promoted.

C.L. No. 825/44 dated 5th March, 1913

Whenever an original public record is sent for the reason for the order should invariably be entered in the order sheet of the case.

C.L. No. 71/VIII-b-49 dated 18th July, 1961

It would be sufficient compliance of rule 151(5) of General Rules (Civil), if the date of admission of the first sheet of the Hindi order sheet and the English notes and the last sheet thereof are mentioned in the General Index instead of entering every leaf.

Chapter III, Rule 85(1) and (2)

C.E. No. 39/VII-d-102 dated 18th March, 1971

The judge's notes should be so prepared as to give a fair idea of the progress of the case from the date of its first hearing to its decision without reference to the individual papers on the record. They should, inter alia, contain-

(a) statement of parties or their counsel recorded at any stage of hearing, to clarify the pleadings or for any other purpose;
(b) names of parties or counsel present on the date of hearing;
(c) nature of application and the orders passed thereon;
(d) directions of the court on all-important matters coming up before it.

C.L. No. 64/VIII g-23 dated 9th June, 1987

All the readers are directed to mention the names of the counsel appearing in and arguing each case on behalf of the parties in the order-sheet to ensure an accurate record of the proceedings.

Pleaders to sign order sheet

G.L. No. 19/67 dated 1st May, 1929

Orders fixing dates or adjourned dates for hearing or directing anything to be done by the parties or their pleaders shall be signed immediately by the parties or their pleaders.

6. PREPARATION, PRESERVATION AND DESTRUCTION OF RECORDS

(i) Paging and maintenance of record

C.L. No. 3/VIII h-21-51 dated 11th January, 1951

Papers in the lower court files used to be arranged and numbered from right to left obviously, because the papers in the files used to be Urdu. But now since the court language is Hindi the papers in the files should be numbered from left to right. No change need be made in pending cases.

C.L. No. 10 dated 21st March, 1967

Assistants concerned should take care and precaution while stitching the records so that original documents like sale deeds, mortgage deeds, etc. forming part of the record are not torn, mutilated or damaged in any way.

C.L. No. 42/VII-d-65 dated 18th March, 1971

Instructions regarding proper maintenance of records as contained in Chapters V and VII of General Rules (Civil) and Chapters IV and XI of General Rules (Criminal) should strictly be followed.

C.L. No. 85/VIII b-37 dated 9th December, 1985

Attention of all the presiding officers is invited to the provisions of rule 4 and rule 13 of order XIII, Civil Procedure Code as well as to the provision of rule 57, General Rules (Civil), 1957. These provisions as to the endorsement and marking of documents must be strictly followed by the trial courts, while preparing records of the civil and criminal cases.

The trial courts must exercise greater care in regard to the maintenance of the records.

(*ii) Small Cause cases transferred and tried as regular suits*

C.L. No. 81/VIII b-65 dated 25th July, 1952

When a small cause court case is transferred to another court and tried as a regular suit, files B, C and D should be prepared as is done in other regular suits. But when the records of

such cases are consigned to the record room, they may be kept in the bastas of small cause court cases to enable them to get more easily traced and to avoid the confusion that may result from there being two regular suits bearing one and the same number.

The period of destruction of such files should be the same as for those of regular suits, viz. twenty years for file B, fifteen years for file C and three years for file D. To prevent the possibility of file B of such cases being wrongly weeded out before the due date, a label containing the date of destruction of each file in bold letters should be affixed to the wrapper of each such record.

C.E. No. 70/VIII b-65 dated 31st October, 1966

As provided in rule 192 of the General Rules (Civil), 1957, Volume I, the Panchayat Raj Act cases should be treated as miscellaneous judicial cases for the purposes of arrangement, preservation and destruction of records and the weeding of records of such cases may, therefore, be done in accordance with the provisions relating to miscellaneous judicial cases.

C.L. No. 22/VIII b-65 dated 1st April, 1983

District Judges should see that after receipt of the notice issued by the Court under rule 1 of Chapter XII of the Rules of Court, 1952, Volume I, about the admission of appeal or revision, the lower court records of such cases are maintained intact till such time as such appeals or revisions are finally disposed of by the court. A practical method may be that after admission of the appeal under order 41 rule 13 of the Code of Civil Procedure, 1908, the pendency of the appeal should be prominently noted on the file cover of the record, so that 'C' and 'D' files may not be weeded out, even though the period for maintaining 'C' and 'D' files in usual course has expired.

C.L. No. 2/VIII b-65 dated 2nd January, 1984

The District Judge should see that strict compliance of the provisions of First and Second proviso to sub-rule (6) of rule 196 of the General Rules (Civil), 1957, Volume I, is done by the presiding officers of the courts, with regard to maintenance of file 'C' and 'D' of the lower courts records.

(iii) Records of petty criminal cases

C.L. No. 68/IV b-36 dated 1st April, 1977

The records of petty cases involving punishment not exceeding two years shall not be consigned in the record room and shall instead be weeded out by the court itself after the expiry of the period for filing appeal or revision if provided under the statutes and in case of an appeal or revision having been filed, after its disposal, in accordance with the periods for weeding mentioned in the rules.

C.L. No. 28/VIII b-65 dated 15th February, 1977

Weeding of files and papers should be done properly and strictly in accordance with the rules so that shortage of space in the record room may not be felt.

(iv) Classification of files in Hindi: 'A', 'B', 'C' and 'D'

C.L. No. 129/VIII-b-53 dated 13th December, 1952

The letters *'क', 'ख', 'ग',* etc. should be used in place of letters 'A', 'B', 'C', etc., or (in Urdu), etc. with reference to the files on the record of a case.

The directions do not imply a general permission to the use of the letters *'क', 'ख', 'ग',* etc. for the letters 'A', 'B', 'C', etc. at the other places.

(v) Preservation of freedom movement records

C.L. No. 74/X-e-3 dated 22nd December, 1954 read with

G.O. No. 5477-XXV-CX-278-1950 dated 1st December, 1954

Proviso (II to rule 118) of Chapter XII General Rules (Criminal), 1957,* gives ample discretion to the District Judges and District Magistrates to order the preservation of any records permanently and hence all judicial records in criminal cases connected with the freedom movement in India and having a historical value should be retained permanently, and in case of any doubt about the historical value of any record, the matter should be referred direct to the State Government for orders.

(vi) Records of dissolution of Muslim Marriages

C.L. No. 16/VIIIb-65 dated 11th February, 1970

Records in suits relating to dissolution of marriages under the Mohammadan Law should be classified and prepared strictly in accordance with rule 152(a) of the General Rules (Civil), 1957, Volume I.

(vii) Weeding out of the records of cases in the subordinate courts.

C.L. No. 38 /2000: Dated: 11th July 2000

In continuation of the court's C.L. No.2/VIIIb-65, dated January 2, 1994 on the above subject. I am directed to say that it has come to the notice of the Court that the provisions of first and Second proviso of Sub-Rule (6) of Rule 196 of the General Rule (Civil) 1957, Volume I and Rule 118 of chapter XII of General Rules (Criminal) are not being strictly complied with and the records of the cases are weeded out despite having knowledge of filing of an appeal by the appellant against their conviction.

It is, therefore, requested that in the cases of convictions, if you get on information with regard to preference of an appeal by the convicted accused persons no records are to be weeded out.

The above instructions may kindly be brought to the notice of all concern working under your administrative control for guidance and strict compliance in future.

(viii) To ensure strict compliance of orders of the Court passed in Government Appeal No. 185 of 2000- State of U.P. vs. Kartar Singh and others.

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* Note: Now 1977 vide notification no. 504/Vb-13 dated 5.11.83.

C.L. No. 25/2003 Dated 3rd July, 2003

While enclosing herewith a copy of the orders dated 27.3.2003 passed by the Hon'ble Court (Hon'ble Mr. Justice S.K. Agrawal and Hon'ble Mr. Justice R.S. Tripathi) in Government Appeal No. 185 of 2000 State of U.P. Vs. Kartaar Singh and other, I am directed to say that any record required by the District Magistrate shall only be supplied to a responsible officer of the District Magistracy and the record shall not be sent simply on requisitions of the District Magistrates unless a responsible officer attends the concerned Court for this purpose with the requisition slip.

I am further directed to say that the record so sent to the District Magistracy be returned to the concerned court immediately after the purpose is over.

I am also to add that while receiving the record it be ensured that the same is authentic and intact.

(ix) To ensure strict compliance of the Courts direction regarding proper maintenance of the record for the movement of the files in Government Appeal.

C.L. No. 40/2003 Dated: 27th September, 2003

The Hon'ble Court (Hon'ble S.K. Agarwal, Judge and Hon'ble V.S. Bajpai, Judge) in Govt. Appeal 389 of 2000- State vs. Ajab Singh and others has observed with concern that the records are handed over to the District Magistrates without proper entry into the dispatch register this is a serious lapse in maintenance of the records which are valuables security and in future for such lapses stern action shall be taken, proper record be maintained for the movement of the files in Govt. Appeal. Any instruction received from this court summoning the respondents in Government Appeals or Bail their record shall be entered in separate register and the record of such Government Appeals be retained until they are summoned by this Court. They should not be weeded out on expiry of three years. The direction of this Court for execution of bailable warrant shall be treated, as intimation to the District Courts is this regard. Whenever any such bailable warrant is received the record be so segregated and they should be maintained separately and securely.

I am, therefore, directed to send herewith a copy of the order dated 23.7.2003 passed by Hon'ble Court in Government Appeal No. 389 of 2000- State Vs. Ajab Singh and others for your guidance and strict compliance in continuation of the Court's earlier circular letter No. 25/2003, dated 31.7.2003.

C.L. No.47 Dated: 22nd November, 2004

I am directed to say that the Museum of Court Records and Archives in the Allahabad High Court which contains a large number of old and rare documents of archival and historical Importance useful for research scholars, besides being archival treasure and a source of inspiration to young generation of lawyers is being recognized. In this connection, such documents lying in the records of subordinate courts and other officer relevant for judicial records are to be considered for being requisitioned and scientifically preserved and secured in the Museum of the Court.

I am, therefore, to request you to kindly select old and rare documents in record rooms, which in your opinion may be suitable for being included in the items to be preserved and kept in

the Courts Museum and to send a list of such documents with brief description of their contents to this Court for perusal and orders of Hon'ble Museum Committee.

Compliance of the direction passed by Hon'ble Court in Criminal Appeal No. 1800 of 1982 about reconstruction of records.

C.L. No. 12/2009/Admin. 'G-II': Dated: April 9, 2009

While passing judgment and order in Criminal Appeal No. 1800 of 1982 – Ganga Singh and others v. State of U.P., the Hon'ble Court has been pleased to observe that-

> "……..District Judges to initiate an enquiry about the destruction of the records in violation of rules as soon as information is received and also to inform the Police Stations concerned to preserve the records (i.e. case diary, G.D. etc.) with it. The District Judge concerned should also initiate the process of getting the reconstruction of the records done even without awaiting the order of the High Court as that would be in compliance with the letter and spirit of the directions of the Supreme Court as held in the case of State of U.P. v. Abhai Raj Singh (AIR 2004 SC 3235). Communication should be sent immediately to the High Court and the registry should list the case immediately and also place the matter before the concerned Bench so that steps are taken for monitoring the reconstruction of the records. Furthermore, an attempt should be made to punish the guilty officials, who are responsible for the destruction/removal/weeding out of the record and if necessary, criminal proceedings may also be initiated against them in the said cases. If reconstruction of the record is not possible in a particular case, it may be possible to get retrial ordered as directed by the Apex Court in Abhai Raj's case (supra) if the time period elapsed is not inordinately long and the basic documents are available."

I am, therefore, directed to send herewith a copy of judgment and order aforesaid with the request to kindly circulate the same among all the Judicial Officers under your supervision and control for their guidance and compliance.

I am further directed to request you to furnish the details of such cases in which records are missing and weeded out in violation of the Rules.

To overcome the problem arising due to destruction or loss of original record.

C.L. No. 14/2009/Admin. 'G-II': Dated: April 9, 2009

It has come to the notice of Hon'ble Court that in many cases of heinous crimes, original records have been lost or weeded out in the lower courts even during the pendency of government appeals/criminal revisions before the High Court. In such circumstances, the accused is the direct beneficiary of the destruction or loss of original record.

In this regard, the Hon'ble Court has been pleased to direct that on receipt of intimation from this Hon'ble Court about the pendency of Government appeal, criminal appeal or revision, the original record related thereto shall be segregated and safely kept apart for being transmitted to this Hon'ble Court as and when required.

I am, further directed to request you that details of such segregated records be entered in a separate bound register to be placed before the District Judges Officer In charge Record Room in the first week of the month invariably.

I am also to add kindly to ensure strict compliance of the above directions.

7. REQUISITION OF RECORDS

(i) from revenue court

G.L. No. 1/67-1 dated 9th January, 1942

Civil courts should send court fee label of Re. 1 realized under rules 207 and 234 of General Rules (Civil), 1957, to the Collector's record keeper, while requisitioning revenue court records as required by paragraph 1288(2) of the Manual of the Revenue Department, U.P.

(ii) from Registrar, Joint Stock Companies

G.L. No. 34/XVIII-70 dated 3rd May, 1948

Where secondary evidence of public documents forming part of the permanent records maintained in the office of the Joint Stock Companies, U.P., is admissible in evidence, the summoning of the original records in the first instance may be dispensed with and the parties directed to file their certified copies. Wherever the examination of the original document is necessary, it may be summoned for production before the court through a clerk of the office of the Registrar, Joint Companies, and returned, if possible, the same day. If however, the retention of the original record for a longer period is necessary for the proper decision of the case, courts can retain the original record in their safe custody, but as soon as the original record is not required it should be returned to the Registrar, Joint Stock Companies, without any further delay.

(iii) From a Panchayati Adalat

G.L. No. 34/VII f-100 dated 27th March, 1953 read with U.P. Govt.

G.O. No. 170/VII dated 7th March, 1953

In accordance with rule 246 of the Panchayat Raj Rules, Panchayati Adalats will now directly send the required records, of a case, suit or proceeding to a higher court.

C.L. No. 62/VIII h-17 dated 8th May, 1952 read with

G.O. No. 6013/VI dated 22nd April, 1952

In accordance with rule 128-A of the Panchayat Raj Rules where the records are called for by a superior court at the instance of any party, the presiding officer shall direct the applicant to deposit a fee of Rs. 1.50 inclusive of money order charges for this purpose and shall send this amount to the Sarpanch of the Panchayati Adalat, who shall then send the required record, but where the court sends for the record of its own motion the record shall be sent to it at the cost of Panchayati Adalat, within a week of the receipt of the requisition.

C.L. No. 102/VIII h-17 dated 6th June, 1977

The courts while requisitioning records in connection with applications under Section 85 and 89 of the Panchayat Raj Act, send the requisition letter and fee to the District Panchayat Raj Officer, instead of the Sarpanch of Nyaya Panchayat concerned, which procedure is inconsistent with the provisions of rule 128 A of the Panchayat Raj Rules. All the presiding officers are directed to comply with the provision of rule 128-A of the Panchayat Raj Rules, in future.

C.L. No. 52/VII f-III dated 28th April, 1961

The record of Nyaya Panchayat may be returned by the courts hearing revision without any delay and requisitions for the records of Nyaya Panchayat may be sent in duplicate.

(iv) Police papers

C.E. No. 98 dated 18th September, 1969

While requisitioning the police papers, a request should be made to send them in sealed covers and papers should be opened when required and resealed in the presence of the Presiding Officers.

(v) From High Court at Allahabad

G.L. No. 1946 dated 11th May, 1925

In cases where a record is sent for under Chapter VIII, rule 215 of the General Rules (Civil), 1957 in connection with an appeal to the High Court, other than an appeal arising out of execution proceedings, the record referred to in Chapter VIII rule 215 should be understood as meaning Part I of the record prepared under Chapter V, rule 151.

C.L. No. 37 dated 21st July, 1960

In order to avoid delay in dispatch of records requisitioned by this Court and to enable District Judges to exercise effective supervision over their office in this behalf the following procedure should be strictly followed:

(1) All requisitions marked urgent and records summoned on applications for bail must be complied within twenty-four hours of the receipt of the requisition.

(2) All other requisitions must be complied within ten days of their receipt.

(3) A register should be maintained in the office of the District Judge showing-

(a) the date of receipt of the requisition,
(b) the date of dispatch of the record, and
(c) the reasons for the delay in dispatch.

The Court will hold District Judges personally responsible for any unexplained delay in the dispatch of records.

C.L. No. 4/VIII-74 dated 16th January, 1965

In all cases where the requisition is returned without compliance, reasons for non-compliance should invariably be noted in brief in the remarks column of the register of requisitions in Form no. 24.

C.E. No. 134/VIII a-41 dated 31st August, 1974

While dispatching records of criminal cases to the Court the following instructions should invariably be followed-

(1) The files of each case should be stitched together alongwith police papers.

(2) The envelope of every file and police papers should bear the number and year of the case allotted by the Court so that it may be placed on the relevant record without any difficulty and waste of time.

(3) Every record should be accompanied by a forwarding letter in Form no. 24 indicating correctly the enclosures sent therewith so that it may be convenient to check up the number of files received in the office of the Court.

C.L. No. 90 dated 17th August, 1972

The District Judges should keep an eye on the despatch of record in criminal cases and see that no delay occurs in the dispatch of records to this Court.

C.L. No. 137/VIII g-34 dated 24th August, 1976

In future, if the records of cases are received in the subordinate courts without copy of judgment or order of this Court and copy of the decree is not sent within a reasonable time from the court, the matter should be brought to the notice of the Registrar of the Court by name.

(vi) From other High Courts

G.L. No. 18/161-27 dated 30th March, 1937

The provisions of Chapter VIII, rule 205 of the General Rules (Civil), 1957, require that requisitions by civil courts for records of courts subordinate to other High Courts should not be sent directly but should be forwarded through the High Court. It is understood that similar restrictions are also imposed by rules or circular orders of other High Courts. No record should, therefore, be sent by any court in compliance with a requisition received directly from a civil court situate beyond the jurisdiction of the High Court and such a requisition should be returned with the request that it should be sent through the High Court.

G.L. No. 48/161-27(1) dated 3rd August, 1937

Requisitions for records from a civil court subordinate to another High Court, should invariably be sent in English in Form no. 21, General Rules (Civil), 1957.

To ensure dispatch of Lower Court Record requisitioned by the Hon'ble Court within a week.

C.L. No. 13/2009/Admin. 'G-II': Dated: April 9, 2009

It has come to the notice of Hon'ble Court that delay is being caused in sending the lower court record as requisitioned by the Hon'ble Court causing much inconvenience to the Hon'ble Court.

I am, therefore, directed to request you that as and when any lower court record is requisitioned, the same be kindly dispatched provided to the Hon'ble Court within a week.

I am also to add that the contents of the circular letter be kindly brought to the notice of all concerned in the Judgeship for strict compliance of the directions of the Hon'ble Court.

(vii) Procedure of dispatch of records

C.L. No. 27/46-54-252 dated 3rd September, 1940

(A) Each record should be carefully packed in brown paper and labeled with the description of the case.

(B) Records of civil and criminal cases should not be sent together, that is to say, civil records should not be included in the same parcel that contains criminal records, and *vice versa*.

C.L. No. 107/VIII a-76 dated 28th September, 1978

It is the duty of the District Judge and the officers working under him, to see that the rules and directions regarding dispatch of records are strictly followed by all concerned and those found at fault are suitably dealt with.

(C) The records should always be accompanied by a list as required by rule 218(3) of Chapter VIII of the General Rules (Civil), 1957.

C.L. No.. 66/X f-34 dated 16th October, 1950

C.L. No. 71/IX-f dated 17th October, 1950 and

C.L. No. 111 dated 16th December, 1957

When any records or material exhibits are sent by rail, the railway receipt should invariably be sent to the consignee under registered cover followed by intimation of dispatch of the railway receipt through ordinary post. Enquiry should be made from the court to which the parcel has been sent if acknowledgement of its receipt is not received within a fortnight of the date of dispatch.

(viii) Records sent out on requisition

In appeal or revision against interlocutory orders

C.L. No. 89/VIII-c-40 dated 12th October, 1959

Officers presiding over subordinate courts should make a note of all the records sent out to the Court in connection with an appeal or revision against an interlocutory order.

They should write to the Court whenever any such record is not returned within four months of its receipt in the High Court.

In other cases

C.L. No. 24/VIII b-70 dated 27th February, 1952

Whenever the complete record of a case is transmitted to any court on requisition or otherwise a fresh order sheet should be opened and the requisition slips, if any, should be kept along with it. The requisitioning court should be periodically requested to return the record, if no longer required. The issue of such reminders should be noted on the order sheet.

C.L. No. 10/VIII-g-34 dated 18th January, 1952 read with

C.L. No. 22 dated 6th March, 1959

Presiding officers of subordinate courts should not keep quiet after having once despatched the record to the Court. After ascertaining from their own office from the office of the District Judge and from the record room whether or not the record has been received back, they should keep on enquiring from the Court, say once in every six months, when the record may be expected to be returned.

The District Judges should also see that when a record is received back in their office, necessary information of its receipt is promptly sent to the court concerned.

C.L. No. 131/VIII-b-70 dated 16th December, 1952

Quarterly list of requisitioned records should contain particulars of all records which have been requisitioned by various courts and which have not yet been received back in the record room.

When such quarterly list is received back in the record room from the court to which it was sent, it is very necessary that the record keeper should check up the correctness of the report made by the court concerned in respect of each and every case entered in the list. In case any report is found to be incorrect, it should immediately be brought to the notice of the sadar munsarim, who should take such steps as may be considered necessary.

8. RETURN OF RECORDS

C.L. No. 21/VIII g-34 dated 2nd February , 1977

In future, proper entries in the relevant column of the register of requisitions (Form No. 24) should be made immediately after the records have been received from the High Court or any other superior court after disposal of the case.

C.L. No. 12 dated 16th December, 1902

The attention of all District Judges and Magistrates is invited to the necessity of dealing with greater promptitude with requisitions demanding the return of records.

Where an order has been issued by the High Court directing the performance of a specific act, if the direction cannot be immediately complied with the reason for non-compliance should be promptly intimated.

Return of record of execution proceedings

G.L. No. 2714/44-21(b) dated 5th July, 1915

Rule 151(7), Chapter V of the General Rules (Civil), 1957, requires that when a decree has been sent for execution under section 39 of the Code of Civil Procedure, the court to which such decree is sent shall, when it certifies to the court which sent the decree the fact of the execution of, or the circumstances attending a failure to execution of decree, transmit to the court which sent the decree the record of the execution proceedings. This procedure should only be followed in the case of courts subordinate to this High Court.

In the case of decrees transferred for execution from courts in other States, the records of the execution proceedings should be retained and filed in the court concerned in this State, the result of the proceedings merely being certified to the other court as required by section 41.

G.L. No. 30-67-8 dated 22nd August, 1931

When a court orders that certain documents should not be returned without special permission they should either be kept with the record or preferably in safe custody elsewhere after a note has been made on the general index to that effect. The court should also inform the officer-in-charge of the record room who shall maintain a list of such documents and put it up before the court whenever any application for the return of such document is made.

C.L. No. 100-B dated 12th September, 1952

Records of cases of the courts of Additional Munsifs in which proceedings have been stayed under the orders of the higher courts and which are not likely to be proceeded till the stay

order is discharged should be sent back to the permanent court from which the case was transferred.

C.L. No. 44/VIII-h-17 dated 4th May, 1956

The records requisitioned from the Nyaya Panchayats shall be returned by the High Court direct to the Nyaya Panchayats concerned and not through the District Panchayat Officers.

C.L. No. 17/VII f-III dated 12th March, 1964

A copy of the judgment in a revision against the judgment or order of a Nyaya Panchayat should invariably be sent to the Nyaya Panchayat concerned along with the record of the case and that all correspondence with the Nyaya Panchayats should be made in Hindi.

C. L. No. 19 /2007: Admin 'G' Dated 11 May, 2007.

The Hon'ble Supreme Court of India, New Delhi in order to streamline the procedure and for ensuring safe return of the Original Records has been pleased to direct Vide C.L. No. F.l/Judi./OR/2007, dated Feb. 2, 2007 as under:-

(A) After disposal of the case, the concerned Judicial Section, while sending certified copy of the Order/Decree to the concerned Court or Authority, will also request them to depute a Special Messenger to take back the Original Record. A copy of the letter will be endorsed to Section V/II or II-A, as the case may be, for necessary action.

(B) Section-V/II or II-A will ensure that all the Original Records are returned promptly to the concerned High Court/ Tribunal/ Lower Court/ Authority through the Special Messenger so deputed for the purpose after verifying his identity and noting down particulars of the record In the forwarding letter and getting It signed from the Messenger .

In partial modification of above, the Hon'ble Supreme Court of India, New Delhi vide Hon'ble Supreme Court of India, New Delhi vide Circular Letter No. F .2/Judl./OR/2007, dated 21st Feb., 2007 has been pleased to direct as under:-

> "…..After disposal of the case, the Original Record pertaining to High Courts in the far off places i.e. Kerala, Madras, Karnataka, Andhra Pradesh, Guwahati, Orissa, Bombay, Calcutta Patna, Jammu and Kashmir, Gujarat, Jharkhand and Sikkim be sent by Registered Post/Insured parcel. However, the Assistant Registrar In-charge of the Section responsible for sending back the record, shall cause to verify that the Original Records are as per the index and that the Records are properly packed, strapped, laminated and sealed before giving it for dispatch. In the letter returning the original records, the concerned section will also request the Registrar of the High Court concerned to get the records, on Its receipt, opened, checked and detailed in the presence of an Officer not below the rank of an Assistant Registrar of the High Court and to acknowledge receipt of the Original Records sent from this Hon'ble Court within three days of receipt of record. On receipt of such acknowledgement, the same shall be kept In the respective case file. If no acknowledgement Is obtained within two weeks of dispatch of record the concerned Assistant Registrar shall bring It to the notice of concerned Joint Registrar / Deputy Registrar, In writing, who shall pursue the matter with the concerned High Court till the acknowledgement is received and

will bring the discrepancy/ non-receipt of record, if any, to the notice of his Registrar

While enclosing herewith a copy *each* of the Hon'ble Supreme Court's Circular Letters referred to above, I am directed to request you to kind ensure strict compliance of the directions as contained in the circular letters by all the concerned in the Judgeship under your supervisory control.

9. CONSIGNMENT OF RECORD TO RECORD ROOM

C.L. No. 43/VIII b-60-51 dated 4th May, 1951

All decided cases should be consigned to the record room on or before the date fixed under rule 181 of Chapter VII of General Rules (Civil), 1957* and rule 108, Chapter XI of General Rules (Criminal), 1957, for the purpose and not on any subsequent date even if the prescribed date falls on a holiday.

(i) In appeals

C.L. No. 297/44-5 dated 23rd January, 1913

The certified copy of the judgment and decree should be sent to the court, which passed the decree, but the record should ordinarily go to the record room. The court, which passed the decree, shall, after considering the judgment and the decree send them to the record keeper to be filed.

Following the same procedure, this Court will send the record to the District Judge to be filed in the record room and a certified copy of the judgment and decree to the court, which passed the decree.

(ii) Of execution files relating to cases decided by Registrar, Co-operative Societies

G.L. No. 2499/44-3(8) dated 12th September, 1918

When an application for enforcement of a decision of the Registrar of Co-operative Societies or an award of Arbitrators appointed by him has been disposed of, the file will be consigned to the record room with other applications after the manner of civil appeals [Chapter VII, rules 179 and 180 of the General Rules (Civil), 1957].

(iii) Of Panchayat Adalat decrees executed and revisions against decrees and judgments of such courts decided by Munsif's Court

C.L. No. 69/VII f-110 dated 25th June, 1951

The execution records of decrees passed by Panchayati Adalats and executed by a Munsif should be consigned to the record room of the Panchayati Adalat and not to civil court record room.

C.L. No. 31/VIII f-110 dated 14th May, 1954

Record of revisions decided by Munsif against the judgment and decree of Panchayati Adalats should be consigned to the civil court record room and an information only sent to the Panchayati Adalat concerned.

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* NOTE: Now 1977 vide notification no. 504/Vb-13 dated 5.11.87.

(iv) Of cases under the Zamindari Abolition and Land Reforms Act transferred to civil court for decision

C.L. No. 112/VIIf-162 dated 12th November, 1953

The intention of the provision contained in section 222(4) of the U.P. Zamindari Abolition and Land Reforms Act, 1951, seems to be that the case be transferred for disposal to the civil court; the record of such cases after decision should not be sent to the revenue court but consigned to the record room of the civil court.

C.L. No. 93/VIII b-63 dated 12th October, 1961

For consignment purposes, the records of appeals under section 50 of the U.P. Zamindari Abolition and Land Reforms Act may be treated as revenue appeals.

C.L. No. 93/VIII b-63 dated 12th October, 1961

For statistical purposes, appeals under section 50 of the U.P. Zamindari Abolition and Land Reforms Act should be treated as civil appeals.

(v) Of cases under U.P. Imposition of Ceiling and Land Holdings Act

C.L.No.43/VIII-b-63 dated 27th July, 1963

All appeals under U.P. Imposition of Ceiling and Land Holdings Act, 1961, should be treated as revenue appeals for the purposes of consignment of their records in the Record Room and the procedure prescribed in rule 192(2) of General Rules (Civil) should be followed.

(vi) Of cases decided by Munsif-Magistrates

C.E.No.44 dated 21st April, 1969

Referring to rule 108 of General Rules (Criminal), 1957*, it has been directed that the records of cases decided by Munsifs working as Magistrates, like records of cases decided by other magistrates, be consigned to the judicial record room of the collectorate.

(vii) All registers to be filled up to the last page before consignment to record room.

G.L.No.3609/67-3, dated 30th August, 1915

The words "after completion" occurring in Chapter VII, rule 195 of General Rules (Civil), 1957, indicate that each register should be filed up to the last page and as such no register should be sent to record room with blank pages.

(viii) Consignment of records to High Court

C.L. No. 51/Vlllb-65/Admn.'G' dated May 24, 1994

I am directed to say that the Court has noticed that in a good number of cases report is submitted by the District Judges concerned about records having been lost and the process of reconstruction started as provided under Rule 216 of General Rules (Civil), 1957 Vol. I. On account of non availability of records while bearing appeals in Civil as well as Criminal matters and due to non materialization of reconstruction proceedings prayer is made that the appeal be

* NOTE: Now 1977 vide notification no. 504/vb-13 dated 5.11.83

allowed or the accused be acquitted as the case may be. This practice has not been appreciated by the Court. There are also instances when a through checking of the bundles in the Record Room is made, not only the present missing file is traced out but records lost previously are searched out during such checking. The existing rules also give emphasis on preservation of records in a suitable manner so that it may be available if and when needed. It was also the past practice that during the summer vacation, the staffs willing and surplus are asked to make physical verification of the records reported to be lost, but later on, this practice seems to be have been discontinued. Considering this aspect and to ensure availability of records, the Court has decided that henceforth the Summer Vacation 1994 the District Judges shall direct the officer-in-charge of the record room to detain sufficient staff in the Judgeship and such staff under the supervision of officer-in-charge record room, shall perform physical verification of the bundles to find out whether the records are kept in correct racks and in correct bundles so as to trace the records which are requisitioned by the High Court at present or in past.

I am, therefore, to request you kindly to direct the officer-in-charge of the record-room to follow the instructions given above and a progress report be sent to the Court after each summer vacation justifying the exercise as required under Rule 215 of General Rule (Civil), 1957, Volume I.

(ix) Weeding out of the records of cases in the Subordinate courts.

C.L. No. 9/2003: VIIIb-65 Dated: 4th March, 2003

The Hon'ble Court has expressed its concern that the provisions as contained in First & Second proviso of sub Rule (6) of Rule 196 of the General Rules (Civil) 1957, Volume I and Rule 118 of Chapter XII of General Rules (Criminal) 1977, are not being followed in letter and spirit and the records of the cases are weeded out despite clear directions of the Court as contained in C.L. No. 22/VIIIb-65, dated 1.4.83, C.L. No. 2/VIIIb-65, dated January 2,1984 and C.L. No. 38/2000, dated 11.8.2000 issued in this regard.

I am, therefore, directed to request you kindly to ensure strict compliance of the provisions as contained in the aforesaid rules of General Rules (Civil) 1957, & General Rules (Criminal) 1977 and also bring the contents of this circular letter to the notice of all concerned working under your administrative control.

10. HISTORIC OR ANTIQUE RECORD

G.L. No 2970/180-2(1), dated 31st August, 1917

Rule 4 and 6 of Order XIII of the Code of Civil Procedure, 1908, require certain particulars to be endorsed by the court on documents, produced as evidence in a suit. Occasionally, though rarely, documents are produced which are of great historic or antiquarian value, such as old sanads or grants, and it is obvious that such documents may be seriously injured by the usual endorsement.

The court before which it is produced should make every possible endeavour to prevent its being defaced by endorsement and exhibit marks or by having the seal of the court impressed upon it. Some means of avoiding such disfigurement will probably suggest itself to the presiding judge. The parties will probably agree to a photographic copy being substituted for the original, or the document may be enclosed in a sealed cover, or kept in a locked and sealed box, the necessary particulars being endorsed on the outside. If other means fail, careful measures should be taken for the safe custody of the document pending instructions from higher authority.

C.L.No.62/Xc-3 dated 14th September, 1949

It sometimes happens that in the course of a judicial proceeding a record of historical interest and importance is filed in evidence. When this happens the keeper of records at the headquarters of the Director of Education, Allahabad, should be informed of it without delay so that he may take a photograph thereof if he so wishes.

(i) Case properties of historical and scientific importance may be sent to the Police Science Museum, Hyderabad

C.L. No. 10/VIIIa-88/A-3: Dated 26th February, 1998

I am directed to say that for imparting basic and in-service training to the I.P.S. Probationers, Senior Police officers from different States, Central Police Organizations and Officers from other countries, Govt. of India have set up Police Science Museum in Sardar Ballabh Bhai Patel National Police Academy, Hyderabad. The said Museum is desired to be equipped with the objects of historical and scientific importance. All criminal courts after the conclusion of trial may make an order for the disposal of property having historical and scientific importance, by way of sending them to Police Science Museum for the purpose of preservation.

I am further directed to say that while delivering the judgment of acquittal or conviction, the courts shall also make it clear that disposal of the material exhibits shall not be made in any manner till to the expiry of the period of appeal. If appeal is filed the disposal of such material exhibits shall depend upon the directions of the appellate court.

11. REMOVAL OF RECORDS FROM COURT

G.L.No.4053/2C-2 (1) dated 18th December, 1920 read with

C.L.No.29/2-A dated 30th March, 1951

Rule 9, Chapter I of the General Rules (Civil), 1957, must be strictly enforced. All subordinate officials are strictly prohibited from removing records from the precincts of the court and any one breaking the rule will be severely punished.

If necessary the office may be opened on a Sunday or other holiday but in no case shall any judicial or departmental record be removed from the court buildings.

12. LOSS OF DOCUMENTS

C.L.No. 108-C dated 16th December, 1959

Frequent loss of papers from record indicates slackness on the part of the officials dealing with records. District Judges and Presiding Officers should, therefore, take proper measures to act as a check against such losses.

Effective steps should be taken to enforce strict supervision against negligence or dereliction of duty on the part of the officials dealing with records. The officer-in-charge of the record room should also be directed to make surprise inspection of the record room and see that the relevant rules and orders are strictly being followed.

G.L.No.4/VIIIa-88, dated 31st January, 1955

All material documents on the record of a criminal case should be deposited in the Malkhana, or in the Treasury or in the safe of the District Registrar or kept in a steel almirah or with the Presiding Officer themselves.

With a view to ensure responsibility, being fixed for loss of record during taking over or making over charge by assistants the following procedure should be adopted:

(i) The assistants proposed to be transferred should be given information of the proposed transfer at least one week earlier of the actual date of transfer.

(ii) They should prepare a list of records in their possession with the help of the registers maintained. Records requisitioned from the court or record room should also be included in the list.

(iii) At the time of making/taking over the successor should physically check the records with that list and sign it in lieu of receipt. That receipt should be countersigned by the Munsarim of the court concerned under whom the transferred assistant had been working before his transfer.

(iv) Three copies of such list should be prepared. One copy should remain with the Munsarim of the court concerned, one copy with the transferred assistant and one with the successor.

In case of transfer of an assistant record keeper or librarian, the rules prescribed for movement of records and books, as the case may be, should be strictly followed.

C.L.No. 116/c dated 5th August, 1974 read with

C.L. No.41/4C dated 22nd June, 1964

In case of loss of record or any paper thereof, the official having custody of the record should in the first instance be held responsible and if after a detailed enquiry a more serious case is made out, instead of an entry in the character roll, departmental action or criminal prosecution can take place.

C.L.No.41/4c dated 22nd June, 1964

It is not only very necessary to comply strictly with the directions contained in C.L. No. 108-c, dated December 16, 1959, but also to award adequate punishment to the official or officials found guilty of loss of record. The punishment awarded should be commensurate with the gravity of such omissions or commissions. The punishment awarded, keeping in view these instructions, should invariably be reported to the Court.

C.L. No. 19/ Budget dated 4th February, 1978

For the loss of the papers from the records of subordinate courts, adequate punishment is not being meted out by the District Judges to the delinquent officials. A mere adverse entry in the record of service of the delinquent official is no corrective. Punishment, which may have a deterrent effect, is required to be inflicted on the delinquent official to stop frequent recurrence in future.

In order to avoid loss of judicial records while being transmitted from district courts to High Court, the District Judge should see that courier of record is a responsible permanent employee of his court with at least 5 years' of service and no record should be transmitted to the High Court through persons in temporary service.

13. APPLICATIONS

(i) Through post

C.L.No.1 dated 22nd January, 1895

The following papers may be received or sent through Post Office, namely:-

(1) Application for copy sent by an applicant prepaid and accompanied, when necessary, by stamp papers, on which the copy is to be made.

(2) Copy ready for delivery, when the applicant is not present and has paid for the transmission of such copy by registered post.

(3) Stamp paper returned when application for copy has been refused.

(4) Notice to withdraw deposits.

(5) Notice to parties to withdraw sums held by the Nazir, such as unexpended diet money of witnesses, etc.

(6) Intimation that an application has been shelved (dakhil daftar).

(7) Intimation in any case of the receipt of money for payment to any person.

(8) Application from a judgment- debtor to know how much is due from him.

(9) The reply to such an application.

(10) Intimation to auction- purchaser, decree-holder or judgment- debtor of the date fixed for delivery of possession, when an addressed letter has been left for the purpose.

(11) Intimation of the result of a suit or application when the party has applied that the result should be so communicated to him, and has left an addressed letter for the purpose.

Guardianship certificates

C.L. No. 80/IV-g-17 dated 18th August, 1953

(Under a registered cover at the request and expense of the party, the postal receipt being retained on the file of the case).

(ii) Execution of an order of Registrar, Co-operative Societies, etc.

G.L.No.2499/44-3 (8) dated 12th September, 1918

When an application for the enforcement of a decision of the Registrar of Co-operative Societies or an award of arbitrators appointed by him is filed in a court having jurisdiction to entertain the same, an entry of the application shall be made in a register kept in Form No.68.

(iii) Final decree

G.L.No. 1885/67-5 dated 25th March, 1927

Applications under Order XXXIV, rule 5 must be treated as applications in suit and must be noted in the register of regular suits.

The correct procedure to be followed when such applications are filed is for the court to send for the record of the original suit, to enter the application in the index of Part I and to proceed with the application as in continuation of the original suit.

(iv) Review application

G.L.No.9/35-a-9 dated 25th March, 1943 as amended by

G.L.No.5/VII-d-III dated 14th October, 1954

An application for review under rule 2 of Order XLVII of the Code of Civil Procedure should be made only to the Judge who passed the decree or made the order sought to be reviewed. What is meant by this rule is that the application mentioned in the rule can be made to the court so long as the same Judge is the presiding officer of the court; the rule does not mean that the application should be personally presented by the applicant himself.

(v) Presentation, disposal of application

G.L.No.4/Ve-58 dated 27th January, 1949

On coming to court, the presiding officer should first take up applications and pass orders thereon, and no application should be taken after the fixed hour except those in which limitation may be expiring.

C.L. No. 15/VII-b-6 dated 23rd January, 1952

All presiding officers should pass clear orders directing that all interlocutory applications filed in court or presented to the Munsarim, should be put up before them for orders without avoidable delay along with the office report and relevant papers. Presiding Officers should further see that orders on these applications are issued promptly by the office.

C.L.No. 94/V/b-47 dated 22nd July, 1975

Presiding officers should fix hours for entertaining applications and disposing them off and such timing should invariably be adhered to. They should also keep in mind that no application, as far as possible, is disposed of in chambers.

C.L.No.45/VIIIb-6 dated 13th July, 1984

All the presiding officers should strictly comply with the provisions of rule 17 and 32 of General Rules (Civil) and instructions contained in above noted C.Ls. with regard to the presentation and disposal of applications in the subordinate courts. Hence-forth, the applications should invariably be entertained at the time fixed by the District Judge and be disposed of by an order passed in court as soon as they are presented, as required by the aforesaid rules and instructions of the Court.

(vi) Application under section 340 Cr.P.C.

C.L.No.17/VII-b-45 dated 4th February, 1952

Application under section 476 (new section 340, etc.) of the Code of Criminal Procedure should invariably be registered as a separate case and separate file, complete in all respects, should be prepared in each case.

14. COURT FEES AND STAMPS

(i) Affixation and cancellation

G.L.No. 2874 dated 12th August, 1911

District Judges should impress on all the courts subordinate to them necessity of attention to be paid to the under mentioned matters and should themselves look into them while inspecting courts.

(1) Stamps affixed in all pending cases shall be punched and no record shall be deposited in the record room with unpunched stamps.

(2) The following documents are often received unstamped and should be specially attended to-

(a) second or subsequent application to summon a witness,

(b) application for examining a witness not summoned through court,

(c) application to call for a record,

(d) application to adjourn a case.

(3) Number of words should invariably be noted upon certified copies.

(4) The court-fee registers prescribed by the High Court should be properly maintained.

(5) The rules about the least number of stamps to be affixed to instruments under section 21(f) of the Court Fees Act (rules 20, 21 and 108 of the Stamp Rules-Stamp Manual) should be observed.

(6) Papers filed in a case, especially applications to summon witnesses, should always be entered in the flysheet.

(7) Printed lists of process fees shall be exposed to view in courts as required by section 20(d) of the Court Fees Act.

(8) The register of process fees must show that fees for summoning defendants and for issue of notices under rule 3, Order XXXII of the Code of Civil Procedure have been paid.

G.L.No. 31/180-4(10) dated 17th November, 1928

District Judges should issue strict instructions to all courts in their judgeship as to the necessity of a very careful scrutiny by the clerks concerned of all documents liable to stamp duty.

G.L. No.72/47-1141 dated 4th August, 1976

The High Court has, in a stamp reference in first appeal no. 62 of 1952, upheld the report of the Chief Inspector of Stamps that a document not stamped in accordance with the provisions of rule 24 of the Stamps Manual is not properly stamped. All presiding officers of civil court are, therefore, directed to see that the provisions of the rule are strictly complied with unless a certificate is furnished to show that the requisite stamps were not available at the time.

The provisions of rule 23 of the Stamps Manual should also be similarly complied with.

C.L.No. 33 dated 18th March, 1961

In order to prevent fraudulent reuse of court fee and copy stamps the provisions contained in rules 384, 386, 387 and 389 General Rules (Civil) 1957, Volume I, should be strictly followed by all the courts. Besides the rules the instructions contained in the Board of Revenue C.L. No. 16/Stamps-693-G, dated November 19, 1960 should also be followed.

C.L.No.130/VIIIb-151 dated 21st November, 1978

Extreme care should be taken to check the records that forged court fee stamps are not being used. If any instance of the use of forged court fee stamps comes to light, immediate necessary action as the situation demands and is deemed essential and proper should be taken in the matter.

C.L.No.63/VIIIb-151 dated 8th October, 1982

Absence of Ashok Pillar Watermark or any other required watermark in the court fee stamp can establish it to be forged. This can be detected by seeing the stamps under the sun as Ashok Pillar Watermarks will not be visible in the forged stamps.

Punching of second punch hold on stamps

G.L.No. 39/44-40(8) dated 3rd December, 1929

Rule 191, Chapter VII of the General Rules (Civil), 1957, is practically a replica of rule 259, Chapter VIII of the Stamps Manual. It is intended to ensure that the record –keeper or one of his assistants should personally see every court-fee label. He has to see that it is properly defaced to ensure that it cannot be fraudulently utilized a second time and also that the proper court fee has been paid. The mere punching of a second hole is not all; it is the dating of each document, which ensures its inspection by the record room staff. The date on the document should not be stamped, but should be made by the record – keeper in his own handwriting. All record –keepers should be warned that they are personally responsible for strictly complying with the rule in question.

C.L.No.15/Stamps 947/G dated 21st May, 1963 read with

C.E.No. 50/VIIId-149 dated 21st August, 1963

In order to prevent reuse of court fee stamps the attention of all the presiding officers, is invited to section 30 of the Court Fees Act and rules 252 to 261 of the Stamps Rules which lay down that no document shall be filed or acted upon in any court or office until the stamps affixed thereto have been cancelled and they are also required to pay personal attention to see that strict compliance of the aforesaid provisions of law is made by the presiding officers of courts and the officials concerned. Failure to punch and cancel stamps should be taken serious notice of and suitable action should be taken against the negligent officials.

Folios and adhesive court-fee labels

C.L.No.109/VIII-149 dated 22nd October, 1952

In court fee stamps bearing the design of Ashoka Pillar, the top of the Pillar should be punched for purposes of cancellation under section 30 of the Court fees Act.

G.L.No.52/86 dated 7th December, 1933 read with

Board of Revenue letter No.3594/S-258-c dated 15th November, 1933

G.L.No. 31/86 dated 28th May, 1934 modified by
C.L.No. 35-56-1 dated 2nd June, 1934 and
C.L.No.71-180-34(1) dated 18th July, 1936 and
C.L.No.5/8 b-82 dated 8th January, 1952

Only one kind of copy folio of the value of Re.0.25 is printed in this State and adhesive court fee labels of certain denominations are surcharged with the words "For copies only" so that extra payment may be made by means of such labels.

The amendment of rule 257 of the U.P. Stamp Rules, 1942, made under Finance Department notification no. S-458/X-504-48, dated the 21st February, 1951 published in Uttar Pradesh Gazette, part I, dated the 2nd March, 1951 necessitating the cancellation and punching of copy labels as soon as they are filed in any court or office does not apply to copy folios and copy labels affixed thereto which are filed with applications for copies. They should, therefore, be punched at the time of issue of copy and that where an application for copy is rejected such copy folios and labels should be returned to the party concerned unpunched.

Court fee labels surcharged "For copies only" may be accepted to complete the payment for copies issued on copy folios but they should not be affixed to the copy folio until there is a certainty that the copy will be granted.

In the case of loose copy labels filed in order to make up the copying fee in certain cases, the amended rule shall apply and such labels shall be punched as soon as they are filed. In case they have to be returned on account of the application for copy being rejected, or for some other reason, the party concerned can, under para 1357 of the Revenue Manual, claim a refund of the value of such labels after deduction of 6 n.p (Re.0.06) in a rupee or fraction thereof. The cancellation order should be written in red ink "Cancelled". This is to ensure that the labels are not used again.

In affixing the labels, care must be taken to ensure that the head on the label is nearest the edge of the folio. This is to ensure that no written or typed matter is defaced if the label is punched. In no circumstances should an adhesive stamp be affixed in the centre of the folio.

Cancellation of impressed stamps

G.L.No. 12/VIII-b-149 dated 13th April, 1949

Impressed stamps on probate, letters of administration, certificates, or copies should not be punched when probate, letters of administration, certificates and copies are issued. They may, however, be defaced by the use of a rubber stamp mentioned in rule 254 of the Stamp Rules as provided in rule 252(b) of the said rules.

No court-fees payable under rule 159(i) General Rules (Civil)

C.L.No.18/67-1(8) dated 24th April, 1939

No duty under the Stamp Act or the Court Fees Act is payable in respect of a copy filed under rule 159(i) of General Rules (Civil), 1957.

C.L.No.45/VIII-b-151 dated 23rd May, 1973

Directions contained in letter no. 3/Stamps-978(2), dated February 19, 1973, of the Inspector General of Stamps may be strictly followed so that use of forged court fee stamps or fraudulent reuse thereof may be prevented.

(ii) Deficiency

C.L.No. 22/180-20(5) dated 2nd March, 1936

It is the duty of the presiding officer of each court to take proper steps to ensure that the inspection note of the Inspector of Stamps is laid before him without delay.

C.L.No. 27/VII-f-26 dated 10th March, 1953

Attention of all presiding officers is invited to the mandatory nature of the provisions contained in sub-section (3) of section 6 of the Court Fees Act, 1870 according to which the question as to deficiency in court-fee raised by Inspector of Stamps has to be decided by the court before proceeding further with the case.

It was brought to the notice of the Court in some cases that the reports of the Inspectors of Stamps were misplaced or lost by the negligence of the staff and in others, they were not brought to the notice of the presiding officers at all.

C.L.No.119/X-e-10 dated 17th December, 1953

Presiding officers should, therefore, take immediate action on the reports received from the Inspectors of Offices or Stamps on question of deficiency in Stamp Duty and report their decision in the matter to the District Judge within three months. They should also check from time to time if any such reports are pending in the office, and take proper action against the officials who fail to put up the same before them in time.

C.L.No.45 dated 12th August, 1964

District Judges should see that prompt attention is paid to the disposal of the reports of the Inspector of Stamps and the action taken thereon intimated to the Chief Inspector of Stamps. The report should be disposed of before deciding the case.

It is also added that a register in the form already prescribed under this Circular Letter to indicate the progress of each case is maintained in each court and should be checked by the presiding officers from time to time.

G.L.No.2/180-1 (2) dated 2nd March, 1931

When during the course of his inspection an Inspector of Stamps reports a deficiency in court-fee, in any case, it should be considered by the presiding officer and if the report is found to be correct, prompt and effective steps should be taken to recover the deficiency from the party concerned. The court will find the inherent power of review or the power under section 28 of the Court Fees Act as sufficient for the purpose in most cases. The question whether the court can exercise these powers in a case after the question of proper court fees has been decided and has become final between the parties under section 12(1) of the Court Fees Act, is not free from difficulty. It is perhaps arguable that the order is not final against the State. It is suggested that when a court finds, on the report of the Inspector of stamps, that its decision regarding court-fees

was wrong it may consider the desirability of reviewing the order and recovering the court-fee properly payable.

G.L.No.36/180-20 (12) dated 8th April, 1936 read with

Board of Revenue letter No.1718 Stamps 674-B-5 dated 6th March, 1936

All subordinate courts should impound every unstamped or under stamped document brought to their notice by an Inspector of Stamps or otherwise, deal with it under section 35 or 38(2) of the Stamps Act, as the case may be, and not return it without any action, to the person presenting it.

C.L.No.38/X-e-10 dated 23rd April, 1956

Presiding officers should see that deficiently stamped documents are not accepted in future.

In compromised cases

G.L.No.22/180-20(5) dated 2nd March, 1936

It is an erroneous idea that the deficiencies of court-fees should not be realized in cases, which are compromised on the ground that since the parties have compromised, they are not liable to further fees. The court should refuse to pass an order on the basis of the compromise unless there is a properly stamped plaint.

Report of Inspector not accepted

C.L.No.64/VII-f-26 dated 7th August, 1956,

C.L.No.41/VII-f-26 dated 23rd July, 1963,

C.L.No.87/VII-f-26 dated 31st May, 1971

In every case in which the report of the inspecting officer referred to in section 6(3) of the Court Fees Act is not accepted a copy of the findings together with a copy of the plaint should invariably be sent to the Chief Inspector of Stamps so that he may be in a position to take action under section 6-B (1) of the Act within the period prescribed for the same.

C.L.No.41/VII-f-26 dated 23rd July, 1963 read with

C.L.No.87/VII-f-26 dated 31st May, 1971

The mandatory provisions of section 6(6) of the Court Fees Act, 1870, should be strictly followed. A copy of the plaint or memorandum of appeal, as the case may be, should invariably be sent along with a copy of the findings to the Chief Inspector of Stamps in cases in which the report of the Inspecting officer is not accepted.

C.L.No.74 dated 1st August, 1958

District Judges should give their personal attention and see that the courts in their judgeship invariably comply with these directions.

(iii) Use of forged stamps

C.L.No. 36/VIIIb-151/Admn. (G) dated March 21, 1990

I am directed to refer to Court's Circular Letter No. 20/VIIIb-151, Admn. (G), dated February 13, 1980, on the above subject and to say that it has come to the notice of the Court that

the provisions of Chapter VIII of the U.P. Stamp Rules, 1942 in respect of cancellation of court fee stamps and those contained in Rules 191, 384 and 385 of the General Rules (Civil) 1957, are not faithfully performed by all concerned making a room for use of those stamps again.

I am therefore, to request you kindly to direct all concerned to strictly follow the instruction as contained in the Court's C.L. No. 20/VIIIb-151, dated February 13, 1980.

You are further requested to pay personal attention to see that the instructions contained in regard to cancellation of Court Fees stamps are being complied with by all concerned strictly.

Kindly, bring the contents of this C.L. to the notice of all concerned.

(iv) ***अधिवक्ता कल्याणकारी टिकटों के फर्जी एवं विक्रय पर रोक लगाये एवं ऐसे लोगों के विरूद्ध कठोर दण्डात्मक कार्यवाही करने के सम्बन्ध में।***

न्याय अनुभाग-7 (कल्याण निधि) सं0-137/सात-न्याय-7-155/90टी0सी0 , दिनांक फरवरी, 2000 उपर्युक्त विषय पर बार कॉसिल आफ उत्तर प्रदेश 19 महर्षि दयानन्द मार्ग इलाहाबाद के पत्र दिनांक 6.12.1999 तथा शासन के पत्र संख्या-2129/सात-न्याय-7-99-155/90टी0सी0 दिनांक 3.01.2000 (प्रतिलिपि सुलभ संदर्भ हेतु संलग्न) करते हुए मुझे यह कहने का निदेश हुआ है कि उपर्युक्त आदेशों के निर्गत होने के उपरान्त ही कतिपय जनपदों में कतिपय स्टाम्प बैडरों द्वारा अधिवक्ता कल्याकारी स्टाम्पों का मुद्रण एवं विक्रय किया जा रहा है। जिससे शासकीय राजस्व की आय में कमी हो रही है।

अतः अनुरोध है कि कृपया अपने मण्डल में फर्जी स्टाम्प मुद्रण एवं बिक्री रोकने के संबंध में प्रभावी कार्यवाही तथा दोषी व्यक्तियों के विरूद्ध कटोर दण्डात्मक कार्यवाही करने एवं कृत कार्यवाही से शासन को अवगत करने का कष्ट करें। इस सम्बन्ध में शीघ्रता अपेक्षित है।

(v) For taking punitive action against the persons indulging in printing and selling forged U.P. Advocates Welfare stamps.

C.L. No. 26/ VII f-249 Dated: 18th June, 2000

I am directed to enclose herewith a copy of Government letter No.137/SAT-Nyaya-155/90 T.C. dated February 2000 on the above subject wherein, it has been stated that in some districts stamps vendors are indulging in printing and selling forged 'Advocates welfare Stamps' causing loss to the State revenue /benevolent fund meant for Advocates.

I am, therefore, to request you kindly to see that the forged 'Advocates Welfare Stamps' are not issued and in cases any such instance comes to your knowledge appropriate action be taken in the matter.

C.L. No. 8/VIIIb-149 Dated: 13th February, 2001

Hon'ble court has observed with concern that court fee labels and stamps on papers filed in courts remain unpunched and uncancelled despite issuance of various circular letters inviting attention to the provision embodied in section 30 of the court Fee Act and Rules 252 to 261 of the U.P. Stamp Rules, 1942. It is an obligation under the Rules that no document shall be filed or acted upon in any Court or Office until the Stamps affixed thereto have been punched/cancelled. The negligence in punching papers and stamps may give opportunity to unscrupulous person to reuse them by otherwise means causing loss of revenue to Government. Such negligence on the part of officials is not only serious but gives opportunity for the misuse of those Stamps. In order to guard against such malpractice in past, directions by means of Circular letters were issued for strict compliance of the aforesaid provision of law.

You are, therefore, requested to ensure strict compliance of the provision of law in the matter of punching and cancelling Court Fee labels. Failure to punch and cancel stamps by the office also should be taken seriously and suitable action be taken against the negligent officials.

(vi) Non-compliance of the provisions contained in Section 35, 38(2), 40 and 47A of Indian Stamp Act, 1899.

C.L. No. 37/VIIf-98 Dated: 19th October, 2001

The Government have intimated with concern that the provisions as contained in Section 35, 38(8), 49 and 47A of Indian stamp Act, 1899 are not being complied with strictly by the concerned Public Officers causing huge loss to the Government revenue.

I am, therefore, desired to send herewith a copy of Government letter no. Ka/Ni-5-4306/11-2001-500(35)/98 dated July 12, 2001 along with its enclosures and to request you to kindly ensure compliance of the provisions as contained in Section 35,38(8), 40 and 47A of Indian Stamp Act, 1899, strictly and contents of the Government letter, aforesaid, be brought to the notice of the concerned Judicial Officers of your Judgeship.

15. HEARING OF CASES

(i) de die in diem

G.L.No.878-67/9 dated 3rd April, 1917

The practice of hearing one or two witnesses a day in long cases instead of hearing the case *de die in diem* till finished cannot be too strongly deprecated and notice will be taken of Civil Judges and Munsifs who adhere to this antiquated and most objectionable practice.

The following instructions should be borne in mind:

Where a case promises to be a long one, the cause list for a day or two should be cleared and the time devoted entirely to the hearing of the case *de die in diem*. In the case of Civil Judges there is no objection to a certain number of appeals being added so as to allow for a break down, as appeals can be heard on an adjourned date without inconvenience of a serious nature to the parties concerned.

Similarly, if on a date fixed in accordance with this letter a breakdown for any reason occurs, a munsif can always inspect his office and take up miscellaneous work, which does not require the fixing of an actual date.

C.L.No. 9/Admn.(B) dated 30th November, 1971

The habit of taking up more than one case at a time by the Magistrates – one by the Magistrate himself and the other either by the reader or ahalmad or by both – is highly improper and the Court view such lapses with great concern. Those found acting in such improper manner shall be severely dealt with. The District Judges should make occasional surprise visits and any irregularity brought to their notice should be promptly dealt with.

(ii) Verification of security bonds

G.L.No. 2/45-6(4) dated 11th May, 1928

Whenever a bond comes before a court for verification the presiding officer should direct his attention to the important point of ascertaining whether the executants of the bond (in the case of his being a Hindu) is a member of a joint Hindu family. If the answer is in the

affirmative, the next point to ascertain is whether the property hypothecated is joint family property, in which case it would be inadequate by way of security, as raising the question of legal necessity. Only after informing himself on these points the presiding officer should report to the High Court as to sufficiency or otherwise of the security.

G.L. No.3/45-3 dated 11th January, 1929

District Judges should give special directions to all courts in their jurisdiction to treat all applications for verification of security bonds as urgent.

C.L. No.1416/67-5 dated 10th April, 1913

In every case, in which a security bond is sent down for verification by the alleged executants and for a report as to the sufficiency of the security offered, notice should invariably be sent to the other side to appear and take any objection, if they so desire. The order sheet of the case should have a note that this has been done and also whether any one appeared. If any objection is taken, note of this and of the court's decision on the objection should appear on the order sheet.

(iii) Revenue references

C.L.No.3 dated 10th January, 1957

The following procedure should be followed by a court, whether civil or revenue, when referring an issue to another court or when returning an issue with its own finding to another court:

(1) A date should be fixed by the court referring an issue or returning an issue with its finding for appearance of the parties in the other court, the fact should be noted in the order sheet and signatures of the parties present should be taken on the order sheet in token of their being informed of it.

(2) The date should be selected with regard to the time the record is likely to take to reach the other court. If the record is to be sent to the other court through the District Judge stationed at another place, more time should be allowed than otherwise.

(3) If the proceedings in the court referring an issue, or deciding an issue, have been ex-parte against any defendant, the fact should be noted in the order sheet of the date on which the issue is referred or is returned with the finding, so that the other court may know that the proceedings are ex-parte against the defendant and may not spend time in serving a notice upon him for appearance before it.

(4) The court to which an issue is referred, or to which an issue is returned with the finding, must call out the case on the date fixed by the other court, take attendance of the parties and fix another date for the hearing if it has no time to hear it on that date.

(iv) Civil cases against state

C.E. No.35 dated 3rd April, 1969

As envisaged under G.O. no. B-382/VH-b-1005-68, dated February, 28,1969 copies of notices, narrative, District Government Counsel's opinion, certificates of means, plaints or draft pleadings, i.e., draft, written statements and connected papers should be sent to Government in duplicate in each case.

(v) Election petitions

C.L. No.18/IVg-4 dated 12th March, 1954

Judicial officers appointed Election Tribunals for decision of election petitions filed in respect of general elections to the Municipal Boards, Notified Area Committees and Town Area Committees, may be asked to give preference to the disposal of election petition over other cases, but the dates in election cases should, as far as possible, be so fixed as not to disturb the dates fixed for the hearing of murder cases.

(vi) Jail premises

C.L. No.18/Admn.(A) dated 27th January, 1976

District Judges have discretion to permit Sessions Judges or Magistrates to hold their courts at or near jail premises for hearing of bail application under D.I.R. or for enquiring into or trying such cases on the condition that-

(a) the place selected for holding the court is one to which the public generally have access, so far as the same can conveniently contain them as provided under section 327, Cr.P.C.

(b) the executive authorities provide a car or jeep for the transport of the judge or Magistrate and his staff.

District Judges have further discretion to permit Magistrates to hold mobile courts for dealing with petty offences on the spot. The Magistrates holding such courts are not to do any case in which he has personally witnessed the event. Overall supervision is of the District Judge who should see that no individual Magistrate does this work for any length of time. Provision of suitable separate transport, free of cost, to the Magistrate and his staff is the responsibility of the Municipal or State authorities, but the Magistrates holding such courts will not be treated as on deputation.

16. AFFIDAVITS

C.L.No.1799 dated 10th June, 1909

Rules in Chapter IV of Rules of Court, 1952, deal with affidavits and should in all cases be properly observed.

Particular attention should be paid to the following matter:

(1) As directed by rule 8, affidavits should be divided into paragraphs, which shall be numbered consecutively, and each paragraph should, as nearly as may be, confine to a distinct portion of the subject.

(2) When the deponent speaks to matters within his own knowledge, he must do so directly and positively in manner contained in rule II.

(3) When the deponent speaks to matters not within his personal knowledge, the fact should always be stated in the manner prescribed in rule 12.

C.L. No.110/VII-f-98 dated 2nd September, 1971

Affidavits filed by or on behalf of the Government come within the purview of proviso (i) to clause (bb) of section 3 of the Stamp Act and as such are exempt from stamp duty.

Verification

C.L.No. 23 dated 21st March, 1970

The preamble to the Code of Civil Procedure says that the Code consolidates and amends the laws relating to the procedure of the courts of civil judicature. It, therefore, follows that the authority to verify affidavits by the oath commissioners appointed under section 139 of the Code is confined to proceedings before court of civil judicature alone, and oath commissioners appointed under section 139 of the Code of Civil Procedure should not verify affidavits which are filed before administrative bodies or other authorities which are not courts of civil judicature.

C.L.No.139/VII-d-27 dated 9th September, 1974

Oath commissioners appointed under the General Rules (Civil) 1957, Volume I be also appointed for purposes of section 297, Cr.P.C., 1973 and affidavits sworn before an oath commissioner appointed by the Sessions Judge could be used before any court.

C.L.No.84 dated 31st May 1976

The Magistrates should not themselves verify the affidavits filed in support of bail application. They should be verified only by the oath commissioners.

C.L.No.23/VII-d-27 dated 26th March, 1954

All affidavits filed in subordinate courts must be properly sworn and verified. The provisions of the rule contained in order XIX of Schedule I of the Code of Civil Procedure as amended by this Court (particularly rule 11-A) should be strictly complied with.

Scrutiny

C.L.No.825/44 dated 5th March, 1915

Courts and Munsarims are expected to scrutinize carefully all affidavits filed under rule 46 General Rules (Civil), 1957, and to see that they are in accordance with the Code of Civil Procedure (order XIX rules 3 to 15). If in error, they should be returned for amendment before any order for production is passed upon them.

Particular attention is drawn to order XII, rule 2 especially to that portion of it which relates to costs.

C. L. No. 5/2007, Dated 20th February 2007

The Hon'ble Court while communicating its disapproval of the practice of applicants moving the Hon'ble Court straightaway without even availing of the provision under Section 227 of Cr.P.C. by passing the trial Courts, has held such practice to be wholly unwholesome and has been pleased to observe as under in Judgement and order dated 19.12.2006 passed in Criminal Misc. Application No. 8495 of 2003 Smt. Santosh Poonia v. State of U.P. and others–

> "We fully endorse the fears and apprehensions of the learned counsel but we cannot demand clairvoyance from Judicial Officers. The only thing which a judicial officer can do and should do in these matters is to examine the whole episode in the proper perspective keeping in mind the possibility of the apprehensions propounded by the learned counsel for the applicant as above and give the matter a searching probe in order to find out whether the complaint is a cover for a retaliatory action or there is real and genuine substance in the same.

Cases where superior officers and subordinate employees are involved should, therefore, be closely examined at the initial level and the entire conspectus of circumstances should be visualized and mere formality of witnesses being available should not always be considered sufficient if the circumstances indicate otherwise. Such matters should not be examined in the same manner as other ordinary criminal cases and should be given deeper probe."

Therefore, while enclosing a copy of the above judgement and Order, I am directed to request you to kind ensure strict compliance of the above quoted directions of the Hon'ble Court circulating the copy of the same among the Judicial Officers under your administrative control in right earnest.

17. WITNESSES

(i) Oath

C.L.No.86/VII-f-75 dated 23rd August, 1978

Under Section 6 of the Oaths Act, 1969 all oaths and affirmations made under section 4 shall be administered according to such one of the forms given in the Schedule as may be appropriate to the circumstances of the case; nevertheless section 6 of the Act gives a discretion to the court to allow a witness to give evidence on such oath or affirmation as may be prevalent in or binding to the class to which he belongs.

(ii) Diet money

C.L.No.2403 dated 7th August, 1895

When a civil court in an enquiry under section 476 (old) and section 340 (new) of the Code of Criminal Procedure with respect to an offence against the public justice summons and examines witnesses, they should get their expenses just as if they were witnesses summoned in a criminal trial.

C.L.No.41/VIII-d-6 dated 4th May, 1956

The rules framed by the State Government under section 544 (new section 312) of Criminal Procedure Code regulating the payment of expenses to complainants and witnesses attending criminal courts, have been reproduced as Appendix I of the General Rules (Criminal) 1957*, rule 8(5) of these rules provides that witnesses following any profession such as medicine or law shall receive a special allowance according to circumstances and usage of courts. It is merely illustrative. There is no bar to the payment of such allowance to witnesses other than those following the medical or legal profession. Presiding Officers have full discretion to allow the claims of other categories of witnesses as well.

C.L.No.80/VIII-d-6 dated 14th July, 1979

Those retired officers whose substantive pay was rupees one thousand or above at the time of their retirement be treated in the category of first class witnesses for purposes of payment of diet money and travelling allowance under Rule 8 of Appendix 'I' of General Rules Criminal, 1957.*

* NOTE: Now 1977 vide notification no.504/Vb-13 dated 5.11.83

To employees of Government of India

C.L.No. 90 dated 8th September, 1958

A person employed in the Government of India, Indian Railways or the Indian Audit and Accounts Service summoned to give evidence of facts which came to his knowledge in the discharge of his public duties or to produce official documents in a suit in which the Government is not a party will be paid travelling expenses etc., by the courts at the rates admissible to him for a journey on tour. The amount shall be assessed on the basis of a certificate showing the rate of travelling and daily allowances admissible, such a certificate being produced by the official summoned duly signed by his controlling officer. If the official is his own controlling officer, the certificate will be signed by him as such.

C.L.No.59 dated 17th September, 1964

Under the revised instruction contained in Government of India, Ministry of Finance (Department of Expenditure) letter no. 5(59) E 1V (b) 63, no travelling allowance is to be paid by the courts direct to the Central Government servants summoned by them to produce official documents or to give evidence in their official capacity in civil cases to which Government is not a party. Instead the amount due may be remitted to the Central Government (the Ministry/Department/ Office to which the Government servant summoned belongs).

C.L.No.53/VIII-d-9 dated 5th May, 1972

In criminal cases to which state is a party, a government servant giving evidence regarding facts of which he has official knowledge, will, on production of certificate of attendance issued by the summoning court, be paid travelling allowance by the government under whom he is serving.

In criminal cases to which state is not a party the government servant shall be paid by the summoning court according to rules of travelling allowance applicable to him and the charges will be borne by the Central Government or the State Government according as the court is situate in a Union Territory or the State of U.P. In order to enable the court to assess the amount admissible, the government servant will carry to the court a certificate duly signed by his Controlling Officer showing the rates of travelling and daily allowances admissible to him on tour. If he is himself, his Controlling Officer the certificate will be signed by him.

When a government servant serving in a commercial department or when any other official is summoned to give evidence as a technical or expert witness, the pay of the government servant concerned for the period of his absence from his headquarters and travelling allowance and other expenses due to him will first be borne by the Government under whom he is serving and subsequently be recovered from the Central Government or the Government of U.P. according as the court in which the officer is summoned is situate in a Union Territory or in the State of Uttar Pradesh.

C.L.No.9/VIII-d-9 dated 21st January, 1957

The amounts payable as subsistence allowance or compensation for court attendance to government servants who are subject to the Payment of Wages Act, 1936, should be deposited by the courts themselves into the treasury to the credit of the departments concerned. As such employees of the Government of India Press, Aligarh, summoned by a court for giving evidence in a case should be issued formal court attendance certificate and the amount of diet money

credited in the accounts of the Government of India Press, Aligarh, adjustable with the Pay and Accounts Officer, Ministry of W.H. and S., New Delhi, under the head "Pay and Accounts Officer Suspense".

To employees of the Insurance Corporation

C.L.No.66 dated 7th November, 1960

Whenever employees of the Life Insurance Corporation of India are called upon to give evidence in criminal courts in their private capacity, the travelling expenses and other allowances admissible to ordinary citizens under the rules should be paid to them by courts concerned and certificates of attendance should not be issued to such employees.

(iii) Accounting of payments

C.L. No. 102/VIIIb-108 dated 1st December, 1959

Monies received for payment to witnesses as diet money and travelling allowances should not be entered in the public account every day.

Such Monies may be utilized for payment to witnesses as and when required during the month and only the balance at the end of the month deposited in the public account.

C.L. No.100/VIII e-52 dated 28th July, 1971

Under rule 8(3) (a) of Appendix I of General Rules (Criminal) diet money is permissible not only for the days of actual detention in court but also for the time occupied in the journeys to and from the court and the officer ordering payment of diet money is authorized to determine the number of days which should be allowed for the journey to and from the court.

C.L.No.129/X b-2, (J.O.) dated 18th December, 1972

Diet money, etc., relating to the courts of the Chief Judicial Magistrates and judicial officers* should be paid from the head "21-Administration of Justice-non-Plan-F-Criminal Courts"**

C.L.No.75/VIII a-53 dated 27th November, 1948

When daily payment is made to a witness entries in Form no. 18 of the General Rules (Criminal), 1957,*** should be made on the date of his arrival (provided it be a date fixed for the hearing of the case), whether the case be or be not heard on the date of arrival.

The entries relating to witnesses who attend court on several dates should not be made at one and the same place irrespective of the date on which they attend. The entries should, on the other hand, be made date-wise, but in order that the register may indicate at a glance whether a witness has or has not appeared in the same case on a previous date as well, subsequent entries relating to the same witness in column I should be made in red ink.

C.E.No.88/VIIId-6 dated 25th August, 1970

All criminal courts working under the District Judges must invariably use Form nos. 18 and 19, General Rules (Criminal) for register of witnesses and payment order respectively.

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* NOTE: Now Judicial Magistrates.

** NOTE: Now changed to 2014

*** NOTE: Now 1977 vide notication 504/Vb-13 dated 5.11.1983

C.L.No.3/VIIIa-52 dated 6th January, 1966

According to provisions of rule 169 of the General Rules (Criminal), 1957* the register of witnesses should be maintained in Form no. 18 by the Reader or an official of the court and not by the Court Moharrir and the names of all the witnesses, whether examined or discharged without examination, should be entered therein irrespective of the payment of allowances and also without taking into consideration that it is police case or not. In the case of the witnesses to whom the court does not order expenses to be paid, a line is to be drawn through columns 12 to 20 of the register. It is also added that the drawal of expenses of the witnesses to be paid in police cases from the account of the police office and not the Court Nazir in accordance with the instructions contained in para 3 of the Government Order no. 916/O & M, dated March 26, 1956, does not warrant a deviation from the procedure indicated in the preceding paragraphs.

(iv) Examination of witnesses

C.L.No.179/VIII-h-2 dated 9th November, 1976

The presiding officers should see and ensure that while examining or cross examining a witness, the counsel should not stand in the vicinity of witness, but at a distance; and until witness boxes are constructed, the witnesses may be allowed to stand in the accused's box.

G.L.No.2311/47-1(3) dated 6th August, 1919

The letter noted in the bloc calls attention to the way in which courts allow the cross-examination of a witness to be carried on to what may be termed "scandalous length" and the inability or unwillingness of courts to disallow of their own motion, examination or cross-examination on irrelevant matters. The High Court fears that judicial officers do not sufficiently examine the record before they enter upon the examination of witnesses. If courts themselves are not satisfied as to what is relevant and what is not relevant matter in a suit, they will find it difficult to keep a proper control upon this matter. Reams of paper and much valuable time are wasted simply because a court is timorous about stopping vakils from asking questions on what is really not relevant to a case.

Attention is also called to the desirability of taking as conclusive (save as excepted by section 153 of the Indian Evidence Act, 1872), the answer of a witness upon a question put as to credit only, and not treating the mere making of the suggestion involved in the question as indicating any foundation for it.

The Indian Evidence Act contains ample provisions regarding the examination and cross-examination of witnesses. The Presiding Officer should refresh his memory concerning these important matters Cross-examination on immaterial and irrelevant matters, or a needlessly lengthy cross-examination on relevant matters, is improper.

District Judges, when making an inspection, should take out records and point out to presiding officers if they find that errors have been committed in this direction and indicate to them how the cross-examination in a particular case should have been directed.

A Civil Judge who wanders off into irrelevant matters is unfit for the duties of a District Judge.

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* Note : Now 1977 vide notification 504/Vb-13 dated 5.11.1983

Subordinate courts should be firm in disallowing irrelevant and improper questions and if counsels do not abstain from putting them should note on the record the fact that counsel here entered upon irrelevant or improper cross-examination and the court refused to put it upon the record.

G.L.No.13/67-4 dated 4th April, 1932

The character of witness should not be assailed and aspersions made against him by a court in its judgment without allowing an opportunity to the witness to meet and explain what is in the Judge's mind against him. It is the plain duty of a Judge not to leave such questions in the air and then introduce them suddenly into his judgment.

(v) Fees

Payable by a party to finger print expert

C.L.No. 9 dated 24th May, 1909 modified in accordance with para 82(b)(8) and 60 of Finger Print Manual (Also see amendment no.1)

A fee of Rs. 15 per case, if the number of impressions to be compared is five or less; of Rs. 3 for every additional impression, of Rs. 3 for every impression photographed, subject to a minimum of Rs. 10 per case, have been fixed as fees to be paid by the party at whose instance a reference is made to the Finger Prints Bureau for an opinion. Should the party desire to summon an expert to give evidence, he should be required to pay a further fee of Rs. 20, Rs. 30 or Rs.40 according as the expert concerned is of the rank of a sub-inspector, Inspector or Deputy Superintendent of Police, besides travelling allowance.

All applications should be addressed to the Deputy Superintendent of Police, Finger Print Bureau, Criminal Investigation Department, U.P., Lucknow.

C.L.No.3175-17 dated 24th September, 1912, as modified by Amendment no. 1 to Finger Print Manual

The above fees including traveling allowance, should be paid into the local treasury for credit to head "XVII-A-Police Fees, Fines and Forfeitures, other fees, fines, etc." in the police budget, the treasury receipt being sent along with the exhibits, to the filed at the Bureau. The fact should also be mentioned in the letter forwarding the exhibits for expert opinion.

Payable to Central Forensic Science Laboratory

C.E. No.108/VIIb-53/9 dated 17th December, 1968

According to G.O.No. 3518/6-827-1968, dated November 14, 1968, from Under Secretary, U.P. Government, the fees for examination of exhibits sent to Central Forensic Science Laboratory, Calcutta, are to be paid in the treasury under the head "XIX Police (Central)" at Rs. 15 per exhibit and copy of the treasury challan should accompany the articles required for examination.

Process Fee

G.L.No.19/35(a)-5(1) dated 30th May, 1930 read with
G.L.No. 48/35(a)-4(22) dated 4th May, 1936

Under rule 8, Order XVI, First Schedule to the Code of Civil Procedure in cases where service of summons is made by a party or his agent no process fee should be charged. A note

should be kept in each court of the number of processes served by parties themselves and these figures should be totaled and mentioned in the annual report.

The courts should take steps to ensure that the witnesses summoned are protected against loss by the failure of the party summoning them to pay their legitimate expenses.

It is the clear duty of a court before summoning a witness to see that the necessary expenses to secure his attendance have been deposited in court, otherwise the court will not be in a position to proceed against him for non-attendance as laid down in rule 12 of Order XVI of the Code of Civil Procedure "Dasti" summonses have, however, been permitted for the convenience of the parties, and there will be no objection if on the summons a condition is attached that the witness need not attend unless he has received his expenses.

The responsibility would thus be thrown on the party of bringing his witness. The court would only intervene if the witness received his expenses and then did not answer the summons.

G.L.No.15 dated 2nd March, 1933

The process fee, in cases, which are sent by civil courts to revenue courts for deciding an issue, should be realized at the rate of Rs.1.25 per four defendants or less.

Payment of fee to a Medical Officer of Government

G.L.No.18/46-75(a) dated 29th June, 1931 read with

G.O.No.93/V-339 dated 16th January, 1931

When the State requires either a medical examination or technical evidence of a medical nature, whether for the prosecution or the defence in a criminal case, it is the duty of medical officers of Government to carry out the examination or to give the evidence needed without remuneration. Similarly, fees cannot be claimed by medical officers when a person is sent to them for examination in order to ascertain his age or to find out whether his injuries are simple or grievous and so determined whether a case is cognizable or non –cognizable or for some other similar purpose. When a court or a police officer, sends a person for examination by a medical officer, he should at the same time clearly explain the object of such examination unless special reason exist rendering this undesirable.

When private persons, for their own purpose wish to have a medical examination performed or medical evidence given on their behalf, the medical officer concerned is entitled to his fees.

Fees for audit of accounts of Official Receivers

G.L.No.14/1671-(14) dated 9th May, 1941

All insolvency Judges should see that payment of audit fee at the sanctioned rates is duly provided for in the case of all insolvent estates the account of which are still running.

Fees payable to Registered Accountants

G.L.No.38/180-33(2) dated 5th December, 1941 read with

G.O.No.1986/VIII-531-1941 dated 10th November, 1941

It is suggested that for expert evidence by registered accountants payment should be made on a scale of fees ranging between Rs. 50 and Rs.150, according to the professional standing of the witness for each day spent in attendance or travelling.

Payment of fee to State Counsel

C.L.No.26/71 dated 10th February, 1971

For awarding fee to the State Counsel, the instructions contained in paragraph 161 of L.R. Manual should be strictly followed. The presiding officers should also ensure that-

(1) they give prior notice to the State Counsel of the time when the case in which he is to appear will be taken up by them;

(2) If there is not full day's work for a State Counsel the work should be so adjusted as not to exceed half days's fee;

(3) they so arrange their work as not to necessitate payment of double fee in any case whatsoever.

In order to obviate payment of full day's fee to more than one State Counsel for the same day, the presiding officers should avoid, as far as possible to allow a sessions trial to remain part heard.

Certification of fees by legal practitioner

G.L.No.25/67-5 dated 7th October, 1944

It is not open to counsel who receives an annual honorarium retainer to certify as fees in a case either the whole or any part of that retainer.

18. EVIDENCE

(i) Expert opinion

G.L.No.3209/47-25 (1) dated 1st October, 1923

When a judicial authority considers a second opinion on a disputed finger print necessary the case should be referred to an expert from another finger print bureau.

C.L.No.60/b-39 dated 5th October, 1966

All presiding officers should see that the writs of commission issued to the District Judge, Lucknow, for taking statement of the Finger Print Expert, Lucknow, are in order and contain all the essential papers, so that unnecessary delay in executing the Commissions may be avoided.

(ii) Examination of transferred government servants

C.L.No.128/VII-b-68 dated 16th December, 1972

While fixing dates in criminal cases particularly in the courts of the Magistrates it should be borne in mind that the dates for the evidence of magistrates, doctors, and be borne other government servants, who are witnesses but have been transferred to other stations, should be so adjusted that their evidence is recorded in as many cases as possible on one and the same date or on two or more consecutive dates. The sessions clerk or the ahalmad may check from the dealing clerks of other courts as to when a particular magistrate, etc. is coming in that court for evidence. The request, if any made by such witnesses for recording their evidence on one of the several dates (with small gaps) fixed in various cases at a particular station should also be considered favourably. If such a witness does not appear in obedience to court's process, the last summons before issuing a warrant be issued through the immediate controlling officer of the witness and it should be made clear that if the witness does not appear a warrant would be issued. Finally if a

warrant is issued a copy thereof may be endorsed to the authority through which the last summons was issued.

C.L.No.5/VIIb-68 dated 22nd January, 1987

The evidence of a judicial officer is normally of formal nature only, and it may not be necessary to summon a judicial officer for giving evidence.

Hence, summonses for judicial officers should be issued only when it is absolutely necessary.

C.E.No.17/VIIb-32 dated 28th February, 1963

Sessions courts should not detain the Magistrates unnecessarily and record their evidence on the date they are summoned.

C.L.No.89/VIII-h-13 dated 5th/6th May, 1974

Strict compliance of the aforesaid instructions as also the instructions contained in Government Circular Letter No.7216/11(2)-73, dated January 1, 1974, in the matter of adjournment of cases and fixing dates for the examination of government servants coming from distant places especially from hill areas be made.

(iii) Script of evidence

G.L.No.8/X-e-5 dated 11th August, 1951

Presiding officers will be guided solely by the provisions of the Code of Civil Procedure, 1908, and the Code of Criminal Procedure, 1973, bearing in mind the fact that the language of all subordinate courts now is Hindi written in Devanagri script.

G.L.No. 19/x-e and 20/x-e-5 dated 16th October, 1951

Where the translation or transliteration in Hindi of any English technical term used by a witness in the course of his statements is likely to cause confusion or difficulty in understanding the correct import of such term, courts should, while recording the deposition of such witness in Hindi, also put down within brackets against such translation or transliteration the actual English term used by him in his evidence.

C.L.No.4/IV-h-19 dated 17th January, 1972

It is the personal responsibility of the Sessions Judge to see that the record of evidence is kept legibly and in very correct manner. Legible writing is enjoined by rule 53 of General Rules (Criminal) also.

C.L.No.35 dated 12th April, 1968

With a view to facilitate reference of a particular portion of the deposition by the advocate during arguments, the deposition should be recorded in proper paragraphs and such paragraphs should be serially numbered.

C.L.No.63/VIII-b-32 dated 13th October, 1966

Instructions contained in C.L.No.42/VII-b-32, dated May 4, 1951 are withdrawn because of deletion of rule 14(1) and amendment of rule 8 of Order XVIII C.P.C.

In criminal cases, however, under section 275, Cr.P.C., it is open to the Presiding Officer to record evidence in his own hand or have it recorded from his dictation in open court, or cause the same to be recorded in his presence and hearing under his personal direction and superintendence. If the evidence is not taken down in own hand or from dictation in open court, it is open for the presiding officer to record in his own hand a memorandum of substance of evidence and in that case he has also to give the reasons of his inability to do so.

C.L.No.31/VII-b-32 dated 30th March, 1951

The letter noted in the bloc contains similar directions with respect to the memorandum of the substance of the evidence in criminal cases with reference to the provisions of section 275 of the Code of Criminal Procedure.

C.L.No.138/IV-f-46 dated 7th September, 1974

Judicial Officers and Judicial Magistrates should strictly follow the provisions of law while recording evidence in civil and criminal cases respectively in accordance with rules 5 and 8 of Order XVIII, C.P.C. and section 275 and 276 of the Code of Criminal Procedure, 1973

C.L.No.44/IV-h-36 dated 8th March, 1977

The Munsif-Magistrates and the Judicial Magistrates should, either themselves type evidence on the typewriters or record the evidence in their own handwriting.

C.L.No.33/IV f-46/84 dated 8th May, 1984

The provisions of the rules regarding recording of evidence in civil and criminal cases are not being observed by some of the presiding officers of the subordinate courts. The normal practice has deteriorated to recording of statement by the reader while presiding officer is busy in hearing arguments. This practice is in contravention of imperative legal requirement as enjoined in rules 5 and 8 of Order XVIII, C.P.C. and sections 275 and 276 Cr.P.C., 1973.

Attention of all the Presiding Officers is invited to the aforesaid provisions of law in regard to the recording of evidence in civil and criminal cases. These provisions must be strictly followed in recording evidence.

(iv) Medical experts

C.L.No.144/VIII-b-52 dated 17th September, 1974

Injuries should invariably be noted in detail while recording the depositions of medical experts examined by the defense in the subordinate courts.

(v) Recording of evidence by commissioner

G.L.No.5686/44-22(5) dated 21st December, 1925

The definition of a court in section 3 of the Indian Evidence Act includes commissioners appointed to record evidence under Order XXVI of the Code of Civil Procedure. Such commissioners ought to exercise the powers of a court in disallowing irrelevant and improper questions. Such powers should be exercised with discretion and where there is room for doubt a commissioner will be well advised to note the objection and record the question and answer leaving it to the court, which issued the commission to decide on its relevancy. But where a question is clearly irrelevant or offends against the provisions of sections 142, 148, 149, 151 or 152 or similar provision of law, the commissioner himself may disallow it.

C.L.No.112 dated 5th December, 1958

A lawyer when appointed to examine witnesses on commission should give timely notice to the witness of the date, time and place fixed for the execution of the commission either by the issue of summons in the ordinary manner or by means of a letter sent by registered post acknowledgement due. In case the witness is a government servant, information should be sent to him through the head of his department. In all cases, the convenience of the witness should as much be taken into account as the convenience of the parties before the commission is executed.

(vi) Documentary evidence

G.L.No.1/67-2 dated 17th January, 1930 with relevant abstracts from

G.L.No.3652/44-21 dated 4th July, 1922 and

C.L.No.92/VII-d-121 dated 23rd August, 1952

Attention is invited to instructions reproduced below and contained in General Letter no. 3652/44-21, dated the 4th July, 1921:

(1) Order XIII, rule 1 sub-rule (i) requires that all documents upon which the parties or their pleaders intend to rely, and which are in their possession or power shall be produced at the first hearing of the suit, and rule 2 lays down that no such documents shall be received at any subsequent stage of the proceedings except for good cause shown and for reasons to be recorded by the court. For the purposes of rule 1, a certified copy of a public document is a document 'in the powers' of a party. Document produced for the cross-examination of witnesses or handed over to a witness merely to refresh his memory do not fall within this rule.

(2) A form for the list of documents mentioned in rule 1, sub-rule (ii) has been prescribed by the High Court. No document should be received unless accompanied by a list in this form and it is the duty of the court, after the document has been received, to note in the appropriate column of the form what has become of the document after its receipt by the court.

(3) A document the genuiness of which is admitted by the party against whom it is sought to be used does not require to be proved, and if admitted to be relevant and otherwise admissible should be endorsed in the manner prescribed by Order XIII, rule 4 and marked with an exhibit mark as provided by Order XIII, rule 13, presiding officers should never omit to put their signature below the exhibit mark. An entry should at the same time be made in column 3 of the list, the exhibit mark being noted in column 1.

(4) If the admissibility of a document is denied on the ground of irrelevance or for any other cause (e.g. want of registration or of proper stamp, etc.) the court should proceed at once to determine the question.

If the document is held to be admissible, it should be retained, subject to proof being given of it in cases where its genuiness has been denied. When such proof has been given the document should be admitted, endorsed and marked as directed in the preceding paragraph and a note recorded in column 3 of the list. If it is a certified copy, its admissibility should be determined in accordance with section 65 of the Indian Evidence Act, 1872. If the document is held to be irrelevant or otherwise inadmissible, it should be rejected or impounded, as the case may be.

(5) (Superseded)

(6) Documents impounded should be dealt with in accordance with Order XIII, rule 8.

(7) If the document is an entry in a letter book, or a shop book, or other account in current use or an entry in a public record, produced from a public officer, a copy of the entry certified in the manner required by law, should be substituted on the record before the book, account, or record is returned, and the necessary endorsement should be made thereon, as required by Order XIII, rule 5 of the Code.

In all cases where a document is rejected as inadmissible, it should be endorsed in the manner prescribed by Order XIII, rule 6, and returned under Order XIII, rule 7(2).

Care should be exercised in dealing with documents of historic or antiquarian value as directed in General letter no. 2977/180-2(1), dated the 31st August, 1917.

The Judge should record the admissions or denials of documents with his own hand in the English notes as directed under Order XVIII, rule 19(2).[1]The Court looks upon the proper treatment of documentary evidence in the judge's notes as an important part of the presiding officer's duty and full compliance with these instructions is expected:

(1) After a party produces his documents with a list the list and the documents should be entered at once in the general index and the English proceedings should disclose how each of the documents entered in the list has been dealt with.

The specimen below will indicate how an entry should be made in the English note regarding documents.

Documentary evidence called for-

The plaintiff tenders (say, 12) documents marked 1 to 12 in list no. (as in the general index).

The defendant tenders (say, 10) documents marked 1 to 10 in list no. (as in the general index).

Admissions and denials are endorsed on the documents.

Defendant (or pleader) admits the following documents filed by plaintiff:

(a) Nos. 1, 4, 5 and etc. in list no. (as in the general index). They are given exhibit nos….
(b) Nos…… do not require proof, and are given exhibit nos…….
(c) Nos……..are denied and require proof.
(d) Nos…….admissibility denied.

It should be particularly noted that the continuity of numbers of letters of exhibit marks required by Order XIII, rule 13, should not be broken, i.e., it should not be possible in any case that a few exhibits are marked 1 to 5 and the others 8 to 10 while there are no documents on the record with exhibit marks 6 or 7.

C.L.No. 4-VII-d-121 dated 16th January, 1980

The courts should insist upon the list of documents and their production in court being made as far as possible in chronological or some other methodical order. Questions as to relevancy and the admissibility of documents should be decided as and when they arise and not left to be decided at the time of delivery of judgment.

[1] NOTE: It should be Order XIII rule, 3A

C.L.No.22/VIII b-82 dated 28th March, 1987

Rule 259 of the General Rules (Civil) and rule 151 of the General Rules (Criminal) require that all the copies shall be certified by the copying department. To add authenticity to the photostat copies it is absolutely necessary that they should be cetified by the competent authority as envisaged in section 76 of the Indian Evidence Act, 1872. The practice to accept uncertified copies in judicial proceedings is not permissible under the law.

All the judicial officers are required to see that uncertified copies, whether photostat or otherwise must not be accepted in any case.

(vii) Official documents

G.L.No.70/180-44(3) dated 16th December, 1935

The law relating to the production of unpublished official records as evidence in court is contained in section 123, 124 and 162 of the Indian Evidence Act, 1872 (Act 1 of 1872).

The Court if it sees fit, may inspect the document unless it refers to matters of State or take other evidence to enable it to determine its admissibility. If for such a purpose it is necessary to cause any document to be translated, the court may, if it thinks fit, direct the translator to keep the contents secret, unless the document is to be given in evidence, and if the interpreter disobeys such direction, he shall be held to have committed an offence under section 166 of the Indian Penal Code.

For the purposes of section 123 of the expression "officer at the head of the department" may be held to mean the head of the office in whose custody the documents required by the court is, and vis-à-vis the court which demands its production, that officer should be treated as the authority to withhold or give the necessary permission.

In respect of documents emanating (1) from a higher authority, or which have formed the subject of correspondence with such higher authority or (2) from other Governments, the head of the department should obtain the consent of the Government of India through the usual official channel before agreeing to produce the documents in court, or allowing evidence based on them unless the papers are intended for publication, or are of a purely formal or routine nature, when a reference to a higher authority any be dispensed with.

In the case of papers other than those specified above, the head of the department should not allow production of the correspondence if it relates to matters which are generally regarded as confidential or a disclosure of which would in his opinion be detrimental to the public interest, or to matters which are in dispute in some other connection, or to matters which are in dispute in some other connection, or have given rise to a controversy between the Government and some other party.

In a case of doubt, the head of the department should invariably refer to the higher authority for orders.

These instructions apply as well to cases in which the Government is a party to the suit. In such cases, much will depend on the legal advice as to the value of the documents, but before they are produced in court, the considerations stated above must be borne in mind, and reference to a higher authority made, when necessary. The government servant, who is to attend a court, as a witness with official documents should, where permission under section 128 has been withheld, be given an order duly signed by the head of the department in the form given in the

letter. He should produce it when he is called upon to give his evidence, and should explain that he is not at liberty to produce the document before the court, or to give any evidence derived from them. He should, however, take with him the papers, which he has been summoned to produce.

The head of the department should abstain from entering into correspondence with the presiding officer of the court concerned in regard to the grounds on which the documents have been called for. He should obey the court's orders and should appear personally, or arrange for the appearance of another officer in court with the documents, and act as indicated above and produce the certificate if he claims privilege.

C.L.No.49/VIII-d-8 dated 4th April, 1952

If only the production of a document or formal proof of a routine letter and the signatures fixed thereon is required, the choice of the agency through which it should be produced or formally proved may be left to the head of the office. If for any reasons the personal testimony of any particular officer is required, the propriety of his examination on commission may be considered before a summons is issued.

C.L.No.44/VIII-d-8/Admn.(G) dated 26th July, 1989

It invites attention of all the presiding officers to the aforesaid circular letter for strict compliance.

C.L.No.121/VIII-h-28 dated 9th December, 1952

Whenever any party wishes to summon a document from a government office or department or to have a summons issued to a high government officer or a member of the Government, it should be carefully scrutinized by the munsarim and if necessary, also by the presiding officer of the court before it is issued and in no case should summons be issued to a higher government officer or a member of the Government without the orders of the presiding officer of the court.

C.L.No.121/VIII-h-28 dated 9th December, 1952

When a document is summoned from the custody of the Government the summons should be issued to the Secretary of the relative department and if it cannot be ascertained to which department the document relates, the summons should be addressed to the Chief Secretary with sufficient particulars of the document required.

C.L.No.49/VIII-d-8 dated 4th April, 1952

The personal appearance of Gazetted Officers of the Accountant General's office should be dispensed with unless necessary in the interest of justice.

The tracing of number of vouchers of a past period is not an easy task and courts may also consider the possibility of reducing so far as may be practicable, the number of vouchers or other documents summoned from the said office in any particular case.

C.L.No.44/VIII-d-8/Admn.(G) dated 26th July, 1989

It invites attention of all the presiding officers to the aforesaid circular letter for strict compliance.

C.L.No.24/VII-b-92 dated 14th April, 1955 as amended by

C.L.No.32 dated 18th July, 1967

Under departmental rules the Accountant General, Uttar Pradesh, Allahabad is required to keep Photostat copies of vouchers or other documents required to be produced in a court of law which are liable to be impounded under the powers vested in the court under section 104 of the Criminal Procedure Code.

The preparation of photostat copies will have to be done at Delhi where necessary equipment has been provided by the department. When calling for vouchers or other documents a clear one and a half months notice should be given to the above office.

C.L.No.77/VIII-h-28 dated 11th August, 1953

Section 57(7) of the Indian Evidence Act provides that the court shall take judicial notice of the accession to office, names titles, functions, and signatures of the persons filling for the time being any public office in any State if the fact of their appointment to such office is notified in the official Gazette. As such, officers of Government should not be summoned merely to prove these facts.

C.L.No.40/X-d a-12 dated 2nd June, 1955

Original agreements respecting the accession of the former Indian states to the Dominion of India and their merger or integration into new political units being agreements made by the Government of the Dominion of India concerning the affairs of State are acts of the Sovereign authority and are, therefore, public documents within clause 1(i) of section 74 of the Indian Evidence Act, 1872. They are printed in the "White paper on Indian States" a publication purporting to be printed by order of the Central Government- which is admissible in proof of the documents under section 78(1) of the Act. They can also be proved as provided in section 77 by the production of certified copies granted under section 76. It should not, therefore, ordinarily be necessary for the courts to require production of these original documents.

Issue of summons for the production of such original documents except in very special circumstances should, therefore, be avoided.

(viii) Evidence after the report of the Amin

G.L.No. 2235/67-3 dated 17th August, 1918

The Privy Council in the case, Girish Chander Lahiri versus Shoshi Shikhareswar Roy (ILR, XXVII, Cal. 951), deals with the discretion of the court in declining to take evidence after the report of an Amin and appointment of Commissioners under rule 9, Order XXVI of the Code of Civil Procedure.

(ix) Non compliance of the provisions of Rules in regard to recoding of evidence in Civil and Criminal Cases by the Presiding Officers of the Subordinate Courts.

C.L. No. 38 Dated: 12.10.2004

In continuation of Court's Circular Letter No. 138/IV-f-46 dated 7th September, 1974 Circular Letter No. 44/IV-h-36 dated 8th March, 1977 and Circular Letter No.33/IVf-46/84 dated 8th May, 1984 on the above subject, I am directed to say that it has been brought to the notice of the Court that the provisions of the rules regarding recording of evidence in civil and criminal

cases are not being observed by some of the Presiding Officers of the Subordinate Courts. The normal practice has deteriorated to recording of statements by the Reader/Ahalmed while Presiding Officer keeps himself busy in other matters. Upon consideration of the matter, the Hon'ble Court has taken this lapse very seriously and has desired that the compliance of the directions as contained in the aforementioned circular letters be now ensured.

I am', therefore, directed to request you kindly to draw the attention of all Judicial Officers working under your administrative control and they be required to ensure strict compliance of the rules and provision of law while recoding evidence in civil and criminal cases, faithfully and punctually.

19. JUDGMENTS

(i) Recording and pronouncement

G.L.No. 14 dated 22nd December, 1904

In miscellaneous proceedings as well as in suits and appeals, judgment must not only be pronounced in open court, but also dated and signed in open court at the time when it is pronounced and before the decree or order in pursuance of such judgments is drawn up.

G.L.No.48/N-32 dated 17th December, 1931

Judges should rise for writing or dictating judgments in chambers during court hours only in special cases of which note must be made on the time sheet. A judge should, however, preferably retire for preparing judgments in chambers when he has risen from the court for the day. The Bar and the litigants in that case will not be inconvenienced and will know that the judge does not mean to return to courtroom and resume work.

General D.O.No.4565 dated 7th September, 1943

There can be no objection on principle to a judge, who has light work, dictating judgments in chambers during court hours, but as a rule it is only in judgeships where there are no arrears and where no additional help is required that such a practice is justifiable. If the work warrants it, and in most districts the work does warrant it, each judicial officer should put in up to seven hours work each day-five in court, and, if necessary, two out of court and long judgments should as a rule be done out of court hours. The case diary should be drawn up on this assumption.

C.L.No.38/VII-b-40 dated 24th April, 1968

Presiding officers of Sessions Courts should give their full and proper designations below their initials on judgments.

Orders passed in chambers

G.L.No.6/46 dated 15th February, 1939

Interlocutory orders passed by presiding officers in chambers are sometimes not communicated to parties or their pleaders and this result in their approaching the office for information about such orders passed in their absence and opens the door to corruption.

Whenever any judicial orders are passed in chambers, they should invariably be communicated to the parties or their pleaders and their signatures obtained on the order sheet or elsewhere where the orders are recorded.

Judgment in Hindi

C.L.No.60/X-e-5 dated 23rd April, 1974

Under section 272 of the Code of Criminal Procedure, 1973 and in super session of all existing notifications in this regard, the language of courts other than the High Court has been determined as follows:

(1) In respect of judgments and orders passed or made by a court of Magistrate in all cases in which a sentence of imprisonment for a term not exceeding one year can be passed in Hindi (in Devnagri Script);

(2) In respect of judgments and orders passed or made by any court in any case other than a case referred to in para (i) above- in Hindi (in Devnagri Script) and English;

(3) In respect of all proceedings other than judgments and orders in any court- in Hindi (in Devnagri Script).

Injuries to be reproduced

C.L.No. 13/VIb-47 dated 3rd March, 1982

The presiding officers of the criminal courts should invariably reproduce in their judgments the injuries from the injury reports of the injured persons.

(ii) Reservation of

G.L.No. 5176/167-185 dated 26th November, 1925

The court does not desire to lay down any rigid rule but in the great majority of cases in Munsifs' courts and in a considerable proportion of cases in Civil Judges' courts it should be possible to deliver judgment either on the same day on which the arguments are concluded or on the next following day. No officer should ever have more than two or at most three judgments reserved at the same time. When more than two judgments have been reserved, an officer should not ordinarily take up another case until he has written them.

C.L.No.51/VIII-h-27 dated 7th April, 1952

Whenever judgment is not delivered immediately after the termination of the trial and is reserved and delivered on a subsequent date previous notice of the date and time of the delivery of the judgement should invariably be given to the parties or their counsel as required by section 353 of the Code of Criminal Procedure.

(iii) Delay in delivery of judgments

C.L.No.106/VIII-b-132 dated 30th August, 1971

Following instructions should strictly be followed while submitting quarterly return as prescribed in rule 418 of the General Rules (Civil) 1957:

(1) Where argument is heard day after day, or arguments are heard afresh, cases in which judgments are delivered more than one month after the close of evidence, have to be entered in the quarterly return though no explanation need be furnished in the last column of the said return if the judgment is pronounced within one month of the commencement of argument, that is within one month of the first date on which the arguments were heard.

(2) On receipt of the quarterly return, the District Judge should scrutinize all cases in which judgment is delivered more than one month after the conclusion of arguments and satisfy himself that there was no unnecessary delay in the conclusion of the arguments or that arguments were heard afresh for some valid reason.

(3) While scrutinizing the quarterly statement, the District Judge, should also scrutinize those cases where it appears that there has been unreasonable time lag between the close of evidence and the conclusion of arguments. In such cases, he can note his comments and, if necessary, obtain the explanation of the officer also.

(iv) Judgments by Sessions Judges

C.L.No.12/74 dated 12th February, 1974

Sessions Judges should give their judgments independently without any apprehension in their mind of its being upheld or reversed by the Court in appeal.

C.L.No.C-4/88 dated 14th January, 1988

Attention of all the judicial officers is drawn to the Court's judgment in Civil Miscellaneous Writ Petition No. 4404 of 1987, S.K.Bhatt, Civil Judge, versus II Additional District Judge and others (1987 A.L.R. 368) regarding maintenance of dignity, decorum and restraint in passing strictures while writing judgment.

C.L.No.96/VII b-47 dated 14th September, 1978

The Sessions Judges are directed to henceforth mention specifically whether or not the persons convicted were on bail during their trial in the operative portion of their judgements.

C.L.No.60/IV h-36 dated 22nd March, 1977

The appellate courts judgments should contain summary of the points, which have been argued, and the findings thereon and also mention that no other point has been urged before them.

(v) Appellate judgments to be sent to lower courts

C.L.No.297/44-5 dated 23rd January, 1913

With reference to Order XLI, rule 37 of the Code of Civil Procedure, certified copies of the judgment and the decree should be sent to the court, which passed the decree, but the record should ordinarily go to the record-room. The court, which passed the decree, shall after considering the judgment and the decree send them to the record-keeper to be filed.

Following the same procedure, this court will send the record to the District Judge to be deposited in the record room and certified copies of the judgment and the decree to the court, which passed the decree.

C..L.No.137/VIII g-34 dated 24th August, 1976

If the records of cases are received in the subordinate courts without copy of judgment or order of the court and copy of the decree is not sent within a reasonable time from the court, the matter should be brought to the notice of the Registrar of the Court by name.

C.L.No.113/VIII-b-236 dated 15th/17th November, 1951

The register in Form no. 32, General Rules (Civil), 1957 should be maintained in the prescribed form and copies of appellate judgment and decrees should be certified to the trial court concerned within fourteen days of the delivery of judgment or the signing of the decree as the case may be.

C.L.No.99/VIII-b-236 dated 13th September, 1972

Copies of appellate judgment should invariably be sent to the officers concerned for their perusal so that the officer may know whether any appeal was preferred against his decision and, if so, with what result.

G.L.No. 2395 dated 25th June, 1925

Owing to the transfer of judicial officers, it frequently happens that such officers never see the judgment of the appellate court in cases decided by them and do not even know the result of appeals from their decisions. Therefore, where the officer who decided a case has been transferred to another district, the copy of the appellate judgment which is sent down to the court below under Order XLI rule 37, of the Code of Civil Procedure shall be sent for perusal of the officer who decided the case before being filed with the record. This will only involve a delay of a few days and will save the necessity of preparing a fresh copy. Where the appellate judgment is one requiring immediate action, e.g., in the case of a remand, necessary notices will issue before the judgment is sent to the officer concerned. It will also be open to District Judge in any particular case to have an extra copy prepared and sent to such officer instead of the copy received from the appellate court. These orders will apply to all appellate judgments whether passed by this Court or by a District or Civil Judge. The copy will be sent through the District Judge under whom the officer may be serving at the time.

C.L.No.47/VIII-233 dated 4th April, 1952

A register in the form appended to the letter noted in the bloc should be maintained in all appellate criminal courts. The Munsarim should occasionally check this register to ensure that copies of judgments are actually certified to trial courts without avoidable delay.

(vi) In Panchayat revisions

G.L.No.2/VIII-f-110 dated 4th February, 1952

Magistrates should attach sufficient importance to a thorough sifting of the points urged before them in the revisions filed on behalf of persons affected by orders of the Panchayati Adalat. In the interest of the successful working of the Panchayati Adalats, it is essential that they should give more detailed reasons in their orders or judgments. If they were to take pains over their judgments or orders the work of the High Court, too, would be facilitated.

C.L.No.49/VI-f-111 dated 4th June, 1965

A full copy of the order of transfer passed under section 85 of the Panchayati Raj Act should invariably be sent to the Nyaya Panchayat concerned for its benefit.

(vii) Correct citations

C.L.No.36/IV-h-35 dated 11th April, 1956 read with

C.L.No.105/IVh-35 dated 3rd December, 1956

Judicial Officers should give correct citations of reported cases in their judgments. The proper way to do this is to state the names of parties first followed by the citation within brackets as indicated below:

"[State of Bombay v. United Motors; (1955) S.C.R. 1069]"

(viii) Aspersions against witnesses

G.L.No. 13/67-4 dated 4th April, 1932

The character of a witness is at times assailed and aspersions made against him by courts in their judgments without allowing an opportunity to the witnesses concerned to meet and explain what is in the judge's mind against him. The courts at times mislead themselves by omitting to ask witnesses questions on what they deem to be matters of importance and then make observations on such matters in the judgment. It is the duty of a judge not to leave such questions in the air and then introduce them suddenly into his judgment.

Relevant extracts from certain judgments bearing on this matter will be found attached to the General Letter.

(ix) Criticisms

G.L.No.91/2 (A) 7 dated 10th November, 1936

The following remarks were made by the Court in the course of a judgment in a criminal appeal:

"In conclusion we should like to make some general remarks. We notice from time to time that officers presiding in Civil and Criminal courts take it upon themselves to express criticism upon matters with which they have no concern. This is a practice of which we wish to express our disapproval. Courts are constituted to decide the issues, which are before them, and presiding officers should confine themselves strictly to those issues. It may sometime be necessary for a court in order to decide an issue to make adverse comments about the conduct of some person in connection with a case but such comments should be confined within the narrowest limits and should be expressed in measured language. Courts should remember the elementary principle of justice that nobody should be convicted unless he has had an opportunity to be heard. They should also remember that they are appointed for a specific purpose and that it is not their function to set themselves up as general critics about matters, which may incidentally come to their notice.

(x) Presence of accused necessary

C.L.No.6 dated 7th March, 1952

Where the accused is on bail the Sessions Judge should so far as possible require his personal attendance on the dates of hearing of the appeal.

If the judgment is not delivered on the date on which arguments are concluded, the Sessions Judge may fix a date for the delivery of judgment and require the personal attendance of the accused also on the date.

If for any reason judgment is delivered in the absence of the appellant and requires that he should surrender to his bail, the Sessions Judge should satisfy himself that a copy of the judgment or order has been certified to the trial court without delay for compliance and that it has been informed of the fact that the appellant has not yet surrendered. The Sessions Judge should also satisfy himself that the orders passed by him have in every case been duly complied with.

C.L.No.68/VIII-a dated 11th May, 1971

Instructions contained in C.L.No. 32/VIII-a, dated March 8, 1952, regarding delay in delivery of judgment in criminal cases shall be applicable to the courts of the Chief Judicial Magistrates and Munsif Magistrates also with effect from June 1, 1971.

(xi) To be typed in triplicate

C.L.No.8/X-a-14 dated 18th January, 1954

All judgments in Sessions cases, Civil Appeals and Criminal Appeals, prepared by stenographer should, as far as possible, be typed in quadruplicate. In Sessions cases out of the three spare copies, one may be sent to the District Magistrate and another to the High Court along with the monthly sessions statement while the third spare copy should be reserved for use in the copying office. In appeals (both civil and criminal) one of the spare copies may be sent to the lower court for information as required under the rules, the remaining two copies being reserved for the copying office.

C.L.No.14/X-a-14 dated 3rd March, 1964

The judgment in civil and criminal appeals should be typed out by the stenographers in triplicate instead of in quadruplicate and out the two spare copies of the judgment one may be sent to lower court for information required under the rules and other copy kept reserved for the copying department. This copy may be indexed and kept in a separate cover captioned "For Copying Department" along with the record and on receipt of an application for copy; it may be handed over to the copying department for being issued after making a note to the effect on the index (C.L.No.8/X-a-14 dated January 18, 1954, modified).

C.L.No.54/Ve-47 dated 26th August, 1983

The courts of the Munsif-Magistrates who have been provided with stenographers should see that at least three copies of judgments are prepared and kept in file.

(xii) Preservation of judgments involving government servant

C.L.No. 81 dated 7th September, 1957

If requested by the District Magistrates, judgments in criminal cases, appeals and revisions involving government servants may be retained for periods longer than five years as prescribed under rule 118 of the General Rules (Criminal), 1957.*

* NOTE: Now 1977 vide notification no.504/Vb-13 dated 5.11.83

(xiii) Facility for reporting

C.L.No.12/IX-f-4 dated 20th January, 1956

Such accredited representatives of newspapers, whose names have been approved of by the District Judge should, at the discretion of the presiding officers concerned, be given facilities for reporting contemporaneous cases, i.e., to say, cases which are wanted by them for current publication.

They should be allowed to see the judgments on the date of delivery for the purpose of reproduction in newspapers without comments. Permission should only be given for taking down notes from judgments and not to make verbatim copies.

20. LEGAL AID

C.L.No.34/VII-d-108 (Admn.)(F) dated 16th May, 1984

The work relating to the legal aid schemes should be done outside court hours and if any camps are organized, they should be organized on non-working days. It was also indicated that the officers and the staff attending the legal aid camps would not be treated as on duty so as to entitle them to any traveling or daily allowances or compensatory leave. Obviously, therefore, the officers could take part in the legal aid programme according to the directions of the District Judge and if any camps were held outside the headquarters, the expenses on traveling and daily allowance could be borne not by the Court but by the Legal Aid and Advice Board.

The reconciliation of disputes is done by the members of the committee, which includes lawyers and social workers. The judicial officers should not take active part in reconciliation of disputes but there is no objection to their otherwise taking part under the guidance of the District Judge and in advising and guiding suitably the members of the committee in the performance of their functions. The judicial officers who have original territorial jurisdiction in the area where a camp is held should not be associated with the camp activities and assistance may be had from other judicial officers.

An officer of the rank of Munsif-Magistrate/Judicial Magistrate or Chief Judicial Magistrate to be nominated by the District Judge is supposed to be the member-secretary of the District Legal Aid Committee. His functions are mainly of administrative nature and he too need not come in direct touch with litigants much less in the matter of reconciliation of disputes.

The District Judges may make available a room or other improvised accommodation in their buildings for establishing a legal aid office where certain members of the committee and the staff of the legal aid office may sit and transact their business.

C.L.No. 28/VII-d/108-admn.(F) dated 3rd June, 1985

In the capacity of Chairman of the District Legal Aid Committee, District Judges are supposed to take active interest in implementing the scheme of legal aid. In case any guidance or advise in implementing the scheme is needed, they may seek necessary guidance and advice from the U.P. Legal Aid and Advice Board, 510, Jawahar Bhawan, Lucknow, under intimation to the Court.

C.L.No.81/VII-d-108/LAAB/LA dated 4th December, 1987

The District Judges should send the monthly progress reports in the requisite proforma to Executive Chairman, U.P. Legal Aid and Advice Board, 510, Jawahar Bhawan, Lucknow on the first day of the following month positively.

Circular Orders of the High Court

PROFORMA

STATISTICAL INFORMATION WITH REGARD TO IMPLEMENTATION OF LEGAL AID PROGRAMME IN THE DISTRICT OF ……..FOR THE MONTH OF ……..

1. LEGAL AID						
No. of Applications pending on the 1st of the month		No of applications received during the month		No of applications disposed of		Balance carried forward
2. BREAK UP OF BENEFICIARIES						
SC	ST	BC	WOMEN	CHILDREN	OTHERS	TOTAL
3. NO OF LEGAL AID CAMPS HELD AND CASES DISPOSED OF						
No. of camps	Persons benefitted		Cases decided	MACT cases decided		Compensation awarded

4. LOK ADALATS, if any, held. If so, number of cases settled and compensation awarded (in MACT cases etc.)

No of Lok adalats	Cases settled	Persons benefitted	MACT cases settled	Compensation awarded

5. PARA-LEGAL-Training Programme, if any, held
6. Legal Literacy Programme (If conducted)
7. Expenditure incurred during the month Rs. ……

C.L.No.1/VII-d-108/LAAB/LA/Admn. (G) dated 11th January, 1988

The legal aid programmes are run by the Government and the judiciary as Government sponsored programmes, which have got a statutory base by the passing of the Legal Services Authorities Act, 1987. The District Judge, who is ex-officio chairman of the District Legal Aid Committee in his district, has to organise legal aid camps and lok adalats some times at the headquarters of the district and sometimes at Tahsil or block headquarters. To assess its suitability, he has to visit the proposed venue of the lok adalat in anticipation and then on the date of the lok adalat he has to go there for supervising the affairs. Since the District Judges have not been provided with staff car at government expense and they are also the presidents of Legal Aid Committees, they are empowered to undertake journey by the staff car in connection with legal aid programmes like lok adalats and bear the expenses of petrol from the legal aid budget placed at their disposal by the board.

C.L.No.35/VII d-108/LAAB/LA dated 21st June, 1989

In cases a civil court employee is detained for doing work in connection with legal aid camps and lok adalats, he shall be entitled to the travelling and daily allowance or compensatory leave in lieu thereof. It is also made clear that the expenses of traveling and daily allowance shall be borne out of the budget placed at the disposal of District Judge by the U.P. Legal Aid and Advice Board and not by the Court.

(i) Legal Aid Programme

C.L.No. 7/VIId-108/LAAB/LA/Admn. (G) dated 2 February, 1990

In continuation of Court's Circular Letter No. 35/VIId-108/LAAB/LA, dated June 21, 1989, on the above subject, I am directed to say that with regard to implementation of Legal Aid Programmes in the judgeship, the Court has been pleased to order that the District Judges of Mirzapur, Dehradun and Lakhimpur Kheri and the Judicial Officers working as Member Secretary, District Legal Aid Committee and any other officer deputed by the concerned District Judge may participate in the Legal Aid Programme /Para Legal Training Course. The dates on which they are out in connection with the said programmes/training will be exempt from the quota of work and they will be entitled to usual allowance, if any from the funds provided by the Legal Aid Board.

The contents of the above Circular Letter may kindly be brought to the notice of all concerned.

(ii) Legal Aid Programme & Lok Adalats

C.L.No. 80/VII d-108/LAAB/LA dated August 17, 1990

I am directed to say that the Government of U.P. vide its Office Memorandum No. 1593/VII-Aa-Nya-748/83, dated April 24, 1990, on the expiry of the term of Mr. Justice R.C. Deo Sharma (Retired), Executive Chairman. U.P. Legal Aid & Advice Board has appointed Mr. Justice B.L. Loomba (Retired) as Executive Chairman of the said Board for a period of 3 years from the date of taking over charge.

On his assuming charge as such Executive Chairman has thanked all of you for your co-operation as the President, District Legal Aid Committees and has desired to emphasis upon the importance and need of the Legal Aid Programme specially the Lok Adalats which forum acts as a supplement to the Courts to dispose of a large number of cases through persuasion and compromise.

I am therefore, to say that you as President, District Legal Aid Committee will adopt a positive outlook on the advice the directions issued by the Executive Chairman in connection with Legal Aid and Lok Adalats.

(iii) Service of Notice of Lok Adalat

C.L.No. 26 dated May 21, 1996

I have been directed to say that attention is not paid for service of notice regarding Lok Adalat. The Court has taken a serious view of the matter.

You are, therefore, requested to take personal attention in the matter and see that notices are served and returned before the date fixed for the Lok Adalat.

(iv) ***मोटर दुर्घटना प्रतिकर सम्बन्धी वादों का लोक अदालत के माध्यम से निस्तारण।***

परिपत्र सं0:28/सात डी-108/ प्रशासकीय (जी-2) दिनांक, 10 मई, 1993 (लोक अदालत)

मुझे उपर्युक्त विषयक न्यायालय के परिपत्र संख्या 45/सात डी-108 (लोक अदालत) प्रशासकीय (छ) दिनांक 27 अगस्त, 1992 के अनुक्रम में शासन के पत्र संख्या 5460/30-5-91/61 एम/81 दिनांक 2 नवम्बर, 1992 की प्रति आपको आवश्यक कार्यवाही हेतु भेजने का निदेश हुआ है।

मोटर दुर्घटना प्रतिकर संबंधी बादें को लोक अदालतों के माध्यम से निस्तारण।

मुख्य सचिव, उत्तर प्रदेश शासन।

शासकीय पत्र संख्या :- 5460/30-5-91-61 एम/81, परिवहन अनुभाग-3 दिनांक 2 नबम्बर, 1992

भारत के संवैधानिक प्राविधान (अनुच्छेद 39-क) के अनुपालन में शासन वर्ष 1981 से राज्य में कानूनी सहायता और परामर्श बोर्ड की स्थापना की गई है तथा इस कार्यक्रम की एपेक्स बाडी के मुख्य संरक्षक भारत के मुख्य न्यायाधीश हैं। उक्त बोर्ड के अधीन विगत पाँच वर्षों में करीब 1100 से अधिक लोक अदालतों का आयोजन किया गया है। इन लोक अदालतों के माध्यम से मोटर दुर्घटना प्रतिकर संबंधी वादों के निस्तारण को प्राथमिकता दी जाती है।

2- मोटर दुर्घटना प्रतिकर संबंधी वादों में से लगभग 10,000 वादों का निस्तारण अभी तक लोक अदालतों के माध्यम से किया गया है व रू0 28 करोड़ से अधिक की धनराशि प्रतिकर के रूप में पीड़ित परिवादों को दिलाई गई हैं। मोटर दुर्घटना प्रतिकर संबंधी लंबित वादों के शीघ्र निस्तारण के लिये उक्त बोर्ड द्वारा विभिन्न बीमा कम्पनियों से अपेक्षित सहयोग प्राप्त किया जा रहा है और इन कम्पनियों के अधिकारियों की बैठक सामान्य रूप से प्रत्येक दो माह मे आयोजित की जाती है।

3- राज्य सरकार के वाहनों का थर्ड पार्टी बीमा नहीं कराया जाता है और यदि किसी सरकारी वाहन से दुर्घटना होने से किसी व्यक्ति की मृत्यु हो जाती है अथवा वह गंभीर रूप से घायल हो जाता है तो पीड़ित परिवार द्वारा प्रतिकर का वाद शासन तथा संबंधित विभाग के विरूद्ध दायर किया जाता है। ऐसे मामलों को शासन अथवा विभाग से अपेक्षित सहयोग प्राप्त न होने के कारण यह वाद मात्र प्रतिकर के लिये लम्बी अवधि तक लंबित रहते हैं और अन्त में न्यायालय द्वारा इन मुकदमों के निस्तारित होने पर आदेशों के लागू किये जाने की कार्यवाही होती है। इससे एक ओर दुर्घटना से प्रभावित परिवार को सामयिक मदद नही मिल पाती साथ ही शासन के लिए भी असमंजस पूर्ण स्थिति उत्पन्न होती है।

4- मोटर दुर्घटना प्रतिकर से संबंधित वादों को लोक अदालतो के माध्यम से निस्तारित कराया जाना इसलिए और भी उचित है क्योंकि लोक अदालतों द्वारा वादों का निस्तारण शीघ्र हो जाता है तथा निर्धारित की गई प्रतिकर की धनराशि अन्य न्यायालयों की अपेक्षा कम होती है। इस प्रकार शासकीय धन की बचत के साथ-साथ अधिकारियों तथा कर्मचारियों के समय की भी बचत होगी। माननीय उच्च न्यायालय एवं माननीय उच्चतम न्यायालय ने प्रतिकर के भुगतान के विषय में समय-समय पर सिद्धान्त प्रतिपादित किये हैं। उक्त मार्गदर्शन सिद्धान्तों के आधार पर प्रतिकर की धनराशि मृत्यु डिग्री आफ इन्जरी के अनुसार तय की जा सकती है। अतः इनको ध्यान में रखकर प्रतिकर की धनराशि लोक अदालत के माध्यम से तय कर पीड़ित परिवादों को दी जा सकती है।

5- मुझे यह कहने का निदेश हुआ है कि कृपया अपने अधीनस्थ अधिकारियों को इस आशय के निर्देश देने का कष्ट करें कि जिन विभागों में संबंधित वाहनों से हुई दुर्घटना प्रतिकर के वाद चल रहे हैं अथवा उनके विरूद्ध माननीय उच्च न्यायालय में अपील लंबित हो, उनमें शासकीय अधीवक्ता से आवश्यकतानुसार परामर्श लेकर व प्रारम्भिक छानबीन करके बोर्ड/जिला सीमा को यह अवगत करा दें कि वह ऐसे वादों अपीलों को लांक अदालतों के माध्यम से निस्तारित कराये जाने के लिए सहमत हैं।

(v) Organistion of Lok Adalat.

C.L. No. 54 / Dated: 21st September, 1996

Hon'ble the Chief Justice has decided that the organising of Lok Adalats be systematized and Lok Adalat be held requlary. Accordingly, it is directed that on 2.10.96 Lok Adalats be held in High Court, Allahabad, its Lucknow Bench and in all the districts of the State of Uttar Pradesh . Thereafter the Lok Adalat be held at the end of avery fortnight during the holiday regularly without fail.

All the arrangements for organizing Lok Adalat on 2.10.96 and thereafter made immediately. The progress report of the Lok Adalat be sent to the Court regularly.

(vi) Constitution of state Legal Services authority and District Legal Services authorities

C.L. No. 64/VIId-108/Admn. Dated: 20th, 21st November, 1996

I am sending herewith a copy of the D.O.No. PS(R)/57/1996 dated November 2, 1996 with the request that cooperation be extended to the Principal secretary Judicial and L.R. in the above matter.

Dear Sri Khem Karan,

Kindly refer to your D.O. 1/p.3/L.R./1996 dated August 30, 1996 and D.O. No. 23/Sat-Nayaya-Ka-Ni.1-96 dated October 30, 1996 regarding constitution of State Legal Services Authority, District Legal Services Authorities and Taluka Legal Service Committee.

You are requested to suggest the names for consideration of Hon'ble the Chief Justice for recommending nomination of members by the Governor for the State Legal Services Authority and District Legal Services Authorities. In doing so, you may consult the Chairman, U.P. Legal Aid and Advice Board, the District Judges and the District Magistrates of the respective districts. The suggestions may be sent as early as possible so that the authorities may constituted without any delay.

Your Sincerely,
(N.S. Gahlot)

(vii) Organization of Lok Adalat in the districts.

C.L. No. 71 Dated: 13th December, 1996

On the above subject, I have been directed to enclose the copy of the letter received from Hon'ble executive Chairman, NLSA and to obtain requisite information and views by an early date.

I am, therefore, to request you that kindly send the required information contained in the letter latest by 1.1.1997.

Dear Brother Chief Justice,

Kindly refer to may letter dated 19th September, 1996 informing that NALSA and the Department of Legal Affairs, Ministry of Law & justice, with the concurrence of the Chief Justice of India as its Patron-in-Chief have decided to organize Lok Adalats in a systematic way at the end of every fortnight or during intervening holiday in all the courts in the country including the High Court and eliciting support to the movement.

Dr. V.K. Agrawal, Union Law Secretary vide his letter dated 6th September, 1996, requested all the District & Sessions Judges-cum-/Chairmen, District Legal Services Authorities/ Legal Aid Committees to ensure that at least one Lok Adalat is organized in every district on 2nd October, 1996 throughout the country and thereafter as many Lok Adalat as may be possible during the months of October, November and December, 1996. It was desired that at least one Lok Adalat may be organized every week preferably on Saturday and/or Sunday.

The Lok Adalat Movement has been inaugurated by the Prime Minister of India at New Delhi Courts, Patiala House on 2nd October, 1996.

Our appeal has mixed response. Of late, representations have been received that holding Lok Adalts on every Saturday and/or Sunday or fortnightly is beset with difficulties and tends to hamper the judicial work of the judicial officers charged with the responsibility of holding Lok Adalats.

The case has been reviewed in consultation with the Chief Justice of India. It has been decided that Lok Adalat Movement which has been provided a statutory base with the enforcement of Legal Services Authorities Act has to be a continuous and on-going legal aid programme. But care must be taken that the Lok Adalats are organized in a systematic way and only when sufficient number of cases are available for being placed before the Lok Adalat. It is, therefore, suggested that the Lok Adalats may be organized not on Weekly of fortnightly basis, as indicated earlier, but after a gap of 4-6 weeks when sufficient number of cases become available for being referred to the Lok Adalats.

Needless to emphasise that due care has to be taken that social justice through Lok Adalats is dispensed with in accordance with the principles of equity and natural justice without diluting the quality of justice.

As regards release of matching grant-in-aid of Rs. 3,000/- per Lok Adalat, we shall make all possible endeavours to honour the commitment made. To enable us to make assessments of the financial requirement, I would request you to favour us with the number of Lok Adalts organized on 2nd October, 1996 in various districts and also your jurisdiction with performance results and also the time scheduled for Lok Adalats to be organized in future. On receipt of the requisite information, instructions for release of the matching grant-in-aid would be issued and it would be ensured that the amount of the grant-in-aid is made available to the State Legal Services Authorities/ State Legal Aid & Advice Board expeditiously for disbursement to the respective Districts for proper and effective implementation of the Lok Adalat Programme throughout the country.

(viii) Output of Disposal of cases in Lok Adalats

C.L. No. 4. Dated: 13th February, 1997

It has come the to the notices of the Hon'ble Court that output of disposal of cases in Lok Adalats is not appreciable and two to fifteen cases at times are being disposed in Lok Adalats at many places.

Hon'ble Court after examining the situation has taken a decision that the Judicial Officers may continue efforts for settlement of cases and their disposal through conciliation. Thereafter, Lok Adalats be held on such dates in which appreciable numbers of cases are there for holding the Lok Adalats.

Therefore, it has been decided that Lok Adalats be organized when appreciable number of cases for disposal are available.

I am therefore, directed to request you to kindly bring to the notice of all the Judicial officers sub-ordinate to the Hon'ble High Court for strict compliance of the instructions relating to the holding of the Lok Adalats in future.

(ix) Orders issued in the matter of State Legal Services Authority.

C.L. No. 24/Admin 'G' Dated: 13th June, 1997

The Sate Legal Services Authority has been constituted in the State of Uttar Pradesh. A Notification to this effect has been issued.

I am enclosing the copies of the office order issued by the Special Secretary and Legal Remembrancer for your information.

I am, therefore, to request you that the office order issued by the Special Secretary Law be brought to the knowledge of all the Judicial Officers and Specially the Secretary and staff of District Legal Services Authority and Taluka Legal Services Committee.

(x) Celebration of 'Legal Aid Day' on 9th November 1998.

C.L. No. 55/ Dated: 2nd November, 1998

I am desired to inform you that 9th November, 1998 shall be celebrated as 'Legal Aid Day' by the District Legal Services Authority. Comprehensive instructions have already been sent by the State Legal Services Authority through there Letter No.31/SLSA/267-98 dated October 23, 1998.

You are, therefore, requested to celebrate ' Legal Aid Day' on 9th November, 1998 keeping in view the instructions of the State Legal Services Authority in this regard.

(xi) Disposal of cases through Lok Adalats.

C.L. No. 31/VII-d/108 Dated: 23rd December, 1999

The disposal of cases through Lok Adalats was reviewed in the meeting of the State Legal Services Authority, Hon'ble the Chief Justice (The patron in Chief of the State Legal Services Authority) has shown his concern and observed that a large number of litigant in the State feel handicapped in the pursuit of justice on account of poverty, illiteracy, social backwardness, or other disabilities. The goal set out under Article 39 A of the Constitution of India cannot be achieved unless the District Judiciary is involved in Legal Aid Programme and every Judicial Officer in the District helps to instill in the mind of the poor and weak the confidence that our administration of justice is committed to ensure evenhanded justice for all. In the past, the graph with regard to the holding of Lok Adalat and disposal of cases presented a very discouraging situation.

I am, therefore, directed to request you to take the following measures:

(I) Every Judicial Officer should take care of the poor litigants who appear to be handicapped or at a disadvantageous and their matters be referred for Legal Aid facilities.

(II) Well structured and broad based legal aid programme should be taken U.P. and every judicial officer should be associated with the programme.

(III) Legal Aid programme must be strictly supervised by the District officer so that good quality and competent legal aid can be ensured.

(xii) Establishment of Lok Adalats in hills and other newly created districts on permanent basis.

C.L. No. 12/VIId-108 Dated 17th February, 2000

In continuation of the circular letter No.10/VII-108 dated May 4, 1999 I am to inform you that with a view to provide additional forum to the Litigants for redressal of their disputes, Hon'ble Court keeping in view the provisions of Section 19(2), (3) and (4) of the Legal Service Authorities Act, 1987 has decided to establish the permanent and continuous Lok Adalats. Following measures are required to be adopted in the District Nanital, Almora, Pithoragarh, Dehradun, Pauri, Tehri, Chamoli, Uttarkashi, Udamshing Nagar. Ambedkar Nagar, Auraiya, Baghpat, Balrampur, Chandauli, Chhatrapati Shauji Mahraj Nagar, Gautambuddha Nagar, Hathras, Jyitiba Phule Nagar, Kannauj, Shrawasti:

(a) The bench of permanent Lok Adalat comprising of District Judge/Civil Judge (Sr. Division/Civil Judge (Jr, Division) and one person having qualification as prescribed in Rule 17 of the U.P. State Legal Services Authority Rules 1996 shall be made by the District Judge keeping in view the nature of cases.

(b) In case of any difficulty the District Judge shall seek direction from the Court.

You are, therefore, requested to carry out the aforesaid directions so as to establish the permanent Lok Adalat expeditiously.

(xiii) Preparation of decree in the cases decided by the Lok Adalat and authentication of the copy of Award.

C.L. No. 16/VIID-108 Dated: 19 April 2000

I am directed to say on the above subject that U.P. State Legal Services Authority has made a reference to the Court on the Queries received by them from some of the districts as to who shall draw the decree in consonance with the award given in Lok Adalats and also as to who will certify the copy of the award to be issued for execution.

In this connection aid can be have from the provisions of the Legal Services Authorities Act [Section 21 (2)] and also from the Code of Civil Procedure [Order XX]. Award given by the Lok Adalat is not required to be expressed by way of drawing a separate decree.

I am, therefore, to point out that there is no necessity for drawing formal expression of the decision made by the Lok Adalat. Further, for the issuance of copy of the order, normal procedure for copy shall be applied as if the order has been passed by the Civil Court.

(xiv) Referring the maximum number of Government cases to the Lok Adalats

C.L. No. 21/ VIId-108 Dated: 22nd May, 2000

I am directed to enclose herewith a copy of Government letter No.108/VII-Nyays (Ka.Ni.)-2000-60/90 dated 10.4.200 regarding expeditious disposal of the cases in cases in large number from Lok Adalats and to say that Government have expressed its concern over not referring sufficient number of Government cases to the Lo0k Adalats in view of the Fact that there is heavy pendency of such cases.

I am, therefore, to request to you kindly to invite attention of the Revenue department and other department to get their cases resolved through Lok Adalats.

C.L. No. 48/VIId-108 Dated: 20th October, 2000

Hon'ble Court has observed with concern that the courts dockets are overcrowded resulting in inordinate delay in the disposal of case. Delay breeds litigation as many litigants come to court with untenable claims in the found hope of securing an undeserved interim order and then enjoying the fruits thereof for years on end. As a poor litigant has no capacity to wait indefinitely, courts should try to assist him to have his dispute resolved through the instrumentally of the Lok-Adalatas. In this regard, November 9, 2000 shall be celebrated as "Legal Services Day" by the District Legal Services Authority. On that day in each district, Lok Adalat shall be organized to ensure large disposal of cases. Following measures are to be taken at your level:

(i) A broad-based Legal Aid Programme should be taken Uttar Pradesh on that day, including Legal Literacy Camps.

(ii) Efforts should be made for ensuring large disposal of cases.

You are, therefore, requested to implement the aforesaid objectives in a suitable and befitting manner for achieving the purpose.

C.L. No. 3 Dated 16th January, 2001

"Free Legal Aid" to poor persons and persons of limited means is a service, which a welfare State owes to its citizens. The preamble to the Legal Services Authorities Act, 1987 also lays emphasis on the competent legal services to the eligible. Equal access to law for the rich and poor alike is essential to provide adequate legal advice and legal representation to all those threatened as to their life, liberty, property or reputation who are not able to pay for it. But on account of various reasons, the aided persons getting legal aid through Legal Services Authorities and committees carry an impression that legal assistance being provided to them is no match to that which a person with resources can arrange. Many times litigants with less efficient legal assistance are put to disadvantage in Courts of law and face enormous difficulties in pursuit of justice. Hon'ble Court has also noticed that sacred obligation of the State is to provide legal aid to all those who are not able to pay for it as, at best, being carried out in the State to a limited extent only because of the engagement of inexperienced lawyers for the said purpose. It is also necessary to understand the full implication of the principle of equality in the eye of law and equal protection of the law in the context of "Legal Aid" for indigent litigants, may in practice, be deprived of adequate legal advice either due to indigence or due to the appointment of cheap and consequently an inexperienced lawyers, whereas the State or the other authority who would probably be able to pay more, may engage a senior member of the bar and thus again an unfair advantage over the former. This practical difficulty cannot, therefore, be disassociated from the question of adequate remuneration for the services rendered. Hon'ble Court desires that this imbalance between the qualities of legal assistance must go at the earliest.

I am further to add that in spite of various legislations, social reforms, legal awareness, women in the State continue to suffer injustice. They very often face embarrassment and humiliation when they are asked to discuss their personal problems with counsel from the opposite gender. Law alone is not sufficient to stamp out this menace from our society. Hon'ble Court desires that as far as possible legal matters pertaining to women should be entrusted to lady advocates so that an effective and meaningful interaction takes place between the counsel and aided person to secure justice.

I am, therefore, desired to bring to your notice that panel of legal aid counsel should be compressed and better emoluments should be offered so that more talented and experienced counsel join that panel and help in providing legal aid to the poor, backward, downtrodden and to women.

C. L. No. 4/2007: 20th February, 2007

The Hon'ble Court expressing anguish over the appalling state of affairs in the matter of non registration of the complaints at the police stations in the matters of the children being reported missing by their hapless indigent parents/persons while issuing various directions to the police authorities inter alia to ensure lodging of F.I.R. In all such reported matters has also been pleased to pass the following orders in the Criminal Misc. Writ petition No.15630 of 2006 - Vishnu Dayal Sharma Vs. State of U.P. and others on 02.01.2007-

> "The District Judges of all the districts may issue directions to the legal aid committees to ensure that lawyers providing legal aid are present at S.S.P./S.P./C.O.'s offices to help such indigent and resource less persons who approach these offices."

Therefore, while enclosing a copy of the order of Hon'ble Court passed in the above Writ Petition, I am directed to request you to kindly ensure compliance of the said directions at your end in letter and spirit.

C. L. No. 11/2007 Dated: 14.3.2007

In continuation of the earlier circular letter no. 4/2007 dated 20.2.2007 issued in compliance of the direction given by the Hon'ble Court in Criminal Misc. Writ Petition No. 15630 of 2006- Vishnu Dayal Sharma Vs. State of U.P. and others, I have been directed to communicate that the Hon'ble Court has been pleased to pass following order in furtherance of earlier directions:

"In addition to our earlier direction the district judges to provide legal aid lawyers at the S.S.P./S.P./C.O. levels, as special cells for missing children are to be constituted in each district as per the DGP's circular dated 10.1.2007, it is directed that legal aid lawyers may be provided at the aforesaid special cells. The district judges should monitor or get monitored the quality of legal aid being provided by the duly appointed lawyers and their regularity in attending the said offices. The district Judges concerned may also apprise this Court of any difficulty that they may face in implementing this direction for providing legal aid. They may also suggest other areas of social concern for providing legal aid to the unnerved, resource less persons needing legal aid so that this Court may co-ordinate this activity and issue appropriate directions wherever possible.

We direct that the monthly report of the special cell and the DIG (Region) and I.G. (Zone) about missing children be placed before the district level monitoring committee comprising the District Judge, D.M., S.S.P. etc. in the monthly meeting for effective co-ordination with the district judiciary and for appropriate directions. The Registry may take early action on directions (6) and (7)."

While enclosing herewith a copy of the above orders of Hon'ble Court, I am directed to request you kindly ensure strict compliance of the directions quoted hereinabove and to kindly send progress report in respect of the difficulties, if any, which might be faced in carrying out the above directions as also your valuable suggestions about the other areas where legal aid may be extended to the un-served resource less persons, to the Court at the earliest.

C. L. No. 13/2007 Dated: 2 April, 2007

With reference to the Court's earlier Circular Letter No.412007 dated 20.02.2007 and 'No. 11/2007 dated 14.03.2007 regarding Criminal Misc. Writ Petition No.15630 of 2006 - Vishnu Dayal Sharma Vs. State of U.P. and others, I am directed to say that the compliance report in respect of the directions given by the Hon'ble Court in the above mentioned Criminal Misc. Writ Petition No.15630 of 2006- Vishnu Dayal Sharma Vs. State of U.P. have not been received so far. The same be furnished without any further delay to the Hon'ble Court latest by 25.04.2007 as they are to be placed before Hon'ble Court on the next date of hearing on 10.05.2007.

Kindly treat this matter as most urgent.

C. L N0. 29/2s007 Dated: 29 August, 2007

In continuation of the court's earlier circular letters No. 4/2007, dated 20.2.2007 and 11/2007, dated 14.3.2007 issued in compliance of the directions given by the Hon'ble Court in Criminal Misc. Writ Petition No. 15630 of 2006- Vishnu Dayal Sharma Vs. State of U.P. and others, I am directed to communicate you that the Hon'ble Court has been pleased to pass following orders dated 10.5.2007 in furtherance of earlier directions:

> "…..the District Judge to submit information to this court in tabular form in addition to any detailed information which they may like to furnish the table should contain the following columns and entries: viz. district, complainant (with name and address), name of missing child, date of lodging of F.I.R., name of Counsel who provided legal aid, regularity of attendance by lawyer, dt. of placing/ matter before Monitoring Committee in monthly meeting difficulties/problems, and additional suggestions, dt. of publication of information about missing child, medium (i.e. radio, T.V. or newspaper), number of children recovered in the month (dead or alive)."

While enclosing herewith a copy of the order of Hon'ble Court along with Chart in tabular form, I am to request you to kindly ensure strict compliance of the directions quoted herein as above and to kindly send compliance report in the tabular from enclosed herewith at the earliest.

(xv) Enhancement in the maximum limit of the amount to be incurred on arranging Lok Adalats

C.L. No. 40/VIId-108: dated: Allahabad: August 18, 2000

In the XI meeting of U.P. State Legal Services Authority, it was resolved that the maximum limit of expenditure on Lok Adalats be enhanced to Rs. 5000/- and under special circumstances the Executive Chairman can enhance it up to Rs.8000/-

In this regard I am directed to communicate that the maximum amount to be incurred on a Lok Adalat has been enhanced to Rs. 5000/- and under special circumstances to the extent of Rs. 8000/- with the permission of Executive Chairman, U.P. State Legal Services Authority, Lucknow.

Matter for Printing of information about free legal services on the notices/summons/warrants of the courts.

C.L. No. 35/2009/Admin. 'G-II' Allahabad; Dated: July 20, 2009

Upon consideration of the letter No. F. No. L/16/2006 – NALSA/3001 dated 5th March, 2009 of Sri G.M. Akbar Ali, the Member Secretary, National Legal Services Authority, 12/11, Jam Nagar House, Shahjahan Road, New Delhi informing about 'Resolution of Central Authorities NALSA relating to free legal services on the Notices/Summons/Warrants of the Courts.

The Hon'ble Court upon consideration of the matter has been pleased to incorporate/add after the body of Notices/Summons/Warrants in the amendments of the rules as in practice under Section 12 of the Legal Services Authorities Act, 1987 as under:-

> "You are hereby informed that the free legal services from the State Legal Services Authorities, High Court Legal Service Committees, District Legal Services Authorities and Taluka Legal Services Committees, as per eligibility criteria, are available to you and in case you are eligible and desire to avail of the free legal services, you may contact any of the above legal Services Authorities/Committees."

Therefore, I am directed to request you to kindly print the information in the Notices/Summons/Warrants as desired and to bring the Amendment/contents of this Circular Letter to all the Judicial Officers under your administration control for their guidance and strict compliance.

21. COURT SEAL

High Court Seal

C.L.No.3442/DR (J) IX C-7 dated 14th September, 1989

The seal of the Court presently in use has become completely worn out and blurred. A new seal will, therefore, be brought in use with effect from 3.10.1989 in place of the old Seal. An impression of the new seal is as indicated below:

Seal for subordinate magistrates' courts

C.L.No.100/VIII-a-1 dated 7th November, 1961

All magisterial courts doing criminal work are required to get the seals, for use in their courts and the courts subordinate to them, prepared according to the form and dimensions of the seals given in the specimens sent with the Circular Letter.

Court Seal for Munsif Magistrates.

C.L.No.94/IX-g-12 dated 12th September, 1969

For Munsifs invested with magisterial powers, a separate seal having the inscription "Munsif-Magistrate" having the design and shape of the seal of Munsif as given in Appendix 23 of G.R. (Civil) read with rule 649 thereof has been prescribed. It has to be prepared locally.

Use of rubber stamps

G.L.No.44/D dated 7th November, 1932

The rubber stamps may be used by ministerial officers for routine orders.

C.L. No. 41/IXe-7/ (Admin. F)/ Dated 18th August, 2000

Use of embossing seal of the Court.

I am directed to inform you that the seat of the Court presently in use has been completely worn-out and blurred; Hon'ble Court has now adopted embossing seal, which would be placed at the blue sticker affixed on certified copy of the order/judgment prepared by the Copying Department. If the certified copy is of two pages or more, in that even beneath the sticker the end portion of the thread, stitching the copy of the order/judgment shall be kept. The sample of the embossing seal of the High Court is also placed at the bottom of this circular. All the embossing seal shall come into use w.e.f. 1.9.2000. Repeat that certified copy/judgment issued on or after 1.9.2000, bearing embossing seal at the blue colour sticker shall be given recognition.

C.L. No. 6/2001 Dated: 7th February, 2001

(i) Prohibition of use of rubber seals by the Judicial Officers in respect of the orders proposed to be passed.

During proceedings of Criminal Misc. Application No. 6499 of 2000, Hon'ble Court has observed that a peculiar procedure is being adopted by the presiding officers that instead of the orders being written either by the presiding officer himself or by the Reader on his direction, a rubber seal is being used. This is also against the provision of section 18 of Chapter I of General Rules (Civil), 1957.

I am, therefore, required to request you kindly to direct all the Judicial Officers of your Judgeship to write the judicial orders either by themselves or on their direction by the Reader and no rubber seal shall be used in respect of the orders proposed to be passed henceforth.

22. USE OF OFFICIAL FORMS

G.L.No.15/44-4 (12) dated 9th May, 1930

Rules 511 and 519 of Chapter XX of the General Rules (Civil), 1957, do not allow any forms other than those printed at the Government Press to be used or accepted by civil courts subordinate to the High Court.

23. CASTE NOT TO BE MENTIONED

C.L.No. 47/V-c-132-49 dated 29th July, 1949

Except in certain specified cases the practice of specifying case in judicial forms and registers in the subordinate courts is to be discontinued.

The column of caste should, therefore, be cancelled from all forms and registers, civil or criminal, wherever it exists.

24. HINDI EDITION OF CENTRAL ACTS.

C.L.No.50 X-e-5 dated 23rd April, 1970

Whenever necessary, only the Hindi translations of Central Acts authenticated under clause (a) of sub-section (i) of section 5 of the Official Language Act, 1963, which are available with the Manager of Publication, Government of India, Civil Lines, Delhi should be used.

25. REGISTER OF MISCELLANEOUS REPORTS AND PROCEEDINGS

C.L.No.90/VIII-a-1 dated 4th June, 1971

A register in Form no. 12, as required under rule 164 of the General Rules (Criminal), 1957,* should be maintained in the court of the Judicial Magistrates for miscellaneous reports and proceedings.

26. WATER-MARKED PAPER

G.L.No. 17 dated 22nd March, 1933

Rule 25, chapter III of the General Rules (Civil), 1957, Volume 1, regarding the use of Government watermarked paper in judicial proceedings, refers to all pleadings, applications and petitions of whatsoever nature filed in the course of civil judicial proceedings. Besides these papers, there are numerous other papers, which are filed in civil courts by parties. Of these, the memorandum of appeal is really a petition of appeal and a cross-objection stands on the same footing. These are to be written on Government watermarked paper, but other papers need only be written on good durable paper.

27. DISPOSAL OF GOLD

C.E. No. 74/VII-f-193 dated 12th November, 1965

The presiding officers of civil and criminal courts should follow strictly the instruction contained in the Government of India, Ministry of Finance Circular Letter no. Gold 26/65 dated 27th May, 1965 and Circular Letter no. Gold 16/65 (F.No.28/7/63-GC.-1) dated March 26, 1965, copies sent with this C.E.

28. ADMINISTRATION OF PROPERTY: FOREIGN SUBJECTS DYING INTESTAE

C.L.No.45/VIII-f-1 dated 15th July, 1966

In accordance with Government of India notification dated December, 30, 1965, where a subject of a State specified in the schedule annexed hereto dies in the territories to which the Administrator General Act, 1963 (45 of 1963) extends and it appears that no one in the said territories other than the Administrator General, is entitled to apply to the court for letters of administration of the estate of the deceased, letters of administration shall, on the application to such court of any Consular officer of such State be granted to such Consular Officer on such terms and conditions as the court may, subject to the following rules, think fit to impose, namely:-

(i) Where the deceased has not left in India any known heirs or testamentary executors by him appointed, the local authorities, if any, in possession of the property of the deceased, shall at once communicate the circumstances to the nearest consular Officer of the State of which the deceased was a subject in order that the necessary information may be immediately forwarded to the persons interested.

(ii) Such Consular Officer shall have the right to appear personally or by delegate, in all proceedings on behalf of the absent heirs or creditors of the deceased until they are otherwise represented.

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* NOTE: Now 1977 vide notification no. 504/Vb-13 dated 5.11.83

SCHEDULE

Afghanistan
Argentine
Czechoslovakia
Denmark
Iran
Iraq
Poland
United State of America

29. PRESERVATION OF EXHIBITS

(i) Compliance of the Provision of Section 294 (1) of the Code of Criminal Procedure.

C.L.No. 37/VIIIa-88/Admn. (G) dated, April 12, 1994

I am directed to say that while deciding Government Criminal appeal No. 1548 of 1978- State v. Smt. Barfi and others connected with Criminal Revision No. 643 of 1978- Shyam Sunder Sharma v. State of U.P. and others, a Division Bench of the Court has directed as follows:-

1. A strict observance of the requirement of Section 294(1) of Code of Criminal Procedure be made before entering into recording of oral evidence.
2. While delivering a judgment either of conviction or acquittal, the trial courts instead of ordering material exhibits to be destroyed after the expiry of period of appeal, should direct it to be preserved till the disposal of appeal.
3. The District and Sessions Judges shall be kept informed by the High Court on an appeal being filed or admitted to the trial court to preserve such of material exhibit as may be deemed necessary.

I am further to say that the aforesaid observation of the Hon'ble Court be also read in connection with preservation of exhibits and retention of case diaries till disposal of appeals.

I am, therefore, to request you kindly to impress upon all the Sessions/Assistant Sessions Judge working under you supervision to note the contents of this letter for necessary action and future guidance in that regard.

30. PROPER USE OF APPELLATION BY JUDICIAL OFFICERS

(i) while exercising civil and criminal powers

C.L. No. 43/IVg-27/Admn. (A) dated 8 November, 1995

I am directed to refer to Court's Notification No.C-394/JR(S)/95, dated 21-5- 1995 and Court's circular letter No. 50/IVg-27, dated 21-5-1994, on the above subject, and to say that it has been brought to the notice of the Court that the erroneous practice of using appellation of Additional Chief Judicial Magistrate functioning as Civil Judge or vice-versa is being followed by certain officers which is very ante-thesis to the directions contained in the aforesaid circular letter issued by this Court.

I am, therefore, directed to say that in the above conspectus it seems desirable that the Judicial Officers be directed to use proper appellation while exercising power of Civil and Criminal Courts as the case may be.

I am, therefore, to request you kindly to draw the attention of all the officers working under you to comply with the direction contained in C.L.No. 50/IVg-27, dated 21-5-1995 and to use proper appellation while exercising powers of Civil or Criminal Courts.

31. REPLY OF ENQUIRIES

(i) Reply of enquiries made from the Hon'ble Court

C.L. No: 30/dated August 3, 1995

It has come to the knowledge of the Hon'ble Court that office of the Hon'ble Court does not reply to the enquiry made by the Subordinate Court in the matter of cases in which the proceedings have been stayed by the Hon'ble High Court or other superior courts. The Hon'ble Court has taken a serious view of the situation. In order to resolve it, it has been decided that if the replies are not received from the Deputy Registrar concerned them the matter be reported to the Addl. Registrar (Listing) by means of D.O. Letter so that the enquiries may not remain unreplied. Besides it, the matter may also be brought to the notice of the Registrar against the delinquent official, if needed.

32. ADMINISTRATIVE CONFERENCE, 1997

C.L. No. 49/IVh-36/Admn. 'G'- B Dated: 12th November, 1997

Heavy pendency of the cases, coupled with other problems of the subordinate Courts which are impediments in the timely disposal of cases in subordinate courts is causing concern in the Hon'ble Court. With the result, the Hon'ble Court has taken a decision to convene a Administrative conference on 6th and 7th December, 1997 at Allahabad of all the District & Sessions Judges.

As per convention, the matters relating to Administrative conference are earmarked by the High Court considering problems and difficulties, which are brought to the notice of the High Court from time to time for eradication by respective District Judges. An agenda an item is being enclosed along with this letter to you with the request that the suggestions on the points included in the Agenda should be sent up to 27th November, 1997 positively.

The Hon'ble Court has further directed you to furnish the following statement within the prescribed time:

(i) Statement of all types of civil and criminal cases with year wise breaks up of each court.

(ii) List of 50 old cases pending in each court and the reasons for such pendency in nutshell be also specified against the entry of each case.

(iii) Loss of working days for the last three years and the reasons for the same.

(iv) What is the sanctioned strength of the judgeship and how many courts are vacant and since when.

(v) What are the suggestions for ensuring proper and effective judicial process in the administration of justice. What amendments in the circular letters are proposed.

(vi) How many part heard cases are pending in each court and since when. What are the reasons of keeping those cases part heard.

I am, therefore, to request you while treating it as most urgent, please send the reply to the Court through special messenger up to 27th November, 1997

ADMINISTRATIVE CONFERENCE, 1997

ADMINISTRATIVE SIDE – I

ITEM NO. 1 –

STRIKE BY LAWYERS

In recent time lawyers have adopted a very strange and unjustified attitude of boycotting the courts working (popularly known as strike) for indefinite period irrespective of the seriousness of their grievance. In the rarest of the rare case, the lawyers have boycotted the courts working in the past. Lawyers strike is attracting attention of many conscious people who are interested in preserving dignity of the judiciary and its independence. Many concerns are worried about the courts' boycotting more particularly because of the problem of the backlog of the cases and this problem is increasing day by day. Lacs of cases are pending in the subordinate courts with many uncertain ties. Hon'ble court in Civil Misc. Writ Petition No. 33778 of 1997, Manoj Kumar and Others v. Civil Judge (JD) Deoria and others, has also given directions to the effect that "Before parting with this case, we would like to mention that it is deeply regrettable and highly objectionable that there are strikes in district courts in U.P. on flimsy and frivolous pretexts, and some District Courts function only for about 60 or 70 days in a year. This is a shocking state of affairs, and will no longer be tolerated by this court. The judiciary and bar are both accountable to the public and they must behave in a responsible manner so that cases are decided quickly and then thus faith of the public in the judiciary is maintained. Surely, the public has a right to expect this from us. We, therefore, issue a general mandamus to all the judicial officers in all district courts in U.P. that if the lawyers go on strike the judicial officers must, despite the strike of the lawyers, sit in court and pass order in cases before them even in the absence of the counsel. If the lawyers disturb the functioning of the court, the District Judge shall contact the police, the police will give all protection to the judges, and the cases will not be adjourned merely because of the lawyers' strike. People in this state are fed up with lawyers' strikes and this state of affairs must now end. The lawyers must realize that litigants, witnesses, etc. often come from distant places at heavy expenses and it is most improper that they have to go away because of strikes by lawyers. "The judiciary exists for the people and not for lawyers or judges". It is suggested that optimum care should be taken to ensure that the judicial time is not wasted on account of the strike or abstaining from the court by the lawyers. The courts should continuously function and no credit in the quantum of work fixed by the Hon'ble Court shall be given to the Presiding Officer on account of such strikes.

What are your suggestions in this regards ?

ITEM No. 2 –

SETTING UP OF SPECIAL COURTS AT REGIONAL BASIS TO TRY THE CIVIL AND CRIMINAL CASES INVOLVING THE MEMBERS OF LEGAL PROFESSIONS

These days it is felt that where the lawyer is personally involved in the cases, it becomes difficult for the Presiding Officer to proceed with those cases. When they do not get favour from

the court, they start creating problems to the Presiding Officers and he is put to piquant situation. It is not difficult for them by exerting their influence or threat to distort the course of justice and obtain unjustified relief in their favour, or to have undeserved penalties imposed on his part. It is some time talked about that the law in the statute book totally different from them than law in action. With the result, the presiding officers are avoiding to make disposal of the cases in which lawyers are involved. It has been suggested that at zonal level, special courts should be created so that working of present hierarchical mechanism is improved and the best quality of justice at the least cost is given to the litigant public in the shortest possible time.

What are your suggestions in this regard ?

ITEM No. 3.

APPOINTMENT OF DISTRICT REGISTRAR

Some District Judges have expressed that at VIP stations; there must be either District Registrar or Protocol Officer for taking care of visiting dignitaries. It has also been expressed that in the administration one or the other officer has been designated as ADM/SDM (VIP). On the same pattern, one Judicial Officer should be designated for VIP duties. Since there is arithmetical increase in the pendency of cases in each district and so it is difficult to spare any Judicial Officer for VIP duty. Under such circumstances for the proper and smooth working of the judgeship, post of District Registrar be created and his duties may also be earmarked for the purpose of administration and other duties such as making the cases ripe for hearing.

What are your suggestions in this regard ?

ITEM NO. 4

MAXIMUM USE OF LIBRARY

Thrust has been given by Hon'ble Supreme Court in All India Judges Association case that judicial officer must be provided working library at their residence. This was made with a view to keep the judicial officer abreast with the latest law and new dimensions taking place in the field of law. Subordinate judiciary is not merely greater power but also greater awareness of the law. It has become necessary that the subordinate judiciary is made to realize that the greater mission of rendering justice cannot be fulfilled unless it is made constantly aware with the statutes and the latest pronouncements being made by the Hon'ble Supreme Court and High Courts. Library facilities are available in the district courts. It is also suggested that the post of Librarian be sanctioned in each district and the District Judge should ensure that the journals are circulated amongst the officers regularly so that they may be acquainted with the latest law being propounded by various courts. Library research, which seems still to constitute the back bone of research in law, has its own significance.

What measures do you suggest in this regard ?

ITEM NO. 5 –

FREQUENT BREAK DOWN OF ELECTRIC SUPPLY

These days the electric supply in the State all the district is very erratic and at times electricity is not available for 4-5 hours a day during court hours. In the old buildings, the ventilation is so inadequate that the rooms became dark when the electricity supply is disturbed. In the new court buildings, also, it is so suffocating in summer and so dark in winter that judicial

work is difficult to be performed. It is necessary to provide sufficient number of generators to maintain electricity supply in the buildings.

What measures do you propose in this behalf ?

ITEM NO.6 -

SAFETY AND SECURITY OF COURT BUILDINGS

The sanctioned posts of Chaukidars in the district courts are inadequate. A single chaukidar in the whole campus in the dark hours without any weapon is incapable to resist the unauthorized entry in the night and prevent theft of government property from the campus and sometimes the lock breaking. It has been suggested that at least one Chaukidar for each building complex be sanctioned.

What measures do you propose in above behalf ?

ITEM NO. 7 –

SECURITY ARRANGEMENT FOR JUDICIAL OFFICERS

The different sections of people with which a Presiding Officer of a court of law in the district has to deal have become aggressive in their behaviour and un-reasonable it their approach. The lawyers resort to frequent strikes boycotts and demonstrations against the Presiding Officers. The staff is also somewhat indiscipline. An unfavourable order in the case represented by an unruly advocate leads to misbehaviour on his part and creation of ugly scene in the court. Personal risk to the Presiding Officer is created frequently in maintaining the dignity of the court and in controlling the unruly elements. It is considered necessary that there should be posting of sufficient police force in the court campus and the District Judge should have control over the same.

What measures have already been taken ?

ITEM NO. 8 –

PROVISIONS OR IDENTITY CARDS TO CIVIL COURT STAFF AND WEARING BADGES BY REGISTERED CLERKS OF ADVOCATES.

For better identification and for enforcing better behaviour from the civil courts staff it is suggested that each of them should have an identity card and the registered clerks of the advocates should wear badges. The provision of issue identity card is already in force and its making compulsory may be considered. The wearing of badges by the registered clerks of the advocates may facilitate their identification.

What are your views in this regard ?

ITEM NO. 9 –

CIVIL WORK SHOULD CONTINUE TO BE DONE DURING THE MONTH OF JUNE

Civil work should continue to be done even during summer and winter holidays, as the case may be. There is heavy back-log of cases in subordinate courts. There is demand of swift and timely decision. It is high time that Bench and Bar concede for lessening the number of holidays taking it as a challenge to the Judiciary in an all-out effort to avoid delay. We should

agree to minimize the holidays to about 85 days per year including the Sunday. There should be only one vacation of about 3 weeks in a year and this could be as per the choice of the Hon'ble Courts so that the same could be availed as per the importance of the festivals in the State. For unforeseen events like death or otherwise of highest judicial personalities of the State, condolence should be permitted only at 3.30 P.M. so that the day's work is not affected.

What are your suggestions in this regard ?

ADMINISTRATIVE SIDE-II

1. APPOINMENT OF ACCOUNTS OFFICER TO KEEP WATCH ON ACCOUNT MATTERS

The account work in almost all the Judgeships has increased tremendously owing to much greater number of class III and IV employees. To keep the account work up to date and correct and for its periodical checking, it is essential that an accounts officer be posted in each Judgeship.

What do you propose in this behalf ?

2. SUPPLY OF PRINTED FORMS/STATIONARY IN THE JUDGESHIP

Sellable as well as non-sellable prescribed forms of warrant's, notices, decrees, formal orders, registers etc. are not in requisite supply to the districts. This creates problems in the working and hampers efficiency. It has been suggested that the Government and the printing press should be made to realise the problem or arrangement of local printing be made.

What are your suggestions?

3. RESIDENTIAL AND NON-RESIDENTIAL BUILDING:

Constriction of Civil Court building is new a plan subject. Matching Grant in the proportion 2:2 is given by the Government of India. Thrust throughout is made to compete the new building as for as possible within the time frames as is to avoid any escalation in the prices. It can be possible only when the attention is given by the District Judge and the officer in charge of the building so appointed by the District Judge. Care is required to be taken at every stage i.e. from the time of acquiring of land and getting the building completed within the stipulated period. Maintenance grant for the repairs of building is also required to be utilized properly. But some time it is felt that construction agencies are not taking proper interest because of their pre-occupation in-other work, with the result progress in the building is adversely affected.

What are your suggestions in this regard ?

4. INSPECTION OF VARIOUS COURTS AND OFFICES:

Hon'ble Court has time and again observed that inspections made by the District Judge and the Presiding Officers are not searching. It is stereo type. The District Judges have to look into as to what are the reasons, which persuaded the presiding officer not to make disposal of old cases. What steps have been taken by him in ensuring the speedy disposal of those old cases. Further, why the officer has given preference to new cases.

What measures in this regard do you suggest ?

5. GRANT OF EARNED LEAVE AND ENCASHMENT OF LEAVE, MEDICAL LEAVE, G.P.F., WITHDRAWALS, G.P.F. ADVANCES, HOUSE BUILDING ADVANCES AND CAR/SCOOTER ADVANCES TO THE JUDICIAL OFFICERS BY THE DISTRICT JUDGES:

It has been mentioned that it takes a very long time in receiving sanctions in the aforesaid matters from the Hon'ble High Court. It has been suggested that if the authority for such sanction is given to the District Judge, there is no likelihood of its mis-use and it would facilitate the working.

What are your suggestions to this matter?

6. PENSION AND PAYMENT OF GRATUITY AND PROVIDENT FUND

Various references are received that matters concerning pensionary benefits are not timely attended, at the district level, with the result much inconvenience is caused to the officers/officials. Necessary papers in this regard should be processed well in time and sent to appropriate authority as per instructions so that the retiremental benefits are made available to the official/officer concerned.

What are your suggestions in this regard ?

7. INCOME FROM COURT COMPOUND

It has been mentioned that in almost all the Judgeships annual income from the court compound reaches more than 1 lack rupees. Despite that due to paucity of funds, improvement in the court compound is not possible. It is suggested that the District Judges be given discretion to utilize the aforesaid income for improvement in the court compound without prior approval of the Hon'ble Court.

What are your suggestions in this behalf ?

8. TRAINING PROGRAMME FOR CLASS III EMPLOYEES

The work in the courts has increased tremendously. There is variety of work in different sections. Untrained employees are not able to cope with the work. This results in disturbances in the working the courts. It has been suggested that a regular scheme of training of class III employees be chalked out.

What do you propose in this behalf.?

9. ORDERS AS TO CLOSURE OF COURTS AND OFFICES ON SAD DEMISE OF AN EMPLOYEE OF CIVIL COURTS

It has been mentioned that a difficult situation arises when a member of the staff dies and the other members the staff went to participate in his funeral when the courts are functioning on such occasion. It also generates bitterness on the part of the staff. It has been suggested that on such occasions the District Judge should have authority to permit few members of the staff to attend the last rites even during court hours.

What are your suggestions in this regard ?

10. PURCHASE OF BOOKS

The existing practice is that the books for the judgeship library are purchased without considering the local requirement. The publishers also manipulate old additions with new titles. It is suggested that the District Judge should be able to select the books.

Please give your views.

11. SHORTAGE OF STAFF

It has been mentioned that for various jobs no posts are sanctioned in the Judgeships. There is no independent post for a Librarian, Inspection Clerk etc. and the employees have to be withdrawn for these jobs from other offices. This results in shortage of staff in such other offices. It is also mentioned that due to increase in work additional staff has to be posted in the Nazarat, in the account section and in the courts and the offices. This again causes shortage of staff at the places from where it is withdrawn. It is suggested that norms of staff mentioned in the D.O. Letter No. 5662/7-HC 711/85 dated 2nd November, 1989 of Sri K.L. Sharma (Hon'ble Mr. Justice, retired) who had headed the government committee for fixing the norms of the staff in the civil courts be enforced and additional posts be sanctioned accordingly for smooth functioning in the civil courts.

What are your suggestions in this regard ?

ADMINISTRATIVE SIDE-III

1. COMPUTERISATION

Computerisation of the subordinate courts is suggested with a view to (a) streamline functioning of the lower courts, (b) to make the whole system transparent that information regarding the cases pending in the courts may be available to the end users i.e. the litigants at the nearest possible place of his/her home town. Further, the uses of the computers on the following fields are also suggested:

i) Budget and accounts
ii) Personal information, character roll, service books of the officials maintained in the district courts,
iii) Nazarat working.
iv) Library, stationary and record books (civil and criminal)
v) Copying department.
vi) Various statements prepared by the district courts.
vii) Feeding of date regarding various cases filed and pending in the district courts.
viii) Feeding of F.I.R. receipts, charge sheets and committal cases.
ix) Automatic preparation of day-to-day cause list.
x) Feeding of orders, judgments, and issuance of the certified copies through computer.
xi) Preparation of various statistical statements of various mature of cases filed and pending in each court, disposal by individual officer etc.

What are your suggestions ?

2. With a view to provide residence to all the judicial officers, policy to provide tube wells in the colony have been made but in absence of operator, it is difficult to operate that tube well properly. Identical is the position of Mali, Sweeper and Chaukidar. It is essential for proper

maintenance of building and to provide best services to Judicial Officer. It is suggested that posts of Tube well operator, Mali and Sweeper be sanctioned for such residential buildings.

What are your suggestions ?

3. ESTABLISHMENT OF FAMILY COURTS IN EACH DISTRICT:

It has been mentioned that matrimonial cases in various Districts continue to linger for over five years; it is not in interest of the society and the litigants. It is proposed that family court be established in each district and 3 or 4 family courts in kaval towns.

What are your views in this regard ?

4. TELEPHONE FACILITY TO ALL JUDICIAL OFFICERS

It is mentioned that these days every officer needs a telephone at his residence. It is proposed that every Judicial Officer be provided with a telephone at his residence.

What are your views in this regard ?

5. RENT FREE RESIDENTAL ACCOMMDATION TO THE JUDICIAL OFFICERS

It is mentioned that in pursuance of the judgment of the Hon'ble Court in the case of All India Judicial Service Association, the Punjab and Haryana Governments are providing rent-free residential accommodation to the Judicial Officers and Rajasthan Government has issued an order that the Government will pay to the Judicial Officers for their residential accommodation if they are not provided with government accommodation. It is proposed that in U.P. also the Judicial Officers be provided with rent-free residential accommodation.

What are your views in this regard ?

CIVIL SIDE

1. ALITERNATIVE MODES AND FORUM FOR DISPUTE RESOLUTION (LOK ADALAT)

Our subordinate Courts are over-burdened with pending cases. The situation is that cases sometimes hang on for 14 or 15 years. Thus in the State, out emphasis has to be, to get the disposal of a large number of cases through Lok Adalat and legal aid camp. The cases, which are to be taken in Lok Adalat, may pertain to Civil, revenue and compoundable criminal disputes, matrimonial, M.A.C.T. cases and labour disputes. Further as the State/District level authorities have already been constituted in the State, we would also suggest that preventive legal aid service programme should also be introduced in which (i) to held the legal aid camps and Lok Adalat in rural areas as well as in poor areas of the cities for carrying legal service to the door-steps of the people and bring about their settlements of the disputes (ii) creation of the legal awareness among the people in regard to the rights and benefits conferred upon them by the social welfare laws as well as by social and economic rescue programmes initiated through administrative measures, (iii) mobilization of law teachers and students in the service of the weaker sections of the community by opening legal aid clinics in the Universities and law

Colleges, (iv) promoting public interest litigation with a view to vindicating the rights of the poor and (v) there should be an intensive programme of providing training to paralegals.

What are your Suggestions?

2. CIVIL AND CRIMINAL JUSTICE ARE ON TRIAL

What is important is to have a legal procedure that will help to arrive at the truth and a decision based on that will not offend fair play and justice. This would necessarily mean a great deal of changes in the Indian Evidence Act, Civil Procedure Code, Criminal Procedure Code. These three laws are archaic as all eminent jurists and our lawmakers would concede. If the common man's confidence in the legal system is to be restored, a major surgical operation of all crime preventive laws, whether substantive or procedural, is unavoidable. Besides the right to a speedy trial, trusting the police, concern for the victim of crime are some other important aspects, which deserve the prompt attention of all concern with the administration of justice.

What amendments would you propose so as to ensure proper functioning of the judicial process in a short period?

3. RESOLVING SHOULD BE MADE BEFORE THE COMMENCEMENT OF TRIAL

Resolving the dispute by reconciliating the party by making maximum use of the provision of order 32-A Rule 3(1) and 4 of Code of Civil Procedure should be encouraged as far as possible.

What do you propose in this behalf ?

4. EVIDENCE WHICH IS PERMISSIBLE TO BE TAKEN ON AFFIDAVIT SHOULD BE ENCOURAGED

Provision of order 19 of C.P.C. should be more really made so that examination of witnesses in the court be avoided to save the time of the court,

What are your suggestions ?

5. WRITTEN ARGUMENT

Written statement should also be taken which may save the Court's time but has not been adopted by the presiding officers in general. What handicaps they are noticing in not insisting upon the written argument.

What measures are required to be taken in this direction ?

6. ADJOURNMENT

It has been mentioned that prescribed procedure does not permit adjournment on the ground of non- preparation of case by the lawyers or engagement elsewhere. But in practice, it is difficult to refuse such adjournments. It is suggested that Judicial Officers should make efforts that Court proceedings are not protracted. Further, such procedure should be adopted by the presiding officer, which is consistent with reality, and there should be limited adjournments so that presiding officer may save embarrassment of refusal.

What are your views/suggestions in this matter?

7. EXPEDITIOUS DISPOSAL OF EXECUTION CASES

Execution applications must be disposed of within six months.

Suggestions if any.

8. TRIAL IF COMMENCES SHOULD BE CONCLUDED IN SHORTEST

Keeping the cases part heard for unduly long period and inordinate delay in pronouncing the judgments are matters of criticism. Demeanour of the witnesses and the correct appreciation of statement given by the witness can be made if the case are taken in continuity and concluded at the earliest possible time.

9. MAKING OF COPIES OF ORDERS AND THE JUDGEMENTS EXPEDITIOUSLY

Copying Departments are said to be over burdened because of inadequate staff. It is suggested that to avoid inordinate delay in furnishing certified copies of the judgments/orders etc. a copy should be taken out by the PA/Stenographer to be presented in the copying Department for the purpose of giving certified copy whenever necessary.

What are your suggestions?

10. APPLICATION OF COUPANS INSTEAD OF CASH PAYMENT COPIES OF DEPOSITION

It has been mentioned that cash payment in court may create misunderstanding in the minds of litigants and may also afford opportunity to unscrupulous readers. It is suggested that the coupons for the copies be issued against cash by the Nazarat.

What are your views/suggestions in the matter ?

11. SERVICE OF SUMMONS THROUGH REGISTERED POST

It has been mentioned that these days substituted service by the process servers has become of doubtful nature. It is suggested that the provision be made for service of summons through registered post acknowledgement due and in case the registered article is returned unserved, service by publication in newspaper by resorted to in order to save time and harassment of litigants.

What are your views/suggestions in the matter?

12. REVISION OF VARIOUS FEES

It has been mentioned that process fee, adjournment fee, proclamation fee etc. were prescribed long ago and they have become insufficient at present. It is suggested that fees in general be revised.

What are your views/suggestions in the matter?

13. NOTICE OF APPEAL, REVIEW OR REVISION

It has been mentioned that when notice of appeal or review or revision is given to the advocates who represented the opposite party in the trial court, the advocate declines and pleads

that he has no instructions. It is suggested that the provisions be made to make the notice binding on such advocate.

What are you view /suggestions in the matter?

CRIMINAL SIDE

1. SERVICE OF SUMMONS IN THE CRIMINAL CASES:

Most of the Criminal Courts are facing this difficulty. Because of this difficulty, the Criminal Courts are not able to function property. The problem of service of summons is twofold. Firstly, the service of summons is affected upon the accused persons. When the accused do not appear, then search for his surety starts. Secondly, service of summons upon the witnesses.

Presently the service of summons is done by the police personnel. The police personnel do not undertake the duties, as the law requires. Processes issued by the Courts are not returned by the police and dates after dates are given by the courts for the service of summons. This problem is further aggravated by the fact then the difference arises in between the court officials and the police personnel's about the issue of the summons. At number of times, the police personnel's complain that the summonses were not given to them and the official says that the summonses were given to him. The police due to other multi-duties is not able to comply with the directions of the Courts. It is a matter of common experience that the pairokars who come to attend the courts issue roo-ba-kar to the witnesses and they file a copy of roo-ba-kar on the date of hearing. In fact, the service of summons is further dependent upon the issue of the summons. The court officials who are duty bound to issue the summons, are not issuing the summons. It is also mentioned that the summons to the police personnels are left with the Head Moharrir. Further action thereon is never taken. Neither the police personnels nor the witnesses are in attendance at the time when the case is called out. Thus, the problem of service of summons upon the accused and the witnesses is one of the problems, which is affecting the administration of criminal justice.

What are your suggestions for ensuring service of summons?

2. ATTENDANCE OF THE FORMAL WITNESSES DURING TRIAL

Due to delay in trials, the former witnesses such as Investigating Officers and doctors are transferred from the place of their posting and they do not come to depose in cases in which their evidence is required. Absence of these witnesses results in delay in disposal of the cases.

Suggest ways in the light of the latest pronouncements.

3. INVESTIGATION OF THE OFFENCES BY THE POLICE

As it is known to all the administration of criminal justice is the responsibility of the State. Trial begins either on submission of charge sheet or on a complaint. In police challani cases investigation is done by the police officers. The fate of the case depends upon the quality of investigation done by the police personnels. In fact, in most of the cases, the fate of the case is decided by the Investigating officer and trial remains a formality. There is no authority to restrain the police personnels from performing the duties assigned to them unlawfully. Investigating

officers repeatedly commit such glaring errors, which resulted in the acquittal of the cases, and the said errors were caused by them deliberately. In cases, which are false, and are of no evidence, charge sheets are submitted. Whereas the cases in which material evidence is available final reports are submitted in, a manner that the culprit may be benefitted, even if the court takes cognizance of the case. The responsibility of acquittals is shared by the courts and the real architect remains behind the scene.

Propose measures to cheek it.

4. CUSTODY AND DISPOSAL OF CASE PROPERTIES

From time immemorial, the police department is keeping the case properties with them. This gives them the double benefit. Firstly, in cases where they do not want to produce case property they do not produce it. After the culmination of trial the disposal of the case property is not done. It is also at times observed by the court that case property is planted in some other cases. Though it is impressed upon the arresting officers that case property be brought along with the accused at the time of obtaining remands but it is not done.

Some steps be proposed to check this problem so that the correlated problem of false implication may be checked.

Suggestions ?

5. REPORTS OF CHEMICAL ANALYSTS, BALLISTIC EXPERTS AND OTHER EXPERTS

Criminal trials at times are delayed due to non-submission of reports of chemical analysts, ballistic experts and other experts. The Investigating Officers are responsible for sending the properties for examination by the experts. At times, it is sent by sufficient delay. Even if the properties are sent at early dates, the reports are not received because of the heavy pendency with the laboratories. The trials are delayed. One of the important aspects of this problem is, cases relating to food adulteration and the cases relating to N.D.P.S. Act in which the accused seldom gets bail. In food adulteration cases, courts do not see that the property which being sent to the analysts for analysis is at times deficient and is sent in a manner that it may not reach to the analysts in proper form. The seals are not seen. The bottles are not properly packed and they are broken in the transit and the contents leak out. The result of this that the accused is benefitted and he is not legally dealt with.

What are your suggestions in the regard ?

6. SUPPLY OF COPIES OF STATEMENT AND WITNESSES, DOCUMENTS RELIEF BY THE PROSECUTORS

In most of the districts the trials of the accused is delayed because of the non-supply of the copies to the accused within a reasonable time. The copyists posted in the districts either are not working sincerely or not able to deal with the heavy pendency. Formerly, the burden of providing the copies to the accused was with the police department. The copies were provided invariably by the police department within a month. It was solely due to the fact that quota of providing words by a copyist was not prevalent in the police department. Whenever pendency in Copying department increased, some additional hands were brought in to deal with the situation and things were made normal. Since the judicial department has taken over the burden of Copying Department, it has not only become unmanageable but also problematic.

What measures do you suggest in this regard ?

7. PROBLEM OF FILING FAKE SURETIES AND FALSE STATUS VERIFICATION BY THE LAWYERS

In the present, criminal courts are faced with typical problems. One such problem, which can be identified, is filing of the fake sureties by the accused, released on bail. The problem further becomes grave when the Advocates insist that since they are certifying the status and addresses of the accused and sureties, and so it should be accepted. When the courts refuse to acknowledge, it results in boycott, strikes and other administrative problems Advocates' Act prohibits an Advocates from giving such certificates in contravention of the provision of the Advocates' Act. Few Presiding Officers in order to gain popularity accept the surety bonds on the plea that when the trial will come for hearing they will not be the Presiding Officers of the Courts.

Suggest measures to check this problem.

8. CHECK OF THE SUBMISSION OF FORGED AND FABRICATED ORDERS OF THE HIGH COURT IN THE SUBORDINATE COURTS

Recently the submission of forged and fabricated orders not passed by the High Court and Supreme Court has flooded the subordinate courts. The persons who are not able to get relief from the courts because of the tough legal position obtained in relief from the subordinate courts by filing the copy of the fake orders, which have not been issued by the Courts.

Suggest measures to stop the filing of such orders.

9. PROBLEM OF BAIL BONDS

In the criminal courts, bail is granted to the accused before the charge sheet is filed. After the submission of the charge sheet, the bail bonds are not made part of the record. When accused jumps the bail and search for the bail bond is made usually report is submitted that bail bonds are not available.

Suggest ways to check this problem.

10. REVIW OF THE SYSTEM OF DEPOSIT OF FINE BY CRIMINAL COURTS

Formerly each criminal court used to deposit the fine imposed by it in the treasury a passbook was maintained in every criminal courts. The advantage of this system was that fine was sent to the exchequer soon. After its realization and the Presiding Officer knew that, the fine has been deposited. After the change in the system, a new system was evolved and the criminal courts were asked to send the fine realized to the Nazarat. From Nazarat the fine was sent to the Bank for deposit. The court feels the difficulty in knowing the actual number of voucher by which fine is deposited. At times, the actual numbers etc. are not given by the Nazarat.

Can the proposal of reverting back to the old system be considered?

Amended circular letter issued in the Administrative Conference held in December, 1997

C.L. No. 56 Dated: 5th November, 1998

Circular letters were issued by the High Court to execute the decision taken in the Administrative Conference of the District Judges held in December, 1997.

It has come to the notice of the Court that Judicial Officers are giving mandatory import to those instructions incorporated in the said circular letters.

The circular letters are issued for guidance of the Presiding Officers of the courts and are not intended to curtail the judicial discretion vested in the Court.

The modified circular letters are also being enclosed for information and compliance by all the Presiding Officers.

I am, therefore, directed to communicate you the directions of the High Court for compliance.

33. OPTIONS FOR THE PROPOSED STATE OF UTTARANCHAL STATE

C.L. No. 43/DR(S)/2000, Dated: 2nd September, 2000

I am directed to draw your attention towards the part VIII of U.P. Re-organization Act, 2000 and to request you kindly to obtain option on the proforma annexed herewith from Judicial Officers posted in the districts for serving in the proposed State of Uttaranchal.

The options received from the officers may please be sent so as to reach Court latest by 30.09.2000.

PROFORMA FOR OPTIONS IN THE CADRE OF PROPOSED UTTARANCHAL STATE

1. NAME OF JUDGSHIP/ DEPUTATION TO THE POST ----------
2. NAME OF THE OFFICER ----------
3. POST HELD AT PRESENT ----------
4. HOME TOWN OF THE OFFICER ----------
5. DATE OF BIRTH ----------
6. BIRTH PLACE ----------
7. DATE OF JOINING:
   (a) U.P. Nyayik Seva ----------
   (b) U.P. Higher Judicial Services ----------
   (Whether by Promotion or by direct Recruitment)
8. WILLINGNESS FOR ABSORPION IN ANANOGOUS CASRE IN UTTARANCHAL STATE YES/N0 ----------
9. WILLINGNESS TO WORK ON DEPUTATION IN UTTARANCHAL STATE YES/NO ----------

DATED: SEPTEMBER 2000. ----------

SIGNATURE OF THE OFFICER

34. DISOPOSAL OF CASES BY THE FAST TRACK COURTS

C.L. No. 28/F.T.C (Cell) Dated: 15th September, 2004

In continuation of Court's Endorsement No. 114/D.R. (S)/2001 dated 15.05.2001, C.L. No. 24/J.R. (I) dated 25.07.2001, C.L. No. 27/J.R. (I) dated 03.08.2002, C.L. No. 41/2003 dated 29.10.2003 and Letter No. 66/D.R. (S) dated 01.03.2004 on the above subject, I am directed to say that on consideration, the Court has been pleased to resolve that such Officer of the Fast Track Court on being short of work should inform the District Judge. In that case the District Judge concerned is authorized to allot them such other, work as he deems fit. The standard of disposal regarding cases transferred to such Fast Track Court would be the same as is applicable to the officers of the regular Court.

I am therefore, to request you that the above decision of Hon'ble Court be complied with and be informed to concerned officers accordingly.

35. STRICT COMPLIANCE OF THE DIRECTIONS PASSED BY THE COURT IN CRIMINAL CONTEMPT NO. 33 OF 1999 – STATE OF U.P. vs. SRI SHASHI KUMAR TYAGI

C.L. No. 42/2004 Dated: 14th October, 2004

In Criminal Contempt No. 33 of 1999- State of U.P. Vs. Sri Shashi Kumar Tyagi, the Hon'ble Court (Hon'ble M. Katju, A.C.J. and Hon'ble S. Ambwani, Judge) has taken a serious view of the matter and expressed its concern wherein the Advocate Sri Shashi Kumar Tyagi has been found guilty of gross contempt on account of behaving in a most improper manner in the court of III Addl. Civil Judge, (J.D), Ghaziabad, which was also most unbecoming of an Advocate and resultantly the Court has awarded punishment prohibiting him to enter the court compound of District Court, Ghaziabad for one year.

I am, therefore, directed by the Court to send herewith a copy of the order dated 11.10.2004 passed by the Court in Criminal Contempt No. 33 of 1999- State of U.P. vs. Sri Shashi Kumar Tyagi for your information and strict compliance.

(See for judgment – 2004 (50) ACC 815)

C.L. No. 37/2006; Dated 10th August, 2006

The State Government of Uttar Pradesh vide letter No. 122/VI-Ma-2/2005, dated 01.08.2005 have intimated that reply in response to the notice(s) issued by the State Human Rights Commission is not sent within the time prescribed by the head of the departments concerned causing great concern to the Commission. The Government have further intimated that the Human Rights Commission is of the opinion that before passing interim aid related orders, the reply of the notices issued to the Government are not provided in time, therefore, the Commission is constrained to pass exparte orders without taking cognizance of the State Government. Sometimes, it has been found that replies of the notices issued by the Commission are not sent by the head of the departments concerned but by their subordinates, which is not proper.

Therefore, while enclosing herewith a copy each of the Government letter no. Adhi-2804/VII-Nyaya-1-2005-215/2002, dated August 31, 2005 and letter No. 122/VI-Ma-2/2005, dated 01.08.2005, I am directed to say that contents of the letter be gone through unerringly and necessary action in compliance be ensured.

35-A. (I) The Code of Criminal Procedure (Amendment) Act, 2008 (5 of 2009).

(II) The notification giving enforcement to the provisions of the Code of Criminal Procedure (Amendment) Act, 2008 except sections 5, 6 and 21(b).

(III) the notification for giving enforcement to the provisions of Sections 5, 6 and 21(b) of the Code of Criminal Procedure (Amendment) Act, 2008.

(IV) The Code of Criminal Procedure (Amendment) Act, 2010 (41 of 2010)

(V) The notification for giving enforcement to the provisions of the Code of Criminal Procedure (Amendment) Act, 2010.

No.1949/Admin. G-II dated 01.02.2011

I am directed to send herewith copy of letter No. 2/1/2010-Judl. Cell of Sri J.L. Chugh, Joint Secretary (Judl.), Ministry of Home Affairs, Government of India and copies of above noted Gazette notifications for information and necessary action.