

CHAPTER - VII

COPIES

1. APPLICATION FOR COPY

(i) To head copyist

C.L. No.64/IVh-36 dated 24th March, 1977

An application for obtaining copy should be directly filed before the Head Copyist who will maintain a Siyaha Register in respect thereof. The Head Copyist shall perform all such functions which were hereinbefore being performed by the Sadar Munsarim.

C.L.No. 62/VIII-h- 18-50 dated 4th October, 1950

An application for copy should not be returned to the party concerned on the ground that a decree or formal order has not been drawn up by the office.

(ii) From prisoners to be treated as urgent

C.L.No.94/VII-b-35 dated 17th September 1953

All applications under section 363 of the Code of Criminal Procedure for copies of judgments from prisoners confined to jail should be treated as urgent applications and should be issued without any delay.

(iii) Estimates for copy of books, maps etc.

C.L.No. 28/VIII-b-236 dated 16th April, 1963

Sanctioned estimate for preparation of copy of book, a paper not in the language of court, map or plan, etc. should be entered in a separate sheet in Form no. 28, the sanctioned estimate should then be entered by the Munsarim in a register in Form no. 29 and thereafter the separate sheet of Form no. 28 be attached to the paper of which copy is applied for, so that the same amount may be realized in case a copy of the said document is subsequently applied for.

G.L.No.221/44-5 dated 19th January, 1915 read with

G.L. No. 3053 dated 27th July, 1915

In every case where application is made for a copy of a map whether forming part of a decree or otherwise under chapter X, rule 258 of the General Rules (Civil), 1957, the applicant must supply the tracing paper required.

(iv) Received on transfer

C.L.No. 47/VIII-b-84 dated 15th May, 1959

Copying fee in magisterial courts is now realized in court-fee labels with the result that in cases in which the record happens to be in the Sessions Court in appeal the applications for copies with the court-fee labels attached thereto are transferred to the Sessions Courts. In relaxation of the provisions of rule 149, General Rules (Criminal), 1957,* the Court has decided that in all such cases court-fee labels in place of stamp folios may be accepted by all Sessions Courts.

* Now 1977, vide Notification no. 504/V-b-13 dated 5th November, 1983

(v) Pressure of work

C.L.No. 61/VIIIb-82 dated 20th May, 1980

In such judgeships where the number of courts is quite large and the work load on the Head Copyist in the Copying Section is heavy, the District Judges may depute one or two copyists to assist the Head Copyist in the performance of his functions, so that the copy-applications are promptly disposed off.

C.L.No. 64/IVh-36 dated 24th March, 1977

As and when pressure of work demands, one or more copyists should be posted in the Record Room to make copies of the documents in decided cases consigned in the Record Room. This will avoid records being summoned and going out of the Record Room either as a whole or in parts after breaking Natthis. This will eliminate chances of loss of papers.

A Siyaha Register shall henceforth be maintained for all criminal courts.

(vi) Special copyist

C.L.No. 57/VIII-b-86 dated 5th May, 1970

Services of special copyists should be requisitioned for preparation of copies of papers/documents enumerated in rule 258 of General Rules (Civil) or for preparation of a copy of a decree which, owing to its length and complexity cannot reasonably be prepared by the regular copying staff for the charges fixed under rule 256 of the said rules. In case no special copyist is available the document may be sent to another district or State with a request for having the copy made. If there is any person on the regular copying staff the copies may be got prepared by him without any extra remuneration. The practice of having such copies prepared by regular copying staff and payment of extra remuneration therefore is irregular.

(vii) Supply of records

G.L.No. 3/Ve-81 dated 27th February, 1952

Records should normally be supplied to the copying office on the same day on which they are asked for and in no case later than the next day. Any further delay in supplying the record to that office should immediately be brought to the notice of the Munsarim and, if necessary, the officer-in-charge.

2. INSTRUCTIONS REGARDING PREPARATION OF COPIES

C.L.No. 59/Ve-65, dated 22nd September, 1950

The issue by the subordinate courts of incorrect or undecipherable copies, copies prepared faintly, or copies prepared on brittle or worn out paper, can be ascribable only to lack of appreciation of the object for which these copies are filed in court and lack of interest on the part of the officers concerned. It seems that the instructions of the Court issued from time to time are not carefully followed but merely shelved. Copies issued by the subordinate courts and certified as "true" have sanctity of their own and if they abound in mistakes it defeats the very object of a certified copy. It is unnecessary to emphasize that when originals are destroyed or weeded out; their certified copies serve the purpose of the originals, and if they are not correctly prepared the results that incorrect copies would produce can very well be imagined. Mistakes detected in copies are of multifarious types; sometimes dates are incorrect; at other times mistakes occur in numbers, words or expressions, or tabular statements. Sometimes abbreviations are used. In one

case it was discovered that a pedigree was not correctly copied out in a certified copy in which a person was shown as the son of his grandfather.

Incorrect and undecipherable copies have to be sent back to the court concerned for correction. This entails unnecessary correspondence and impedes the progress of cases in which they have been filed in the High Court. A little vigilance and effort on the part of District Judges and on the part of the officer-in-charge of the Copying Department is sure to lead to better and desirable results.

District Judges should take more interest in the matter and issue necessary instructions to the officer-in-charge of the Copying Department and the head copyist to ensure that incorrect and undecipherable copies, faint copies and copies prepared on worn out and used paper are no longer allowed to issue from their office. One way of detecting mistakes and carelessness on the part of copyists is for the officer-in-charge of the Copying Department to send for some copies prepared by the department at random and to punish the copyists who prepared them and examined them if they contain any mistakes or have been illegibly and faintly prepared. If, after due and sufficient warning, the examiner or the copyist does not improve he should be reduced or even removed from service on the ground of inefficiency.

Whenever a copy is sent back for correction, not only should the mistakes be rectified, but the explanation of the copyist or the examiner called for and suitable departmental action taken against him. In all such cases, a report on the action taken by the District Judge and the punishment awarded to the persons at fault should invariably accompany the letter returning the copy after correction. The Court trusts that District Judges and officers-in-charge of Copying Department would take personal interest in eradicating this evil which is apparently on the increase and that it will no longer be necessary in further to issue any instructions in this behalf.

C.L.No. 56 dated 24th September, 1963

In spite of detailed and repeated instructions incorrect and undecipherable copies are being issued. This can be ascribed only to lack of appreciation of the object for which these copies are filed and lack of interest on the part of the officers concerned. The instructions issued must be carefully and strictly followed. There should be regular checking by the officer-in-charge, who should maintain a record of such checking so that action may be taken against habitual defaulters.

C.L.No. 58/VIIIb-58-Admn.'G' dated 22nd September, 1982

Hence forth Photostat certified copies of the illegible hand written orders should not be issued by the subordinate courts.

C.L.No. 80/Ve-65 dated 2nd November, 1985

Incorrect and illegible copies of the lower court judgments cause much difficulty in deciding cases and also cause delay in the disposal.

District Judges should take personal interest in the matter and issue necessary instructions to the Officer-in-charge of the Copying Department and to the Head Copyist in this behalf so that such tendency be curbed. The instructions already issued in the matter should strictly be observed in future.

District Judges are directed to see, that no illegible copies of the lower court judgments are issued from the Copying Department in future. The Court will take serious view of the matter

if illegible and undecipherable copies of the lower court judgments are again issued from the Copying Departments of the subordinate courts.

C.L.No. 41/Ve-65 dated 6th May, 1957 and

C.L.No.21/Ve-65 dated 31st January, 1975

It is the duty of the District Judge and the officer-in-charge of the Copying Department to ensure that legible and accurate copies are issued. When they inspect the Copying Department they must examine some of the copies that are ready and take severe action if they have been prepared in contravention of the instructions issued by the Court.

C.L.No. 5/Ve-65 dated 19th January, 1970

Officers incharge of the Copying Departments should see to the strict compliance of the Court's instructions contained in the General and Circular Letters noted below and every week should pick up some ready copies at random, examine them and report invariably to the District Judge the result of such examination:

1. C.L.No. 59 dated 22-9-1950
2. C.L.No. 95 dated 27-9-1951
3. C.L.No. 84 dated 06-8-1952
4. C.L.No. 62 dated 1-11-1955
5. C.L.No. 41/Ve-55, dated 6-5-1957
6. C.L.No. 109 dated 06-12-1951
7. C.L.No. 59 dated 15-10-1960
8. C.L.No. 56 dated 24-9-1963

G.L. .No. 29/86-9 dated 14th November, 1944

Whenever possible both sides of folios should be used in preparing copies of documents in civil courts.

C.L.No. 105/VIII-b-85 dated 8th October, 1969

As recommended in paragraph 39 of the Report on the Re-organization and Rationalization of the Civil Courts copy folio supplied with application for copies should invariably be fully utilized for preparing copies.

C.L.No. 23/Ve.65/Admn. (D) dated 7th April, 1981

Certified copies issued by the subordinate court are sometimes prepared on rice paper on both the sides and that too with a carbon paper which has outlived its utility, with the result that such copies are not decipherable.

The District Judges are requested to see that the certified copies issued in future are free from the above defects and are neat, clean and decipherable.

C.L.No. 53/Budget dated 25th August, 1983

The District Judges should ensure that copies prepared in good handwriting are issued and that the copies are prepared on durable paper and not on unused forms, so as to avoid recurrence of inconvenience caused to the Hon'ble Court due to bad handwriting.

C.L.No. 39/Ve-65/Admn. (G) dated 26th August, 1988

Often the copies supplied by the subordinate courts do not contain either the signature of the Head Copyist or the seal. Sometimes copies are being issued by the courts directly and not through the Copying Department. Such practice not being in accordance with the mandatory provisions of rules 254,255 and 259 of General Rules (Civil) should be put to an end. Henceforth, the Copying Department should be directed to be more careful in this respect and no copy should be issued unless it is properly signed and sealed.

C.L.No. 67/Ve-65-Admn. (G) dated 22nd September, 1989

A strange practice seems to be developing in the subordinate courts of issuing true copies of the order passed by the court by the Munsarim or clerk of the same court which passes the order with the seal of the Munsarim and in some cases also the metal seal of the court. Whereas according to rule 253 and 254 of the General Rules (Civil), 1957, Volume I, no one except the Head Copyist of the Copying Department of the district is competent to issue a copy of any order passed by the Court, even otherwise copies of the judicial record cannot be issued except by the Copying Department.

Henceforth no copy shall be issued except under the authority of the Head Copyist of the judgship under Copying Department and in case of any laches in this behalf the person liable shall be dealt with severely.

G.L.No.29/A dated 1st August, 1929

Copyists shall put down the number of words on each copy they prepare.

G.L.No. 43 dated 10th August, 1934

The correct procedure for counting words in a copy is to count three or four lines taken at random from a page in a prepared copy and then to strike an average per line. Lines on the whole copy are then counted and multiplied by the average number of words per line to represent the total number of words in a copy. The copyist who prepares the copy is responsible for counting correctly and the Head Copyist should verify some entries by checking a few copies at random.

G.L.No.6/A- 17(1) dated 1st November, 1935 as amended by

G.L.No.7/A-2 (1) dated 27th January 1936

The register of karguzari referred to in rule 268, Chapter X, General Rules (Civil), 1957, should be submitted to the officer-in-charge of the Copying Department, or to the presiding officer of the court by the head Copyist fortnightly or monthly as the District Judge may direct.

(i) Supply of copy through Electro Photostat copier

C.L.No. 24/VIIb-104/Admn. (G) dated March 1, 1990

I am directed to say that under the Modernization Scheme, one Electro Photostat copier has been supplied to the Judgeships for the smooth functioning of the administration work in the judgship and other allied matters in the field and with a view to meet the expenses to be incurred on the maintenance and running cost of the said Electro Photostat copier the Court has been pleased to issue the following directions in this behalf:

1. An applicant desirous to obtain a copy on urgent application under Rule 255 of the General Rules (Civil) on supplying the usual charges of urgent copying fees,

if he opts for a copy through the Electro Photostat copier, it shall be given to him on additional payment of rupee one per page.

2. The Applicant if desires to obtain a Photostat copy as above, he shall with the application for copy enclose an application separately without stamps requesting for urgent copy through Electro Photostat copier.
3. The Head Copyist on receipt of such an application shall summon the record and count the number of pages and direct the applicant desirous to obtain a Photostat copy to deposit a sum equivalent to number of pages calculated at the said rate and made an endorsement to this effect on the application and shall return the same to the applicant for deposit of money in the manner prescribed below.
4. The applicant shall deposit the amount with the cashier who will maintain a Receipt Book in triplicate of which two folio will be supplied to the applicant, who in turn shall retain one foil with him and paste the other on the book of that plain application which will be returned to the Head Copyist and it shall form Part 1 of the original copying application.
5. The Head Copyist shall maintain a Register in the following form so that a proper account of the money received under this Head "Income from photo copier Machine" is maintained.

Register of Copies issued from the Photostat Copier

Sl. No	Number of Application And date	Details of Record	Number of Pages required	Amount Deposited @ Re.1/- per page with receipt number and date	Signature of Cashier with date regarding receipt	Remarks
1	2	3	4	5	6	7

6. The Cashier shall also maintain a Register in the following form to give an idea of the income and expenditure under this Head:

Register of income and expenditure relating to the Electrostat Copier

Date	Opening Balance	Income during the day, if any	Expenditure incurred if any	Closing balance	Remarks
1	2	3	4	5	

7. The Cashier shall deposit the amount received every day in the Bank under the account "Income from the Electro Photo Stat Copier" on the next opening day. The pass book with the Cashier and the Registers maintained by the Head copyist, the Register must be placed before the District Judge or the Officer-in-Charge to be nominated by him for the purpose once preferably on Monday and the District Judge or the Officer-in-Charge after checking the same shall put his signatures in the remarks column of the Register.
8. The amount is to be deposited in the account opened by the District Judge specifically for this purpose in the above "Head".
9. The District Judge shall submit a quarterly statement of the income and expenditure under this "Head" to the High Court regularly.

I am, therefore, to request you kindly to take steps as directed and bring the contents of this circular letter to all concerned.

C.L. No. 50/VIIb-104/Admn. (G) dated 21st September, 1992

I am directed to invite your attention to Court's circular letter No. 24/VIIb-104/Admn. (G), dated March 1, 1990, on the above subject, and to say that on the basis of recommendations made in the Administrative Conference, 1991 as to charging of rupee one per page from the applicants who apply for Urgent copy of orders/judgment and opt a copy through photo copier machine, and on the basis of other suggestions received, the Court has re-considered the matter and has decided that the District Judges are authorized to fix charges for supply of copy of orders/judgments through Electro photo copier machine at per with the market rates.

I am to add that para 1 of the Court's Circular Letter No.24/VIIb-104/Admn. (G) dated March 1, 1990 be deemed to have been modified to the extent stated above.

I am, therefore, to request you kindly to take steps as directed and bring the contents of this Circular letter to all concerned.

C.L.No.1/Admin. (B-I) dated 19th September, 2001

In continuation of the Court's Circular Letter No. 24/VIIb-104/Admin.(G) dated March 1, 1990, on the above subject, I am directed to say that in case, there is sufficient amount of saving out of the amount so received for supply of copies through Electro-Photostat copier, the said saving amount may with the prior permission of this Hon'ble Court, be utilized in purchasing of the new Photostat machine.

(ii) Application of Rules 224, 225 of General Rules (Civil), 1957 and Rule 141 of General Rules (Criminal), 1977

C.L. No. 60/VIII-1/Admn.(G) dated November 30, 1992

I am directed to say that it has been brought to the notice of the Court that rules 224 and 225 of General Rules (Civil), 1957 and Rule 141 of General Rules (Criminal), 1977 are not being complied with by the subordinate courts in true letter and spirit of the rules. With the result, the information's are being supplied in such matters, which are not registered particulars of suits and other proceedings. The aforesaid rules are being wrongly utilized for avoiding the expenditure in obtaining certified copies etc. which is not in intention of the aforesaid rules. The abuse of rule should be checked.

I am to add that the application through which information is sought under Rule 224 of General Rules (Civil), 1957 and Rule 141 of General Rules (Criminal), 1977 is also returned to the applicant, in spite of the provision that after disposal the application for search it shall be posted in file-book in serial order and each file book shall be consigned to the record room at the end of each of the calendar year.

I am, therefore, to request you kindly to ensure that the aforementioned rules of General Rules (Civil) and General Rules (Criminal) be complied with strictly in its true letter and spirit by all concerned.

(iii) Preparation and issue of copies of judgments by the Subordinate Courts

C.L. No. 6/Ve-65/Admn.(G) dated January 31, 1991

I am directed to invite your attention to the Circular letter noted on the margin issued by the Court from time to time and printed at pages 221 to 227 of the Book of Circular Orders of High Court 1990 Edn., published by the Institute of Judicial Training & Research, Lucknow, on the above subject, and to say that in spite of detailed and repeated instructions incorrect and undecipherable copies are being issued by the Subordinate Courts. This can be ascribed only to lack of appreciation of the object for which these copies are filed and lack of interest on the part of the officers concerned. Besides, the Court has noticed several defects in the matter of

1. C.L. No. 59/Ve-65	D-22.9.1950	preparing and issuing certified copies of the judgments, which betrays total lack of control over Copying Department in the Districts.
2. C.L. No. 41/Ve-65	D/-6.5.1957	
3. C.L. No. 59/	D/-15.10.1960	
4. C.L. No.56/-	D/-24.9.1963	
5. C.L. No.5/Ve-65	D/-19.1.1970	
6. C.L. No.21/Ve-65,	D/-31.1.1975	
7. C.L. No.64/Ivh-36	D/-24.3.1977	
8. C.L. No.23/Ve-65	D/-7.4.1981	
9. C.L. No.58/VIIIb-58	D/-22.9.1982	
10. C.L. No.53/Budget	D/-25.8.1983	
11. C.L. No.80/Ve-65	D/-2.11.1985	
12. C.L. No.39/Ve-65	D/-26.8.1988	
13. C.L. No.67/Ve-65	D/-22.9.1989	

With a view to eradicate these defects the Court directs that henceforth, the following instructions must be strictly complied with by all concerned in the above matter:-

1. It should be made compulsory that certified copy shall be issued only when the application is accompanied by requisite

stamp folio and otherwise. An effort be made that Stamp folio are available in sufficient number in all the Districts.

2. The certified copies shall bear the date of application, the date when the copy was ready and the date of its delivery both in figures and words to avoid any tempering in dates.
3. The copies be issued only as far as possible on a paper of standard weight as may be prescribed.
4. The certified copies so desired by the applicants shall be typed only on one side, with double space, using a good ribbon and a good carbon.
5. The hand-written copies may be prepared only by such persons whose handwriting is fair and legible. No one should be employed or retained in copying Section if his handwriting is not up to the mark. The Officer Incharge, Copying Department shall certify that the handwriting of each such person in the Copying Department is good and legible.
6. The Head copyist, before putting his seal and signature, should ensure that certified copy ready for delivery is legible, in good handwriting, fairly typed and is readable.

I am, therefore, to request you kindly to direct the Copying Department of your judgeship accordingly for strict compliance.

(iv) Preparation and issue of copies by the Subordinate Court

C.L.No. 23/Ve-65/Admn.'G' dated May 3, 1996.

I am directed to invite your attention to the marginally noted Circular letter issued by the court from time to time on the above subject and to say that it has been observed that hand written certified copies issued in many cases are not legible. This is an unsatisfactory state and reflects upon the inefficiency of the copying department in the district courts.

I am, therefore, to request you kindly to direct the copying department of your judgeship for strict compliance of the Circular Letters and orders, which have been issued from time to

1. C.L. No. 59/Ve-65, dt 22.09.50 time.
2. C.L. No. 41/Ve-65, dt. 06.05.57
3. C.L. No. 56/Ve-65, dt. 24.09.63
4. C.L. No. 5/Ve-65, dt. 19.01.70
5. C.L. No. 21/Ve-65, dt. 31.01.75
6. C.L. No. 23/Ve-65, dt. 07.04.81
7. C.L. No. 53/Budget, dt 25.08.83
8. C.L. No. 80/Ve-65, dt. 02.11.85
9. C.L. No. 6/Ve-65 dt. 31.01.91

(v) P.As./Stenographers to provide extra typed copy of judgment/ orders/ interim orders for use in Copying Department.

C.L.No.41/98 dated 20th August, 1998

I am directed to say on the above subject that with a view to avoid unnecessary delay in furnishing certified copies of the judgments/ orders/ interim orders, the Court has been pleased to direct that an extra copy be taken out the P.As. / Stenographers, of the judgments/ orders/ interim orders and be presented in the Copying Department for supplying certified copies, whenever necessary.

I am, therefore, to request you kindly to ensure strict compliance of the aforesaid direction.

3. PREPARATION OF COPIES

(i) Of judgments and decrees

C.L.No. 59 dated 15th October, 1960

The Court has noticed that in a large number of cases copies of judgments and decrees issued by the subordinate courts do not give the correct number and year of the suit or appeal or the date of decision. Sometimes discrepancies are found between the copies of judgments and decrees in the same case. All such copies have to be sent down to the courts below for necessary corrections. This entails duplication of work and also causes delay in the proceedings in the Court.

In order to avoid such mistakes in future all the District Judges are requested to issue necessary instructions to the officials under them to avoid such mistakes.

C.L.No.4174/44 dated 17th December, 1912

The following instructions govern the preparation of copies of judgments and decrees under order XLI, rule 37 of the Code of Civil Procedure, 1908, namely-

- (1) The work of preparing copies of judgments and decrees under order XLI, rule 37 of the Civil Procedure Code, shall be performed by one or more clerks (or copyists) appointed for this purpose.
- (2) The copies shall be prepared in the order in which the decrees are passed.
- (3) It shall be the duty of the Munsarim to see that the register in form No. 32 is properly kept up. He shall examine the register at least once a week to see how the work is progressing.

(ii) Revenue Court findings to form part of Civil Court judgment

C.L.No.98 dated 2nd November, 1957

The findings of the revenue court are often the basis of the decision of the civil court. The Court has, therefore, decided that the findings of the revenue court should be treated as a part of the judgment of the civil court and a copy thereof issued along with a copy of the judgment on payment of the requisite charges.

C.L.No. 105/VIII-b-84 dated 22nd November, 1961

The findings of the revenue court or the earlier findings of the civil court, if any, should be made a part of the judgment of the civil court by an express order in the operative part of the judgment.

(iii) Of documents forming part of election tribunal records

C.L.No. 65/IV-g-66 dated 23rd November, 1954

Copies of documents forming part of records of Election Tribunals constituted to hear petitions arising out of elections to local bodies may during the pendency of a case be issued through the Copying Department of the judgship concerned.

4. ISSUING FREE COPIES

(i) of judgments

C.L.No.75/VIII-a-51 dated 3rd December, 1960

The Court has noticed that copies of judgments were supplied to the appellants even up to 2 years after the orders were passed, in several cases in which appeals were filed by convicts from jail. This indicates that some courts do not give effect to section 363(1) of the Code of Criminal Procedure and rules 152 and 155 of the General Rules (Criminal), 1957, which provide that, on the application of the accused, a copy of the judgment should be given to him without delay, that if a copy is to be delivered to a prisoner it should be dispatched to the jail at once and that if the order for issue of the copy cannot be completed or complied with by reason of the record being in the appellate court or in any other court, it should be sent to the court concerned for completion or compliance forthwith.

All subordinate criminal courts shall, therefore, strictly follow the provisions of section 363(1) of Criminal Procedure Code and rules 152 and 155 of the General Rules (Criminal) 1957* so that delay may not occur in the issue of copies to the accused in future.

C.L.No. 23/VII-b-35 dated 28th February, 1961

* Now 1977, vide notification no. 504/V-b-13, dated 5th November, 1983

An accused sentenced to imprisonment should be supplied, free of cost and without delay, a copy of the finding and sentence. The convicted person should not be given a copy of the complete judgment but only a copy of that part of the judgment which gives the finding and the sentence.

C.L.No. 128/IX-f-69 Admn.(G) dated 20th November, 1978

Rules 146 and 152 of the General Rules (Criminal) provide for preparation and delivery of copies of judgments on receipt of application for copies from the prisoner from jail. In view of the mandatory requirement of sub-section (1) of section 363 of the Code of Criminal procedure, 1973 for giving a free copy of the judgment to the accused when sentenced to jail imprisonment, immediately after the pronouncement of the judgment, and the directions of the Supreme Court in Special leave Petition (Criminal) No. 408 of 1978 (Madhav Rayawadanrao Hoskot v. State of Maharashtra)** decided on 17th August, 1978 that “Courts shall forthwith furnish a free transcript of the judgment when sentencing a person to prison terms”, it is necessary that such copies whether from appellate, revisional or other courts, should be quickly dispatched to the jail authorities for delivery to the prisoner.

(ii) Issuance of copy of judgment dated 10.1.2001 of the Hon'ble Court passed in Civil Misc. writ Petition No. 51928/2000.

C.L.No.5/2001 dated 22nd January, 2001

While disposing of the Writ Petition No 51928 of 2000-constable C.P. 117-Yad Ali and others Vs. Supdt. Of Police, Chandauli and another, Hon'ble

O.P. Garg , Judge, High Court, Allahabad has been pleased to direct that a copy of the judgment dated 10.1.2001 rendered in the Writ Petition No. 51928/2000 aforesaid be sent to all the District Magistrate/ Supdt. Of Police/ Supdt. Of Police of the State including the chief Secretary, Govt. of U.P.

I am, therefore, to send herewith a copy of the judgment dated 10.1.2001, aforesaid for information and necessary action.

(for judgment See 2001(1) A.W.C. 578)

(iii) Issuance of certified copies of the judgments.

C.L.No.20/2002/Ve-65 dated 3rd July, 2002

I am directed to request you to kindly ensure that strict compliance of the Court's Circular Letters No. 59/ve-65 dated 22nd September, 1950.C.L. No. 56 dated 24th September, 1963 C.L. No. 80/ve-65dated 2.11.1985 C.L. No. 41/ve-65 dated 6th May, 1957. C.L.No. 21/ve-65 dated 31st January 1975 and C.L. No. 23/ve-65 Admin (D) dated 7th April, 1981 be made and directions issued by the Hon'ble Court on 21.5.2002 in connection with Criminal Appeal Nos. 648 of 2002 Parsadi and other Vs. State of U.P. and 665 of 2002 Yamuna Prasad Vs. State of U.P. be strictly followed while issuing the certified copies of the judgment.

Registrar

Certified copies of the judgments under appeal filed in Crl. Appeal Nos. 648 of 2002 Parsadi and others Vs. State of U.P. and 665 of 2002 Yamuna Prasad Vs. State of U.P or not legible and decipherable and appears to have been prepared on rice papers in breach of court's circular letter no. 59/ve-65 dated 22nd Sept., 1950 C.L. No. 56 dated 24th Sept., 1963 C.L.No.

** Reported in AIR 1978 SC 1548

80/ve-65 dated 2nd Nov., 1985. C.L. No. 41/ve-65 dated 6th May, 1957, C.L. No. 21/ve –65 dated 31st Jan., 1975 and C.L. No. 23/ve-65/ Admin (D) dated 7th April 1981 and inspite of the repeated directions of this Court on the administrative side, the copies of the judgment are not being prepared in a desired manner. If copy is prepare on rice papers using both the sides of the leaves, it becomes difficult to decipher the words and sentences and the very purpose of issuing the certified copy is defeated. Not only in this case, but in so many cases, this Court has noticed such type of copies. It appears that the Head Copyist and Officer Incharge. Copying Section are not aware of the direction issued by this Court from time to time in regard to the preparation of copies.

Call for the explanation of the Head Copyist and Officer Incharge, Copying Section of Rae Bareli Judgeship as to how such certified copies of the judgments and orders such as dated 10.5.2002 passed in S.T. No. 285/95 and dated 17.5.2002 passed in S.T. No. 8/2002, have been issued in breach of the aforesaid circular letters.

Write a letter to all the District and Sessions Judges drawing their attention towards the directions contained in aforesaid circular letters. They may be asked to keep watch on the issue of copies and they will ensure that legible and decipherable copies are issued on comparatively stout paper and if carbon is used, the other side of the leaf should not be used.

(iv) Non-compliance of the directions of the Court with regard to issuance of proper, clear and legible certified copy of Judgments.

C.L.No.5/2003, dated 25th February, 2003

During the proceedings in First Appeal from Order No. (166) of 1996 (Prem Singh and another vs. Jai Pal Singh and others), the Hon'ble Court (Hon'ble A.K. Yog, J. and Hon'ble Ghanshyam Das, J.) has observed with concern that certified copy of judgments supplied by the court below is not legible since they are typed on both sides on rice papers. The Hon'ble Court has directed that the practice of typing on both sides of rice papers be stopped and certified copy must be typed on enduring paper on one side only so that it is quite legible.

In this regard, a C.L. No. 3/2002, dated January 10, 2002 was issued by the Court to ensure issuance of proper, clear and legible certified copy of judgments. But it appears that the directions given in the aforesaid Circular Letter are not being followed strictly.

I am, therefore, directed to say that the directions of the Court referred to above, be complied with in letter and spirit.

I am, further, directed to enquire from you about the difficulties, if any, being faced in implementing the directions issued by the Court in this regard.

(v) Courts concern for not supplying proper clear and legible certified copy of judgment by the subordinate courts.

C.L.No.37/2004 dated 12th October, 2004

In Government Appeal No. 1373 of 2002- State Vs. Jitendra Singh and others, the Hon'ble Court (Hon'ble S.K. Agarwal, J. and Hon'ble R.C. Pandey, J.) has been pleased to observe with concern that despite standing orders of this Court regarding providing legible typed and duly corrected copies of judgment the courts below are still not following the directions of the Court and are issuing copy of judgments generally in hand writing to the accused and the State for filing Govt. Appeal which is causing much inconvenience to the Court.

Therefore, in continuation of the Court's earlier circular letter No. 3/2002 dated 10.1.2002 and no 5/2003 dated 25.2.2003, I am directed to say that the Hon'ble Court has taken serious view of the matter and noticed that the directions of the Court in this respect are not being followed strictly in letter and spirit. Due to non-supply of legible typed and duly corrected copies of the judgment much inconvenience is caused to the Hon'ble Court.

In this regard, while sending herewith a copy of the order dated 20.7.2004 passed in the aforesaid Government Appeal, I am to request you to kindly ensure strict compliance of the directions of the Hon'ble Court faithfully-religiously.

(vi) In Special Police Establishment cases

C.L.No. 10/VII-b-35 dated 30th January, 1951

There is no objection to copies of judgments, depositions of witnesses, etc., being supplied free of cost to Public Prosecutors conducting Special Police Establishment cases, when applied for by them.

(vii) To naval authorities

C.L.No. 25/VIIb-35 dated 28th February, 1979

Section 25 of the Navy Act, 1957 provides that a criminal court before which any proceedings have been taken against a person in the naval service while subject to naval law shall, on application by the Chief of the Naval staff or the Commanding Officer of that person, grant copies of the judgment and final orders in the case free of cost and without delay.

It is therefore directed that the copy of judgment and final order should be supplied free of cost to naval authorities expeditiously.

(viii) Interpretation of rule 251

C.L.No. 113 dated 5th December, 1958

Rule 251, General Rules (Civil), 1957 is not meant to help an officer or representative of the Government conducting a case to which the Government is a party. The proper discretion of Presiding Officers to exercise in such cases will be to decline the request for issue of a copy free of cost.

In cases where the Government for some administrative reason wants to obtain a copy, the Presiding Officer should exercise his discretion under the above rule in favour of the Government.

C.L.No. 21 dated 8th April, 1966

Applications received under rule 251, General Rules (Civil) Volume I, 1957 should be treated as ordinary application for copies except when the applicant expressly desires to get an urgent copy and the Officer-in-charge Copying Department is satisfied that it would be in the interest of justice to treat it as an urgent application for copy.

5. SUPPLY OF COPIES BY COURTS

(i) Of bail orders

C.L.No. 78/VII-b-47 dated 21st May, 1971

The following directions are issued for observance in connection with the issue of copies or orders granting bail:

The steno typist of the Sessions Judge should prepare three copies of the order granting bail and hand them over to the Sessions Clerk by 3 p.m. The copies can be certified as True Copies by 3.15 p.m. and a certified copy of the order granting bail can be handed over to the Advocate for the accused person by 3.20 p.m. In case no Advocate turns up by 3.20 p.m. to take delivery of the certified copy of the bail order, all the three copies shall forthwith be transmitted to the Magistrates concerned, who shall transmit one copy of the bail order to the Superintendent of Jail and take further action in compliance of the order passed by the Sessions Judge as and when moved. Where the Advocate takes delivery of the copy of the bail order, the remaining two copies shall be transmitted to the Magistrate concerned, one copy to be transmitted to the Superintendent of Jail and the other shall be placed on record.

Where the bail order is passed in the later part of the day, action on the above lines shall be taken as promptly as possible. When bail order is passed after 4 p.m., further action shall naturally be taken on the re-opening of the Court the next day.

In the case of Magistrates only two copies of the order granting bail need be prepared, one for purposes of record and the other for transmission to the Superintendent of Jail.

In case the accused person furnishes bonds to the satisfaction of the Magistrate, it should be possible for him to issue the release order the same day.

(ii) To District Magistrates

G.L.No. 40-35(a)-9(1) dated 1st October, 1942

As required by order XXXIII, rule 14 of Civil Procedure Code, 1908, a copy of the decree in a pauper suit shall invariably be forwarded to the Collector.

C.L.No. 27, dated 19th March, 1957

Copies of judgments in which strictures are passed against police officers should be sent to District Magistrate concerned as soon as judgment is pronounced.

C.L.No. 65/VIIc-8-Admn.(G) dated 21st October, 1983

Attention of District Judges is invited to the provisions of Section 363 of the Criminal Procedure Code 1973, Section 2 of the U.P. Prisoners Release on Probation Act, 1938, rule 6 of the U.P. Prisoners Release on Probation Rules and rule 143 of the General Rules (Criminal) 1957.* The District Judges are further directed to supply free copies of judgments to the District Magistrates, if they move a written application for the same.

(iii) To Inspectors of Stamps

G.L.No. 5832/VII-f-26 dated 9th August, 1946

The mandatory provisions of section 6(6) of the Court Fees Act, 1870, should be strictly complied with by all subordinate courts. A copy of the plaint with a copy of the court's finding on the question of deficiency in court-fee should invariably be sent to the Chief Inspector of Stamps.

* Now 1977, vide notification no. 504/v-b-13 dated 5th November, 1983

(iv) To Superintendent, Model Prison, Lucknow.

C.L.No. 21/VII-b-35, dated 9th March, 1951

The Superintendent, Model Prison, Lucknow, shall be supplied free of cost with a copy of the judgment of the Sessions Court in the case of every convict who is sentenced to a term of five years or more and who is classified in the star sub-category of casual prisoners.

(v) Preparation and supply of copies of statement of witnesses.

C.L.No.36/VIIIb-281 dated 24th September, 2003

The Hon'ble Court has observed with concern that the provisions contained in Section 207 and 208, Criminal Procedure Code, 1973 regarding preparation of copies of records relating to statement of witnesses recorded u/s 161 and supply thereof to the accused persons under Section 207 and 208 of the Code of Criminal Procedure are not being complied with in letter and spirit causing undue delay in disposal of criminal cases.

I am, therefore, directed to request you to kindly take remedial measures for early preparation of the records of the statement of witnesses and to supply of the copies of statement recorded under Section 161 of the witnesses to the accused persons to ensure speedy disposal of criminal cases.

I am also to add to kindly bring the contents of the Circular letter to the notice of all the concerned in your Judgeship for guidance and strict compliance.

6. PREVENTION OF ISSUE OF SURREPTITIOUS COPIES

C.L.No. 14/67-3 dated 14th February, 1936

The following remedies are suggested for necessary action by District Judges and presiding officers in order to prevent the supply of surreptitious copies to lawyers' clerks and litigants and the leakage of information from offices and record-room.

If a pleader is found making use of unauthorized copies in the conduct of his cases, the presiding judge should inform him that the use of such copies is disapproved by the court and that if it is persisted in, the name of his registered clerk will be removed from the list of such clerks.

The presiding judge should maintain a list of pleaders who use copies which the court has reason to think have been obtained surreptitiously.

The Presiding Officer should keep a vigilant eye on incomes in their offices from inspection and search fees and protect their ministerial officers from their own weaknesses and defend them from the importunity of those who tempt them from the path of honesty and rectitude.

G.L.No. 11/17-2(11) dated 1st March, 1937

The court desires each presiding officer to use his powers of observation in detecting the use of unauthorized copies and to take action, if necessary. It will, therefore, be necessary for District Judges to take action against these registered clerks who persist in the use of unauthorized copies and to maintain a list of pleaders who use copies which the court has reason to think have been obtained surreptitiously. This will have to be done with circumspection, as the rule as now amended allows full copies of papers under inspection to be made in pencil. Any

how the record is always at hand to enable the Presiding Officer to ascertain whether the record has in fact been inspected for this purpose or not.

7. PREPARATION AND ISSUE OF COPIES OF DEPOSITIONS

C.L.No. 77/IVh-36 dated 28th May, 1976 and

C.L.No. 98/VIIIb-281 dated 7th June, 1976

On a fixed fee of Rs.1/- * per deposition, copies of depositions of witnesses be issued by courts as far as possible the same day provided that not more than one copy would be supplied irrespective of the parties involved in the case and that such copy shall bear the endorsement of the Reader of the court that it is a true copy of the deposition of the witness recorded in the court. Copies of depositions should be prepared with the help of ball-point pen where there is no typewriter provided for the purpose, and three copies should be prepared one for record and two for supply to parties. The copies so supplied shall be treated as certified copies for any other purpose.

C.L.No.62/VIIIb-281/Admn.(G) dated 6th September, 1989

The rate of supply of copies of deposition of witnesses is increased from Re. 1/- per deposition to Rs. 3/- per deposition, with effect from 1st October, 1989.

C.L.No.188/VIIIb-281 dated 25th November, 1976

Further instructions for strict compliance in future are listed below:-

- (1) The money, for providing copies of depositions be taken by the Court in cash.
- (2) Each Court will maintain a register in the annexed proforma.
- (3) At the end of each day the money so collected, shall be deposited in the Central Nazarat.
- (4) At the Central Nazarat the money will be kept in suspense account.
- (5) The expenses of paper, carbon and ball point pen, for preparation of depositions shall be met out of the collection so made.
- (6) Copies of depositions shall not be given to parties under the aforesaid C.L. No. 98 unless they apply for the copies of depositions of all witnesses.

PROFORMA

Register regarding the carbon copies of depositions of Parties and fees realised from them

Sl. No.	Date	No. of the case and names of parties	Name of the party to whom the carbon copy of deposition supplied	Particulars of PW/DW	Amount of fee realised	Initials of reader receiving cash amount	Signature of receiving officer of Nazarat	Remarks
1	2	3	4	5	6	7	8	9

[**Note:** This proforma has been substituted by para-4 of following circular]

C.L.No.191/VIIIb-281 dated 27th November, 1976

* Note: It has been increased to Rs.3/- by following circular.

1. It may be impressed upon the party applying for the copy that if he wants such copies in a particular case he would have to obtain copies of each and every witness examined in the case whether on plaintiff/ prosecution side or defendant/ accused side and he would have to pay Re. 1/-* per witness in the case.
2. Such copies should be prepared with a ball pen and the Reader should ensure that the carbon used for preparing the copy is in good condition so that the copy prepared is fair and legible.
3. The parties shall pay the copying fee aforesaid in cash to the reader, who will keep the same with him and deposit it with the Nazir in the evening of every working day of the week. The Reader will maintain a register in the following proforma:

Sl. No.	Date	Nature and No. of case	Name of Advocate Applying for copy	Party on whose behalf copy is applied	No. of witnesses examined on the day	No. of pages in which the statement of the witness was recorded	Amount realised
1	2	3	4	5	6	7	8

Signature with date of counsel receiving the copy	Amount handed over to Nazir	Signature with date of Nazir	Remarks
9	10	11	12

4. These copies must be handed over to the party on the same evening on which the statements are recorded and signature of the counsel receiving the copy shall be taken in column No. 9 of this register.
5. When the amount is handed over to the Nazir, his signature shall be taken in column No. 11 of this register and this register shall be placed before the Presiding Officer on every first working day of the week for his perusal.
6. Weekly, monthly and quarterly totals of the amount realized by the reader shall be drawn in this register.
7. When the Nazir receives the amount in cash from the Readers of the Courts concerned, he shall put his signature in the relevant column of the register maintained by the Reader.
8. The Nazir shall maintain a register in the following proforma:-

Sl. No.	Date	Name of the Court from which amount is received	Amount received	Signature of the Reader who has paid the amount	Remarks
1	2	3	4	5	6

9. Weekly, monthly and quarterly totals shall be drawn by the Nazir in this register, which shall be placed before the officer-in-charge, Nazarat every month
10. The amount so received by the Nazir shall be kept separate by him in cash and would be utilized in purchasing stationery etc., required for recording evidence in triplicate.
11. In order to see as to how this amount has been spent another register shall be maintained by the Nazir in the following proforma:-

Note: This proforma has been substituted by by C.L. No. 50 dated 25.4.90]

* Increased to Rs. 3/- with effect from 1st October.1989; vide C.L. no. 62, dated 6.9.89, at page 234

12. The purchase of the stationery shall be made under the orders of the Officer-in-charge, Nazarat. The said orders and vouchers for purchase in pursuance thereof shall be tagged by the Nazir in a separate file for verification at any stage.
13. The Nazir shall also maintain a stock register in the following proforma:

Date.	Stock in hand				Stock supplied				Date of supply	Name of the Court which stationery supplied	Remarks
	Ball pen	Re-fills	Rice paper	Car bon	Ball pen	Re-fill s	Rice paper	Carbon			
1	2		3			4			5	6	

14. In this register the balance of stocks in hand shall be drawn every fortnight and thereafter the register shall be placed before the officer-in charge, Nazarat for his perusal and signature.
15. The supply of the stationery shall also be made to Courts every fortnight for which the Reader of the Court shall place a proper indent duly forwarded by the Presiding Officer of the Court concerned. The orders of the officer-in-charge, Nazarat shall be obtained for supply of stationery and these indents shall be kept properly tagged in a separate file.

C.L.No.73/VIIIb-281 dated 2nd April, 1977

A quarterly statement of income and expenditure as a result of the implementation of the Court's directions contained in above mentioned C.L. should be sent to the Court after the close of each quarter in the year.

C.L.No.68/VIII-b-281 dated 27th October, 1983

Henceforth, it will be the personal responsibility of the District Judge to submit a certificate quarterly, after satisfying himself that the aforesaid instructions have been strictly observed. A quarterly statement should also be submitted court-wise giving the figures.

C.L.No.169/VIII-b-281 dated 21st November, 1977

In case there is sufficient saving out of the amounts received for supply of copies of deposition of witnesses, the same may, with previous permission of the Court, be utilized in purchasing Cyclostyle machine or Typewriters, whichever is considered useful.

C.L.No.11/VIII-b-281 dated 17th January, 1978

If the State Counsel makes a request for supply of copies of depositions of witnesses, one set of such copies, wherever practicable, be supplied to him free of cost. The free copy/copies so supplied shall be deemed to have been supplied under rule 143 of the General Rules (Criminal), 1957* and rules 251, 252 of the General Rules (Civil), 1957.

C.L.No.50/VIII-b-281 dated 25th April, 1979

- (1) The amount of savings out of the fees realized from issue of copies of depositions of witnesses in triplicate shall be deposited in the State Bank in Savings Bank Account in the name of the District Judge on the 7th day of each month of the calendar year.

* Now 1977, vide notification no. 504/V-b-13 dated 25th November, 1983

- (2) The proforma of the register prescribed by para 12 of the Courts C.L. No. 191/VIIIb-281, dated 27.11.76, shall stand modified and the Nazir shall henceforth maintain the said register in the following proforma:

Sl. No.	Date	Article purchased	Quantity purchased	Amount spent	Amount of saving	Date of deposit of saving in the Bank	Date of withdrawal of the amount of saving
1	2	3	4	5	6	7	8

Purpose for withdrawal	Balance	Signature of the officer-in-charge	Remarks
9	10	11	12

- (3) All transactions regarding deposits, withdrawals and purchases etc. out of the amount of the savings shall be made under the orders of the officer-in-charge, Nazarat. The said orders and vouchers for purchases etc. shall be tagged by the Nazir in a separate file for verification at any stage.
- (4) The aforesaid register shall be placed before the officer-in-charge, Nazarat every month for his checking and signatures.

(i) Preparation and issuance of copies of Depositions

C.L. No. 34/2010/Admin.-G-II Allahabad Dated 15.11.2010

It has been directed by the Hon'ble High Court that the Presiding Officers of the subordinate courts to see that the Readers of the respective courts and Nazir of the Judgeship must have maintained the Registers of depositions in proper format in accordance with C.L. No. 191/VIIIb-28, dated 27th November, 1976 and C.L. No. 50/VIII-b-281 dated 25th April, 1979, respectively.

I am further directed to intimate that the rate of supply of copies of depositions of witnesses is now increased from Rs. 3/- to Rs. 10/- per deposition, with immediate effect.

You are, therefore, communicated to implement the directions contained in this Circular Letter by all concerned with immediate effect.

8. PURCHASE OF GENERATORS OUT OF THE DEPOSITION MONEY

C.L. No. 77/VIII-b-231/Admn.(G) dated December 20, 1991

I am directed to invite your attention to Court's Circular Letters No. 169/VIII-b-231, dated 21.11.1977 which says that in case there is sufficient saving out of the amount received for supply of copies of deposition of witnesses, the same may, with previous permission of the Court, be utilized in purchasing Cyclostyle machine or typewriter, whichever is considered useful. Now, the court has again considered the matter in view of representations received from the District Judges and has decided that in the items mentioned in the said C.L., the District Judges may also purchase 'Generators' from the deposition money, with other conditions already laid down in the said Circular letter dated 21.11.1977.

9. PURCHASE OF FAX MACHINE OUT OF THE BALANCE AMOUNT OF DEPOSITION FUND.

C.L.No.2/Admin.(B-H) dated 3rd October, 2001

In continuation of the Court's Circular Letter Nos. 169/VIII-b-281 and 77/VIII-b-281. dated November 21, 1977 and December 20, 1991. I am directed to say that with the prior permission of this Hon'ble Court the FAX machine can also be purchased by you out of the balance amount of the deposition fund.