

HIGH COURT OF HIMACHAL PRADESH AT SHIMLA.

NO. HHC/Rules. (Inspt.) 7/97

Dated 6-3-1998.

N O T I F I C A T I O N

In exercise of the powers vested under Article 227 of the Constitution of India, Section 29 of the H.P. Courts Act, 1976 and all other enabling powers, the High Court of Himachal makes the following rules in so far as they relate to inspection of Courts subordinate to High Court by the presiding Officers of the same court:-

Title:-

1. These Rules shall be called "The Himachal Pradesh (Inspection of the Subordinate Courts by the presiding Officers of the Court) Rules, 1998."

Commencement:-

2. These Rules shall come into force with immediate effect.

Definition.

3. In these rules, unless the context otherwise requires:-

(i) 'Administrative Judge' means the Judge designated as Administrative Judge of the concerned Division by the Chief Justice.

(ii) 'Chief Justice' means the Chief Justice of the High Court of Himachal Pradesh.

(iii) 'District and Sessions Judge' and 'Additional District and Sessions Judge' shall mean the District Judge as defined in Section 2(b) of the Himachal Pradesh Courts Act, 1976 and appointed as Sessions Judge or Additional Sessions Judge under Section 9 of the Code of Criminal Procedure, 1973.

- (1v) 'High Court' means High Court of Himachal Pradesh.
- (V) 'Presiding Officer' for the purposes of these Rules shall mean Judicial Officer Presiding over the court for the time being.
- (VI) 'Proforma' means the proforma attached to these Rules for preparing the inspection report.
- (vii) 'Registrar' means the Registrar as defined in 'Himachal Pradesh High Court (Scrutiny, Maintenance of Judicial Records, Administrative and Executive Business) Rules, 1997.
- (Viii) 'Subordinate Court' means and includes all the Courts Subordinate to the High Court.

Date/³³month of inspection.

- 4(a) Every Subordinate court shall ordinarily be inspected quarterly by the presiding Officer on the first working day in the months of February, May, August and November regularly. Where, however, it is not practicable to do so due to short absence of the presiding Officer, such inspection shall be carried out on the next first working day.
- (b) In case of absence of the presiding Officer for whole of the inspection month due to leave or for any other reason, the inspection shall be conducted in the next quarter only. The reasons for non inspection of the court during the previous quarter shall be specifically stated.

- (c) No judicial work may be fixed for the day of inspection. However, such day of inspection shall be treated as a working day for all purposes including monthly/quarterly assessment of the judicial work done.
- 5(a) The presiding officer may take assistance of his superintendent for conducting the inspection.
- (b) The inspection shall be conducted in such a manner as to include and cover all essential points specified in the proforma to these rules.
- (c) As far as possible procedural defect(s) noticed shall be pointed out there and then, and guidance and instructions if any required, shall be imparted at the time of inspection itself to the concerned ministerial staff.
- (d) Inspection report shall contain the remedial measure(s), suggestion(s) and proposal(s) with regard to defect(s) noticed.
- (e) While conducting inspection, the presiding officer shall pay special attention to find out if defects pointed out in the previous inspection report have been removed or complied with, and if not, reasons therefor.
- (f) The presiding officer shall check the cash accounts and vouchers, particularly relating to the Sheriff Petty and append the following certificate on the inspection note:-

"Certified that I have personally checked and have satisfied myself that all the transactions pertaining to Sheriff Petty and Civil Court Deposits have been duly entered in the relevant registers and that the cash in hand at the close of every month during the quarter tallies with the cash book."

- (g) While carrying out the inspection the presiding officer shall not criticise the work of his/her predecessor, and shall confine his/her criticism/advice only to the work done during his/her own period.

Inspection
Report.

- 6(a) The inspection report shall be prepared on the 'proforma' attached to these Rules. The Presiding Officer of the Courts Subordinate to the District and Sessions Judge shall submit their report to the District and Sessions Judge concerned within 15 days of the inspection after ensuring compliance of the defects noticed.
- (b) The District and Sessions Judge shall, after examining such inspection report, forward the same to the High Court by third week of the month alongwith his comments.
- (c) The District/Additional District and Sessions Judge shall forward his/her inspection report to the High Court within 15 days of the inspection after ensuring compliance ~~after~~ of the defects noticed during the inspection.

Residuary
powers.

7. Nothing in these rules shall be deemed to affect the powers of the High court to make such other and further orders from time to time as it ~~may~~ may deem fit and proper in regard to any or all matters incidental or ancillary to these rules not specifically provided for herein or in regard to matters as have not been provided for or not sufficiently provided for or for removal of any ambiguity or difficulty which may arise in giving effect to any of the provisions of these rules.

Repeal and Savings.

8. The provisions contained in chapter-1 part-C, Chapter 2 part-B and Chapter-3 Part-B of the Rules and orders of Punjab & Haryana High Court Volume-IV relating to inspection of Subordinate Courts by the presiding Officer of its own court, as are applicable to the State of Himachal Pradesh, shall stand repealed forthwith and any action already taken or decision arrived at thereunder shall be deemed to have been taken or arrived at under these rules.

B
BY ORDER.

(K.C.Negi)
District & Sessions Judge
(Rules)

Endst.No. HHC/Rules/(Inspt.)7/97- Dated.12.3.1998.

Copy forwarded for information to:-

1. All the District /Addl. District & Sessions Judges, Senior Sub Judges, Chief Judicial Magistrates, Sub Judges-cum Judicial Magistrates in Himachal Pradesh.
2. The District & Sessions Judge (Rules), High Court of Himachal Pradesh.
3. The Addl.Registrar(J) and Addl.Registrar(A) of the High Court of H.P. Shimla.
4. The Special Private Secretary to the Hon'ble Chief Justice, High Court of H.P. Shimla.
5. All the Dy. Registrars/Assistant Registrars/ Secretaries/Court Secretaries/Readers/ Superintendents of this Registry.
6. P.As. to Registrar/Registrar(V) of High Court of Himachal Pradesh at Shimla.
7. The Controller Printing and Stationery Department Government of H.P. for publication in the H.P. Rajpatra.
8. Guard file.

(K.C.Negi)
District & Sessions Judge
(Rules)

PROFORMA FOR INSPECTION REPORT
TO BE SUBMITTED BY THE PRESIDING
OFFICER OF THE COURT IN RESPECT
OF THE QUARTER ENDING _____

1. Name and designation of the presiding Officer. -----
2. Date of inspection -----
3. Date of last inspection -----
4. if inspection not carried out during the previous quarter of if carried out on a date other than the stipulated date, reasons thereof -----

Sr.No.	Point of Inspection.	Observation.	Action taken/proposed in the matter.	Remarks.
1.	2.	3.	4.	5.

PART-1-GENERAL

1. Whether there is sufficient accommodation for the court and the staff ?
2. Whether the library is maintained properly and is of the required standard ?
3. Whether there is proper arrangement for sitting of Bar members and litigant public in the court Room ?
4. Whether the court is properly staffed according to the sanctioned strength ?
5. Whether any post(s) is/are lying vacant, duration, of Vacancy and reasons there for and steps, if any taken, for filling up such Vacancy(s) ?

6. Whether the court/Office premises are kept in clean condition ?
7. Whether appointment of any staff member is continuing on ad-hoc basis, if so since when and reasons for non-regularisation ?
8. Whether the communications from the High Court or other superior officers are being attended to promptly ?
9. Whether any disciplinary proceeding is pending against any staff member if so, since when and the stage thereof ?
If the proceedings are pending for the last more than one year, reasons thereof.
10. Whether sufficient funds have been allocated under Head Road & Diet Money and Witnesses examined in Criminal cases are paid their road and diet money on the day of their examination, if not, reasons therefor?
11. Whether urgent copies of judgments are being supplied with promptness ?
No. of applications received and copies supplied during the quarter to be mentioned, setting out the reasons for the delay if any in the supply of copy(s).
12. Whether all the recoveries in respect of private telephone calls, private journeys etc. preceding the date of inspection stand made, if not reasons therefor?

PART-ii-CIVIL

1. Whether all the civil registers under rules and orders of the High court are being maintained and columns are being filled ?

2. Whether goshwara (monthly statements on tabular form) are being prepared at the end of the month on all the registers ?
3. Whether the records of civil cases are being neatly prepared and kept ?
4. Whether the papers are being properly paged and indices in civil cases are being regularly and properly maintained part-wise ?
5. Whether court fee stamps and labels are being cancelled and punched in accordance with the rules ?
6. Whether records of civil cases are made available for inspection to clients or their Advocates, if so, whether there is a record maintained in respect of such inspection ?
7. Whether there is safe place for custody of the record within the court premises ?
8. Whether memoranda of evidence recorded is maintained page-wise in the file ?
9. Whether decree sheets are being promptly prepared on the prescribed proforma ?
10. Whether the procedure regarding filing of certificate of Lawyer's fee for preparation of decree sheets is being strictly followed ?
11. Whether documents are being filed in Civil cases with proper lists ?
12. Whether the documents admitted in evidence are being properly endorsed as exhibits and stamped in accordance with law ?

PART-III-CRIMINAL

1. Whether all the criminal registers under rules and orders of the High Court are being maintained and columns are being filled ?
2. Whether the cases are being duly transferred from register No.1 to register No.2 or 3, as the case may be, in accordance with law ?
3. Whether goshwara (monthly statements on tabular form) are being prepared at the end of the month on all the registers ?
4. Whether the fines imposed in Criminal cases are being realised the same day and the relevant entries with regard thereto are being regularly and promptly made in the relevant register ?
5. Whether the original Challans, of deposits of fine in the Govt. Treasury are being maintained in a separate file with proper index ?
6. Whether proper receipts are being issued to the persons paying the fines under the signatures of the presiding officer ?
7. Whether the monthly total of fines imposed and realised is worked out at the end of the month by the Reader and is put up for signatures of the presiding officer ?
8. Whether any case has been detected of belated deposit of fines, if so, reasons therefor and the action taken in the matter ?

9. Whether proper entries with regard to fines refunded are being made in the relevant fine register ?
10. Whether the F.I.RS being received from the Police station are being duly registered in a separately maintained register and are brought on the case file as and when the challan is put up in the court ?
11. Whether in cases of breach of terms of bail bonds, separate files are opened for proceedings U/S446 CrP.C ?
12. Whether the memoranda of evidence is paged and maintained in the file ?
13. Whether the files are properly indexed partwise ?
14. Whether the processes in Criminal cases are personally signed by the Presiding Officer ?
15. Whether the case files are neatly maintained and kept in safe custody ?
16. Whether the documents admitted into evidence are properly endorsed and bear the signatures of the Presiding Officer ?
17. Whether bail applications are duly registered ?
18. Whether copies of judgments/ orders are supplied free of charges wherever required by law ?
19. Whether applications from the under trials received from jails are being promptly dealt with ?

PART-IV-COPYING WORK

1. Whether copies of judgments/ orders are being prepared by the stenotypists and supplied as per the relevant rules ?
2. Whether files requisitioned by the copying Branch are sent without delay, if not, reasons thereof ?
3. Whether a separate Register is being maintained by each Ahlmad with regard to movement of files ?
4. Whether applications for copies are properly stamped and the stamps cancelled and punched ?

PART-V-NAZARAT

1. Whether the Naib-Nazir/Civil Nazir is an experienced hand to deal with accounts matters ?
2. Whether the amount of Security in respect of Nazir/Naib Nazir as required under law has been deposited, if not, reasons therefor?
3. Whether the Registers of Receipts and payments of deposits are properly maintained, tally with the receipt books and Treasury Challans ?
4. Whether the Sheriff petty accounts, Civil deposits and Cash Books are properly maintained and balances struck at the end of each day ?
5. Whether contingency funds are being spent in accordance with rules with particular reference to purchase Vouchers, passing of orders ?
6. Whether processes are duly entered in the issue register ?
7. Whether there is proper distribution of work among Process-Servers and Bailiffs ?

8. Whether any Process-Server or Bailiff was detailed for any official duty during the period other than his normal duty, if so, state the purpose and duration thereof ?
9. Whether Stock Register are properly maintained and physical verification has been got done as per rules ?
10. Whether the Process-Servers are given road and diet money for disbursement to the witnesses on the spot, if not, whether the witnesses are being paid the same in the court on the day they put in appearance ?
11. Whether Revenue stamp purchase register is properly Maintained ?
12. Whether precepts received from other Districts are entered in register No. 'C' and disposed of without delay ?
13. Whether statements of lapsed deposits are being regularly prepared ?
14. Whether the Sheriff petty and Civil court deposit accounts are reconciled with the Treasury and certificate of Treasury Officer are being obtained regularly as per rules ?

PART-VI-CONSIGNMENT OF FILES

1. Whether the decided files are being consigned to the Record Room within time and Goshwaras (Challans) bearing R R (Record Room) numbers are kept in a separate file after duly entering such numbers in the relevant registers ?
2. Number of files pending consignment as on the date of inspection and reasons for delay in consignment, if any ?

3. . . Whether all relevant registers including movement register required to be maintained by the Record Keeper under the Law are being maintained and entries therein are being regularly & properly made ?